

# DÁIL ÉIREANN

TU AIRISC OIFIGIÚIL—*Neamhcheartaithe*  
(OFFICIAL REPORT—*Unrevised*)

Leaders' Questions ... .. .	1197
Ceisteanna—Questions Taoiseach ... .. .	1205
Visit of Secretary of State for Northern Ireland ... .. .	1211
Ceisteanna—Questions ( <i>resumed</i> ) ... .. .	1212
Requests to move Adjournment of Dáil under Standing Order 31 ... .. .	1221
Order of Business ... .. .	1222
Membership of Committees: Motion ... .. .	1230
Water Services Bill 2003 [ <i>Seanad</i> ]: Second Stage ( <i>resumed</i> ) ... .. .	1231
Allocation of Time: Motion ... .. .	1251
Ceisteanna—Questions ( <i>resumed</i> ) Minister for Arts, Sport and Tourism	
Priority Questions ... .. .	1251
Other Questions ... .. .	1263
Adjournment Debate Matters ... .. .	1275
Kidnapping of Irish Citizen: Motion ... .. .	1276
Water Services Bill 2003 [ <i>Seanad</i> ]: Second Stage ( <i>resumed</i> ) ... .. .	1289
Private Members' Business Special Educational Needs: Motion ( <i>resumed</i> ) ... .. .	1325
Adjournment Debate Health Board Services ... .. .	1355
Pension Provisions ... .. .	1357
FÁS Training Programmes ... .. .	1360
Constituency Commission Report ... .. .	1363
Questions: Written Answers ... .. .	1369

## DÁIL ÉIREANN

*Dé Céadaoin, 20 Deireadh Fómhair 2004.  
Wednesday, 20 October 2004.*

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

*Paidir.  
Prayer.*

### Leaders' Questions.

**Mr. Kenny:** I want to raise an issue which should unite and not divide the House. Yesterday, we learned of the kidnapping in Baghdad of an Irish citizen, Mrs. Margaret Hassan. Mrs. Hassan, as the House will know, is the chief in Iraq of the British based charity, CARE International. Mrs. Hassan has shown absolute commitment and selfless generosity towards the Iraqi people for many years. Her kidnapping is an appalling crime against a woman who has given years of service to her adopted country.

In saying this and in uniting the House, I have several questions for the Taoiseach. What is the current level of diplomatic contact between Ireland and Iraq? Is it known to Government sources what organisation or body is responsible for the kidnap of Mrs. Hassan? Is it known to Government whether contacts exist between the provisional Iraqi Government and this group, or are there unofficial contacts with or lines of communication to this group? In that sense, the Taoiseach might outline the efforts being made by the Minister for Foreign Affairs and the Government to secure the safe and early release of Margaret Hassan.

**The Taoiseach:** I and the House join with Deputy Kenny in expressing sympathy to the family of Margaret Hassan. This is a terrible deed against her family, the CARE International community and all of her friends, of which she has many in this country as well as her family in Kerry and London. Margaret Hassan was born in Dublin but also has British citizenship and under the law in Iraq 20 years ago, when working in Baghdad, she had to take Iraqi citizenship also. All three countries, therefore, will work to assist her.

We have spoken directly to the family and our officials have spoken to her husband. All diplomatic channels are being used, in particular those in the British system as they have links to the authorities in Baghdad. However, we also have

direct links to Margaret's husband and to her family here in Ireland.

It is not yet known what group is directly involved but, as with a number of recent cases, there is a range of organisations and it is probably within that grouping. Late into the night and early this morning, efforts continued to be made by the Department of Foreign Affairs, the British Foreign Secretary, Mr. Jack Straw, and others in Baghdad to try to form a contact link.

All recent kidnap victims have been decent and innocent people. Margaret Hassan did not take any precautions and was engaged at all times in working for the Iraqi people through her humanitarian work in Baghdad. She is a part of the biggest humanitarian organisation in the world, which is working to provide relief measures and promote co-operation. She was involved in organising medical relief for Basra and other areas, and is well known on the ground through her humanitarian work. She is also well known for her mobility because, in spite of everything that has been happening, she continued to act as a link. She is not just a person working as part of an aid team but is well known because she has been working in this area for over 20 years, and is known by most of the activist groups in the area. This is why people are baffled that she should be taken. I assure the House that, for our part, we will do everything we can to assist in her early release.

**Mr. Kenny:** I thank the Taoiseach for outlining the efforts the Government has made to date in this regard. Does the Government intend to issue a statement in respect of the presence of other Irish citizens in Iraq indicating concern that other unfortunate kidnappings might take place? Is it intended, for instance, that the Minister for Foreign Affairs might consider issuing an Irish passport if that were so desired by the Hassan family, and to which Mrs. Hassan is properly entitled? I was struck by the words of her husband when he said that Margaret was and is loved by all the Iraqi people. I share the Taoiseach's view of the validity of the great work she has done in Iraq over many years.

This is not an issue to divide the House but a matter of Irish unity on an issue that concerns us all. In that respect, I suggest that the House be suspended at some time during the day so that all Members, of all parties and none, could send a statement of absolute, unanimous support for the diplomatic efforts of the Government, by whatever contact, to secure the safe and early release of Margaret Hassan. It would strengthen the call, which the Irish people and we, their representatives, can validly say is in everybody's interest. We had a very unfortunate experience recently. In that context I respectfully suggest that the Taoiseach suspend business at an appropriate time during the day for a very short debate by

[Mr. Kenny.]

which we could get unanimous support for the efforts of Government to secure Mrs. Hassan's early release to her husband and family.

**The Taoiseach:** Let me reassure Deputy Kenny that diplomatic efforts will continue. The Minister for Foreign Affairs will be meeting the Secretary of State, Mr. Paul Murphy, later today on other business and will also deal with this issue. We will also keep in touch with the British authorities who have people on the ground.

On the question of Irish citizens in the area, since the conflict began instructions have been given regarding the safety of Irish citizens in Iraq. However, many of the Irish citizens there are married to Iraqis and do not wish to leave. Iraq is their home, their life, and we must understand and appreciate that.

It has been stated in international circles that this action is unusual in terms of the recent actions against workers and contractors. While they were 100% wrong and everybody everywhere condemns them, it represents a change in emphasis to take somebody who would almost certainly have been known to the people involved. Most of these groups would know Mrs. Hassan because she is a key activist and has been openly engaged in the movement of medicines and other issues in the past few years. Perhaps that is the reason they questioned her. She had not taken any security precautions and continued to do this work. That is what makes this action all the more grave.

I agree with the proposal that we should have a short debate and pass a unanimous resolution of the House which we can then get into the Middle East network where it will at least be acknowledged. That will be arranged today.

**Mr. Rabbitte:** The Labour Party supports Deputy Kenny's proposal, to which the Taoiseach has agreed, to debate a motion that would record the view of this House that it is reprehensible that a woman with a record of humanitarian good work should have her liberty interfered with in this fashion.

Two reports were published this week, one by the Childhood Development Initiative in Tallaght and one by the Trinity Children's Research Centre, both highlight in the most stark fashion the inequalities in our society. The Trinity report shows that the number of children living in housing that is overcrowded, damp, in disrepair and in poor neighbourhoods has more than doubled between 1991 and 2002. The report from Tallaght, covering four estates in west Tallaght, highlights under every index of deprivation that it is not a case of the Celtic tiger being back but of the Celtic tiger economy never impacting in certain areas, certainly in urban Ireland. The Trinity report bears out that the facts highlighted

in the west Tallaght report are replicated in several other major urban areas. That report shows that a total of 90% of children live in fear of anti-social activity, that 25% of children live in damp and unheated housing, and that there is a serious level of educational deprivation. It also refers to a number of other matters that demonstrate that after all the years of prosperity no impact has been made in terms of improving the condition of people on the bottom rung of the economic ladder.

What is the Taoiseach's response to the recommendations in these reports? What is his response to the aggravating impact of the 16 social welfare cuts that are, for example, causing lone parents to leave the workforce and stay at home? What is the Government's response to the impact of inadequate policing and of the failure to expand early school intervention or act on a host of other recommendations in the west Tallaght report?

**The Taoiseach:** I welcome the report of the Childhood Development Initiative in west Tallaght. It is an excellent report which I had the opportunity to examine last night. I thank the community in west Tallaght for highlighting the issues. The Government is keenly aware of some of the issues but they have been highlighted in such a way that we must now take action. Our focus is not just on that community but on the 25 communities represented in the areas of disadvantage that are being targeted in a number of programmes set up to assist them. I also welcome the engagement of the west Tallaght community in this process.

All of the houses in this area, which includes Jobstown, Fettercairn, Killinarden, Brookfield, have been built within the past 20 years. I was a member of Dublin Corporation when all of these were planned and built. These houses are of very recent vintage compared to accommodation in other areas. The schools and community facilities in the area were built within the past 20 years. My colleague, the Minister for Community, Rural and Gaeltacht Affairs, has met representatives of the organisations in the area to discuss the issues of deprivation, social exclusion and poverty in the area. As the report highlights, there are many incidences of this.

The findings of the report confirm that there is a need for action in a number of areas. It is up to the Government to try to deal with these issues. The report highlights housing as one of the key issues. It recommends that the Department of the Environment, Heritage and Local Government and South Dublin County Council should develop a number of housing schemes in the west Tallaght area. As Deputy Rabbitte knows, a total of €105 million is being spent on that. We are also delivering to the communities concerned through the local authority housing estate enhancement scheme, which is very important to the area.

Play spaces and sports facilities were also highlighted in the report. We have spent €9 million in the greater Tallaght area under the sports capital programme. I understand further play areas, also highlighted in the report, are being developed in this area. Money is also being spent and plans formulated under the heading of the young people's facilities funds. A total of €7 million has been allocated under two rounds of the Tallaght local drugs task force in the past five years in the area.

Deputy Rabbitte asked what action will be taken on some of the initiatives. There is provision of early start pre-school places for children at risk of social disadvantage. Three schools in Tallaght are participating in the scheme. Four schools in Tallaght are participating in reading support programmes.

**An Ceann Comhairle:** The time for this has expired.

**The Taoiseach:** I will come back to the Deputy. There are specific answers to his questions. The report contains very positive recommendations. It is not a report that merely criticises. I agree that we should try to implement those recommendations and I have a list of them.

**Mr. Rabbitte:** I agree with the Taoiseach. It is a very positive report about a very positive community. The Taoiseach is also right when he says it is only one of 25 such communities that are disadvantaged. How can the Taoiseach say with a straight face that he proposes to respond to this when the RAPID programme, for example, was designed to do precisely that? A year in advance of the last general election, the Taoiseach, Fianna Fáil and the Progressive Democrats announced that €2 billion of the national development plan would be fast-tracked to 25 disadvantaged areas, precisely to do the things the Taoiseach read out in his note to the House. As soon as the election was over, they reversed engines and pulled the plug on the RAPID programme. Even though it has just scrapped the programme, the Government is now running around looking for non-descript projects to relabel as RAPID ones.

The statistics in this report are shameful to a country so wealthy. After more than a decade of unprecedented economic growth, children in a quarter of the houses surveyed are cold at night and there is heating in only one room. The dropout rate in education is almost 20%. The Taoiseach speaks of the Early Start and Breaking the Cycle programmes. However, these were introduced on a pilot basis by the former Minister for Education, Ms Niamh Breathnach, in the mid 1990s and have not been expanded since. Fianna Fáil has estimated that it can be re-elected without addressing these seriously disadvantaged areas. It is shameful that the housing estates surveyed, which the Tánaiste knows, were built 20

years ago when she and I walked the footpaths there.

**The Taoiseach:** The Early Start and reading programmes, the extra teaching resources and measures to introduce early school leaving through the school completion programme are all happening in the area. There are six primary schools, 19 post-primary schools and schools completion programme co-ordinators have been appointed. The clusters received a combined allocation of over €1.2 million. In all of these areas, as Deputy Rabbitte will know as their representative, a considerable amount of work is being undertaken which the report acknowledges. The report refers to further problems experienced such as heating provision and play areas, some of which have been built and others are in train. The report also refers to cultural and sporting issues and demands more action in these areas.

A number of Ministers have been involved in helping this community and other areas. It is not true to claim that no considerable expenditure is going into education, housing and other facilities in disadvantaged areas. The Government will continue to put in good education facilities, including pre-school, after school services and, in many cases, meals for school children. As Deputy Rabbitte knows the pupil teacher ratio in these schools is extremely high because the children require extra help. I accept a higher Garda presence is required in these areas. However, I do not accept no action has been taken. The report is asking for further action and resources for these areas which the Government accepts.

**Caoimhghín Ó Caoláin:** On behalf of the Sinn Féin Members, and I expect I am reflecting the views of the Technical Group Members, I support Deputy Kenny's proposal for the House to press for the immediate release of the Irish international aid worker, Margaret Hassan, in Iraq.

Over 1,300 Aer Lingus workers now face redundancy. The future of the company as a State asset in the service of the people is now in jeopardy. Workers' representatives have expressed their concern for the future of the company and how the situation has been misrepresented in the House, particularly in the Taoiseach's replies on the matter to myself and Deputy Joe Higgins. On 5 October on Leaders' Questions, the Taoiseach stated in a reply to me that in the early 1990s the Government had put substantial resources of £360 million into Aer Lingus. Does the Taoiseach accept that this figure is incorrect and that the correct amount was £175 million paid in three stages: £75 million at the end of 1993, £50 million at the end of 1994 and £50 million at the end of 1995? This comes to a sum less than half that indicated by the Taoiseach in his reply. In a reply to Deputy Joe Higgins, the Taoiseach stated, "While Aer Lingus has difficulties and aviation is having



[Caoimhghín Ó Caoláin.]

enormous difficulties there are now restrictions on investing capital". Does the Taoiseach accept that Aer Lingus is not having financial difficulties and, therefore, there are no restrictions on the State, as the major shareholder, investing capital in the company? The Taoiseach also stated, "While in 1993 the State could give significant [State] aid, we cannot do that anymore". Is it not the case that an investment at present would not constitute state aid, but would be a commercial investment by a shareholder as the company is profitable and that any such investment would not be regarded as a subsidy? There is no barrier to the State intervention necessary to ensure the continued viability of the company.

**The Taoiseach:** I cannot recall what figures were referred to but I will not dispute them. My point was that in 1993 when the company was in severe difficulties and I was Minister for Finance, the State gave subsidies when there was no State aid issue. The difficulty with State aid now is that other companies object to it. One then enters into the long process of EU competition policy which can take up to 18 months. This has happened in the case of other airlines.

A total of 1,620 expressions of interest in the voluntary severance and early retirement package were received by the closing date of Friday, 15 October. These are now in the process of assessment by the company. Talks between Aer Lingus management and staff, with the assistance of an independent facilitator, on staff related issues arising from the implementation of the business plan also concluded last Friday. However, follow-on discussions are continuing between Aer Lingus management and the workers' representatives SIPTU on a number of issues, mainly relating to catering, cleaning and reservation area. IMPACT has advised Aer Lingus that it is in dispute with the company concerning major work practice changes being sought with cabin crews from 26 October. The company has implemented its new fares strategy to allow it to remain competitive and expects fares to decrease over the next few years. The Goldman Sachs report on Aer Lingus is now being considered by the Minister for Transport and his officials, as I informed Deputy Rabbitte yesterday. This report will form an input by the Minister's deliberation to the Cabinet sub-committee on any decision the Government will make on the future of Aer Lingus.

As I told the House a fortnight ago, I appreciate the work of both management, the unions and workers' representatives in dealing with the company's situation. Aer Lingus is one of the few airline companies in profit which is a credit to the work done by all sides. Mr. Willie Walsh, the unions and staff representatives all deserve credit for the effort they have put in for the last three

years in turning around the company from a loss-making position. Some of the workers have suffered considerable hardship because of this and more will go in the latest round. However, they have made their expressions of interest in the latest available package. The Government will continue to assist the company, based on the recommendations of the Goldman Sachs report.

**Caoimhghín Ó Caoláin:** The phrase used by the Taoiseach, "all I was trying to say" will hold in this case. What the Taoiseach actually said at the time was that there was not a facility  
11 o'clock or a means by which the Government could invest in Aer Lingus. I am demonstrating quite categorically that is not the case, and that the replies the Taoiseach previously offered here during Leader's Questions do not stand up to careful scrutiny. As the major shareholder in a profitable company it is open to the State to invest in Aer Lingus without objection and it is a very reasonable business proposition for the State to consider.

The Taoiseach referred to comparisons with other airlines in Europe. He has trundled them out time and again. However, the Italian Government had no difficulty in ensuring a €400 million investment through raising an emergency loan to aid Alitalia. Who is acting differently from whom here? The Taoiseach likes to quote instances from jurisdictions to support his inaction but his inaction does not hold up either in terms of domestic or international scrutiny and there is a particular failure here.

In the past the Taoiseach stated a management buy-out is not compatible with the mandate of Aer Lingus. Will he definitively rule that out and will he further, as he failed to do on the last occasion—

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

**Caoimhghín Ó Caoláin:** —I spoke to him, guarantee the pension entitlements of current and former employees of Aer Lingus? Will he give them a categoric assurance that their pension entitlements will not—

**An Ceann Comhairle:** Sorry, Deputy—

**Caoimhghín Ó Caoláin:** The bell beats me but I hope the Taoiseach will be frank and straightforward in his reply.

**An Ceann Comhairle:** Time limits are laid down for Question Time and if the Deputy goes beyond the time allotted and asks three more questions, it is unfair to expect the Taoiseach to respond in one minute.

**Caoimhghín Ó Caoláin:** I assure the Ceann Comhairle I am watching the clock too. Of the three leader's questions asked that was the short-

est. I was the only one the Ceann Comhairle was happy to interrupt.

**The Taoiseach:** It is not a question that the Government cannot put in capital, but it can only be done in a very restricted way. It is also open to objections from other countries. That is the point I made previously, it is not straightforward. Capital can only be invested in a very restrictive way. It is not a simple process.

Regarding conditions and other matters, the Minister has already met the unions and management on these issues. In regard to pensionability and other issues, discussions are ongoing between the Department and the staff and management. As discussions are ongoing, it is not for me to take a final position.

## Ceisteanna — Questions.

### Official Engagements.

1. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his address to the European Parliament on 21 July 2004. [21320/04]

2. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of the Irish Presidency of the EU. [21321/04]

3. **Mr. Rabbitte** asked the Taoiseach his plans for official trips abroad up to the end of 2004; and if he will make a statement on the matter. [21325/04]

4. **Mr. Rabbitte** asked the Taoiseach the role his Department envisages for the National Forum on Europe, especially in regard to promoting awareness of the new European treaty; the costs incurred to date by his Department arising from the operation of the National Forum on Europe; and if he will make a statement on the matter. [21335/04]

5. **Mr. Rabbitte** asked the Taoiseach when he last met the incoming President of the EU Commission, Mr. José Manuel Durão Barroso; when he next plans to meet him; the discussions he has had with him in regard to the portfolio that will be given to the Irish nominee to the European Commission; and if he will make a statement on the matter. [21338/04]

6. **Mr. Kenny** asked the Taoiseach the foreign visits he plans undertaking during the remainder of 2004; and if he will make a statement on the matter. [21439/04]

7. **Mr. Kenny** asked the Taoiseach when he will next meet with the President of the European Commission, Mr José Manuel Durão Barroso; and if he will make a statement on the matter. [21440/04]

8. **Mr. Kenny** asked the Taoiseach if he will report on his recent contact with other European

Union Heads of Government; and if he will make a statement on the matter. [21444/04]

9. **Mr. Kenny** asked the Taoiseach if he has received an agenda for the October 2004 meeting of the European Council; and if he will make a statement on the matter. [21450/04]

10. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his address to the European Parliament on the work of the Irish Presidency on 21 July 2004; and if he will make a statement on the matter. [21568/04]

11. **Mr. J. Higgins** asked the Taoiseach if he will report on his attendance at the European Parliament on 21 July 2004 to sum up the Irish Presidency of the EU. [22382/04]

12. **Mr. J. Higgins** asked the Taoiseach if he will report on his contacts with the EU Commission President, Mr. José Manuel Durão Barroso, since his appointment as President; and if he will make a statement on the matter. [22385/04]

13. **Mr. J. Higgins** asked the Taoiseach the official visits abroad he plans to make during the current Dáil session; and if he will make a statement on the matter. [22390/04]

14. **Mr. Sargent** asked the Taoiseach the official visits abroad he plans to make before the end of 2004; and if he will make a statement on the matter. [22467/04]

15. **Mr. Sargent** asked the Taoiseach if he will summarise the outcome of Ireland's EU Presidency; and if he will make a statement on the matter. [22471/04]

16. **Mr. Sargent** asked the Taoiseach the agenda for the upcoming European Council meeting in November 2004 in Brussels; and if he will make a statement on the matter. [22473/04]

17. **Mr. Rabbitte** asked the Taoiseach if he has yet received an agenda for the forthcoming mid-term meeting of EU leaders; his priorities for the summit; and if he will make a statement on the matter. [23377/04]

18. **Caoimhghín Ó Caoláin** asked the Taoiseach the official visits abroad he intends to make during the remainder of 2004; and if he will make a statement on the matter. [23419/04]

19. **Mr. Sargent** asked the Taoiseach the agenda for the European Council meeting in October 2004; and if he will make a statement on the matter. [23509/04]

20. **Mr. Sargent** asked the Taoiseach when he will next meet with the EU Commission President, Mr. José Manuel Durão Barroso; and if he will make a statement on the matter. [23510/04]

21. **Mr Sargent** asked the Taoiseach the role the National Forum on Europe will play regarding raising awareness of the proposed EU Constitution; and if he will make a statement on the matter. [23515/04]

22. **Mr. Kenny** asked the Taoiseach the costs which have accrued to his Department in respect of the National Forum on Europe; and if he will make a statement on the matter. [24032/04]

23. **Mr. J. Higgins** asked the Taoiseach if he has received an agenda for the November 2004 European Council meeting; and if he will make a statement on the matter. [24145/04]

24. **Mr. J. Higgins** asked the Taoiseach the role he envisions the National Forum on Europe playing in regard to the proposed new EU Constitution; and if he will make a statement on the matter. [24146/04]

25. **Caoimhghín ÓCaoláin** asked the Taoiseach if he will report on his visit to Asia and his attendance at the Europe-Asia summit; and if he will make a statement on the matter. [24203/04]

26. **Mr. J. Higgins** asked the Taoiseach the matters discussed and conclusions reached at his meeting with United Nations Secretary General, Mr. Kofi Annan; and if he will make a statement on the matter. [25003/04]

27. **Mr. J. Higgins** asked the Taoiseach if he will report on his visit to Vietnam. [25004/04]

28. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his recent visit to south-east Asia. [25018/04]

29. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of the Asia-Europe summit in Hanoi. [25019/04]

30. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his meeting with the Prime Minister of Thailand, Mr. Thaksin Shinawatra. [25020/04]

31. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his meeting with the Prime Minister of Vietnam, Mr. Phan Van Khai. [25021/04]

32. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his official visit to Singapore. [25022/04]

33. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his official visit to Malaysia. [25023/04]

34. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his official visit to Bahrain. [25024/04]

35. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his recent meeting with the Secretary General of the United Nations, Mr. Kofi Annan. [25025/04]

36. **Mr. Sargent** asked the Taoiseach if he will report on his attendance at the ASEM meeting in Vietnam; and if he will make a statement on the matter. [25066/04]

37. **Mr. Sargent** asked the Taoiseach his views on his recent talks with the Chinese Prime Mini-

ster, Mr. Wen Jiabao; and if he will make a statement on the matter. [25067/04]

38. **Mr. Sargent** asked the Taoiseach if he will report on his attendance at a meeting hosted by Enterprise Ireland of the Irish business community in Vietnam; and if he will make a statement on the matter. [25068/04]

39. **Mr. Kenny** asked the Taoiseach if he will report on his attendance at the recent EU-Asia summit; and if he will make a statement on the matter. [25197/04]

40. **Mr. Kenny** asked the Taoiseach if he will report on his recent visit to the Far East; and if he will make a statement on the matter. [25198/04]

41. **Mr. Sargent** asked the Taoiseach if he will report on his recent meeting in Dublin with the UN Secretary General, Mr. Kofi Annan; and if he will make a statement on the matter. [25415/04]

**The Taoiseach:** I propose to answer Questions Nos. 1 to 41 together.

I appreciate this might appear like a substantial number of questions to take together but many date back to the Presidency period pre-summer, and given that so many of the questions tabled are duplicates in many cases, it appeared the most pragmatic and time-efficient way of getting the requested information to the House. It will also bring it up to date on events of recent days.

On 21 July, I reported to the European Parliament in Strasbourg on the outcome of the June European Council and on the work of the Irish Presidency of the Council for the first six months of 2004. A copy of my address to the Parliament has been laid before both Houses of the Oireachtas.

As Deputies are aware, I have reported extensively in the House on the outcomes of both the March and June European Council meetings. Therefore, I will be brief in my comments on the Presidency. The Presidency is regarded by our European colleagues as most successful. The Department of Foreign Affairs has produced an excellent and detailed report on the Irish Presidency. This report has been laid before both Houses of the Oireachtas.

As the House will be aware, the Government set out five main areas of work for the Irish Presidency. We wanted a speedy and successful outcome to the work of the Intergovernmental Conference. We wanted a successful enlargement and we wanted to progress the ongoing enlargement negotiations. We were determined that the Spring European Council would help to revitalise and reinvigorate the Lisbon strategy. In the Justice and Home Affairs area, we wanted to deliver on the commitments made in the Amsterdam treaty and in the Tampere programme. Last, but by no means least, we sought to give renewed coherence and impetus to the European Union's external agenda. I believe the Irish Presidency successfully delivered on each of these priority areas.

I met with the incoming President of the European Commission, Mr. José Manuel Durão



Barroso, on 18 October. Mr. Barroso is meeting with each of the 25 heads of State or Government in advance of taking office in November. Our discussions covered the broad range of the new Commission's work programme, including the Lisbon Agenda, the future financing of the European Union and the ongoing process of EU enlargement.

As the House will be aware, President-elect Barroso has assigned the Internal Market and Services portfolio to the former Minister for Finance, Deputy McCreevy. This is an extremely important portfolio and Commissioner-designate McCreevy will play a critical role in ensuring further economic development and growth across Europe. I am sure the House will join me in wishing Commissioner-elect McCreevy every success in his new role.

With the exception of meetings with Prime Minister Blair, which I will deal with in regard to other questions tabled by Deputies, I have not had any other formal meetings with my European Union colleagues since the conclusion of the Irish Presidency. I did have informal discussions with a substantial number of them in Hanoi.

On Saturday, 16 October, I hosted a working lunch for the United Nations Secretary General, Kofi Annan, at Farmleigh House. I thanked him for coming to Ireland and in particular for addressing the National Forum on Europe. The Secretary General praised the Irish contribution to UN peacekeeping operations over the years and our recent successful term on the UN Security Council. We discussed EU-UN co-operation in peacekeeping operations and military crisis management. I stressed that during Ireland's Presidency of the EU, the Government strongly promoted greater EU-UN co-operation, building on the joint EU- UN declaration on crisis management.

The Secretary General and I discussed the 2005 high level review of progress in achieving the millennium development goals, MDGs, for the eradication of world poverty and disease. I said that Ireland favoured a strong and visible EU contribution to the review. We agreed that the review should have a real impact in generating the necessary political will for further and strengthened implementation of the MDGs. I offered the Secretary General the strongest support in his efforts to address the terrible situation in Darfur. Ireland fully supports the efforts of the African Union with the support of the UN to address the crisis in the Sudan.

I will travel to Rome on 29 October to attend a ceremony to mark the official signature of the treaty establishing a Constitution for Europe. I will attend meetings of the European Council on 4-5 November and 16-17 December in Brussels.

The Dutch Presidency has indicated that the agenda for the November European Council will include the mid-term review of the Lisbon Agenda; a multi-annual agenda for the European area of Freedom, Security and Justice; Communi-

cating Europe; a briefing on future EU enlargement; and a number of external relations issues.

The total expenditure to support the work of the National Forum on Europe between its establishment and August 2004 was €3,658,715. A sum of €512,065 has been spent so far in the current year, while the figure for previous years are as follows: in 2003, €919,537; in 2002, €1,997,185; in 2001, €229,928. The House will be aware that the National Forum on Europe is an independent body with an independent chairperson and secretariat. It would be inappropriate for me to comment on its day-to-day operation and likely future work programme, other than to say that I am happy that the forum is fully meeting its remit. The role of the forum is kept under constant review. The Government has no plans to make significant changes in regard to the forum at this time.

I travelled to Vietnam for the Asia-Europe Summit on 8 and 9 October. On this occasion, the Asia-Europe meeting process was enlarged to allow the ten new EU member states and remaining ASEAN members to participate.

The future of ASEM was a key discussion point and I suggested that we draw up an analysis and review ASEM in a way that would allow us to examine ambitions and widen the process and chart the next stages. The summit working sessions focused on three key areas: international developments and new global challenges, promoting the Asia-Europe economic partnership in the context of globalisation and open regulation, and cultural diversity and national cultures in the age of information technology and globalisation.

During my visit to Vietnam, I took the opportunity to discuss bilateral issues with Prime Minister Van Khai. I also had a meeting with the Prime Minister of Thailand, Mr. Thaksin Shinawatra. We discussed the positive developments in bilateral trade between Ireland and Thailand, as well as broader diplomatic issues between Europe and Asia.

On Saturday evening, at the end of the ASEM meeting, I also had a meeting with Premier Wen of China. We discussed bilateral economic relations, multilateralism and EU-China relations. This bilateral meeting was also to prepare for my visit to China which I propose to make in early January.

While in Vietnam, I was proud to open the Christina Noble Children's Foundation Project in Ho Chi Min City. This is a wonderful institution that seeks to cherish and support underprivileged children. I attended a meeting with Irish and Vietnamese business people and I also met with the Irish community. Following my visit to Vietnam, I travelled to Malaysia, Singapore and Bahrain.

In Malaysia I had a broad ranging and constructive meeting with Prime Minister Badawi. We discussed the continuing development of excellent relations between our countries, recognising that Malaysia has become one of Ireland's key partners in the Asian region and that bilateral



[The Taoiseach.]

trade has grown substantially over the last decade and is now worth more than five times its level ten years ago. We also discussed the importance of continued educational co-operation between Ireland and Malaysia, as well as improving transport links between our two countries to improve tourism.

I met the business community at events organised by Enterprise Ireland and delivered an address on the success and development of the Irish economy. The factors of success include our investment in education and external investment in Ireland. I was delighted to meet representatives of the Irish community including religious orders at a reception hosted by Ambassador Mulhall. I met individually with over 40 companies and their partners.

On 12 October in Singapore, I addressed an Enterprise Ireland business breakfast forum. Later that day I had cordial and successful meetings with the President of Singapore, the Prime Minister and Senior Minister Goh Chok Tong. I was delighted to meet with several hundred members of the Irish community in Singapore at a reception hosted by Ambassador Swift. I visited the A\*STAR and Biopolis facilities to investigate developments made by both in the areas of scientific and biomedical research. Science Foundation Ireland representatives accompanied me with a view to developing contacts with A\*STAR.

I travelled to Bahrain on 13 October and had a meeting with the King, Sheikh Hamad bin Isa Al Khalifa. I also had a series of discussions with Prime Minister Sheikh Khalifa bin Salman Al Khalifa. In my discussions with both the King and the Prime Minister we talked about our excellent bilateral relations. We also discussed the situation in Iraq and the issue of combating terrorism. I met with the Crown Prince as well as several Bahraini Cabinet Ministers. I opened the new building at the Royal College of Surgeons in Ireland Medical University of Bahrain.

While in the region I met with local Aer Rianta International management. In addition, I visited the Al-Hidd II power plant, an ESB International project. I also addressed a business function organised by Enterprise Ireland, with a view to raising the profile of this Irish agency in Bahrain and the Gulf generally. I am confident that this function and the many similar events on the trip will further enhance Ireland's business contacts in the region.

#### **Visit of Secretary of State for Northern Ireland.**

**An Ceann Comhairle:** Before calling on Deputy Rabbitte, I wish on my own behalf and on behalf of the Members of Dáil Éireann to offer a céad míle fáilte, a most sincere welcome, to Mr. Paul Murphy MP, Secretary of State for Northern Ireland, who is here with us in the Distinguished Visitors Gallery.

#### **Ceisteanna — Questions (Resumed).**

**Mr. Rabbitte:** The Taoiseach must be tired. I was tired just listening to the reply.

**The Taoiseach:** I confess, I was tired.

**Mr. Rabbitte:** The Taoiseach deserves a week off after that.

**The Taoiseach:** There is no such thing in this business.

**Mr. Rabbitte:** The Taoiseach did not even mention the orchid that is called after him. I do not know whether it is capable of being transplanted to Ireland.

**Mr. D. Ahern:** This is a hothouse.

**Mr. Rabbitte:** I would like to ask the Taoiseach about his current plans in respect of the European constitution referendum. What are his views on this matter? What type of campaign is the Government planning in terms of raising awareness of the issues involved? Does he agree that a campaign of information ought to be started as soon as possible and that a copy of the new draft constitution should be circulated to every household in the country? Does he see a role for the National Forum on Europe in promoting awareness about the constitution?

**The Taoiseach:** The formal signature of the European constitution takes place next week. Coinciding with that we intend to issue two documents, a short explanatory memorandum and a more detailed one. These will be put into libraries as well as public and community buildings immediately to achieve as wide a circulation as possible. I agree with the issue of communicating with each household. It is just a matter of timing as to when that begins. We should start with the short explanatory memorandum and the longer document and try to get wide circulation for those. The National Forum on Europe has a key role to play. I raised with President José Manuel Barroso recently the fact that I would appreciate a visit from a number of commissioners in the early part of next year to discuss aspects of the campaign to try to focus more debate on it. I have also suggested to him that it would be useful for him to meet with Ministers to address as many issues of the European constitution as possible. We also are seeking to debate issues around the constitution in as broad a forum as possible, through the social partners, the trade unions and their members, employers, chambers of commerce, education establishments etc. The idea is that there is as broad a discussion and knowledge of the European constitution as possible, prior to making a decision on the date. I believe Deputy Rabbitte would agree that unlike other referendums there are many useful things in the constitution for many areas of Irish society. We need to ensure that this is broadly understood. While

there has been much talk about the European Convention and the European constitution over the last few years, I am apprehensive as to how much of this may have filtered through to the general public. From next week we need to commence actively engaging on the issue over the next few months. To reply positively to the Deputy's question, a short explanatory document is ready and will be published next week. A more detailed one will follow for those who require it. We will definitely do house to house coverage, but not yet. However, arrangements will be made for this. We will commence next week to actively engage with the issues across a broad spectrum and work with the National Forum on Europe as much as possible towards inviting people to participate in it and debate the issues.

**Mr. Rabbitte:** I thank the Taoiseach for his reply. In terms of his reference to President Barroso, has he raised the matter of the dispute between the European Parliament and Commission in respect of the appointment of the Italian nominee, and is he concerned about the clash between these two key EU bodies? Does the Taoiseach believe that the appointment to the Commission for Justice is an appropriate one and has he plans to raise it with fellow European leaders? Did he raise it with President Barroso and if he did, what was the outcome?

**The Taoiseach:** I did raise this matter with President Barroso. As the Deputy knows several problems arose involving a number of commissioners. The Italian one got most of the media attention. There are obvious concerns that issues have arisen which have created strains within the groups. The ratification of the full Commission is set for next week and it must be ratified as one group. The President told me that he is engaging in collective discussions with presidents of the various groupings to see whether a satisfactory way forward may be found. He outlined to me what the commissioner-designate stated and while it raised concerns, he hopes to be able to deal with the issues involved in these discussions. I am not sure about the likely outcome of these initiatives. He was not prepared to say what compromises might be reached in the discussions. However, I got the distinct impression that while he is prepared to work with the presidents towards finding a resolution, he does not want a conflict with the European Parliament at the outset.

**Mr. Kenny:** I would like to ask the Taoiseach two questions. The first is about Myanmar-Burma. During its Presidency of the European Union Ireland recognised the military regime in Burma, even though Aung San Suu Kyi, leader of the National League for Democracy, is still under house arrest. The Taoiseach will be aware that the NLD won overwhelming support from the people of Burma in 1991, but that election was never recognised by the military regime. In Sep-

tember the European Council reaffirmed its support for the NLD and for the release of its leader. It urged that the NLD should be allowed to participate in a national convention that should be really democratic. No progress has been made on these issues.

Given the appalling level of human rights abuses in Myanmar-Burma and the lack of respect by the military regime for any sort of democracy, does the Taoiseach still stand over the decision taken by his Government? I note a former special adviser to the Taoiseach, Mr. Peter McDonagh, wrote a strong article in *The Irish Times* of 5 October to the effect that the European Union must stand against what he termed a very nasty regime. Is the Taoiseach satisfied that his Government was able to stand against a very nasty regime, or why did he do what he did?

In respect of the National Forum on Europe, the period in the run-in to the referendum to be held on the European constitution will be quite contentious. I do not want to see a situation as applied prior to the first Nice treaty debate where the public were not given sufficient information by Government and the agencies of Government to be fully informed as to the decision they would have to make. Can we get clarification, before we come to this year's budget, that sufficient moneys will be made available to the National Forum on Europe to allow it hold meetings throughout the country and involve itself in local radio and public debates — in participative democracy, so to speak — so that in the run-in to the referendum on the European constitution the public will be fully informed about the issues and will be able to make their decision in the light of that information? Will the Taoiseach ensure that forum is given sufficient resources and the facilities to do the job we all hope it can do and lend to the support given by politicians who support the constitutional treaty?

**The Taoiseach:** The simple answer is "yes". I have already stated that resources will be provided to allow the forum to do a good job in bringing people together so that issues can be debated. It needs the resources to do that. We did that in 2002. Extensive resources were put in as per the figures I have given. The dissemination of information is crucially important to allow people understand what is in the constitution because, overwhelmingly, these issues are positive. Already, the ETUC and the TUC have come out strongly in favour of the constitution, as have many other groups in Europe as well as many community groups who help social solidarity. These are all helpful but as I said in reply to Deputy Rabbitte, it is important that we get out as much information as possible. We will start that next week with the simple document, and the more detailed, in as user friendly a way as possible. They will be followed later with the document that will go to all households. We will do everything we can in that regard.

[The Taoiseach.]

I agree with Deputy Kenny that we cannot take things for granted. We have been debating the constitution here. I gave up the Government nominee's position so that we would have more Opposition Members in the convention. That has helped. Deputy John Bruton also played a key part in the process, which attracted much interest here in the convention aspect. Later I had the honour during the Irish Presidency to conclude these matters. All these things help but we now have to explain them to the public. The answer to the Deputy's question is "yes".

On Myanmar, as the Deputy is aware, to try to bring things together we had agreed that we would make progress based on certain conditions. It was always envisaged that the progress would be tentative, not only on the release of Aung San Suu Kyi but that we would see her party engaged in the forum taking place in their country and that they would make progress.

To be frank with Deputy Kenny, everything that could go wrong with Myanmar from the point of view of making progress has gone wrong. They have made no progress. They have broken all their promises. Yesterday, they changed their Prime Minister and, I am subject to correction, but from what I picked up in Vietnam that will only make things worse. I hope I am not unfair to the new Prime Minister but that was my information. There are 52 million people in Burma. Not a semblance of progress has been made. Because Yan Peter Balkenende, the President of the current EU Presidency, was not in attendance due to illness, I dealt with that issue in Vietnam. We strongly condemned Burma. They had a representative at the meeting. Needless to say they did not like what I was saying on behalf of the European Union. I was speaking on behalf of the European Union for that session.

My sense is that they are not listening. The military is in control. They have not completed any of the measures set out in the criteria in Tullamore, and it continues to be a major difficulty. Listening to the responses of their representative it appears they do not accept any of the criticisms of the rest of the democratic world. There is some concern about Aung San Suu Kyi because she has not had as much contact as she would normally have with international authorities, although I understand from the British Government that she is safe. I am aware there is concern, however.

On Deputy Kenny's last point, we have not gone ahead with our diplomatic process on the basis that they did not honour their arrangement, so that is on hold.

**Mr. Kenny:** Last week, the Secretary General of the United Nations, Kofi Annan, visited Ireland. He addressed the National Forum on Europe and spoke to the Taoiseach and members of the Government. I would like confirmation from the Taoiseach that Ireland will do whatever is necessary to meet its target for overseas

development aid by 2007. Will the Taoiseach confirm to the House that we will meet the target of 0.7% of GNP by 2007?

I was struck by a comment made by Deputy Gay Mitchell some time ago. We have been very strong on this issue and he speaks with great conviction on it. He said we should legislate to ensure this happens. It would be a demonstration of real leadership by the Government, not only for ourselves but for other nations, if this target was achieved and if there was no messing with it. Would the Taoiseach agree that would be a useful measure which would receive support from this side of the House?

While he was here Kofi Annan said it was very important that countries lived up to their international responsibilities. In his address to the forum he said an additional 30,000 police and army personnel were needed by the United Nations. Is it envisaged that the Government would supply further numbers of either gardaí or Army personnel to troubled spots throughout the world? In that regard, he said the increased numbers from China were very welcome. Given the number of trouble spots throughout the world where murder, rape and genocide take place on a daily basis, does the Taoiseach share the view that we should look to the future and that our personnel, by consent under the normal criteria, would participate more fully in peacekeeping and peace enforcement in trouble spots throughout the world?

**The Taoiseach:** On overseas development aid, we have driven that issue strongly for the past number of years. While increased economic growth always changes the formation and makes the actual sum higher, we have continued to drive that issue forward. We have gone from €150 million or €160 million to €480 million. Economic growth of 6% or 7% drives it on also. We are widely acknowledged, both in the World Bank and the IMF, for what we have achieved. We are now seventh out of 193 countries, which is a huge commitment by the Irish people. Irish taxpayers are paying almost €0.5 billion and we have to continue to drive that on to try to get to 0.7% as quickly as possible. Needless to say it is a target we hope to reach but it is substantial money which is important, as one of the issues we have had to deal with this year.

I met representatives of many aid organisations at the AIDS conference in 2001 and the development goals conference in 2000. There are as many arguments made about the money we are actually giving, the way we are giving it and whether it is going to the right organisations. The Deputy is aware of the argument about Uganda. I spent hours discussing the issue of Uganda with various organisations and the money we were giving. We must increase the money but we also must ensure we get value for it, that the regimes are in order and the projects in place. That is an issue — one cannot simply pour in the money without watching how it is controlled. We give a good signal



everywhere which is important to our missionaries around the world, both religious and lay, of which there is now probably more. It is greatly appreciated. Many of our people, from former President Robinson, to Bob Geldof, Bono and others who lead in this area, find it helpful to receive more money and while I understand the knock-on effect of that, even if we were to get the full figure we would move only a few paces.

Some countries are at 1.1% because they have been able to use oil resources but we are committed to driving it on and putting in further money. At the same time we must be cautious and ensure we get value for programmes because for the past year I have spent more time dealing with problems arising from the money we have given than the money we did not give. I am committed, however, to driving it on.

**Mr. Kenny:** Would the Taoiseach consider legislation?

**The Taoiseach:** That is not necessary. We must justify this, and to get to that point we need almost an additional €200 million. The Department and the Minister of State dealing with this is working with the organisations which are very good. It is a matter of planning and of maintaining certainty. If along the way it becomes necessary to legislate perhaps we should do that. It is good for the country. While we may fight about resources in other areas this question involves a bigger issue.

On the question of additional military and police personnel, Kofi Annan has spelt out very clearly that he needs extra people in many places. He is particularly anxious to involve more French-speaking countries. As he said publicly when he was here, he is quite pleased that he has additional Chinese resources, and in Haiti, a back door to the United States, he is using Chinese troops which is quite a change from the position some time ago. We have honoured several commitments in Liberia and elsewhere. He did not ask me for any further commitments but often we are asked for a few senior people. Several of our officers and gardaí working abroad are well-known and are continually sought for new assignments, or when they finish an assignment are asked to go to another one. We have always tried to accommodate that and continue to do so.

**Caoimhghín Ó Caoláin:** Seachtain sul ar labhair an Taoiseach i bParlaimint na hEorpa, dúirt an Rialtas go raibh sé tar éis iarratas a cur isteach faoi stádas oifigiúil oibre don Ghaeilge. Cén dul chun cinn atá déanta ó shin? A week before the Taoiseach addressed the European Parliament the Government announced it had applied for official working status for the Irish language in the European Union. What progress has been made on that application and where does it stand?

In light of last week's announcement that the European Commission would provide funding of

€60 million for the peace programme and €15 million for the International Fund for Ireland in each of the two years 2005 and 2006, will the Taoiseach advise the House of his firm support for the realisation of a Peace III programme after 2006, bearing in mind the important work carried out at community level? What steps have been taken or are intended to secure that commitment? What is the Taoiseach's view of the fact that the British Government did not seek a similar amount of EU peace funding in this round as in the previous round? Would he agree that the only consequence of that can be a significant reduction in the level of funding for projects which aim to address the multi-faceted legacy of the past 30 years of conflict?

**The Taoiseach:** The Government decided on 14 July to initiate the process of discussions with the other EU member states and the EU institutions with a view to achieving the provision of Irish as a working language under EU Regulation 1-1958. The regulation is the legal instrument that governs the working language regime among governments, EU institutions and officials. The discussions in Brussels with the representatives of other member states and the EU institutions focus on securing agreement on the practical modalities to meet the objective. Our ambassador and staff have been talking to representatives of most of the other member states. The decision must be unanimous so everybody must come on board. The discussions also explore the practical options open to us which would allow for the enhancement of the status of the Irish language in the EU. The discussions so far are going well but will take some time because of the procedures.

At the last meeting of the European Council that I chaired, we passed a resolution that the peace funding would continue.

**Caoimhghín Ó Caoláin:** What are the figures?

**The Taoiseach:** I cannot give the figures off the top of my head but I can check them for the Deputy. We got the resolution.

**Caoimhghín Ó Caoláin:** Is the Taoiseach committed to Peace III?

**The Taoiseach:** That resolution allows us to continue it into the Peace III forum but if the Deputy wishes I can confirm that.

**Caoimhghín Ó Caoláin:** Does it continue post-2006?

**Mr. J. Higgins:** Did the Taoiseach's media-watching unit tell him about the splendid colour photograph printed in some daily newspapers of him sitting beside His Highness Sheik Khalifa and many other well-nourished emirs and princes of the kingdom of Bahrain? So snugly did he fit in with their excellencies that had he put on the



[Mr. J. Higgins.]  
traditional head-dress we would not have been able to tell him apart.

**The Taoiseach:** It was 47 degrees there.

**Mr. J. Higgins:** That shows the practicality of the dress the people wear. The Taoiseach should perhaps have taken a leaf from their book in that respect if not in others.

**The Taoiseach:** Maybe so.

**Mr. J. Higgins:** Several of the countries he visited raise serious questions about democratic, civil and human rights for their people. In Malaysia in particular police have recently broken up or prevented peaceful demonstrations and meetings, and have harassed and arrested opposition leaders. Did the Taoiseach raise these issues in his discussions with senior leaders there? Was this really a repeat of what Governments of which the Taoiseach was a part did? A ministerial colleague of his on going to Baghdad in the 1980s dealt with business in Baghdad, and only months after the Halabja massacre did not raise the monstrous crimes that Saddam Hussein was carrying out. Did he raise serious issues about peoples' civil rights or was it a matter, to quote W. B. Yeats, of "fumbling in the greasy till"?

In virtually all the countries he visited 95% of the population or more would have vehemently opposed the criminal invasion of Iraq by President Bush and Prime Minister Blair. Did he discuss the situation in Iraq in any detail, and did any of the leaders on behalf of their peoples raise with him the logistical support which he and his Government gave to that criminal invasion and continue to give to the United States military for the ongoing occupation in Iraq, through the use of Shannon Airport for US troops?

**The Taoiseach:** The occasion for the photograph referred to by the Deputy was the opening of an Irish medical college for doctors, dentists and paramedics. There are about 650 people from the Gulf that are involved in education in this country. It is a huge tribute to the Royal College of Surgeons in Ireland that it can open a university of that status, as it is to the former president of the college, Mr. O'Malley, who moved out there and set up this college with a large number of Irish lecturers. It is a great achievement for the college and the ability to educate so many people in the Gulf rather than in Ireland will bear fruit in the future.

The Department of Foreign Affairs always puts items of civil rights and civil liberties on the agenda. In fairness to all of these countries, they are quite happy to explain their position and their side. I do not always agree with how they do things. In Malaysia, there are 98 members of parliament and 96 of them are in Government and two are in opposition. Obviously it is not similar to the system we——

**Mr. Rabbitte:** That would not deter Deputy Joe Higgins.

**The Taoiseach:** A totalitarian State.

**Mr. Hogan:** Sometimes this Parliament feels like that as well.

**An Ceann Comhairle:** The Taoiseach without interruption.

**The Taoiseach:** A group that has one member almost gets the same amount of time as a group with 40 members. It also has that similarity. To be fair to them, they have different cultures, different ways of doing things and different systems. However, they do take criticism and the points have been made. They are all involved in their own way in reform. I discussed the Iraq issue with all of the leaders as I was interested in their views. While all of these countries are friends of America, they are all very concerned about the actions America took in the first place. They thought it was ill-advised, they saw the dangers in it and they worry about the region. It is interesting that all of the countries in the region have far more concerns about Iran than Iraq. That is the issue that is on their minds and for another day. I did talk to them about it. They are concerned about how the issue can now be resolved and how it can be brought back to normality.

**Mr. J. Higgins:** Did they know about the Taoiseach's party?

**The Taoiseach:** All of these countries facilitate the United States in enormous ways. While they have differences, this is what happens. These are countries that are close to the United States and are friendly with them. The small support that we get is considered trivial to them. That is disappointing news for the Deputy.

**Mr. Sargent:** I want to ask about the European Council meeting in November. Tá suim agam a fháil amach an bhfuil ceist faoi stádas na Gaeilge ar chláir an chruinnithe sin. Cathain a bheidh sé i bhfoirm páipéir ar chor ar bith? Mar, chomh fada agus is eol dom ón Aire Gnóthaí Eachtracha, níl ann ach caint faoi láthair, agus ba cheart go mbeadh ní ba mhó ná caint i gceist má tá an Rialtas i ndáiríre. Cathain a bheidh sé sin ann?

From what I can see, there has been no perceptible progress on human rights in Burma to explain that country's membership of the Asia-Europe meeting. Can the Taoiseach identify any progress in that regard, which justifies Burma's membership of the meeting? As Prime Minister, I am sure the Taoiseach would not like to be under house arrest, as is the case in Burma.

In his meeting with Kofi Annan, what did the Taoiseach say to him regarding the commitment of 0.7% of our GNP to overseas development aid? Was a timescale clearly laid down? Was Kofi Annan under the clear understanding that 2007

would be that date? It was very much part of the Government's Security Council achievement that 2007 was nailed down. As the Secretary General of the UN has declared that the war on Iraq was illegal under international law, does the Taoiseach agree with him? Did he give the Secretary General his view on the legality of that war? What is that view?

**The Taoiseach:** We are now in discussion with all the member states and the institutions on the status of the Irish language. Those discussions will continue. It might take some time but they are going ahead in a progressive way. The Government of Myanmar did not live up to its commitments, it did not live up to the issues that were put to it back at the time of the Tullamore Foreign Council. It has not released Aung San Suu Kyi and has not allowed her party to engage in the conference that is currently going on. It has done nothing, quite frankly. As I stated yesterday, a new premier has been put in there which, if my information was correct from what I heard in Vietnam, will make things even more difficult. We are not making any progress in Myanmar. I gave the EU position in the absence of Jan Peter Balkenende at the meeting.

Kofi Annan stated this country was a model country regarding overseas development aid. He greatly appreciated what we are doing and that we were making progress and that we are heading towards €500 million. We had no discussion on the target but it is our aim to get to that target. It has all the significance that I mentioned earlier to Deputy Kenny. It is a harder target to achieve but we continue to try to make much progress. What we have done, or what the taxpayer has done, has been acknowledged. We have to be careful with the figures.

All along I said that the legal position on Iraq is not clear. Kofi Annan has given his view. The important thing that happened last year was that after all of the arguments, there was a clear resolution in October 2003 that allowed people participate. That brought certainty to the multinational force. Until then there was not legal certainty. I said that in this House from day one. Kofi Annan has given his views.

#### **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 Deputies in the order in which they submitted their notices to my office.

**Mr. Healy:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of urgent national importance, namely, the position whereby elderly patients, whose sole income is the old-age pension, are being pressurised into private nursing homes and are being forced to sell their homes to meet the shortfall between the

charge of a nursing home and the health board subvention; the minimum shortfall in such a case being €210 per week or €10,920 per annum.

**Mr. P. Breen:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of extreme importance, namely, to ask the Tánaiste and Minister for Health and Children as to why a CAT scanner has not been installed in Ennis General Hospital when the funding has been provided for same; and if the Tánaiste would immediately instruct the Mid-Western Health Board to install same in the interests of patients' safety.

**Mr. Gormley:** I seek the adjournment of the Dáil under Standing Order 31 to debate an issue of urgent public importance, namely, the continuing crisis in our accident and emergency units throughout the country, with hundreds of people lying on trolleys or sometimes chairs for many days, with hospital staff finding it difficult to cope; and the need for the Minister for Health and Children to introduce a package of emergency measures to alleviate the suffering of patients and their families.

**Mr. Sargent:** I seek the adjournment of the Dáil under Standing Order 31 to investigate further the plight of Ms Margaret Hassan, the Irish born aid-worker kidnapped in Iraq, and to evaluate and to plan any possible course of action which would secure her safe release on the basis that the Minister for Foreign Affairs has said he will help in any way to free her.

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

#### **Order of Business.**

**The Taoiseach:** The Order of Business shall be as follows: No. 15*a*, motion re membership of committees; No. 16, Water Services Bill 2003 [*Seanad*] — Second Stage (resumed); and No. 6, Road Traffic Bill 2004 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that No. 15*a* shall be decided without debate. Private Members' business shall be No. 33, motion re special needs (resumed), to conclude at 8.30 p.m.

Following this morning's discussion during Leaders' Questions, I propose, with the agreement of the House, that we debate the matter in question for an hour this afternoon, between 4.15 p.m. and 5.15 p.m. The Chief Whip will introduce an amendment to the Order of Business to that effect later this afternoon. We will proceed on that basis if that is okay.

**An Ceann Comhairle:** There is one proposal to be put to the House. Is the proposal for dealing with No. 15*a*, motion re membership of committee, without debate agreed? Agreed.

**Mr. Kenny:** I thank the Taoiseach for agreeing to my proposal for a short debate to get unanimous support for the Government's efforts to achieve the early and safe release of Margaret Hassan.

I note the Government Chief Whip has not yet said when he proposes to introduce his Dáil reform package. The Minister for Transport, Deputy Cullen, has contacted Deputy Olivia Mitchell since she spoke yesterday about the Railway Safety Bill 2001. It was proposed to make 50 pages of amendments to the Bill without considering them on Committee Stage, but that matter has now been rectified. It smacks of incompetence, to put it mildly, to expect 50 pages of amendments to be accepted without being debated on Committee Stage.

**Mr. O'Dowd:** Hear, hear.

**Mr. Kenny:** I appreciate that the Minister has contacted Deputy Olivia Mitchell.

Can the Taoiseach state whether it is proposed to introduce legislation following the outcome of the Chen case, which relates to the rights of parents of children born in the EU? The result of the case strengthens the argument for the adoption of a more humanitarian approach in respect of the families of Irish citizens who were born here before last summer's referendum. The Taoiseach is aware that approximately 9,000 people are affected by this matter. The Minister for Justice, Equality and Law Reform, who is not present in the House, has indicated he will examine the cases on a case-by-case basis. It is a matter of genuine and serious personal sensitivity because some people are being deported.

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

**Mr. Kenny:** Does the Government intend to introduce legislation to give a general amnesty to the approximately 9,000 persons to whom I have referred?

**An Ceann Comhairle:** The Deputy's question on the legislation is in order. The second part of the Deputy's question is a matter for the Minister for Justice, Equality and Law Reform.

**Mr. Kenny:** I understand.

**The Taoiseach:** I will raise the matter with the Minister. I do not think legislation is planned.

**Mr. Rabbitte:** I would like to speak about the same matter. The Irish Nationality and Citizenship Bill 2004 has not yet come before the House. Can the Taoiseach say when it will be brought forward? The implications of the Chen case and what is actually happening at present should be addressed in that context. When is it proposed to bring the campus and stadium Ireland Bill to the House?

**The Taoiseach:** The Irish Nationality and Citizenship Bill 2004 has been published and ordered for Second Stage. The stadium and campus Ireland Bill will be brought to the House in this session.

**Mr. Sargent:** Deputy Kenny spoke about the Railway Safety Bill 2001, which was to be debated on Report Stage today. Does the Government agree that the 52 pages of amendments can be regarded as a virtual declaration of the need for a new Bill? Is a new Bill being considered? Some 52 pages of amendments were handed to Opposition Deputies, including my colleague, Deputy Eamon Ryan.

**Mr. Kenny:** That is the other half of the Comhaontas Glas.

**Mr. Sargent:** He feels that a new Bill should be introduced because it is unreasonable to present 52 pages of amendments to Opposition Deputies and to expect them to produce their own amendments the following morning. The Government should re-examine the Railway Safety Bill 2001, especially as just three lines of amendments have been tabled to the Safety, Health and Welfare at Work Bill 2004.

**An Ceann Comhairle:** The Deputy has made his point. He should confine himself to a single Bill.

**Mr. Sargent:** That Bill involves many of the same issues.

**The Taoiseach:** I do not think it is proposed to change the Bill. We are giving the Opposition time to examine the amendments, which is reasonable. I accepted Deputy Olivia Mitchell's point that she had been given insufficient time. The Bill is not being changed. Many of the amendments are very technical and do not change the Bill.

**Mr. Hogan:** Substantial profits are being made by insurance companies at present. Deputies on all sides of the House were anxious to support the Government's insurance reform agenda, which aimed to reduce insurance costs. Will the Taoiseach introduce an amendment to the Central Bank and Financial Services Authority of Ireland Acts to ensure greater transparency in respect of the profits of the insurance business and the premia charged to customers?

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

**The Taoiseach:** It has been decided that a statutory instrument introducing financial services regulations relating to financial collateral arrangements will be brought before the House.

**Mr. Hogan:** That sounds exciting.

**The Taoiseach:** I do not know if that affects the point made by the Deputy.

**Mr. Hogan:** When will the regulations be introduced?

**The Taoiseach:** I do not have a date.

**Mr. J. Higgins:** On the same matter——

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

**Mr. Sherlock:** The national roads infrastructure Bill needs to be published soon to hasten the reform of the National Roads Authority. It is claimed one day that moneys are being transferred to another area, but a public statement is issued the next day saying that it will not happen. We have little control over the National Roads Authority, other than when Ministers come out to open roads, especially in the eastern area.

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

**The Taoiseach:** No legislation is promised.

**Caoimhghín Ó Caoláin:** I would like to record my appreciation of the Taoiseach's acceding to the request——

**Mr. Sherlock:** Gabh mo leithscéal, but I did not hear the Taoiseach's reply.

**An Ceann Comhairle:** He said no legislation is promised.

**The Taoiseach:** I am not quite sure what Bill the Deputy asked me about. There is no National Roads Authority Bill.

**Mr. Sherlock:** I am asking about the national roads infrastructure Bill.

**Ms O. Mitchell:** What about the strategic national infrastructure Bill?

**The Taoiseach:** The Bill will be brought forward next year.

**Ms O. Mitchell:** It is not that strategic.

**Caoimhghín Ó Caoláin:** I wish to record my appreciation of the Taoiseach's acceding to the request to arrange a special debate on the case of Margaret Hassan. The House will adopt a unanimous position in that regard. Can the Taoiseach give the House specific information about the projected date on which the Disability Bill 2004 will come before it? The Government has promised to pursue the Bill in the current session. When will it come before Members in the Chamber?

**The Taoiseach:** It will be introduced as soon as possible. The Bill is ready. I am ready to start when the Whips arrange the debate.

**Mr. O'Dowd:** In view of the Minister for the Environment, Heritage and Local Government's admission this morning that the electronic voting system which cost €50 million will have to be radically changed, will the promised electoral (amendment) (No. 2) Bill contain a provision for the next general election to be held under the traditional method?

**An Ceann Comhairle:** It is not appropriate to discuss the contents of legislation on the Order of Business.

**Mr. O'Dowd:** It is important that the people should be able to use the old traditional method to kick out the Government, lock, stock and barrel.

**Mr. Durkan:** Hear, hear.

**An Ceann Comhairle:** I suggest that Deputy O'Dowd should submit a question to the Minister for the Environment, Heritage and Local Government.

**Mr. Cullen:** The old system has not done the Opposition much good before now.

**Mr. Durkan:** Deputy O'Dowd has to receive an answer to that.

**Mr. Costello:** Given that Ireland is the only country in which the private security services industry is unregulated and considering that more people work in the industry than in the Garda and the Army combined——

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

**Mr. Costello:** I am coming to that. The legislation, which was introduced in 2001 by the then Minister for Justice, Equality and Law Reform, Deputy O'Donoghue, has now been passed. Can the Taoiseach indicate when an order will be introduced establishing the authority that will allow the legislation to get up and running? When will the authority be put together? When will the order be implemented, allowing this unregulated sector to be regulated and bringing us into line with the rest of Europe?

**The Taoiseach:** As Deputy Costello said, the legislation has been passed. I will check about the order, since I do not know the position on it. However, I will get an answer.

**Mr. J. Higgins:** Community organisations and voluntary bodies are being absolutely crucified by the insurance industry, which has put a stop to extremely worthwhile projects.

**An Ceann Comhairle:** Does the Deputy have a question on legislation appropriate to the Order of Business?



**Mr. J. Higgins:** Yes. When the insurance companies are expected to bring in €1 billion in profits this year——

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

**Mr. J. Higgins:** Perhaps the Taoiseach might tell me regarding the investment funds (miscellaneous provisions) Bill, No. 58, which covers an aspect of the insurance companies where they make a further killing, what he will do about that greed.

**An Ceann Comhairle:** I call the Taoiseach on the investment funds (miscellaneous provisions) Bill.

**The Taoiseach:** The legislation is due next year.

**Mr. P. Breen:** Why were the agreed four employee representatives not present at the inaugural meeting of the Dublin Airport Authority last Monday, where fundamental policies——

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

**Mr. P. Breen:** I am coming to that, a Ceann Comhairle.

**An Ceann Comhairle:** We cannot have preambles to questions. Standing Orders are quite specific.

**Mr. P. Breen:** Important policy matters were discussed.

**An Ceann Comhairle:** If the Deputy has a question on legislation, we will hear it. If he has a question appropriate to the Minister, I suggest that he submit it.

**Mr. P. Breen:** Regarding what I said about why the four employees were not at the meeting last Monday, are changes necessary to the State Airports Act 2004?

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

**The Taoiseach:** No.

**Ms McManus:** The Taoiseach is probably aware that the Minister for Health and Children, despite the deepening crisis in accident and emergency, was silent until last night when she entered the House and promised——

**An Ceann Comhairle:** I am sorry. Does the Deputy have a question on legislation?

**Ms McManus:** The Minister promised that there would be a package of proposals to deal with the crisis. Is it the Government's intention

to introduce a supplementary Estimate to pay for that package?

**The Taoiseach:** No. We will have to facilitate it within the Estimates for this year.

**Mr. Gormley:** Perhaps I might ask the Taoiseach about the alcohol products (control of advertising, sponsorship, marketing practices and sales promotions) Bill. Will that legislation mean that the Taoiseach will not open any more pubs or invite visiting dignitaries for a photo opportunity in a pub?

**An Ceann Comhairle:** On the legislation.

**The Taoiseach:** It will be 2005.

**Mr. Durkan:** In view of the ever-increasing importance of electronic communications, might the Taoiseach indicate to the House the progress regarding the electronic communications (miscellaneous provisions) Bill? Have the heads been discussed in Cabinet and, if not, when will that happen?

**The Taoiseach:** The heads are expected before Christmas, after which the legislation will be drafted. I understand the Bill is large, covering assets, broadcasting networks and delivery of content services to all end users at retail level. The heads will be completed before Christmas.

**Mr. Howlin:** The Government has promised to publish the review on CE schemes. When will that happen, and will it entail new legislation?

**The Taoiseach:** No.

**Mr. Howlin:** When will the review be published?

**Mr. Allen:** It will be published when all the job initiative schemes are gone.

**Mr. Howlin:** The Taoiseach does not know, or does he not want to tell?

**Mr. Allen:** Perhaps I might ask the Taoiseach, in view of the concerns about the constitutionality of Part VII of the Diplomatic Relations and Immunities (Amendment) Act 1976, when we will have legislation to amend it, and why has it been delayed so long, despite the constitutional concerns.

**The Taoiseach:** The matter is being examined. I have answered a question on this before. However, I do not have a date to address the concern about constitutionality.

**Mr. Timmins:** The Taoiseach will be aware that the Secretary General of the UN spoke here last week while the Taoiseach was away. Will the Taoiseach agree to allowing the House time to discuss the very serious issues he raised about

Irish troops' participation in the UN, particularly given the commitment to discuss the issue of the triple lock, which will prevent Irish troops from taking up peacekeeping missions in which he would like us to participate?

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

**The Taoiseach:** No debate is promised.

**Mr. Rabbitte:** Is the Taoiseach happy about the permissibility under existing legislation of the fingerprinting of Irish citizens who leave this country to enter the United States?

**An Ceann Comhairle:** That does not arise on the Order of Business. I suggest that the Deputy raise the matter with the appropriate Minister.

**Mr. Rabbitte:** Now that I have raised the matter, we may as well allow the Taoiseach to reply.

**An Ceann Comhairle:** Then the Taoiseach would be out of order like the Deputy.

**Mr. Hayes:** Can the Taoiseach give the House a progress report on decentralisation? It was announced——

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

**Mr. Hayes:** No.

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

**Mr. Hayes:** It was announced in the budget, but there has never been a progress report.

**An Ceann Comhairle:** I am sorry, Deputy, but it does not arise on the Order of Business. If he wishes to resume his seat, we will hear Deputy Crawford. If not, we will move on to the next business.

**Mr. Hayes:** Towns around the country are waiting.

**An Ceann Comhairle:** I am sorry, but Deputy Hayes is out of order.

**Mr. Crawford:** I too would like a report on that. The other issue that I want to raise is equally important to our home town.

**Mr. Howlin:** It is a long preamble this time.

**Mr. Crawford:** When will the ground rent Bill and the landlord and tenant (miscellaneous provisions) Bill be dealt with? They are causing enormous problems in Carrickmacross and other areas.

**The Taoiseach:** We have no date as yet.

**Mr. Crawford:** How many years?

**Mr. McGinley:** Is dócha go bhfuil sé ar eolas ag an Taoiseach go bhfuil toghcháin Údarás na Gaeltachta ag dul a bheith ar siúl i mí Aibreáin seo chugainn. Does he intend to introduce legislation to amend the Údarás na Gaeltachta Act 1979 before they are held next April?

**The Taoiseach:** No.

### Membership of Committees: Motion.

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** I move:

That Deputies Tom Hayes and Billy Timmins be discharged from the Select Committee on Agriculture and Food and that Deputies Seymour Crawford and Denis Naughten be appointed in substitution for them.

That Deputy Damien English be discharged from the Select Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs and that Deputy Dinny McGinley be appointed in substitution for him.

That Deputies Simon Coveney and Paul Kehoe be discharged from the Select Committee on Communications, Marine and Natural Resources and that Deputies Bernard J. Durkan and John Perry be appointed in substitution for them.

That Deputy David Stanton be discharged from the Select Committee on Education and Science and that Deputy Damien English be appointed in substitution for him.

That Deputy Gerard Murphy be discharged from the Select Committee on Enterprise and Small Business and that Deputy Pat Breen be appointed in substitution for him.

That Deputy Bernard Allen be discharged from the Select Committee on the Environment and Local Government and that Deputy Fergus O'Dowd be appointed in substitution for him.

That Deputies Gay Mitchell and Jim O'Keeffe be discharged from the Select Committee on European Affairs and that Deputies Bernard Allen and John Deasy be appointed in substitution for them.

That Deputies Gay Mitchell and Michael Noonan be discharged from the Select Committee on Foreign Affairs and that Deputies Bernard Allen and Bernard J. Durkan be appointed in substitution for them.

That Deputy Olivia Mitchell be discharged from the Select Committee on Health and Children and that Deputy Liam Twomey be appointed in substitution for her.

That Deputies Dinny McGinley and Paul McGrath be discharged from the Select Committee on Justice, Equality, Defence and Women's Rights and that Deputies Gerard

[Mr. Kitt.]

Murphy and Jim O'Keeffe be appointed in substitution for them.

That Deputy Seymour Crawford be discharged from the Select Committee on Social and Family Affairs and that Deputy David Stanton be appointed in substitution for him.

That Deputies Pat Breen and Denis Naughten be discharged from the Select Committee on Transport and that Deputies Paul Connaughton and Olivia Mitchell be appointed in substitution for them.

That Deputy Bernard J. Durkan be discharged from the Joint Committee on Broadcasting and Parliamentary Information and that Deputy Paul Kehoe be appointed in substitution for him.

That Deputies Pat Breen, Bernard J. Durkan and David Stanton be discharged from the Committee on Procedure and Privileges and that Deputies Paul Kehoe, Paul McGrath and Dan Neville be appointed in substitution for them.

That Deputy David Stanton be discharged from the Committee on Procedure and Privileges sub-Committee on Members' Services and that Deputy Michael Ring be appointed in substitution for him.

That Deputies Paul Connaughton and John Perry be discharged from the Committee of Public Accounts and that Deputies John Deasy and Tom Hayes be appointed in substitution for them.

Question put and agreed to.

### **Water Services Bill 2003 [Seanad]: Second Stage (Resumed).**

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

**An Ceann Comhairle:** Deputy O'Dowd has seven minutes remaining.

**Mr. O'Dowd:** Having spoken last night, I would like to reiterate and expand on some of the points I made. One of the issues in this Bill is the reservation of powers to the county manager to make a water scheme. That raises deep concern among public representatives, not just on this side of the House or the other but all over the country. The Bill deprives elected members of any say in that decision-making process, delegating that important decision to the county manager.

It raises two fundamental questions about democracy in local government. The Minister must answer the very clear question of where the Government's commitment is to vibrant and transparent local democracy. The Government has deprived us of directly elected mayors. It has starved local authorities of funding. Now it is rob-

bing elected members of any real power to make decisions. What is the Government afraid of? What is the Minister afraid of? Why does he not return powers to elected members to make decisions? They are elected with the mandate of the people. When they make decisions, whether they are right or wrong in the view of the Government of the day, they are democratically accountable and will face the electorate at a subsequent election. The weakness in the Minister's proposal is that it is the unelected representatives — officialdom and the bureaucrats — who make decisions. They are never accountable to the electorate. When unpopular decisions must be made, as they must be in local government, it should still remain the function and within the power of the elected members to make that choice. Otherwise this Government is treating councillors like children who will sit in its lap when the Government has something nice to give them. When hard decisions are being made, the power is being taken away from councillors. That is why in many cases local government does not attract people of calibre and talent in the community, who would like to stand for election but who feel they would be powerless if and when elected.

Why is the Minister taking this action? Such tinkering with the decision-making process leads many inside and outside this House to become concerned about the Trojan horse potential of this Bill. The Government should be seen to do its business in a transparent and open way and the greatest transparency lies in testing the views of the electorate on these water schemes. To hide behind a county manager makes a mockery of democracy and councils do not want that either.

My colleague, Deputy McCormack, raised another vital issue regarding water provision. According to the Exchequer return figures published last week, the Department of the Environment, Heritage and Local Government underspent its budget by €650 million. How much clean water could have been provided for that money? Would it not have paid for a sewerage scheme in the many small towns and villages where water sources are polluted or inadequate, such as in Carraroe, where the water supply collapsed during the summer because of sewage problems? This occurred in the Galway Gaeltacht where thousands of children from all areas attend Irish classes. In our holiday villages and towns, especially on the coast, there is great pressure on the waste water system because of the large numbers of people arriving. It should be among the guidelines for councillors that they have due regard for that summer peak during which a problem such as leaking sewage can have adverse effects.

The Department of the Environment, Heritage and Local Government is not alone in its underspending. A sum of €700 million was saved in other areas, making a total saving of more than €1 billion across all Departments. That money is being saved this year and next to provide a slush fund and the appearance of a great deal of money

being spent in the run-up to the general election. This is a scandal to which I will refer at every opportunity because so much money has been put aside this year and not spent on essential schemes.

**Mr. N. Ahern:** To what saving is the Deputy referring?

**Mr. O'Dowd:** The underspending last year in the Department of the Environment, Heritage and Local Government, which was in the order of €650 million.

**Mr. N. Ahern:** Does the Deputy mean this year?

**Mr. O'Dowd:** Yes.

**Mr. N. Ahern:** This year is not over yet.

**Mr. O'Dowd:** It is almost over. The Minister would need to get the JCB crews working mid-night shifts to spend the money at this stage.

**Mr. N. Ahern:** Local authorities sometimes have so much money that they will not send in the bills until Christmas Eve.

**Mr. O'Dowd:** It is the Minister's responsibility to ensure that the money is spent. When it is not spent and included in the income for the following year, people think they are getting more money when in fact this is money which was allocated but not spent. The Minister should ensure that when the Department allocates money, it is spent.

**Mr. N. Ahern:** The primary aim is to get good value for it.

**Mr. O'Dowd:** It is worse to waste money, which as the Minister of State knows has happened with the electronic voting system, which cost €50 million.

**Mr. N. Ahern:** That system will keep.

**Mr. O'Dowd:** The money is gone.

**Mr. Timmins:** Gone on storage and rental costs.

**Mr. O'Dowd:** The Minister said today that the system needed radical change. In America, John Kerry said that he has a dream team of lawyers ready to fight against the issues which they expect to be raised by electronic voting right across America. The Minister of State might allot some of the money saved into fighting that legal issue, because he made a total mess of electronic voting.

This Bill was the product of a European Union directive. Occasionally people are critical of such directives, but those on the environment, particularly with regard to the quality of drinking water and the treatment of waste water, have transformed the way we think about these issues. They

have served the country well by ensuring greater care, management and accountability on environmental issues.

In this Bill the Minister is walking on local democracy. He is giving new powers to city and county managers and is hell-bent on introducing water charges through the sole power of the manager. That is not acceptable in this democracy.

**Mr. McGuinness:** I congratulate the Minister for the Environment, Heritage and Local Government, Deputy Roche, on his appointment, and wish him well in that portfolio. He understands local government and local democracy and I hope he will reflect on the various reform packages introduced over the past 20 years. As it turned out on implementation, they were not reform packages and in spite of better local government we have yet to experience what local democracy and reform in local authority mean.

This is not the first time I have highlighted the need for such reform. In my involvement in local authorities over the past 25 years, every Minister with responsibility for local government has highlighted the need to reform local authorities and return them to the people. That has yet to be achieved. It is an unfulfilled objective. Regarding what Deputy O'Dowd said, there is a greater need to ensure that the dynamic which existed between officials and local public representatives is encouraged and supported. It does not exist to the same extent as it once did in local democracy. There is a certain hand in glove arrangement with bureaucracy which enables action but which has starved local democracy of real debate about what local government should be and how local public representatives should engage with the communities they represent.

We talk about empowering local communities, and this Bill contains references to the powers of local authority members and city and county managers. While empowering local communities is important because it gives them ownership of the water supply, water authority or any other authority exercised by the local authority, it is more important to empower local authority members. While various Bills are supported on this side of the House, it must be acknowledged that every piece of legislation has taken power away from council members. The appearance is given of granting local power but a big stick is also given to county managers to the effect that if a scheme is not implemented in a certain way, they have the right to implement it in their way. That takes power away from local authorities and is not the way forward. With the ending of the dual mandate, an action with which I disagreed, I had hoped there would be an even greater effort by central government to ensure that local government was transformed in a radical way and real powers were given to local communities to make decisions for themselves.

To fulfil this Bill or any other passed by this House, there is a need for the proper funding to be allocated. The cost of implementing the Bill



[Mr. McGuinness.]

must be factored in to the Department involved and to the Department of Finance, in terms of its planning. That is not happening, and one can see the evidence everywhere. This Bill refers to the need to draw up a plan for areas zoned for commercial or residential developments and to ensure that the appropriate water infrastructure is in place. In past legislation we have enabled local authorities to introduce their own charges to deal with issues such as planning. It now costs young couples who are buying houses for the first time from €3,500 upwards. That is seen as local taxation. There was a time when we gave people grants to build houses. Now, however, we do not do so and we ask for money. This legislation must provide for funding or no progress will be made. I ask the new Minister, by way of his experience at local authority level and by virtue of the fact that he has listened to debates in the House for a long period, to focus on the need for real reform.

I wish to make a final comment about the reform package and the benchmarking process. People in general and public representatives do not feel that they have obtained value for money. They seem to have been given access to 24-hour answering machines and it is becoming increasingly difficult to deal with officials on a one to one basis.

I will now deal with the Bill. Before going to work for Fianna Fáil in 1977, I worked as a water inspector with Kilkenny Corporation. I also worked in the capital with Dublin Corporation. The tools of the trade I used at that time are still used today. One used to have a long rod with a wooden piece at one end which helped one find leaks and determine the location of the mains. Not much has changed. There were people in Kilkenny who were provided services and ensured a decent supply. The late Jerry Davis, who worked for Kilkenny Corporation and Kilkenny Borough Council for many years, used to do what is set out in the Bill. He endeavoured to conserve water by identifying leaks throughout the system, improve that system and map out the location of the pipes. When he died it was a huge loss not only to his family but also to the borough council he served. I am sure there were others like him throughout the country who gave extraordinary service to local authorities. They went way beyond what was expected of them and did major work in terms of conservation and delivery of service.

The Bill should contain some statement in respect of a charter of customer rights and set out, in clear terms, for the new water authorities or local authorities the nature of those rights. If we do not do that, we will continue in the same vein. The onus will be on customers who make complaints, either individually or, if a group scheme is involved, collectively to prove that something has gone wrong. There is no doubt that something is seriously wrong with our current water systems. I can cite examples in my county where there is poor water pressure or no

water at all. In Ardara and the greater Castlecomer area the water supply is diabolical. The water that comes out of the taps is brown and people cannot use it to wash clothes or have a shower or bath. The furniture in their toilets and bathrooms has been destroyed by discoloration.

Complaints to the local authorities in the areas to which I refer have not been followed up in a serious way and there has been no investment in the water infrastructure. Every effort made by local communities to protect the health of their members has been ignored. When the EPA or other agencies were brought in to investigate, they proved to be more of a hindrance than a help. Why can the local authorities not respond in a more deliberate and accurate way? Why can they not deal with the systems that are in place, identify the problems that exist, seek funds and rectify the situation without putting individuals and communities to the test of their mettle with regard to the length of time they might stay the course in their efforts to ensure that problems with their water systems are rectified? Surely it is an essential right to have proper water supplies in homes, factories, schools or wherever. Where that is not happening, local authorities should be obliged to take immediate action.

The other issue with which the Bill deals is zoned land and the proper infrastructure attaching thereto. I highlight an example in Kilkenny city, the western environs of which are being developed. The standard planning permission to build a house in the area attracts a charge of €3,500. As stated, at one time people received grants but now they are presented with bills. However, for an area of the sort to which I refer in which development is taking place there is an additional charge of €14,500. I am sure Members who represent other urban areas could cite similar examples. It will cost people wishing to live in the area to which I refer, which is important to the development of the city of Kilkenny, far more to do so. It will also cost far more for jobs to be created there because of the charges that must be paid by developers. Surely there is a more sensible way to approach this matter.

Local authorities must ensure that housing numbers, in terms of construction, are met. In terms of employment, we must deliver jobs in commercial or industrial units at a proper rate and cost to developers and people creating employment. However, that is not happening and we will pay the price because we will add further to every cost along the line if there is not proper intervention. The latter can be achieved if there is that same dynamic to which I referred at local authority level. What is required is that managers' big sticks must be removed and members must, in real partnership with officials, achieve a workable solution within zoned areas. That does not appear to be catered for in the Bill. We better take note of that fact because we are simply passing the costs further down the line. It is not right that we, as legislators, would do this and not recognise the

impact of that cost on the services infrastructure, be it water or roads, and the social infrastructure, which will also be harmed.

Part 4 of the Bill refers to the treatment of waste water etc. A state-of-the-art plant was built in Kilkenny to cater for its residential, industrial and commercial needs. For the past 15 years, however, it has been a nightmare to live anywhere near that plant. Regardless of the public debate about the odours emanating from the plant, there continues to be no improvement. Some of the residents who live on a road which runs close to the plant were obliged to move out of their homes at weekends because of the smell. They made complaints to the EPA and the European Union. If one lives close to the plant, one still gets the same disgusting smell. The people who work in IDA Ireland's nearby industrial estate are also obliged to endure the sickening odour from the plant. Consultants have investigated the position. The Government allocated €6 million during the past 12 months for the plant to be modernised and brought up to scratch in terms of its operations. However, that money has not been spent. The River Nore is being polluted on a daily basis when the plant malfunctions. That is unacceptable.

I return to the issue of a charter of rights for consumers. Consumers should have immediate access to the local authority to demand action. In the event that no action is taken, I do not mind if the Minister has an input to ensure it is taken. It is not acceptable that money allocated for a purpose is not spent efficiently to deal with a real problem.

I underline again for the benefit of the Minister of State that the area of north Kilkenny to which I referred has experienced ongoing problems with water over the past ten years. It is unacceptable that the water supply cannot be used in a growing urban centre such as Castlecomer. Various centres of population, including villages such as Golden, Paulstown and Goresbridge which once consisted of just a few houses, are mushrooming with houses being built where they had not been envisaged. These thriving villages have a poor water supply. We must show greater intent in the Bill to provide the funding required for water schemes to service these new houses and to decide retrospectively that areas such as these, which are experiencing population growth and will perhaps enjoy the fruits of decentralisation when it rolls out, will have a water scheme.

What will happen when demand for housing increases not only from the indigenous population but also from those prepared to invest in population centres such as the villages I have mentioned? This also applies to Kilkenny city, which has a deplorable water supply that affects the hospital. We should not be afraid to identify these problems and find a way in the legislation to provide adequate funding to enable schemes to proceed.

The Bill makes provision for design, build and operate programmes. I am concerned by the

speed of delivery, particularly with regard to what is known as the Purcellsinch plant which was shockingly slow. This would not happen in business. We need to identify schemes and work proactively with the local authorities that are showing concern and begin to deliver.

I welcome the Bill. I do not wish to discuss it section by section but will focus on Part IV, which provides powers and obligations in relation to the management and protection of waste water infrastructure. The word "nuisance" is used, although not in terms of local authorities which are being a nuisance, as is often the case. They create nuisance through poor water supply or poor senior management in waste water treatment plants.

We want an adequate supply of grants. Section 17 empowers the Minister to make regulations establishing a scheme of grants assistance. We need to be serious about grants, rather than offering only a percentage of the cost of a scheme. A substantial percentage of the cost must be made available because standards must be met and the cost of schemes has increased significantly.

I note in a report from County Kilkenny that 124 groups are served from a private source and 108 groups are connected to the public water supply. Some of the groups in question have been in the system for years. Some are being built by the south Leinster DBO bundle and will require substantial funding to cover construction costs and maintain continuity and proper service.

While the legislation is important, we need the fine detail because sometimes the devil is in the detail. I encourage the Minister to press ahead and to examine the powers of local authority members. The most important issue raised by Members during the debate has been the need to provide proper, adequate funding for the public water supply and the group water and sewerage schemes. I wish the Minister well in his brief and with this Bill.

**Ms Shortall:** I will raise a number of issues which have cropped up from time to time in my constituency, some of which affect the north west of the city and part of Dublin county in particular. The Minister of State, as my constituency colleague, will be familiar with the issues I propose to highlight and I ask him to respond.

One question which crops up regularly and is often brought to the attention of local Deputies or councillors is how residents should deal with blocked sewers. In general, such cases are satisfactorily resolved when residents get together and sort out the problem by paying for a commercial company to clear the system. If difficulties arise, an environmental health officer will step in and, if necessary, issue legal notices to residents pointing out their legal obligations to keep sewers clear. Circumstances arise, however, which make matters difficult for residents and on which clarification is required. Under existing law, the position is not clear and I am not certain the Bill adequately addresses the issue.

[Ms Shortall.]

What action can be taken, for example, if a problem arises with a sewerage system serving eight or ten houses and one of the residents cannot be contacted? The Minister of State will be aware of a recent case in the Courtlands Estate in our constituency when one of the residents, in whose garden the manhole of a sewerage system with which there was a problem was located, was not at home for several days. Local residents served by the same system were not clear as to what were their rights in respect of entering the person's residence. I have not been able to establish whether this issue is addressed in the Bill.

It is unclear if people served by a particular system which is accessed in an unoccupied house have a right to enter the premises in question. Will the Minister of State clarify the matter? I presume an environmental health officer will have such a legal right. However, cases of this nature frequently arise at weekends or evenings when an environmental health officer cannot be reached and residents need to take immediate action. Time is of the essence in many such cases as sewage could spill into gardens. How do residents deal with such a case?

Some residents are not prepared to contribute to sorting out a sewage problem by meeting some of its costs. In the Dublin area, in particular, many houses are let to non-nationals, for instance, who may not understand how the system works, or to tenants who do not take responsibility for a problem or understand the need to co-operate with their neighbours by contributing to the cost of sorting out a problem. In such circumstances, the residents affected who are willing to contribute to solving the problem are at a loss and it often falls on a small number of people served by a system to pay to clear a blockage, although they have had no role in contributing to it.

Similar circumstances arise with regard to other utilities. The ESB, gas companies and other utility companies have the right to enter properties to deal with urgent matters. I presume local authorities have similar powers. If the local authority is not available to deal with the problem, residents do not know what to do. There is a strong case for changing the system to enable local authorities to do whatever is necessary to clear the system by dealing with the blockage and then charge the residents or the house owners later. That would be a more satisfactory way of dealing with it. It is not satisfactory to leave it to the private residents to sort it out, particularly at weekends.

The issue also arises with commercial companies. Do they have the right to enter properties without the express permission of the owner? Those matters need to be sorted out. I increasingly encounter difficulties in sorting out these problems in my constituency, and I am sure they occur elsewhere. Invariably, a small number of

the residents affected take responsibility and bear the brunt of the costs involved.

Another issue is the adequacy of the surface water drainage system in the north city and county of Dublin. Over recent years there has been unprecedented development on the north side of the city and along the fringe area running between the city and county boundary from Coolock to Blanchardstown. One of the main developments there is the Dublin Port tunnel. From an engineering point of view it is a massive project but presumably it has an impact on the water table, underground streams, water supply generally and drainage facilities. However, the extent of the impact on the existing natural drainage system underground in that part of the city has not been clarified.

In addition, substantial development is taking place on the grounds of DCU. It is concentrated and intensive development. There is also the housing development taking place in the south Fingal area which will result in between 5,000 and 6,000 new dwellings being built north of Ballymun and Finglas within a short period of time. Furthermore, there is the regeneration of Ballymun which will double the number of housing units. While the developments are welcome and the infrastructure for sewerage and water supply has been put in place, through the north fringe sewer and the north city water mains system, I am not satisfied that sufficient consideration has been given to the surface water drainage system.

The infrastructure for surface water drainage is not adequate in the north city and county. A number of problem areas have come to my attention recently — the Minister of State, Deputy Noel Ahern, will be aware of them. In the Ballygall-Wadelai area, there are serious problems with drainage. Many residents report that their floorboards are rotting because of water gathering underneath their houses. The natural drainage is not taking place as it previously did. These people have large gardens and they have become waterlogged. That, in turn, has a detrimental impact on their homes.

Recently I attended a public meeting in my constituency where public representatives and council officials were told many stories about the effects of this, such as the constant smell of dampness in homes, rotting floors and serious difficulties with draining gardens and the area in which the houses are built. This problem did not always exist there. The area was always inclined to be damp but the problem has been exacerbated to a great extent in the past three years. It is hard to believe that it does not coincide with the huge level of development in the area.

Obviously, this is intolerable for the residents concerned. The council has put forward proposals for the residents to provide their own drainage systems but the cost is prohibitive for many. Residential areas should not be burdened with that cost simply because the existing infrastructure is inadequate. What examination has been carried out by the Department of the adequacy of the



infrastructure to deal with surface water drainage in the north west of Dublin city and county?

Other difficulties which have arisen obviously relate to the regeneration project in the Ballymun area. It will be necessary to provide a ponding system in Poppintree Park to deal with drainage in the area, which has always been problematic. Additional problems were encountered recently with the drainage connection into the Wad River. The river encircles almost all the area I am discussing — Ballygall, Pinewood, Willow Park, Poppintree and Ballymun. It is more than a coincidence that these problems are arising at this time. There are serious difficulties with the Wad River and its ability to drain the area adequately. Large parts of the river have been culverted and this will seriously interfere with the natural drainage system. If water cannot get access into a natural river bed, as it cannot now due to culverting of the river, alternative arrangements must be put in place.

The Minister should give his attention to this issue. It is something for which the Department should take responsibility. It is beyond the capacity of individual residents to deal with it and they should not be expected to do so. It is the downside of the development that has taken place in recent years. Given that the Department has been involved in and funded the upgrading of the water supply and sewerage systems, it is time attention was paid to the surface water drainage system in the area as well. I ask the Minister to give the matter his urgent attention because it is affecting an increasing number of households. The area affected by this problem is continually widening. The problem crops up within a mile of what had previously been the only problematic area and it seems to be linked to the ongoing development I mentioned.

The third issue I wish to raise is what is happening to the Tolka River. It is a fine river that runs through the north side of the city but, unfortunately, it has been seriously damaged as a result of pollution associated with commercial activity. There is a particular problem in the Finglas area in the vicinity of Dunsink Lane, where a number of houses have been constructed without planning permission. Many of them have sewerage systems that go directly into the River Tolka. I appreciate the efforts being made to deal with the criminal activity that has long been taking place on Dunsink Lane and I hope those efforts will be increased over forthcoming weeks and the problem areas will be dealt with so people who are legally living in Dunsink Lane will be able to return to normality in the near future. That depends on the gardai doing their work.

There are also huge environmental issues in the area that need to be tackled. Obviously, there is the issue of dumping and the rehabilitation of the lands that appear to have been used as a private landfill for the past few years. However, that is another day's work. Nevertheless, there is a problem with the Tolka River and the lack of adequate sewerage systems for the illegal houses

in the area. The serious pollution taking place in one of the finest rivers in Dublin must be tackled as a matter of urgency. I hope the Minister will ensure that his officials contact the relevant officials in Fingal County Council and Dublin City Council, given that the river runs through both authority areas, and have this matter dealt with urgently.

**Mr. J. Brady:** I congratulate the Minister, Deputy Roche, on his appointment as Minister for the Environment, Heritage and Local Government and wish him well in that post. He will not be found wanting as he is an able Minister.

As members of local authorities over the years, Members have put significant effort into ensuring water was provided for group schemes. In my area of north Meath, the Kells-Oldcastle area, which has a large rural hinterland, the source of supply comes from the Meath-Westmeath border at Loughbawn. It is a good supply but, unfortunately, water has become scarce in recent years due to lack of rainfall. It was necessary to put in place the Kells augmentation plant which is now up and running and takes the pressure off Loughbawn.

The local authority officials and all involved have provided first class water for towns such as Kells and Oldcastle, villages such as Kilskyre, Drumbarra, Carlanstown and Crossakiel, other rural schemes such as those at Collierstown, Fenner, Moylough and Dromone, and additional extensions at locations such as Kilskyre, Newtowngarley and Ardglassen village, an old village which never had a water supply. It is tremendous that these rural locations can be supplied with top quality water. I thank all concerned and the successive Governments which provided funding for these services over the years.

I served on a local authority for 30 years and saw different Governments come and go. They were all very helpful to local authorities and communities, particularly in rural Ireland. The Minister, Deputy Dempsey, when Minister for the Environment and Local Government, brought in a scheme of grant aid for individual wells, which has been helpful to many in rural Ireland who had to provide their own water after wells went dry, were polluted or otherwise. Such schemes were welcome.

I welcome the Bill and compliment the Minister on bringing it forward. The provision of water services is a key responsibility for local authorities because water services are directly provided by local authorities. The day is long gone when we could afford to be carefree about the source of our drinking water and not be concerned about dumping our waste water in rivers, lakes and the open seas. Under the national development plan, the Government is providing First World water services infrastructure. We are spending considerably in excess of €4 billion in the period to 2006. This investment is rapidly transforming our water services from low tech



[Mr. J. Brady.]

and low cost to state of the art and high cost. This is especially so in the area of waste water treatment. A large part of the investment is in ensuring compliance with the EU urban waste water treatment directive. However, the Government, in a purely national initiative, is going even further. Modern treatment facilities are being provided for all centres down to those with a population of 1,000.

It is important that these valuable assets be properly managed to maximise their lifespan and efficiency of operation. This is being achieved in part through the method of procurement. All major projects are now procured on a design, build and operate basis. This gives us the best practice which the private sector can provide while in no way affecting ownership of the assets. The Bill itself is a key instrument in modernising our approach. It places water services on a more professional footing with clear responsibilities and accountabilities. The Minister will be in a position to ensure that the investment being made is matched by greater efficiency of operation. Our First World infrastructure deserves First World management.

Set against these achievements, we must acknowledge the continuing problems, most obvious of which is the case of drinking water quality in rural areas. This has been the subject of an adverse judgement against Ireland by the European Court of Justice. Failure to respond properly to this judgment could result in very heavy fines.

The people of rural Ireland are as entitled as everyone else to good quality drinking water. The Government is taking a twin-track approach to tackling this problem rapidly. Some €450 million is being invested in the rural water sector under the regional operational programmes. Alongside this, the Bill provides for the licensing of group water schemes. The Bill copperfastens a new relationship between local authorities and the rural water sector. Water services authorities will have explicit supervisory duties and responsibilities. They will also play a significant supporting and advisory role in regard to the group water scheme sector.

Modern regulation places greater demands than ever before on providers of water services, and rightly so. This can place a particular burden on the members of various voluntary community groups who toil selflessly on behalf of their friends and neighbours to provide them with essential water services. The Bill puts in place a formal mechanism through which local authority expertise can be applied to nurture and sustain this effort. Licensing is necessary to ensure standards are met, public health is protected and EU obligations are fulfilled. It will also provide a formal mechanism for local authorities to guide and assist with the development of group water scheme operations. The provision in section 91 will enable a water services authority to take over temporarily the operation and management of a

scheme. It complements their licensing role in regard to the sector. The advantages are clear when one considers the alternatives.

The Bill strikes a balance between the strict regulatory requirements which are necessary to protect public health and the reality of water services provision in rural Ireland. It will be important that this balance is maintained by water services authorities as they perform their functions under the Bill, and the Minister will have powers of direction to ensure this is so. It is to be hoped that the deepening relationship between the group water scheme sector and the local authority sector will sustain this balance in the first instance.

The contribution which the group water scheme sector made to community development is immense. It has also contributed to the quality of rural life in general. This Bill will help to ensure the continued success of the movement and sustain this unique feature of Irish life. It has been developed in close consultation with the group scheme sector and is designed to help these very important service providers to reach best practice standards. I am assured it will not in any sense be punitive but will take a progressive developmental approach.

The detailed regulations which will give effect to the Bill will also be the subject of comprehensive consultation with the sector. The Bill establishes clear lines of supervision from the Minister through the local authority sector to the group water scheme sector. It will facilitate a robust and uniform application of quality and customer service standards across the entire spectrum of water services delivery and it will help to maintain and nurture the valued input of existing service providers to this vital public utility.

Availability of clean water and adequate sewage collection facilities is a fundamental prerequisite for a modern, successful society. Water services must be provided in a manner consistent with public policy and in accordance with prescribed standards. It is intended that the provision of water services by water services authorities will be keyed into pivotal national policy on planning and sustainable development. When carrying out their functions, water services authorities are obliged to take full account of relevant development plans, housing strategies, guidance from the Environmental Protection Agency and other specified plans and regulations. These obligations extend also to the supervision by water services authorities of other water service providers.

The Minister has outlined a range of duties of care which are placed on occupiers and owners of premises in relation to the sustainable use of water supplies. It is essential that every possible means of redress be available to anyone who is affected by a breach of such duties of care. The provision in section 70, in addition to enabling relevant water services authorities to prosecute offenders, provides for a direct means of redress

*1 o'clock*

for anybody affected by a breach of a duty of care under the section by means of a complaints procedure to the District Court. Such a procedure is in place under the Environmental Protection Agency Act 1992 regarding noise pollution complaints and has proved to be effective.

This legislation has teeth. Substantial fines of up to €15 million apply to specified offences. A court may also order that a person found guilty of an offence should, in addition to any penalty imposed, carry out all necessary remedial works to make good any damage caused. We are all aware of the number of illegal collectors who have been operating for many years and with whom local authorities have not been able to get to grips. It is not fair that some people must provide a proper collection while those I can only describe as cowboys get away with not doing so.

**Mr. Timmins:** There is none in Wicklow. They are all in Meath.

**Mr. J. Brady:** The Minister will help the Deputy to straighten them all out.

Section 10 obliges a court, unless it is satisfied that there are special and substantial reasons, to order a person convicted of an offence to reimburse the cost of investigating and prosecuting the offence to the prosecuting authority. Section 11 enables a prosecuting authority to apply to the court for payment to it of the fine income. Water services authorities can thus set about the performance of their enforcement functions in the knowledge that they will not be burdened with substantial additional costs.

The provisions relating to water conservation is welcome. These are essential provisions. Water services authorities will have power to direct owners and occupiers of any premises to take corrective action to avoid wasting water and to restrict supplies in times of drought. These powers will apply whether a particular water service has been provided by the water services authority.

A new nationwide water conservation drive is currently under way involving substantial investment of public funds in the renewal and upgrading of mains distribution networks. There is little point in such investment, however, if hard-won gains are wasted. This Bill is a practical example of what can be achieved through streamlining of public regulation. It gathers together many diverse items of legislation into one easily accessible statute. It also explicitly ties in administrative procedures under the Bill with existing practice in other areas of public administration. Such cross-referencing and standardisation of procedures will lead to greater all-round efficiency in the delivery of public services and facilitate better public understanding of the operation of public administration in the country. The powers of acquisition in Part 7 link acquisition for the purposes of water services provision explicitly with general powers of acquisition under the Planning and Development Act 2000. This will ensure that

the same procedures are used for land purchases in connection with water services provision as for other areas of public services provision.

The Bill will protect water services distribution and collection networks. One very practical and essential way of doing this is by preventing unauthorised connections to public water and waste water facilities. Sections 55 and 61 of this Bill detail the requirements necessary before such connections can be made. Clear provision in this regard is essential. Protection of the network makes sound financial sense, increases efficiency, is environmentally sustainable and prevents fraudulent use of services.

Of paramount importance is the overriding concern to protect public health at all times. Authorised persons will have extensive powers under section 22. If a supply is found to be unfit for human consumption, a water services authority is required to restrict or prohibit supply or take whatever other action it considers necessary to protect human health or the environment, and to issue a warning to users.

I welcome the Bill and thank the Minister of State and the Minister for bringing this Bill before the House.

**Mr. Timmins:** If the Minister of State at the Department of Community, Rural and Gaeltacht Affairs, Deputy Noel Ahern, were never to hold a clinic during the next 12 months, he would still have enough on his plate from his constituency colleague, Deputy Shortall. The issues she raised would soon use up €650 million that is lying in the Department.

There is one issue I would like dealt with more than any other. I am not sure whether it can be accommodated in the Bill, but if possible I would like to see it done. It relates to the mantra of industry, with which we are very familiar, that the water taken into industrial plants is cleaner when leaving. That may be justified in some cases. If that is the case, the law should be amended to ensure the water take into industry is taken from below the outflow position, as has been done in some countries. This would be important, particularly for the chemical industry, because it is better if the water were cleaner coming out than when going in. I accept there would be a cost but the Minister must examine this process because it would allay many fears and assist in cleaning up our waters.

Deputy O'Dowd spoke about how powers were being removed from local authority members and given over to city and county managers. The Minister indicated in a press statement that he will amend the Bill to include a reserve function so that councillors will have the power to draw up schemes. In his speech, the Minister explained how this Bill replaces legislation from 1878 and he alluded to Isaac Butt, Charles Darwin and everyone else apart from Mrs. Brennan's bread. Local government was initiated in 1898. In County Wicklow, the Nationalist MP, E. P. O'Kelly, was instrumental in pushing for its estab-

[Mr. Timmins.]

ishment. Despite this, no legislation has been introduced to reform local government since.

While the Minister may disagree with me, council members have little or no power. For example, I could not find out how much moneys my local authority had in bank accounts. I know of no other public representatives or local authority members who have found out this information from their local authority. What power has a local authority member if he or she cannot find out how much moneys are in the authority's accounts? Will the Minister ensure the chairmen of strategic policy committees discuss with the various directorates how much money is available to them for the year and what projects will be initiated? At the moment, they do not have a clue. There are no structures or mechanisms in place for members, and by extension the public, to find out what is happening in local authorities.

From what Deputy McGuinness said about the first-time buyer's grant and the additional charges to house prices, he should be on this side of the House. I admire his openness and honesty. I know contributions made in the House are often tampered with or presented in a different light than was intended by press officers. I do not say that any political party has a monopoly on righteousness. However, it is a pity that this happens because Members tend to refrain from analysing legislation in the manner they should. County Wicklow has similar problems with water services as counties Meath and Kilkenny. This may seem unusual since it supplies most of the capital's water. It is often claimed that life expectancy has been extended due to advances in medicine. However, advances in engineering have contributed as much if not more to life expectancy. The engineering profession is often forgotten but I acknowledge its role in the provision of water services.

I like to see the good points of a Bill as opposed to its bad ones. The Minister referred to public private partnerships and design, build and operate schemes. Members are honing in on these as acting as the Trojan horse to introduce water charges and privatisation. However, there are no correct operational and budgetary structures in many sanitary services. I must stress to the press officers that I am not advocating the privatisation of the water services. However, I wonder if some of them were, would they be more efficient? Millions of euro have been spent over the years on our water services, yet there are few places that have a satisfactory water supply. There might not be a general perception of these difficulties but when one speaks to individuals, all experience difficulties with water supply. I welcome the advancement of the PPP provided it will not cost the State more than if it borrowed the money and it is not duped into buying a pig in a poke. I welcome the design, build and operate concept. I know a number of small water schemes where if I had just a few thousand euro, I would have corrected the problems. Reading cuttings from local

newspapers, one will note everyone trying to reinvent the wheel rather than addressing the minor problems in water supply.

The Minister acknowledged that water charges already exist. Businesses and farmers are charged for water supplies but not everyone pays. Local authorities are not the best for following up on these arrears. One problem is that many people's water supplies, unknowingly, have water leaks, leading to substantial water bills and subsequent disputes with local authorities. This problem must be addressed. It costs to provide a water service and we all pay for it in some manner or form. In the last round of council estimates, businesses were hit with an inordinate increase in their water rates and charges for the disposal of waste water. Some are now aware of this because they only recently received their bills. It shows the weakness of the system when the message of what happens at local authorities does not get through in time to the people most affected. This issue goes back to the larger problem of local government funding. Deputy McGuinness referred to charges for houses in west Kilkenny. The Government extols the virtue of low tax rates but it is afraid to take the hit on the many stealth taxes. One reason house prices have risen so much is the additional charges on developers. Ultimately, these are passed on to the individual purchaser.

Section 48(2) allows local authorities to levy charges in specific circumstances. However, this can be abused, as has happened in County Wicklow where such charges have been added to house prices. I am glad that the Bill permits An Bord Pleanála to set fees or charges for water connections. I do not blame local authorities because they are starved of funding. However, they are forced to use unjust ways of collecting money. I do not believe a system where a small number of people pay for something that benefits everyone is a just system. It must be tackled and before the next general election, all political parties must set out their proposals on local government funding. This problem has existed since the promises made in the 1977 general election.

It is argued that a charge on consumption rather than a flat rate promotes the concept of water conservation awareness. The Minister stated that the water conservation measures will not be fully effective until there is broad public awareness of the fact. Will he clarify what is meant by "broad public awareness"? How will the charge be introduced into the public domain?

One of the difficulties I came across with group water schemes relates to when new wells have to be bored. The local environmental engineer has to negotiate with the landowner for the wayleave to the land to sink a well. Most people are reasonable but the one thing that really drives them crazy is if their neighbour gets more than they do. I would welcome the introduction of a transparent mechanism for payment in such cases because if a person is offered €5,000 while his neighbour was offered €35,000 for the same thing there would be hell to pay and this would cause



difficulties with the boring of wells which could bring necessary projects to a standstill. Land-owners should be informed as a group of what procedure is in place, otherwise stories develop legs that can lead to difficulties.

Section 56 refers to the power to cut off water from a premises if there is abuse or if excessive amounts of water are being used. I am not sure if this refers to households. It would be draconian to give a local authority power to cut off water to a household. Perhaps I am misinterpreting the word "premises". It could relate to commercial premises. If the Minister or Minister of State were watering the garden on a Saturday or washing the car they could use up a large amount of water. An elderly person next door would use significantly less water. It is difficult to reconcile both parties paying the same amount, through general taxation. The importance of water conservation cannot be overstated. Some mechanism needs to be put in place to reward water conservation.

Section 51 states that an alternative supply of drinking water is to be provided where domestic drinking water supplies are interrupted for more than 24 hours. I wish local authorities and the Department well in achieving this, as a significant cost could be incurred. Hardly a week goes by when some community does not get notice to the effect that drinking water should be boiled. I am aware of a recent case where the supply has been cut off for two weeks. A great deal of funding would be required to provide an alternative supply. I assume in most cases water trucks would be used. I do not know how the Minister will meet the requirements of that section. The provision is right and just but I will have to wait and see how it will operate.

One of the difficulties in my constituency, which no doubt, is common to other areas is that in spite of planning permission being granted, householders often move in to new developments to find their water is contaminated or sub-standard in some way. Unfortunately, the one who takes the full force of the problem is the local politician. Council officials then get it indirectly but it is a problem in all cases——

**Mr. Ring:** If they are not on holiday.

**Mr. Timmins:** If they are not on holidays, or their phones are not on automatic answering. Unfortunately, the poor politicians are working all the time.

Local authorities should not permit developers to sell a house until such a time as the water has been tested and passed. I accept that difficulties can arise because purchasers are keen to get the go-ahead and solicitors are putting on pressure to release properties. When people move to a new property, they expect that they will have a good water supply, and rightly so. However, in many cases the standard of water is not adequate. This difficulty can easily be addressed. The developer should solve the problem but he has to be policed by the local authority. People should not be allowed sell their properties until the water supply has been passed. The onus should not be put

on local authorities to take over inadequate water supplies, as has happened in some cases. It is difficult for the public to understand the number of schemes that exist where problems still remain with the water supply.

Reservoirs at Poulaphouca and Vartry supply water to Dublin. The old chestnut is often raised as to whether we cannot look at taking them back from Dublin City Council to get money for them. When Mr. Peter Barry was Minister for the Environment in the early 1980s he looked at this matter. I understand it is not really a runner for Wicklow County Council to take it over as it would even have cost it money. Last year some €25 million was received in income for the water supply but the cost of the upkeep of the reservoirs was €35 million. I am aware the system is very old. The new Minister for the Environment, Heritage and Local Government should carry out a study of this operation, its upkeep, income and so on.

Poulaphouca reservoir was set up in the late 1930s. It resulted in what was probably one of the few resettlement strategy policies in the country. Many people had to move from their homes. People who live in the vicinity of Poulaphouca Lake, which covers Blessington, Valleymount, Lacken, Ballyknockan and Manor Kilbride, cannot build a house within 200 metres of the lake, nor can they build a house within 100 metres of a feeder stream. No sewerage facilities can be provided in these areas. Following a decision of An Bord Pleanála, planning has been frozen in the village of Valleymount, which is on a peninsula that runs into the lake. The children of people who originally moved out of the lake area to the perimeter cannot now get planning permission in this area. This is not an exaggeration. In the past week I came across two cases where Dublin City Council and the environmental health officer recommended refusal of both applications, which were then withdrawn.

Will the Minister examine the issue of providing funding for a sewerage scheme in this area? I realise that relative to the number of households that will benefit from it, it would be an expensive project but due to the resettlement strategy the next generation should not be penalised. There is nowhere else for these people to go. They will be forced to move out of the area altogether. Dublin City Council is right to ensure the water quality is monitored and properly maintained but it saddens me to see a generation of people being hindered.

Recently a man who lives close to the lake explained his difficulty to me. His distance from the lake is disputed. His architect claimed he was 215 metres from the lake but the city council stated he was within 200 metres of it. From his house he showed me where his grandfather's house stood on the edge of the lake, where it could be seen partly submerged in water. They had to move from that house to where he now lives. This man's daughter has now been refused



[Mr. Timmins.]  
planning permission and I urge the Minister to examine the matter.

Illegal dumping in County Wicklow has caused a great deal of concern due to the impact it may have on water quality. I am aware the Minister has looked at invoking powers under the Waste Management Act to get people to remove waste. I was surprised to see in a newspaper yesterday that the IDA has an illegal dump with 40,000 tonnes of waste on its land at Belcamp and that it is currently seeking an application to keep it on site. That sends a poor signal to communities trying to get illegal waste removed from their areas to see a Government agency making an application for retention. I will follow up on this matter.

The intake of water used by chemical and pharmaceutical plants should be below the outflow to ensure the water is pure.

Debate adjourned.

#### Allocation of Time: Motion.

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** I move:

That, notwithstanding anything in Standing Orders or the Order of the Dáil of this day:

No. 15*b.* motion re abduction of Mrs. Margaret Hassan, on the Supplementary Order Paper, shall be taken today immediately following the announcement of matters under Standing Order 21, and the proceedings thereon shall be brought to a conclusion after 65 minutes, the Order shall resume thereafter and the following arrangements shall apply:

(i) subject to (ii) the speeches shall be confined to the Taoiseach and to the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group, who shall be called upon in that order and shall not exceed 15 minutes in each case;

(ii) Members may share time and;

(iii) The Minister for Foreign Affairs shall be called upon to make a speech in reply which shall not exceed five minutes.

Question put and agreed to.

*Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.*

#### Ceisteanna — Questions (Resumed).

##### Priority Questions.

##### Abbey Theatre.

144. **Mr. Deenihan** asked the Minister for Arts,

Sport and Tourism the position regarding the relocation of the Abbey Theatre; and if he will make a statement on the matter. [25704/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** An Agreed Programme for Government commits the Government to rebuilding the Abbey Theatre. As I have previously informed the House, the Government authorised me last year to invite expressions of interest by way of public invitation from the private sector in participating, on the basis of a PPP, in the capital redevelopment of the Abbey Theatre in and/or around the vicinity of the site of the existing theatre. My Department, with the Department of Finance and the Office of Public Works, has been working to implement that decision for the purposes of developing the project, in respect of which it has been determined that the accommodation brief for a new theatre should satisfy the following requirements: to be a signature development, representative of a national theatre in the 21st century; to be in an appropriate civic setting and form part of the overall urban regeneration represented by the O'Connell Street integrated area plan and the north east inner city plan; three significant enlarged auditoria, the Abbey, the Peacock and a third multipurpose space; a dedicated education and outreach facility; a publicly accessible archive; restaurant-bar; improved public areas; disabled access for audiences and artists; and best practice theatre production facilities.

Other design constraints include a requirement for the Abbey and Peacock Theatres to function efficiently, effectively and without compromise; the stages of both the Abbey and Peacock Theatres to be positioned at ground level; and easy access, also at the same level, to the scenery store and the prop store.

In common with many Deputies and with other interested parties, my preference would have been to redevelop the theatre at its present location. However, taking into consideration the requirements I have outlined, it became apparent that redevelopment of the Abbey Theatre where it now stands would be problematic as it would necessitate a much larger footprint than was currently available and for which the acquisition of adjacent properties would be required. As this would likely have been both costly and time-consuming, I reluctantly decided that we had to look elsewhere.

The Office of Public Works has been engaged in the exploration of all available options for locating the Abbey Theatre elsewhere in the city centre. At one point it seemed that proposals being pursued by Dublin City Council for development of the site of the former Carlton Cinema in O'Connell Street might be capable of accommodating the Abbey Theatre. As the Deputy is aware, however, the site is currently the subject of legal proceedings which may not be resolved for quite some time. Accordingly, I have now asked the OPW to look urgently at other

options and to advise me as to their feasibility. For reasons of commercial sensitivity I would prefer not to identify the locations currently under consideration.

**Mr. Deenihan:** As it is only about 60 days to the end of the year in which we celebrated the centenary of the Abbey Theatre, are we any closer to an announcement on a new site for the Abbey? Can the Minister give any commitment today that an announcement will be made before the end of the year?

**Mr. O'Donoghue:** As Deputy Deenihan will be aware, I have stated that I hope to announce the site of the new Abbey Theatre during this the centenary year of the Abbey. It is still my intention to try to obtain a Government decision in that respect before the end of the year. I hope to come to the Government very shortly with a recommendation and I sincerely hope it will be in a position to adhere to that recommendation and that we can then announce the site for the new national theatre.

**Mr. Deenihan:** In view of the urgency of this announcement, is the Minister confident the OPW can come up with a favourable proposal within that timeframe?

**Mr. O'Donoghue:** I am relatively confident that the Office of Public Works will be in a position to positively identify the preferred site. Obviously, there are varying views in that regard. However, I will listen carefully to the advice they have to offer regarding the suitability of each of the respective sites. I will then make a recommendation to the Government and at that point I hope the Government will make a decision. It is important we try to move this along now. We have had many problems. We have had problems with the current site of the Abbey Theatre regarding the extension of the footprint and acquiring a property, which would take a considerable period of time and great expense. We have also had legal difficulties in regard to the Carlton site. On this occasion I hope we can be free of complications and that we can get a decision from the Government which will see the Abbey view its new home.

**Mr. Deenihan:** Has the Minister carried out an evaluation of the value of the existing Abbey site in terms of using it as collateral for the purchase of a new site? Has a value been put on the current site which must be viewed as prime property in the city centre?

**Mr. O'Donoghue:** That issue does not arise if the Government decision is as was indicated, that is to say, we would have a public-private partnership. I can inform the Deputy, however, that it was the view of the Office of Public Works that it would be likely to cost in the order of €50 million to acquire a sufficient footprint on the present site of the Abbey Theatre.

**Mr. Deenihan:** Is it the intention to sell the present site if the Abbey is moved to another site?

**Mr. O'Donoghue:** No decision has been made in regard to that.

#### **Lansdowne Road Stadium.**

145. **Mr. Wall** asked the Minister for Arts, Sport and Tourism if he has had discussions with the IRFU and the FAI regarding potential venues for home international rugby and soccer matches while Lansdowne Road is being redeveloped; when work on this project will commence; when it is likely to conclude; and if he will make a statement on the matter. [25565/04]

**Mr. O'Donoghue:** At the beginning of September 2004, a formal legal agreement to redevelop the stadium at Lansdowne Road was signed between the Government, the Irish Rugby Football Union, the Football Association of Ireland, and the Lansdowne Road Stadium Development Company, the special purpose company which has been established to deliver the project. A project director has been appointed to manage the project and a steering group, which is chaired by the Secretary General of my Department, has been meeting regularly over the past six months to oversee delivery of the project. At this stage, the primary focus of the steering group is on ensuring all the legal, financial, planning and procurement requirements are met in an efficient and timely manner so that actual construction work can get under way by the target date of July 2006.

The process of transforming the existing well-loved but outmoded stadium into a state of the art facility which will satisfy aspirations of both the IRFU and FAI and, indeed, the sports-going public will at some point necessitate the closure of the stadium for about two and a half years. The current time-line for the project envisages that the closure period will run from mid-2006 to the end of 2008. I am aware from my contacts with both associations that they are giving some thought to their options for staging major home rugby and soccer fixtures when Lansdowne Road is temporarily out of commission. Pragmatic contingency planning clearly would require consideration of possible staging of some of these fixtures outside of this jurisdiction. It is my wish, however, that a way can be found to avoid this contingency. I imagine this aspiration is widely shared. If I can assist in any way to facilitate dialogue on this issue while respecting the autonomy of the parties involved I should be happy to do so.

**Mr. Wall:** The loss to the Exchequer of these matches would be huge and no party in this House or interested parties outside it would want that to happen. The only alternative venue for providing the facilities is Croke Park. The previous Minister for Finance, Deputy McCreevy, maintained there was no agreement with the

[Mr. Wall.]

GAA in regard to the €40 million that was outstanding. In recent weeks that was reversed and the money was allocated to the GAA to enable it to complete the stadium, rightly so. Did the GAA make any agreement or give any indication at that stage, or did the Minister's Department seek anything, to ensure that during the period from July 2006 to July 2008 any hope of staging these matches in Croke Park would be considered?

**Mr. O'Donoghue:** No conditions attached to the €40 million granted to the GAA recently in respect of Croke Park. The president of the GAA has stated several times that he would prefer that Croke Park be open for specified games on specified occasions. While it is not for me to instruct the GAA in how it conducts its affairs I welcome this statement.

Rule 42 of the association specifies that a change in the use of Croke Park or any other stadium can be facilitated only by a vote of congress. It is a matter for the GAA to make its own decision in that context. It would be unhelpful were I to say otherwise. The grant has been allocated to the GAA for Croke Park and the question of whether it will facilitate the IRFU and the FAI while Lansdowne Road is closed is a matter for the GAA to decide.

**Mr. Wall:** In my consultations with it, the IRFU said the development of Lansdowne Road is its priority but indicated the problems it has for the period in question today. When the Minister spoke to the IRFU and the FAI did they indicate whether they had made any approaches to the GAA, or if Croke Park is available whether that would be their first choice as a venue for their fixtures? Are they making arrangements for the matches to be played outside the country because of the problems posed by rule 42?

**Mr. O'Donoghue:** I will be deeply disappointed if any international fixtures are played outside the country while Lansdowne Road is closed between mid-2006 and the end of 2008. I am not aware of any formal contacts between the IRFU and the FAI in connection with the prospect of any change to the GAA's rule 42. Since Croke Park has a capacity of 80,000 it would be of considerable benefit to the FAI and the IRFU if the GAA were to decide to facilitate them but this is a matter for the GAA. The sporting public would be very disappointed if the FAI and the IRFU played outside the jurisdiction. The question would arise of people having to travel outside the jurisdiction and go to that expense should it arise. Furthermore in the spirit of national pride people would wish that the international games were played on home soil. I have no control over that. The correspondence to the president concerning the grant to the GAA did not mention it and no conditions attached to the grant. Of the grant €20 million comes from within my Department's

Vote. The balance must come from next year's Vote.

### **Tourism Promotion.**

146. **Mr. Ferris** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to the review of RTOs in the North to establish RTPs; his views on whether, due to the natural affinities which northern counties have with the adjoining counties in the South, there ought to be a common strategy in terms of tourism products, marketing and destination; and if he has been in contact with Fáilte Ireland and his Northern counterpart to ensure that this common sense approach becomes a reality within these RTPs. [25564/04]

**Mr. O'Donoghue:** For many years, policy-makers on both sides of the Border have recognised the benefits of applying co-operative strategies in developing tourism both on an all-island and a cross-Border basis. Co-operation on these matters started to become more formalised and action-oriented from the late 1980s onwards. The relevant Departments in both jurisdictions, together with the then Bord Fáilte and the Northern Ireland Tourist Board, were assisted by cross-Border funding bodies, such as the International Fund for Ireland and the EU-funded INTERREG and peace and reconciliation programmes, to develop and implement specific programmes across a range of tourism themes, for example, support for product development in the Border counties, Northern Ireland and the five southern Border counties plus Sligo, and associated training and a limited joint marketing programme. This programme focused on below-the-line co-operative activities namely, non-mainstream advertising, carried out jointly by the two tourist boards in main markets. These small cross-Border programmes took place against the backdrop of the much larger tourism product, training and marketing measures under the EU co-funded tourism operational programmes in the South.

In the mid-1990s, a new industry-led joint marketing body, the overseas tourism marketing initiative was formed. Both tourist boards were members of OTMI and its board included industry representatives from both jurisdictions. From its inception, it recognised the potential benefits of advancing an all-island approach to tourism marketing. In 1995, for the first time, an island of Ireland theme was used to advertise Ireland.

Arising from the identification of the tourism sector as a key area of co-operation between the jurisdictions, Tourism Ireland Limited, the all-island tourism marketing body, was established in December 2000 under the framework of the Good Friday Agreement. This company is responsible for Tourism Brand Ireland, strategic all-island destination marketing in all markets outside the island of Ireland, the international roll-out of regional and product marketing programmes formulated by Fáilte Ireland and the Northern Ireland Tourist Board and the oper-



ation of the overseas office network. North-South co-operation on tourism matters operates at many levels. At policy level, the North South Ministerial Council, with the Ministers from both jurisdictions, oversee and approve objectives, strategy and resources for overseas marketing by Tourism Ireland. This co-operation cascades through both public sectors through the active liaison and co-operation of both sponsor Departments on a range of issues and through the co-operation and liaison of the three bodies Tourism Ireland, Fáilte Ireland and NITB. This co-operation is mirrored in the private sector, at one level through the industry representation on the board of Tourism Ireland but also through the close working relationship of the Irish Tourist Industry Confederation and the Northern Ireland Tourist Industry Confederation.

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

The Border between the North and South cuts through several natural tourism and general development areas. If the potential of the Border region is to be properly developed, the planning strategies for the region will require close co-ordination with those in the North and close, practical co-operation will need to be fostered between the various public authorities on both sides of the Border. This will also have to extend to certain infrastructural issues given that key routes traverse both sides of the Border. It makes sense for the regional tourism authorities on both sides of the Border to work closely to exploit the potential of the natural tourism areas and the waterway systems that straddle the Border. If tourism marketing within the region is to be successful, it needs to take practical account of the cross-Border dimension and to comply with the themes and quality associated with Tourism Brand Ireland, which is an all-Ireland brand.

I have no direct responsibility for individual actions or measures relating to tourism promotion or development in so far as specific areas of the country are concerned. These are day-to-day functions of the tourism State agencies. On foot of the recommendations of the tourism policy review group, Fáilte Ireland, is actively considering the question of how best to establish a closer correlation between the identified core visitor servicing and development functions provided at regional level, and the State financial support provided through the regional entities. The outcome of this work is expected later this year and will inform Fáilte Ireland's ongoing deliberations on the most appropriate regional structures for the discharge of its functions and the relationships and arrangements that should apply at regional level. It remains a key aim of my Department and the tourism agencies, to facilitate North-South tourism co-operation in areas of mutual benefit. The principal aim will be to deliver on the potential manifested by the successful co-operation that has evolved over

many years with clear economic and social benefits for both communities.

**Mr. Ferris:** I thank the Minister for his detailed response. I welcome many aspects of it, particularly the all-Ireland dimension and the intention to develop a common strategic approach for developing and marketing Ireland as a single entity tourist project. Do local authorities in regions on either side of the Border make any direct input into the development and continuing progress of the strategy for an all-island tourist project? Does it not make sense in the marketing of Border regions which share amenities, particularly, for example, Leitrim, Fermanagh and Cavan, to take a structural approach, from the point of view of the Six Counties, the Ministers and particularly that of the local authorities which would be responsible for marketing their respective counties in a joint approach?

**Mr. O'Donoghue:** I fully concur with Deputy Ferris on that. It is also fair to say that there is a very strong case, an unanswerable case, for an ever greater degree of co-operation between the Northern Ireland Tourist Board and Fáilte Ireland. There is also an undeniable case for a greater level of co-operation to be made between the regional tourism authorities on both sides of the Border. Tourism Ireland Limited can be described as a unique body. It is unique because it is the one cross-Border development organisation which actually is in place. What is even more important is that it is a template for the future. It is important that it succeeds and the good news is that it is succeeding. For example, tourism in the North increased by 11%, for the first time in many years. All the indications are that this will continue. Marketing Ireland overseas by Tourism Ireland in the context of an all-island unit makes economic sense. I sincerely hope it continues to grow and prosper as it has been doing.

#### **National Conference Centre.**

147. **Mr. Deenihan** asked the Minister for Arts, Sport and Tourism when a decision will be made on the successful tender for the proposed national conference centre. [25747/04]

**Mr. O'Donoghue:** The Government decision to proceed with a national conference centre provided that it should be pursued under a public private partnership arrangement. This is a necessarily complex procedure and one that is required to be undertaken in accordance with the Department of Finance's interim guidelines for the provision of infrastructure and capital investments through public private partnerships.

As part of the procedural requirements of the PPP process, a public sector benchmark exercise and a benefit assessment must be undertaken before the next detailed proposals stage can be initiated. These exercises are being carried out and are close to finalisation. Every effort is being



[Mr. O'Donoghue.]

made by the Office of Public Works and its advisers to complete as soon as possible the detailed project contract documentation required. As I explained to the House on 1 July, the preparation of this documentation is demanding and time-consuming, with details requiring careful scrutiny and consideration. At that time, I expressed the hope that the procurement process would be sufficiently advanced to facilitate a Government decision before the end of the year. This has not proved possible and the firm objective now is to ensure that invitations to tender are issued to the three pre-qualified candidates before Christmas.

On the assumption that tender invitations will be ready for issue in December and allowing several months for engagement with the selected tenders, current indications are that a preferred bidder could be selected by late summer 2005. While I am reluctant to be categorical given the complexity of the process, my personal priority and that of the Government is to have this project brought to a conclusion at the earliest possible date, while ensuring that the relevant procedures and guidelines pertaining to the process are closely observed and that nothing is done that might jeopardise its successful conclusion.

**Mr. Deenihan:** The national business of tourism is worth about €40 billion and Fáilte Ireland has set up a business tourism unit to attract business tourism to this country. Every capital city in Europe now has a dedicated conference centre and I believe Barcelona has about four conference centres. As a country, we are losing at least €60 million because we have no conference centre. Surely the Minister would agree that this should be considered as a matter of urgency. It certainly seems to be taking a long time to go through the various procedures. Will the Minister give a guarantee to the House that this project will command his total commitment and attention for the next six months? This is to ensure that it will be provided in time. In the past, we have been promised certain deadlines and they have not been met, although that may not be the fault of this Minister. I know he gave an outline on possible deadlines. Will he be more precise on key dates by which we can expect progress to be made over the next six months?

**Mr. O'Donoghue:** Four submissions were received by the closing date of 21 January 2004. What followed was a detailed evaluation of an assessment panel, which was representative of my Department, the Office of Public Works and its advisers, the Department of Finance, Fáilte Ireland and the National Development Finance Agency. Following that a separate panel evaluated the site proposals which candidates were required to bring forward. The outcome of the evaluations was that three of the four candidates were deemed to have pre-qualified on the basis of their financial and economic standing and tech-

nical capacity and to have proposed an acceptable sized site. As I announced in July, the three candidates shortlisted were Anna Livia Consortium, Michael McNamara and the Leopardstown Club Consortium and Spencer Dock International Conference Centre Consortium. I had hoped that we would be in a position to move along from there by the end of this year. Unfortunately, that has not proved possible and now it is hoped that we will have the tenders ready in December. If we can do that, I am hopeful that a preferred bidder can be selected by late summer of 2005.

I agree with the Deputy on the issue of the delay. The reason is the PPP process. As far as my experience goes, it is tortuous in the extreme. It is tortuous for the officials involved, the Minister and those who are interested in becoming involved in construction. I hope that one of these days someone will see sense and change the guidelines governing this process. I have rarely come across as much red tape or bureaucracy in all my days travelling.

**Mr. Deenihan:** Will the Minister confirm that there is no concern within the Department of Finance about this project? It is very important that there are no reservations about this project. Does the fact that the Spencer Dock site has planning permission give it an advantage over the other proposals?

**Mr. O'Donoghue:** I will leave the selection of the proposal to others and will not get involved in that. That is for the panel of experts and it is not for me to decide which site is to be selected, nor to indicate a preference. It would be wrong of me to do so. The Minister for Finance is very committed to this project, as was his predecessor. There is no difficulty as far as they are concerned.

**Mr. Deenihan:** I am talking about official level.

**Mr. O'Donoghue:** I am not aware that the officials would seek to block a project which has been given the go-ahead by the Government.

### **Sports Capital Programme.**

148. **Mr. McHugh** asked the Minister for Arts, Sport and Tourism the amount of grant aid allocated to Tuam Stadium, Tuam, County Galway, by his Department; the reason for the refusal of a recent grant application; and if grant aid will be made available for essential development work to be carried out. [25562/04]

**Mr. O'Donoghue:** Tuam Stadium Development Association received an allocation of €127,000 under the 2000 sports capital programme. The organisation submitted a further application for assistance received under the 2004 sports capital programme. A total of 1,304 applications were received under this year's programme, 73 of which were for projects in County Galway.

All applications were evaluated by my Department in accordance with the detailed assessment

criteria for the programme published in the guidelines, terms and conditions document which accompanied the application form for the programme. Having regard to the assessment scores achieved and the amount of funding available, provisional allocations were made. I announced the provisional grant allocations for those projects classified as local on 7 May 2004 and on 10 August I announced those classified as regional, municipal or multi-purpose and national. Of the 739 provisional allocations under the 2004 programme amounting to €61 million in funding, 39 projects in County Galway were allocated a total of €3.4 million. The application on behalf of Tuam Stadium Association under this year's programme was unsuccessful and a letter was issued to the organisation on 16 August last advising it of the outcome of the application. A copy of the assessment of the application conducted by my Department, including the scores attained under each criterion, was also provided. When I announce details of the 2005 sports capital programme later this year, it will be open to the organisation to submit an application if it wishes to do so and if it intends to engage in a project which satisfies the programme's terms and conditions.

Tuam Stadium is not the designated GAA county ground of the Galway county board. Pearse Stadium, which is the official county ground, has been allocated €1.4 million in funding under the sports capital programme in recent years. In addition, the GAA's Connacht provincial council listed Tuam Stadium as fourth out of the five applications submitted in 2004 under the sports capital programme in order of priority for funding.

**Mr. McHugh:** I thank the Minister for his reply, which was very disappointing, to say the least. As the leading stadium in County Galway over the years, Tuam Stadium has hosted many football matches in all grades. It has been the venue for college matches, under age games, Coiste Peil na n-Óg tournaments, ladies' football, Connacht finals and Railway Cup finals. It is managed on a voluntary basis by a few committed members and a hard-working committee. Does the Minister agree that the local voluntary committee has worked hard, for example, through fundraising, to keep the stadium open? It has ensured that the stadium complies — just about — with health and safety regulations.

Does the Minister agree that expenditure of approximately €5 million is required if the stadium is to continue to accommodate GAA fixtures? Such moneys will do little more than bring the stadium up to scratch and ensure that it complies fully with health and safety regulations.

The Minister's reply referred to the GAA's designation of Pearse Stadium as the leading stadium in County Galway. Does the Minister not agree that the existing stadium at Tuam needs to be modernised? We do not want it to eclipse

Pearse Stadium as the main stadium in County Galway, as the stadiums are not in competition. Tuam Stadium is worthy of special attention, however, because it is located in north-east Galway, which is the centre of the home of Galway football.

Is the Minister aware that Tuam has been designated as a disadvantaged area under the RAPID programme? Does he agree that Tuam Stadium is worthy of special attention and funding because it is in a RAPID area? Does he accept that the stadium deserves such attention because Tuam has been designated as a hub town under the national spatial strategy? The Government can demonstrate its support for the national spatial strategy by making funding available.

In summary, does the Minister agree that matters other than the GAA's designation of Pearse Stadium as the leading stadium in County Galway need to be borne in mind when considering the application made by the Tuam Stadium committee? The Government should support Tuam Stadium for many reasons other than the advice of the GAA.

**Mr. O'Donoghue:** I do not doubt that the committee dealing with the affairs of Tuam Stadium is outstanding. I would not deny for a moment that the members of the committee do a considerable amount of voluntary work. Having been to Tuam Stadium, I agree it is a fine facility.

The difficulty we face in this regard relates to competing priorities. Pearse Stadium receives priority under the regional sports grants programme because it is the county ground of County Galway, as I have said. It has the priority backing of the Galway county board, the provincial council and the GAA's central council.

Tuam, which is designated as a hub town under the national spatial strategy, has certainly not been overlooked by the Department of Arts, Sport and Tourism. Three of the four applications which were submitted by interests in Tuam under the 2004 sports capital programme were successful. Three projects were provisionally granted funding, but the fourth project was not granted funding because it did not comply with the relevant conditions.

As Deputy McHugh said, Tuam is designated as a disadvantaged area under the sports capital programme because it is included in strand 2 of the RAPID programme. Applications from Tuam under the sports capital programme were prioritised within County Galway for that reason. Some €323,000 was provisionally allocated to the three successful projects in Tuam under the 2004 programme. My colleague, the Minister for Community, Rural and Gaeltacht Affairs, has allocated top-up funding of a further €96,000 to the three projects under the RAPID programme.

Deputy McHugh is aware that I have sanctioned a grant of €3.8 million to Galway County Council for the replacement of the existing swimming pool in Tuam. Some €960,000 of the grant has been paid to the council to date and construc-

[Mr. O'Donoghue.]

tion work on the project is ongoing. I do not doubt that sporting and recreational facilities in Tuam and throughout County Galway have been greatly enhanced in 2004 as a result of Government funding.

The funding allocated to the Galway county board has been more than twice that given to other GAA county boards, with the exception of the Limerick county board which was given €1.88 million for the development of the Gaelic Grounds in Limerick city. Deputy McHugh can be consoled by the fact that his constituency is in pole position. We will examine whether we can provide further assistance this year and reconsider the issues relating to Tuam. I assure the Deputy that, as someone who supports Tuam and the west of Ireland, I will put my money where my mouth is.

**Mr. McHugh:** I acknowledge the Minister's comments. I thank him for his support of the swimming pool and leisure facilities in Tuam, which are greatly appreciated. The Minister said in response to an earlier question that he should not tell the GAA what to do. Likewise, the GAA should not tell the Minister what to do in respect of Tuam.

**Mr. O'Donoghue:** No. I did not suggest that the GAA would or could do so.

**Mr. F. McGrath:** The Minister should give the money to Tuam.

### Other Questions.

#### Heraldry and Genealogy.

149. **Mr. Coveney** asked the Minister for Arts, Sport and Tourism to outline the unresolved problems related to official grants of arms in this jurisdiction; and if he will make a statement on the matter. [25261/04]

188. **Ms Enright** asked the Minister for Arts, Sport and Tourism if he intends to fill the vacant position of Chief Herald of Ireland; his views on the fact that no grants of arms have issued since September 2003; and if he will make a statement on the matter. [25260/04]

**Mr. O'Donoghue:** I propose to take Questions Nos. 149 and 188 together.

My predecessor appointed Mr. Brendan O'Donoghue, the director of the National Library of Ireland, to act as Chief Herald and genealogical officer. The position of Chief Herald became vacant when Mr. O'Donoghue resigned last year, pending the appointment of a new director. Arrangements for filling the post are in train. Regarding the issue raised by the Deputy, I intend to grant autonomous status to the National Library of Ireland under the provisions of the National Cultural Institutions Act 1997, with

effect from 1 January 2005 if possible. I propose to activate section 13 of the 1997 Act, which specifies that the Genealogical Office will be confirmed as an integral part of the National Library of Ireland, at the same time. The board of the National Library of Ireland, to be established under the 1997 Act, will be required to designate a member of its staff to research, grant and confirm coats of arms. That member of staff will be known as the Chief Herald of Ireland. The Department of Arts, Sport and Tourism is in consultations with the acting director to explore options for resolving the current difficulties, pending the establishment of the new board.

**Mr. Deenihan:** Will the Minister explain the delay in appointing the new Chief Herald in the National Library of Ireland, given that the previous office holder retired in September 2003? I appreciate that the Minister has proposed new arrangements, but it seems to me that somebody could have been appointed in the interim. There are concerns that section 13 of the National Cultural Institutions Act 1997, to which the Minister referred, provides an inadequate legal basis for the granting of arms by the Chief Herald. The Attorney General has expressed serious concern that the 1997 Act may not be used as to do so would cause chaos. I understand it was proposed to enact a genealogy and heraldry Bill to provide a sound legislative basis for services and facilities relating to such activities in the State. Are there any such proposals in the Department of Arts, Sport and Tourism? Will the Minister consider the introduction of such legislation?

**Mr. O'Donoghue:** The post of director of the National Library of Ireland became vacant in September 2003 following the retirement of Mr. Brendan O'Donoghue, who did a wonderful job. We then advertised the post through the Civil Service Commission. That was at the end of January this year, but the process did not result in an appointment. In that context, the salary for the post was not an issue. Several options are currently being explored with a view to filling the post in the context of the establishment of the National Library as a separate legal entity, as is proposed from 1 January 2005, should that prove possible. I am not aware of any difficulty with section 13. I have certainly not been given any legal advice to the effect that there is anything wrong with it. However, it may well be the case that Deputy Deenihan has separate information. I do not have such information.

**Mr. Deenihan:** Given that I read in the newspapers that there might be a legal challenge if this section were used, I suggest to the Minister that he take advice on it. Does he think it a good idea that the office of the Chief Herald should be combined with the office of Director of the National Library, or should they be separate functions? Regarding the legislation, might he consider



introducing a genealogy and heraldry Bill to provide a sound legislative basis for the area?

**Mr. O'Donoghue:** Interestingly, the proposal to establish a separate genealogical office, which I think is what Deputy Deenihan is getting at, was examined relatively recently by my predecessor who was not convinced that a separate office was necessary or desirable. The need for the genealogical office to have ready access to the library material held in the National Library and governed by its working practices and standards points strongly to the maintenance of the genealogical office as a branch of the National Library. The continuance of that link also permits the genealogical office to access the library's administrative resources, obviating the need to provide additional staff and resources were the office to be established as a separate entity.

I am not aware of any difficulties with section 13 of the legislation. Few provisions in our legislation or anywhere else in the world might not be the target of legal challenge. There are cynics who feel that, if one pays enough, one can get any legal opinion.

#### **Sport and Recreational Development.**

150. **Mr. Cuffe** asked the Minister for Arts, Sport and Tourism his plans to initiate a nationwide audit of sports facilities, as outlined in the programme for Government. [25500/04]

171. **Mr. Sherlock** asked the Minister for Arts, Sport and Tourism if the national audit of local sports facilities as envisaged in the programme for Government has been completed; and if he will make a statement on the matter. [25428/04]

**Mr. O'Donoghue:** I propose to take Questions Nos. 150 and 171 together.

The Government has committed itself under An Agreed Programme for Government to complete a national audit of local sports facilities and to put in place a long-term strategic plan to ensure the development of such necessary facilities. The first step in meeting that commitment was the undertaking of the sports capital programme expenditure review. It has emerged in the process of carrying out that review, which is being finalised, that there is a clear need for the sports capital programme to operate in the context of a clearly defined strategy for the provision of sports facilities and for such a strategy to be informed by a national audit of sports facilities. The substantial investment in the provision of sports facilities in the period 1998 to 2004 has made a significant contribution towards meeting the urgent need for such facilities caused by the absence of investment in earlier years.

Given the significant overlap between my Department and other Departments and bodies engaged in sports facility provision, it is my intention to set up an inter-agency steering group to oversee the development of such a strategy. One of the first challenges facing the group will be to oversee the commencement of a national audit of

sports facilities. Given the time and effort envisaged in completing such a task and the limited resources available, it may be necessary to focus initial efforts on specific sports facility types or on major sports facilities. That matter will be decided by the steering group but may be determined in part by an initial examination of the level of information already available on sports facilities and how effectively information can be obtained for certain facility types over and above others.

It could take several years to complete a comprehensive audit of all sports facilities. However, it may be possible to conduct the work in stages to ensure that some useful results are available in the short term for input into the proposed strategic plan for the provision of sports facilities due for completion within the next year. That is also supported by the potential use of such information, which leans towards being more effective in helping decision-making at regional and national level as opposed to decisions at local level. However, arrangements for the commencement of the audit are now being put in place, and I expect that the commitment outlined in the agreed programme for Government will be met within the lifetime of this Government.

**Mr. Boyle:** I found the Minister's answer difficult to understand. The commitment in the programme for Government is quite simple, namely, that the Government would undertake an audit of sports facilities. The answer that the Minister has just given is that such an audit has not commenced, that arrangements are in place to commence it, and that, if the audit takes place, it may take several years. I query several of those claims, since an audit is quite a simple exercise that could be done quite easily and should have been done by now.

If what the Minister is saying is true, why was such a commitment given? Surely, if we are to advance the idea of participation in sport, with its benefits for the health of the citizens and children of this nation, as well as having a general policy that sports participation is a desirable public policy goal, the Government should have initiated such an audit and have completed it by now. The Minister's answer left that even more vague. He said that arrangements were in place to commence the audit. We know nothing from that type of reply about when the arrangements to commence the audit will finish, when the audit will start, or when it will be completed. Given the nature of the commitment in the programme for Government and the fact that the question has already been asked of the Minister on several occasions, will he give any firm dates for when it will happen and if it can happen?

**An Leas-Cheann Comhairle:** I remind Members that supplementary questions and answers are limited to one minute.



**Mr. O'Donoghue:** In my reply, I indicated to Deputy Boyle that the Government intended to fulfil its commitment set out in the programme for Government, and that is my intention. As I explained, it was decided as a first step, before the commencement of the audit, that there should be an assessment of what has been achieved under the Department's sports capital programme. That was done in the context of an expenditure review of the programme which seeks to assess the benefits that investment to date has yielded and identify any difficulties or inefficiencies associated with the operation of the programme.

I admit that the review was to have been completed in 2003 to facilitate commencement of the audit that year. However, it has taken longer than expected to complete because of the scale of the programme and the time required to analyse the volume of information and data collected during the review. That may be down to the success of the programme itself, since more than 4,500 projects under the sports capital programme alone have been grant aided to the tune of almost €350 million since 1998. However, I am informed by officials in the Department that the report of the review is expected to be available soon. When I receive it, we will commence the audit.

Deputy Boyle may feel that it is a simple and uncomplicated process, but that is not the case. In a much smaller jurisdiction, that of the North of Ireland, it was estimated that it would take a minimum of two years to complete an audit.

**Mr. Wall:** I share Deputy Boyle's concerns about the time factor. I understood that the review was already in progress. If I understood the Minister correctly, he believes that some sections of the report could be initiated. If that is the case, local authorities can give information to the Department of Arts, Sport and Tourism on specific areas within their remit, such as large estates with no facilities. It is an ongoing concern that many social problems result from a lack of facilities in those areas. If that is the approach to be adopted when the Minister begins this audit, the initial approach should be to the local authorities to garner every piece of information on local authority estates and private estates. That is where many of these social problems arise.

**Mr. O'Donoghue:** Deputy Wall has made an important point. A number of local authorities and local sports partnerships are engaged in carrying out an inventory of sports facilities in their areas. We will closely monitor the methodologies, standards and parameters used by them. It is not yet clear how comprehensive or useful these local exercises will be but I have no doubt that they will be helpful to us.

To draw up terms of reference to identify modalities and methodologies to be adopted, we intend to establish a steering group to oversee the development of a new strategic plan and the carrying out of a national audit. It is also pro-

posed that the Irish Sports Council, the Departments of Education and Science, Health and Children and the Environment, Heritage and Local Government, with a local authority representative, would sit on the steering group. The possibility of the involvement of an external professional organisation to carry out the audit will also be considered. Matters are progressing. The work of the expenditure review group is well advanced. Some local authorities and local sports partnerships are carrying out work and that will probably be very useful. We will proceed to the audit at the earliest opportunity.

**Mr. Deenihan:** I remind the Minister that the County Kerry partnership group, before it was established as such, carried out an extensive audit of sports facilities in the country, particularly in schools. Such a project would be an ideal one for the network of post-primary schools and would be an ideal way of creating awareness among young people of the facilities available and the importance of having them available. There are 17 local sports partnerships and they would have the information readily available. There is no need for a full scientific overview and country-wide survey as the information is readily available without the need to employ expensive consultants.

**Mr. Timmins:** As part of the audit, will the Minister publish a breakdown of the funding allocated on a county basis since the advent of the capital sports grant system funded by the national lottery? Does he agree that large numbers of the population, particularly in the greater Dublin area, have virtually no sports facilities? I am thinking of north-east and north-west Wicklow. They have made unsuccessful applications in recent years. Perhaps the Minister will update me on possible allocations for projects in north Wicklow.

**Mr. O'Donoghue:** The audit will represent a comprehensive body of work. It will enable policy-makers to map the locations of sports facilities countrywide, whether they are provided through voluntary sports organisations, funded privately or have benefited from public finances. We are not talking merely of the sports capital programme. We will probably all agree that a better fix on the location of existing sporting facilities will lead to more effective targeting of funding new facilities and more efficient use of financial resources. This would apply equally across all Departments involved in the provision of sports facilities, including the Department of Education and Science.

Since 1998, projects to the value of almost €351 million have been awarded under the sports capital programme alone. In addition to the facilities which have benefited under this programme, the audit will also seek to identify sports facilities provided by voluntary sports organisations and local authorities, as well as sports halls and facili-

ties in schools and colleges which have benefited from grant assistance provided by the Department of Education and Science. The result of securing all this data and making it available in a user-friendly and accessible format will be a significant undertaking. Once the work begins, it cannot be expected to last less than two years because in the smaller jurisdiction of Northern Ireland it was estimated that the same task would take two years to complete.

I am committed to the completion of the audit and will try to ensure that the Government commitment as laid out in An Agreed Programme for Government is met during this Government's lifetime. The published details of funding provided under the sports capital programme on a county by county basis are available annually. The Department publishes the data and there is no great mystery to it. Regarding County Wicklow, no part of it has been ignored.

### National Stadium.

151. **Mr. Naughten** asked the Minister for Arts, Sport and Tourism when the construction work will commence on the new stadium at Lansdowne Road; and if he will make a statement on the matter. [25542/04]

158. **Mr. Gormley** asked the Minister for Arts, Sport and Tourism the efforts he is making to ensure that the soccer and rugby home international matches will not have to be played abroad; if he will facilitate a round table meeting between the FAI, the IRFU, the GAA and other interested parties; and if he will make a statement on the matter. [25508/04]

166. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism if he has had discussions with a view to the provision of stadium facilities for soccer or rugby during the reconstruction of Lansdowne Road, with particular reference to the forthcoming World Cup; and if he will make a statement on the matter. [25514/04]

187. **Ms O'Sullivan** asked the Minister for Arts, Sport and Tourism his views on recent statements by Uachtarán Cumann Lúthchleas Gael regarding the potential for using Croke Park by other sporting organisations in the future; and if he will make a statement on the matter. [25421/04]

228. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism the position in regard to the provision of stadium facilities for all sports during the reconstruction of Lansdowne Road; and if he will make a statement on the matter. [25819/04]

**Mr. O'Donoghue:** I propose to take Questions Nos. 151, 158, 166, 187 and 228 together.

As I indicated to Deputies in my previous replies on this subject, the provision of alternative facilities for the sports which will be affected by the redevelopment of Lansdowne Road stadium is a matter for both the IRFU and the FAI. I have little doubt but that contingency plans are being developed by both associations for the staging of

international and other prestigious fixtures that in the normal course would have been hosted at Lansdowne Road. These plans must take account of current realities but I very much hope that an acceptable arrangement can be evolved which would obviate the necessity for playing these fixtures outside this jurisdiction.

The Lansdowne Road stadium redevelopment project will require closure of the existing stadium for some time. The construction phase of the redevelopment is expected to take 29 months and is scheduled to commence in mid-2006 and be completed by the end of 2008. I have consistently stated that the use of Croke Park by other organisations is a matter for the GAA to consider and decide and it would be counterproductive for me to attempt to intervene in the association's decision-making process. However, I welcome the positive views expressed by the President of Cumann Lúthchleas Gael regarding this issue. In the event that the sporting organisations involved saw a role for me in facilitating dialogue on the issue, I would be happy to be of assistance.

**Mr. Deenihan:** Regarding the commencement of work on the new stadium, I read in the media some time ago that there was a problem with the removal of asbestos from the two stands at the Lansdowne Road stadium. Will that pose a difficulty in commencing work? As we all know, numerous concerns were expressed by the residents. Have they been addressed? Is it envisaged that there will be objections to planning permission when the plans are submitted? When does the Minister expect those plans to be submitted?

**Mr. O'Donoghue:** I envisage no delay because of the removal of asbestos from any section of the Lansdowne Road stadium. I understand that part of the stadium is constructed of old corrugated iron and that is giving rise to the difficulty mentioned by Deputy Deenihan. I am assured that everything is being done to ensure that there is no risk to the health of any person, including the workers, and that no delay will ensue.

Regarding the construction of the stadium, it was intended that this year a steering group would be in place with a project manager, and that is now the position. The next phase involves the appointment of the design team, which I expect to be made early next year. The steering group, under the chairmanship of the Secretary General of my Department, continues to meet on a regular basis to monitor progress. I expect that the developed scheme will be prepared during next year and that the planning application will be lodged at that stage. I also expect that planning permission will be secured in 2006 and that the detailed design will be prepared and a tendering process opened. I anticipate that work will commence on the stadium in or around July 2006. I expect that construction will be in progress throughout 2007 and that it should be completed by the end of 2008.

[Mr. O'Donoghue.]

It is important that the residents be kept informed of progress at all times. I understand that they are being kept informed of developments and that they will continue to meet those involved in the project to ensure that they are aware of what is happening. Whether there will be objections is a matter of conjecture. I hope that there will be no objections. If they are made, however, they will have to be dealt with. As Deputy Deenihan is aware, people have the right to object in certain circumstances. I sincerely hope that there will not be any objections and that we can proceed with the development.

**Mr. Boyle:** Is the Minister willing to make a statement that the holding abroad of international sporting fixtures involving Irish teams should be avoided at all costs? Are there measures that he, as Minister, is willing to put in place to ensure that such an eventuality does not occur? Is he prepared to facilitate the holding of a round table meeting between the sporting organisations in need of a venue and the major sporting organisation that has an international class stadium available during the period in question? It would be of commercial benefit to the latter organisation if it were to make its stadium available for use.

As regards the residents concerns about the development of Lansdowne Road — which most people believe necessary and would like to see happen as soon as possible — does the Minister accept that his Department might have a role in expressing some reservations during the planning process, particularly in respect of proposals to eliminate or severely restrict the Dodder River walk? As Minister for Arts, Sport and Tourism, he should have a say in respect of this planning application in terms of the preservation of interesting features such as the walk which plays a major role in terms of providing public access to recreational and sporting facilities.

**Mr. O'Donoghue:** I will deal first with the question about the Dodder River. It is intended to provide an international size rugby pitch to the rear of the East Stand which will be used by the Wanderers and Lansdowne clubs. This development will require the use of a small strip of land along the Dodder River walkway. Dublin City Council has been approached with this request and is fully aware of what is involved. There will continue to be a Dodder walkway from Lansdowne Road to Bath Avenue. The existing amenity will not be taken away and, as part of the plans, it is intended to upgrade and improve the walkway.

I stated earlier that I would be deeply disappointed if international games involving the teams fielded by the FAI or the IRFU were played outside of the jurisdiction. Aside from the expense this would involve for travelling supporters, the question of national pride arises. The latter dictates that international games should be

played on home soil and I hope this will be the position. I will do whatever I can to facilitate a resolution of the problems the IRFU and FAI will face between mid-2006 and the end of 2008. As indicated earlier, however, it is not my function to interfere with the inner workings of any sporting organisation. Such organisations can make or change their own rules.

**Mr. Wall:** Am I correct in stating that the complex, incorporating the stadium and, to the rear thereof, the international size rugby pitch to which the Minister referred, will be completely dedicated to sport and will not involve a commercial aspect such as the building of office blocks or anything of that nature?

**Mr. O'Donoghue:** Deputy Wall is correct. The complex will only be used for sporting purposes.

**Mr. Deenihan:** Given that there is a deadline as regards the arrangements the FAI and the IRFU will be obliged to make to procure stadia in the UK for away matches, is there any way the Minister can intervene? While he has stated on many occasions that he respects the autonomy of the GAA to decide on issues affecting it, unless rule 42 is on the agenda for congress, nothing will happen before 2006 when the IRFU and the FAI will be obliged to arrange the use of stadia in which to hold international matches. Is the Minister in a position to appeal to the GAA to ensure that the rule will be placed on the agenda for congress in 2005?

**Mr. O'Donoghue:** It is a question for the GAA to decide if it is going to decide the issue at congress in 2005. The president of the GAA has given positive indications as regards his wishes. I welcome his comments but it would be counter-productive if I were to issue or extend any appeal to the GAA. I specifically announced in recent weeks that the €40 million issued to the GAA in respect of Croke Park was given free of any conditions. I reiterate that now.

Aside from the expense involved for members of the public travelling abroad for home games and the issue of national pride and the effect thereon of playing international games outside the jurisdiction, it should be remembered that a report commissioned by the IRFU found that the revenues generated in the Dublin area as a result of the Ireland-England rugby game in March 2003 were in the region of €52 million. I accept the sense behind what Deputy Deenihan is saying and I understand his point. However, perhaps he more than anyone else in the House understands that the GAA has its own rules and makes its own decisions. I am happy to allow it to proceed in that way.

**Mr. Wall:** The Minister may have misunderstood what I said on this matter earlier. When he held discussions with the FAI and the IRFU, did those organisations indicate that they would



make proposals or suggestions to the GAA in respect of obtaining the use of Croke Park? I fully understand the position *vis-à-vis* rule 42. Leaving that aside, however, have formal or informal representations been made by either organisation to the GAA regarding the possible use of Croke Park?

**Mr. O'Donoghue:** I am not aware of any approaches, formal or informal, by the IRFU or the FAI to the GAA in respect of Croke Park. The negotiations I held with the FAI and the IRFU related to the construction of a new stadium at Lansdowne Road. They are delighted to join with us in the construction of that stadium. I welcome that the GAA stated that it would be interested in using the new stadium at Lansdowne Road because the pitch will be of sufficient size to accommodate Gaelic games. There comes a point when every actor must bow and leave the stage, and I have just reached it.

### Proposed Legislation.

152. **Mr. Broughan** asked the Minister for Arts, Sport and Tourism if he has legislative plans for the current Dáil session; and if he will make a statement on the matter. [25434/04]

**Mr. O'Donoghue:** It is my intention to publish the national sports campus development authority Bill 2004 at an early date. A stamped draft of the Bill has been received from the Office of the Parliamentary Counsel to the Government and the views of Departments have been obtained. The text of the Bill will be brought to Government shortly for approval to publish and circulate the Bill, either late in the current Dáil session or early next year.

The Bill provides for the establishment of the national sports campus development authority to oversee the planning and development of a sports campus at Abbotstown. The authority's specific functions, which are set out in section 7, reflect the Government's decision of 27 January 2004. These functions are to develop a sports campus on the site; furnish and equip it; manage, operate and maintain it; and encourage and promote its use by professional and amateur sports people and members of the public. A development plan for the campus must be submitted for approval by the Government before commencement.

In addition, I intend to bring a number of statutory instruments before each House of the Oireachtas to give effect from 1 January next to the establishment of the new statutory boards of the National Library and National Museum of Ireland under the National Cultural Institutions Act 1997. This action will be subject to availability of the necessary financial and human resources involved in giving the two institutions autonomous status.

**Mr. Wall:** Will the Bill provide for an indoor arena at Abbotstown? I have asked the Minister questions previously regarding provision in

Abbotstown for minority sports which do not attract sufficient numbers to generate the finance needed to create facilities. Many sports enjoyed by small numbers of people compared to national sports lack proper facilities. The proposed sports campus could provide facilities for such sports. Does the Minister envisage that sports with limited participation, which, through lack of numbers and so forth are unable to generate finance to create facilities, will be facilitated in Abbotstown?

**Mr. O'Donoghue:** The Bill will set out the functions of the national sports campus development authority as opposed to the minutiae of what will be located at Abbotstown. The authority's functions will be to develop a sports campus on site; furnish, equip and manage it; operate and maintain it; and encourage and promote its use by professional and amateur sports people and members of the public. A development plan must be submitted for approval to the Government. In addition, details of each phase must be submitted for approval before its commencement. We will have an opportunity to discuss the legislation at a later date.

In the interim, as I stated previously, when a decision was made to construct a stadium at Lansdowne Road it was also decided that the campus at Abbotstown would proceed on a phased basis. In that respect, I spoke with Campus Stadium Ireland and asked it to draw up a priority list of what it considered should be located at Abbotstown and cost its proposals. I hope it will be possible to proceed with the first phase of the sports campus at Abbotstown in the not too distant future.

With regard to the sports which will be accommodated at Abbotstown, I fully agree with Deputy Wall that minority sports could be assisted through the development of the sports campus at Abbotstown and that they should be catered for. I have no doubt this will be the case.

With regard to the indoor arena to which the Deputy referred, this may be a candidate for a public private partnership and there is a strong possibility it will be commercially viable. The issue may be examined in that context. In the meanwhile, the main objective is to try to advance the campus by acquiring funding.

**Mr. Deenihan:** The current operators of the national aquatic centre are concerned about the lack of accommodation on site. They believe the lack of accommodation on the campus and in the surrounding area is a significant drawback to hosting major international competitions and facilitating athletes from home and abroad. Are plans afoot to provide accommodation on the site at Abbotstown? Apart from the provision of sporting facilities, does the scheme outlined by the Minister include provision for accommodation?



**Mr. O'Donoghue:** I do not yet have on my desk the detailed plan of Campus Stadium Ireland. I anticipate that in addition to providing sporting facilities on the campus, the plan will envisage medical and other facilities which may well include accommodation. I cannot be definitive on this matter other than to note that Campus Stadium Ireland was asked to consider all the options and requirements and to prioritise and cost them.

*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 Ring — the need for the Minister to provide funding for a project in County Mayo considering the facility has planning approval; (2) Deputy Carey — the need to urgently address and clarify the practice by which some chiropractors in the past two years have charged elderly public patients a top-up fee of up to €15; (3) Deputy Crowe — the need for a debate on the recent report on children in Tallaght west and the failure of the State and its agencies to respond sufficiently in a co-ordinated manner to the poverty and social inequities highlighted in the report; (4) Deputy Ferris — the need to discuss the alarming statistics on suicide in the 15 to 24 age group and the role social deprivation and marginalisation play in this problem; (5) Deputy Costello — the need for the Minister to provide paid legal representation for a family (details supplied) at the Morris tribunal; (6) Deputy Healy — the need to commence the Clonmel flood alleviation scheme as announced by Minister of State, Deputy Parlon, earlier this year; (7) Deputy Moynihan-Cronin — the need to discuss the delay in the provision of funding for the new hospital in Dingle, County Kerry; (8) Deputy Gregory — the need to discuss the crisis in the accident and emergency department in the Mater Hospital, Dublin 7; (9) Deputy Broughan — the need to ensure that An Post pensioners are paid their due pension increases under the national pay agreement; (10) Deputy Mulcahy — the need for the Minister to make funding available for new windows at Our Lady of Good Counsel primary schools, Mourne Road, Drimnagh, Dublin 12, comprising an infant school, a boys senior school and a girls senior school of 620 pupils, given that the windows in these schools at which the original windows were inserted in 1943 are in an extremely dilapidated and dangerous condition and need urgent replacing; (11) Deputies Pat Breen and James Breen — the need for the Minister to explain the reason a CT scan has not been installed in Ennis General Hospital when the funding has been provided for same, and if she will instruct the Mid-Western Health Board to install same in the interest of patients'

safety; (12) Deputy Eamon Ryan — the need for the Minister to outline the maximum level of central Government funding available for the rebuilding of a swimming pool (details supplied) which closed on 15 July last; (13) Deputy Hogan — the need to carry out an independent investigation in respect of the competence of training and assessment associated with the FÁS sponsored construction skills programmes certified by FETAC; (14) Deputy O'Dowd — the need to discuss issues arising in relation to electronic voting and recent public announcements on possible alterations to technology purchased by the State for this purpose; (15) Deputy Durkan — the need to debate recent indications that registration of all mobile phones is not fully effective resulting in a possible greater use of mobile phones in the transmission of pornographic images; and whether the Minister has been in contact with or received communication from ComReg with a view to reassuring the public on this issue; (16) Deputy Cuffe — the need for the Government to ensure it meets its obligations under the Kyoto Agreement in light of a new report on climate change entitled *Up In Smoke* published yesterday in the United Kingdom, which states that industrialised nations should cut greenhouse gas emissions by as much as 80% by 2050; (17) Deputy Howlin — the need to debate the policy of the Government and the Minister for Justice, Equality and Law Reform in deporting families with Irish born children who have established long-term residence and deep ties; and (18) Deputy Morgan — the need for the Minister to address the widespread concern regarding his statement that he intends to implement the recommendations of the Constituency Commission, as published in January 2004, to increase the number of three-seat constituencies and, in particular, to divide County Leitrim between the two proposed new constituencies of Sligo-North Leitrim and Roscommon-South Leitrim, despite the fact that larger constituency size adds the quality of extra proportionality to the electoral system as a whole and that section 6(2)(c) of the Electoral Act 1997 states that "the breaching of county boundaries shall be avoided as far as practicable".

The matters raised by Deputies Carey, Broughan, Hogan and Morgan have been selected for discussion.

### Kidnapping of Irish Citizen: Motion.

**The Taoiseach:** I move:

That Dáil Éireann:

- expresses its serious concern, and that of the Irish people, at the abduction of Mrs. Margaret Hassan in Baghdad yesterday;
- notes that Mrs. Hassan was born in Ireland and has spent the past 30 years in Iraq devoting herself to humanitarian work on behalf of the Iraqi people;

- calls for her immediate release and the release of all hostages in Iraq;
- condemns the practice of taking hostages for whatever purpose or cause; and
- welcomes the Government's commitment, which will have the full support of this House, to contribute in any way it can to secure the release of Mrs. Hassan.

I welcome the opportunity to discuss this matter in the House today. As Deputies are aware, the activities of hostage-takers in Iraq have again brought great distress and anxiety to the family and friends of an Irish citizen. I know the House is unanimous in its support and concern for Margaret Hassan, her husband Tahseen Ali Hassan, her family in Ireland and all her relatives and many friends throughout the world.

I stress that information remains scarce on the circumstances of Margaret Hassan's kidnapping, her kidnappers and their motives. I address this issue today on the basis of details available at this time. The resolution before the House today is intended to make it as clear as possible that Ireland and its people are united in calling for Margaret's immediate and unconditional release.

The Government's position on hostage-taking in Iraq is clear and unequivocal. We regard such acts as completely unjustifiable and counter-productive. This view is shared by Islamic representatives who have made clear that no cause can justify harming the innocent. Such acts do not win support for a cause or open minds.

The Government has repeatedly called for an end to the practice of hostage-taking, not least because of the trauma and distress inflicted on hostages and their families. This was recently brought very close to home by the tragic case of Kenneth Bigley, an Irish citizen whose cruel murder shocked the world, including the people of Ireland. In debating this resolution today, our thoughts and prayers are also with Kenneth's family.

In the case of Margaret Hassan, a group has taken hostage a woman who has devoted the overwhelming part of her adult life to helping Iraq and its people, having herself become a citizen of that country. It has taken a woman whose life's work is an inspiration to us all and who, like many other Irish people, has lived in varied and different places abroad during her life.

It is worth reminding the House what Margaret and her team contribute to the most needy people of Iraq. She is the head of the Baghdad office of CARE International, where she and her 30 Iraqi staff work hard providing emergency relief, medical aid and assistance in restoring access to clean water. They focus particularly on children, who are the key to what we all hope will be a brighter future for Iraq.

CARE International is one of the world's largest independent global relief and development organisations. It is resolutely non-political and

non-sectarian and it operates in more than 72 countries in Asia, Africa, Latin America, the Middle East and eastern Europe. CARE International supports projects that benefit almost 30 million people every year. Each of the CARE International offices is an independent non-profit organisation, contributing to and helping to manage more than 500 programmes around the world. This Government, through institutions such as the United Nations, the World Bank and the European Union, supports CARE International's programmes across the globe. Out of more than 10,000 employees, more than 9,000 are nationals of the countries where CARE International runs programmes. Margaret Hassan is a leading member of that group of 9,000, an Iraqi citizen working in an all-Iraqi office doing everything she can to help Iraqi people.

In placing this resolution before the House, I assure Deputies that the Government is doing everything it can to help secure her release. Our first task on hearing the news was to speak to her family. We immediately contacted her husband, Tahseen, in Iraq and some of her relatives here in Ireland. My colleague, the Minister for Foreign Affairs, Deputy Dermot Ahern, was again in contact with them today, as he will shortly advise the House when he speaks.

For my part, I called last night for Margaret's immediate release. The Government's appeals have already received widespread international coverage, including in the Middle East. Both I, and my colleague, the Minister for Foreign Affairs, intend to use our international contacts in a way that will best bring Irish influence to bear. In this regard, we will listen closely to the views and advice of Margaret's husband and of CARE International. We are also liaising closely with our British counterparts in regard to their efforts on Margaret's behalf. We have been in contact with CARE International, whose good work has been interrupted by this deplorable act. Its experience and knowledge on the ground in Iraq, along with that of others, will be a most important guide for our current and future actions.

In doing all this, the Government's hand will be strengthened by the firm resolve of this House. I thank the House for both its suggestion and its co-operation. I conclude by quoting the Islamic Relief organisation, which yesterday called "for whoever is holding Margaret hostage to think of her family and the good work she is doing in Iraq, to release her as soon as possible and to let her carry on with her good work". In particular, the organisation said: "It's Ramadan — it's a time of peace and goodwill, and in this particularly holy month they must think of the family of Margaret and the people she is trying to help".

For reasons Deputies will appreciate, I do not intend to comment further on this sensitive issue, other than to reiterate the hope that Margaret will soon be reunited safely with her family. We must approach their plight, though public, in a sensitive manner that fully respects their privacy.

[The Taoiseach.]

They are at the forefront of our thoughts and prayers during these difficult days. I commend the resolution to the House.

**Mr. Allen:** I wish to share time with Deputy Jim O'Keeffe. In addressing the House on this sensitive situation words must be chosen carefully. The abduction of Margaret Hassan is an appalling crime, perpetrated against a woman who has always been a champion of some of the world's most disadvantaged people. In her work, Margaret has shown the strongest loyalty with the people of Iraq and the deepest commitment to helping them in every possible way. Her abduction, therefore, is condemned in Ireland, in Iraq and throughout the world.

Margaret Hassan has close family and friends in Ireland, Britain and Iraq. Our thoughts and prayers, and those of the Irish people, are with them at this time. The Irish Government should give every assistance towards securing Margaret's immediate release. I welcome the statement made by the Taoiseach this morning that the Government is in contact with the British Government and through it with the authorities in Iraq.

Margaret Hassan was born in Ireland and is an Irish citizen. She also holds British and Iraqi citizenship. She is married to an Iraqi national and has made Iraq her home, having lived in the country for 30 years. All of us must work together to secure her immediate release. In 1991 and again during the recent conflict, Margaret refused to leave the people who needed her help in Iraq. She remained in Baghdad when the bombs fell and refused any personal security when kidnappers began to target aid and humanitarian organisations, as well as other individuals and groups in more recent times. People who have met her have referred to her "stunning determination" to remain in Iraq and to continue the work to which she has devoted herself.

Margaret has steadfastly worked with the poorest people in Iraq. With CARE International she has assisted Iraqi men, women and children through the provision of health care programmes, the rebuilding of hospitals and the provision of water and sanitation services. It is a tragedy for the Iraqi people that Margaret's abduction now means that CARE International must obviously suspend its programmes in Iraq. By their actions, her captors are hurting the ordinary people of Iraq who need international assistance now more than ever.

CARE International is a global relief organisation that works in 72 of the world's poorest countries. Each year, it helps more than 30 million disadvantaged people, and it is people like Margaret Hassan who have dedicated themselves to this deeply important work. In Iraq, CARE International programmes have provided humanitarian assistance to more than 7 million people, more than one third of the population of the country. Margaret Hassan has been a consist-

ent voice raised in support of the Iraqi people. In her work with CARE International, Margaret has ensured that combating Iraqi suffering is to the forefront of everything she does. She has worked with and addressed many international organisations such as the United Nations and charitable agencies such as Islamic Relief.

In January 2003, Margaret briefed Security Council members and United Nations agencies on the situation in Iraq. She told them of the malnutrition, the infant mortality and the day to day struggle that life in Iraq had become. She told them how half a million tonnes of raw sewage are daily discharged into watercourses due to the lack of sanitation services in the country, how chronic malnutrition in under fives has soared from 18.7% in 1991 to 30% in 2000 and how one third of all children in Iraq no longer attend school. Speaking at the United Nations, Margaret said: "We do what we can. Our greatest resource is the ability and commitment of our staff. But to achieve more, we need peace." Margaret's powerful and passionate advocacy for the people of Iraq underlines the despair that has surrounded her abduction.

Margaret Hassan has been a beacon of light for the people of Iraq. She has worked with them for many years, she has lived with them and she has spoken up for them. On behalf of Fine Gael, I reaffirm our absolute condemnation of the abduction of people in Iraq, for whatever reason, and call for the release of Margaret Hassan immediately. We also pledge our support to this House in any effort that can be brought forward to help secure her release. My thoughts and prayers, and those of Fine Gael, are with Margaret and her family, friends and colleagues at this difficult time.

**Mr. J. O'Keeffe:** Kidnapping is a vile business, the kidnapping of a woman is even more vile but the kidnapping of a woman aid worker plumbs the depths of depravity. I am glad my colleague, Deputy Kenny, moved that we suspend the proceedings of the House to express our feelings and concerns about the abduction of Margaret Hassan and our hope, indeed demand, for her immediate release. I think I reflect the view of the country when I say that the kidnapping of Margaret Hassan has come as a huge shock, not only to the people of Ireland but throughout the world. In many ways, it is a detail that Margaret Hassan, formerly Fitzsimons, was born in Ireland as it is widely known she has lived in Iraq for over 30 years. She is fully integrated into Iraqi society and speaks the language with the fluency of a native. She has committed her life to helping others and, for the past 30 years, to helping the people of Iraq.

Such is her commitment to the people of Iraq that she travelled without protection or entourage. It was her decision to be an equal among the Iraqi people. Perhaps the greatest testament to her commitment to helping the people of Iraq was her decision to stay and continue her work

4 o'clock



after the war began. She put her own life and safety at risk in a real way for the people of Iraq.

The struggle of the Iraqi people is weakened by her captivity. Even in the short time of her absence, she has been badly missed. Her work in regard to health centres, emergency relief supplies for hospitals and access to clean water will be missed because of this terrible deed. I hope her absence will not be prolonged in any way. I am glad this House is joining together to demand her release.

I focused my opening remarks on the fact that not alone is she a woman, she is also an aid worker. We sometimes do not appreciate the efforts made on behalf of all by aid workers in troublespots throughout the world. It is not the first time aid workers have been abducted. During my time as Minister of State responsible for overseas aid, two Concern workers were abducted in Ethiopia and, fortunately, released unharmed. We know from recent reports that two Italian aid workers were abducted in Baghdad and, fortunately, also released.

We should bear in mind that as a result of international treaties developed over the years, diplomats have a protected status, even as between nations at war. Taking into account recent abductions and the crisis concerning Margaret Hassan, we should consider developing an international convention under the auspices of the United Nations to provide for the protected status of aid workers. That protection would not be provided by guns, armoured personnel carriers or bullet-proof vests but by international protocol, equivalent to the status enjoyed by the workers of the Red Cross and Red Crescent throughout the world. Eventually, I would like all members of the United Nations to sign up to a covenant to bring to justice anybody involved in violence towards or the abduction of an aid worker. It is a serious proposal for consideration by the Government that we should begin and develop a campaign for such a convention.

The House speaks with a united voice in support of the position of Margaret Hassan. We want her released. It is clear that she had a great love for the Iraqi people and their nation. To all intents and purposes, Margaret Hassan is an Iraqi. Her captors have taken one of their own. The united message must go out loud and clear from this House to release her now.

**Mr. M. Higgins:** I am glad to have the opportunity to participate in this common position calling for the speedy release of Margaret Hassan. It is important what we say and do in the coming days respects her husband in Baghdad, her family here and in particular the strategic advice of CARE International in Iraq. I say that and suggest that this matter be handled with sensitivity because it is the view of the family, with whom I spoke several times yesterday and today. When this matter was discussed in the House of Commons, a statement shortly afterwards suggested that the family would not be issuing statements

or giving long interviews, that they wished to see what could be achieved as locally as possible and in as short a time as possible, and that they should be allowed to do that. It is a view to which I entirely subscribe.

I met Margaret Hassan on 27 January 2003 on the occasion of my third and last visit to Iraq, just before the war. Our meeting was on a Sunday and it was a mark of her commitment to the CARE organisation that she came specially to meet an Irish delegation of which I was a part. At that time, the main concern was that if there was a war, which we had been desperately seeking to avert, the food programme, which was distributed through a ration system, would become unavailable to ordinary Iraqis. The system was that one went with one's ration book to what was effectively the local shop. If this was not possible due to conditions of war, what were people to do to supply themselves with basic nutrition? This was one of Mrs. Hassan's concerns.

Another matter we discussed with Mrs. Hassan and her colleagues in CARE was the issue of water supply maintenance and the quality of water supply. She was well informed and had a sophisticated view on the matter, including in technical terms. For example, many people were of the view that one was talking about supplying water to a country that did not have it. The reality is that up to 1991, sophisticated, in some cases electrically controlled, water purification systems were in place but were destroyed by the bombing. It is important to bear in mind that, morally, this appalling event is taking place in an abyss created by an illegal war.

In arriving at a common position, it is important for us to understand the specificity of Mrs. Hassan's position. Having spent 30 years in Iraq, effectively enjoying the citizenship of three countries — Ireland, Britain and Iraq — and being married to an Iraqi citizen, there is also another dimension in that her husband's father is a doctor who trained in Ireland and has experience here. The Irish-Iraqi dimension to her position is a deep one.

Margaret Hassan is different from others in that the two organisations that stayed with the Iraqi people through the very worst of times were UNICEF and CARE. CARE, because of the nature of its personnel and expertise, contains a large number of engineers and concentrates therefore on the restoration of basic hospital equipment, basic facilities to supply clean water and so forth. Margaret Hassan is terribly important to Iraq in the worst of times. For anybody in Iraq to delay her work, not to speak of putting her in danger, is equivalent to a deep, self-inflicted wound on the most vulnerable people in Iraq. Given that food security and therapeutic nutrition are significant aspects of CARE's work, this action was directed against the most vulnerable children in Iraq and especially against women.

[Mr. M. Higgins.]

I recall the detailed report on leukaemia which arose from the availability of depleted uranium in southern Iraq. Again, CARE, under Margaret's direction, prepared very detailed work on that. I cannot understand how a single cause could possibly be helped by delaying her work, not to speak of detaining her. It is my hope that in the short term such information as becomes available through the 60 odd CARE workers and the thousands who have been dependent on CARE's initiative will create a network of communication such as will allow her to return to her work and to her family as quickly as possible.

Equally, it is important for us to bear in mind that this is a time for us to make an appeal to reason on the part of the people who are involved. There is now a plethora of groups in Iraq involved in hostage taking, which I and others have condemned. However, it is very important for us to stress the seriousness of Margaret Hassan's work and also the seriousness of the removal of CARE's operation from Iraq. The removal of CARE's operation from Iraq will place millions of children at risk. CARE was there before Margaret Hassan took over as country director. Throughout the period of the war it was a model in establishing the integrity of the relief operation. For example, it became very difficult for CARE after the invasion during which the occupying forces sought to incorporate some of the relief agencies into their work as the kind of people who came behind and swept up the consequences. Both CARE and UNICEF were distinguished by keeping their distance and insisting on the integrity of their own operations. The slightest suggestion, therefore, that Margaret Hassan is in any way associated with any other political agenda in the country is entirely wrong. CARE was there to offer an expertise that has been gathered from around the world. Margaret Hassan is probably one of the highest ranking relief workers and administrators from Ireland of whom we are justly proud. It is right, therefore, for us to stress the Irish-Iraqi background of both herself and her husband. It is also very important for us to simply say we hope that, instead of having to go through a long process of initiating networks, which I am very pleased the Minister for Foreign Affairs has suggested will happen should it be necessary and which I certainly would support, she will be released in the short term because the great loss to the Iraqi people is so glaringly obvious.

There is nothing to be gained at this time from using this case to make any kind of case for the bigger political project that is involved in the occupation of Iraq. Iraq is an abyss. When I was there in January 2003 there was every evidence from serious meetings we had with some of the most senior ranking people, including Tariq Aziz, that the diplomatic process had not been completed. International monitors would have been welcome on every aspect, including the issue of weapons and the issue of human rights where

Amnesty International had been invited back. I could go on, but that is not my concern this afternoon. My concern this afternoon is to insist that we operate with extraordinary delicacy in respecting the wishes of the family and those who are seeking to work on the ground in the short term and wait to see how much can be achieved, I hope, very quickly. However, if we must take other measures such as the measures the Government would take, that would have my support. The processes I would myself initiate will also be available. Our thoughts are with Margaret Hassan's family who are going through such a distressing time. I hope they will be respected, particularly their wish not to be asked to give further long statements and to have time to consider, through consultation with relations in England and Baghdad, what measures they might take in the short term.

**Aengus Ó Snodaigh:** Ba mhaith liom am a roinnt leis na Teachtaí Finian McGrath, Connolly agus Gormley.

Tá tromlach shaoránaigh na hÉireann i gcoinne na seilbhe a ghlac Sasana agus na Stáit Aontaithe ar an Iaráic agus i gcoinne an chogaidh a thosaigh siad agus atá ar siúl sa tír sin ó shin. Labhair duine de shaoránaigh na hÉireann, Margaret Hassan, amach faoin chogadh mídhleathach seo, agus i gcoinne na seilbhe a ghlac Rialtais Shasana agus na Stát Aontaithe ar an Iaráic agus ar thodhchaí na tíre sin. Tá an cogadh sin mícheart, chomh maith le gach aon ghníomh a chuidíonn leis. Tá sé mícheart go huile is go hiomlán gur fuadaíodh Margaret Hassan agus na daoine eile atá fuadaithe ag grúpaí éagsúla san Iaráic ó thosaigh an cogadh ansin. Tá roinnt acu sin marfa ó thúis na coimhlinte.

Mar a dúirt mé, tá sé go hiomlán mícheart, agus ba chóir an cleachtas sin a stopadh anois láithreach. Ní chuidíonn sé le grúpa nó cúis ar bith. Is bean chróga í Margaret, a labhair amach. Chomh maith leis sin, chuidigh sí leo siúd a bhí thíos de bharr na coimhlinte agus í ag obair le CARE International. Impím ar an ghrúpa atá tar éis í a fhuadach í a scaoileadh saor. Impím ar na grúpaí ar fad a bhfuil daoine fuadaithe acu iad a shaoradh láithreach. Mar a dúirt mé, ní chuidíonn sé, agus ní chuireann sé leis an chás atá acu — má tá cás acu in aon chor i roinnt cásanna.

Tá Margaret bainteach le traidisiún fada d'oibrithe Éireannacha a thaistil agus a thaistlíonn an domhan chun cuidiú le daoine i gcruachás, agus a oibríonn leo sin ar mheon neodrach. Ní ghlacann siad taobh sna coimhlintí, ach déanann siad an obair charthanach atá ag teastáil agus ar gá a dhéanamh sna tíortha sin. Is trua é go bhfuil ionsaí á dhéanamh ar an obair charthanach sin faoi láthair.

Impím ar an Rialtas, mar a deir an rún os ár gcomhair, gach uile rud a dhéanamh ar féidir leis a dhéanamh chun Margaret Hassan a shaoradh agus, ina measc sin, labhairt le hambasadóirí na dtíortha Arabacha ar fad agus iarraidh orthu siúd cuidiú linn sa chás seo ach go háirithe le nach

mbeidh deireadh tragóideach an babhta seo mar a bhí i gcás saoránaigh Éireannaigh eile, Kenneth Bigley. Tá clann Hassan agus clann Bigley inár dtuairimí inniu sa díospóireacht seo, agus tá súil againn ach go háirithe go mbeidh Margaret saor roimh i bhfad le taisteal insan Iaráic nó pé áit ar domhan a bhfuil sí sásta leanúint ar aghaidh leis an obair charthanach a dhein sí go dtí seo.

**Mr. F. McGrath:** On behalf of the Independent Deputies I wish to support the motion before the House, express our concern and our deepest sympathy to the family of Margaret Hassan, and demand her immediate release. We have seen the nightmare her family have been through over the past few days. Many who have in the past met other kidnap or hostage victims — I refer particularly to people such as Brian Keenan, the Concern workers and many others — know from first-hand experience the trauma of their families. The Independent Deputies strongly support the motion and urge the immediate release of Margaret Hassan.

I also welcome the unanimity of the House. This is a cross-party issue. Irrespective of party allegiances and differences, this is a humanitarian issue and it is refreshing that all Members of the House support this motion.

Margaret Hassan is a CARE worker involved in the work of caring for people and in humanitarian issues involving the provision of water, education, health services and medicine for people in the front line. We also know that Margaret was strongly opposed to war. She was very much on the side of the victims of war. Margaret Hassan is not selective but is always on the side of the men and women of no property. She was particularly on the side of the 20,000 innocent civilians killed in the Iraqi conflict. She is a voice to the voiceless. I extend my sympathy to her and her family during this difficult time.

The organisation with which she is involved, CARE International, is one of the largest independent global relief and development organisations. This non-political and non-sectarian organisation is not a front for any right-wing or extremist groups. It operates in 72 countries in Asia, Africa, Latin America, the Middle East and Eastern Europe, directly assisting more than 30 million people. The House must commend this amazing record for a non-profit organisation. While the organisation employs 10,000 people from different nationalities, it has one agreed agenda on the international stage: to help the most needy. While living in Iraq for 30 years, Margaret Hassan's work was based on compassion and aid to the needy.

This motion does not just address her plight but calls for the immediate release of all other hostages in Iraq. While we are focused on Margaret Hassan today, we must never forget the other innocent victims for whom no one is crying out. While I am often critical of the Government, I commend it for taking the right decisions on this occasion and during the plight of Mr. Kenneth

Bigley. I commend the Minister for Foreign Affairs, Deputy Dermot Ahern, the Minister of State, Deputy Kitt, and the Taoiseach for their efforts. The Government's welcome commitment has the full support of all Members of the Oireachtas. I demand the immediate release of Margaret Hassan.

**Mr. Connolly:** I welcome the opportunity to speak on this motion and am delighted by the unanimity of the House. I add my voice to the calls for the immediate and unconditional release of Margaret Hassan. It only adds to the insanity of kidnapping that she is an aid worker and director of CARE International. In Iraq she has continually championed the cause of children suffering neglect due to the lack of medical supplies. She has taken risks, cajoling lorry drivers to bring medical supplies there. This makes the crime of her kidnapping all the more revolting and reprehensible.

Her nature makes me believe that her first words to her kidnappers were "Can I be of any help to you?". At a time like this, we all look for hope. I find hope in her being Irish and a woman. Our nation is known as a non-warring one and it is internationally recognised that we greatly contribute to peace through peace missions. I also find hope in the fact that since April, nine women have been released. Deputy Michael D. Higgins called for sensitivity in what is said due to the delicacy of the negotiations that will proceed. I abhor the comments of a comedian who saw the opportunity for cheap publicity during the Bigley trauma. If people like that cannot contribute positively, the least they can do in a real life situation such as this is to stay quiet and not treat it as an opportunity for publicity. I hope the Government's calls and the fact that Margaret Hassan is a woman and an Irish citizen will be taken into account by her kidnappers and she will be released.

The body of Kenneth Bigley has still not been released. It is an opportune time to call for information as to where his body can be found.

**Mr. Boyle:** By birthright and family background, Margaret Hassan is Irish. However, by her life choices and working commitment, she is also Iraqi. By the very nature of Irishness, many of our citizens have gone to far flung places, living with and acquiring other nationalities. We must remember there are Irish people in other parts of the world who may sometime need our assistance.

Margaret Hassan has lived and worked in Iraq for 30 years, engaged in humanitarian work. As a care worker, Iraqi and a woman, the circumstances of her abduction are reprehensible not just to people in this country but throughout the Muslim world. The Government must send a clear signal that her situation is utterly unacceptable, as is that of all other abducted people.



[Mr. Boyle.]

However, we must be honest and admit that the difficult situation pertaining in Iraq exists because some people believe they must engage in this reprehensible behaviour due to the breakdown of government, even if the previous one was a dictatorship. There is a need for more wide-ranging political dialogue, decision-making and leadership that will prevent this morass becoming an every day nightmare for the people of Iraq. While Margaret Hassan is living in fear of her life, Kenneth Bigley lost his and many others are in similar situations, a similar argument can be made that a kind of collective abduction exists for the 25 million Iraqi people. I fear that this will continue with other unfortunate victims.

I hope the Government sends a clear signal of the unanimity of the House on Margaret Hassan's situation. It must also bring whatever political pressure it can on the political situation in Iraq. If its society is to be normalised, these events must cease to be an everyday occurrence. There are people who must take responsibility for this. Those who conducted this kidnapping cannot be speaking for any nationalism or religion, as it has occurred on the eve of Ramadan, a sacred time for Muslims. There are also people engaged in violence in the pursuit of political aims who look away from nationalism, religious and moral codes. If we as an independent nation are to ensure the protection of our citizens from a plight such as Margaret Hassan's, we must be clear and consistent in our political and moral message. I hope today's statements will translate what for now amounts to moral support into a practical support that will see the immediate release of Margaret Hassan and others in a similar plight.

**Minister for Foreign Affairs (Mr. D. Ahern):** I welcome the strong and unanimous support for this resolution by Members on all sides of the House. This is a dreadful time for the family, friends and colleagues of Margaret Hassan. The Government views all acts of kidnapping and hostage-taking as deplorable and unjustifiable. In this case, it is appalling when the victim of such a crime is a dedicated provider of humanitarian assistance to the Iraqi people, who have suffered so much in recent years from war and deprivation. Margaret Hassan has devoted her life to helping others. She ran a valuable humanitarian programme for CARE International which benefited thousands of Iraqis. Her abduction highlights the enormous dangers facing those who engage in providing humanitarian services in Iraq and other parts of the world.

I pay tribute to those who continue to serve the Iraqi people, especially the many Iraqis working for humanitarian agencies there, who risk their lives on a daily basis. I greatly regret that in recent conflicts we have witnessed an erosion of respect for humanitarian personnel. This incident is yet another episode in the disturbing pattern of attacks on UN, Red Cross-Red Crescent and NGO humanitarian workers in recent times.

During my discussions last week with the Secretary General of the United Nations, Kofi Annan, he stated that this was one of the issues at the top of his agenda. He wants to get UN personnel back into Iraq but with proper security to guarantee their safety, given that there were some dreadful attacks on UN personnel in Iraq. These appalling attacks highlight the need for greater respect for human life and dignity, as well as for international humanitarian law and the core principles of humanity, impartiality, neutrality and independence which are currently under significant threat.

Since we became aware of Margaret's abduction yesterday, my officials and I have been in ongoing contact with her immediate family to assure them we will do whatever we can to help in securing her safe return. Earlier this afternoon, I spoke with Margaret's husband in Baghdad and conveyed to him the concern and solidarity of the Government, this House and the people of Ireland. My officials spoke with him on a number of occasions yesterday. He spent the past hours endeavouring to use his contacts in that area to try to get her released. He was deeply appreciative of our support, which he emphasised was extremely important to him and the family. I informed him that the Houses of the Oireachtas would hold a special debate on this matter. He particularly asked that family members resident in Ireland would receive all our support, which I guaranteed.

We have also been in direct contact with the chief executive of CARE International and fully reviewed the situation with him. We will continue to stay in contact with that organisation and with the family. I concur with Deputy Michael D. Higgins's point regarding the contacts CARE International has on the ground. I believe they will be vital in securing Margaret's release.

All our actions will be guided by the experience and advice of those on the ground in Iraq, who are best placed to tell us how and when we can be of further help. I informed her husband, her family in Ireland and her friends that whatever assistance we can give will be available to them. In the meantime we are staying in contact with our embassy staff in the region and, in particular, the ambassador.

At this stage, we do not know the identity or the purpose of the abductors. Whoever they are, I appeal to them again to set Margaret free. Her abduction can serve no purpose whatsoever. On the contrary, it threatens to disrupt the work of the humanitarian agencies and the assistance they give to Iraqi people. It will directly harm thousands of ordinary Iraqis who benefit from their activities and programmes.

As I stated, I spoke with Margaret's husband and family, and with a close friend who has worked with her over many years, and assured them of our determination to do everything we can to help. I have designated a senior official in my Department to be with the family and to act as a liaison support officer for them.

My colleague, the Minister for Justice, Equality and Law Reform, Deputy McDowell, is providing support through the Garda Síochána. At this very difficult time for Margaret's family, I make a special appeal that their privacy be respected. This was one of the issues that came up in the course of my discussions with her family in Ireland. It is hard enough for them to come to terms with what has happened and the invasion of their privacy is adding to their upset. They very much appreciate that all the country is behind them.

As I said at the outset, I welcome the contributions of Members from all sides of the House to this debate and thank them for their support. On an occasion like this, the unanimous support of the Dáil, reflecting as it does the voice and spirit of the whole country, strengthens the efforts to secure Margaret Hassan's release. I commend this resolution to the House.

Question put and agreed to.

#### **Water Services Bill 2003 [Seanad]: Second Stage (Resumed).**

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

**Mr. Ring:** I congratulate the Minister, Deputy Roche, on his appointment. I hope his tenure as a senior Minister will go well for him. This is the first opportunity I have had to say this to him in the House. As somebody who came through the local authority system, I hope he will be a protector of the rights of local authorities, but I will not get personal on this issue.

This is the first Bill the Minister has dealt with and I am sorry it is a disappointing one in that, once again, we are taking away powers from elected representatives.

**Mr. Roche:** It will be dealt with.

**Mr. Ring:** I hope the first thing the Minister does is hand power back to the elected representatives.

**Mr. Roche:** I agree with the Deputy's sentiments.

**Mr. Ring:** Fianna Fáil is on that side of the House now and Fine Gael is on this side. Whichever party is on this side of the House has all the answers when it comes to local government, but as soon as it gets into Government it is controlled by the officials and every single bit of power is taken away from locally elected representatives.

Local authority members did not behave very well in recent months. When they had an opportunity to use one of their few remaining powers they did not have the guts or courage to nominate an independent candidate for the Presidency. They allowed themselves to be dictated to by the parties. As representatives of the people, county

councillors let themselves down. That is my personal view.

I compliment everybody who has been involved over the years in group water schemes.

**Mr. Roche:** Hear, hear.

**Mr. Ring:** It is probably the dirtiest job anybody will ever do in the community. People set up group water schemes because the local authority does not have the resources or the will to make provision for a water supply under its auspices. In 20 years in politics I have seen these people taking abuse from those who would not pay their share or from other people when the water supply was cut off. They are wonderful people who are committed to their communities. The community spirit has almost gone from society. People are busier and generally do not want to make the effort for the community. However, there are still people in rural Ireland who are prepared to give up two or three nights a week, sometimes at weekends, to collect money to try to keep their group water scheme up and running. They also come under pressure from local authorities regarding funding for the schemes.

I am pleased more money is being provided to ensure good water quality in group water schemes. It is important that everyone has access to good, clean water and that the State has some role in monitoring the domestic water supply.

As regards the Bill, I am disappointed that responsibility is being taken from local authorities. They will set up another State agency which will be given the relevant powers. I will give the Minister an example of privatisation involving NCT testing, about which I wrote to his predecessor. A constituent of mine went to a private company with his car for the NCT test. Instead of putting down the mileage the person filling out the form put down the number of the car's chassis. This indicated that the car had done about 200,000 miles. I had to prevail on the Minister's Department and threaten the Ombudsman's office which had no authority in this area to get the company to admit it had made a mistake and to recall the car. In the meantime the person selling the car could not do so, simply because the documentation was not correct. A semi-State company made the mistake and would not concede it had done so. It was treating my constituent like dirt.

Councils have their strengths and weaknesses. However, if a constituent has a problem the county manager must answer questions in relation to it if it is raised at a council meeting. If one puts down a notice of motion or raises it at a council meeting there will be a reply. The county manager will not be going the same route as the NCT. If the Minister likes, I will send him the letter. The company eventually had to acknowledge it had made a mistake and that there was a problem. As I said in my letter to the company, it was acting as if it was the Gestapo. One would

[Mr. Ring.]

think the man had done something wrong when he had done nothing wrong. An individual in the company had made a mistake. Anyone can make a mistake, but it takes a big man or woman to admit to it and rectify it and that is all I was asking.

That is why I am worried about this. We are taking this away from the local authorities and next we will have the privatisation of water supply. Then we will have elderly people in housing estates on low incomes who are not able to pay for their water. It will be similar to what is happening in Dublin with clamping. Private companies will be cutting the water supply and saying to an old man or woman that there is no wavering, that he or she must either pay up or not get water. That is dangerous.

I can never understand why the Chambers of Commerce of Ireland have not taken a case against the State as regards one sector in society that pays rates, namely, small businesses. Small businesses pay their rates. They have then to pay water charges, VAT, tax and every other levy placed on them by the State. I have no problem with people paying, but I have when it is the same people who pay all the time.

There was a case recently where a man's car went off the road. A person passing by called the fire brigade. The car owner received a bill for €1,000 from the fire brigade. He did not need the fire brigade in the first place. Neither did he order the fire brigade, yet the local authority sent him a bill for €1,000. I will concede the fire brigade does a great job when it is needed. The person who called the fire brigade did so in good faith. However, the man who went off the road and who did not need the fire brigade had third party insurance. The insurance would not pay the bill and now there is a dispute between the individual concerned and the council. Something needs to be done as regards that and I hope the Minister will examine these simple matters during his term in office.

Returning to the group schemes, I would like to see every house with clean water coming through its taps. I am worried about the direction of this Bill and the Government's views on privatisation. I do not like it and it does not work for rural communities. It is somewhat like telecommunications. There was a time when if one ordered a telephone it would take a week. Since the private sector has taken over, one could be waiting three or six months for a telephone. In addition, they are looking out for additional cost factors and if it costs more than a certain amount, they will not do it. That is going to happen with water. If it is taken away from local authority control I worry about it. It will mean that the built-up areas again will benefit and rural regions will suffer. One way to stop it might be in terms of one-off housing. I hope this does not happen. I am a supporter of one-off houses and I want to see these people having the same kind of services. I do not expect the same level of service as people

have in towns, but there should at least be the same quality of water. In some places, if a small sewerage scheme can be put in to service villages, that should be done, in the future. It would obviate much of the argument as regards one-off houses.

I would like assurances from the Minister as regards group schemes. It is now the practice for councils to do the work and to give it out to the private sector as well. In the past the councils have always done an excellent job as regards breakdowns. If this initiative is handed over where is the private sector company going to be on a Saturday or Sunday, a bank holiday or holy day, when it is wanted? At present, if there is a problem in a section of my county any day of the week, someone in the council may be contacted. If there is a break in the water supply, somebody will deal with it quickly. They have been there in the past, on Sunday or Monday, during storms or whatever. That will not happen with the private sector company because there will be no face to the person in control. The only time one will get a name is when they are collecting the bills and trying to get money from people to pay for the water supply. I hope it does not happen, but I am worried.

Regarding group schemes, a new situation has developed where the Department is taking five or six schemes together in a so-called bundle. This has not worked so far. I hope it will work. I have been waiting for schemes to start in Ballycroy, Louisburgh and in south Mayo. I hope these schemes will start soon because there is much pressure on the community and on the water supply. The Minister is coming to my town tomorrow night. I will be there to welcome him. Westport is the tidiest town in Ireland. We were unlucky not to win the competition outright. The Minister should take a good look when he is there tomorrow. We have been waiting for a long time. When Fine Gael was in Government there was a major problem with the water supply in the town and while the Department had no money, luckily it still delivered. I must compliment Deputy Howlin who was Minister at the time and the then Taoiseach, Deputy John Bruton. I had to put some pressure on them and I used some Irish language and they delivered. At that time an emergency supply was being used from Cloonkeen, near Castlebar, into Westport, which cost £2.25 million. We are waiting for the regional scheme which is to cost approximately €25 million. It is on the cards for 2005 and I want to ensure the Minister delivers on that. If he wants to announce it tomorrow night I will even give him the credit for it. It would be about the fourth time it was announced this year. It is always announced at election time. We had it again before the local elections. However, it is needed for the outlying areas, for Louisburgh, Newport etc. and to ensure there is continuation of water supply in a town such as Westport.

I know the Minister when he arrives tomorrow will say to himself that a town such as Westport



should have this supply and deserves it. He will be proud of the town when he sees the beautiful flowers in the street and the work done by the community. We were one point away from the overall winner. The Minister will be coming back again next year, if there is not a change of Government.

**Mr. Roche:** The only fly in the ointment there is the local Deputy.

**Mr. Ring:** All I can say is I hope I can survive as regards what is going on at present, but I will do my best. I have survived in more difficult circumstances. One thing is definite, neither my poster nor my face would suit the Dublin 4 brigade up here. Some of the journalists would not like to see my photograph on certain pictures, but thanks be to God, although many of these people have tried to be elected, they would not even be voted on to a town council, never mind the Dáil. These are the people who tell me how I should get elected and what I should do then. We will not get into that today. That is not what this is about. It is about the quality of water.

There is a problem in this country. I know that Europe is putting pressure on the Government and the country as regards the quality of water. That is important.

It will not be too long before there is an election where the issue will be quality of life and water, not tax, unemployment or the economy. It may not be the next general election, but it could be the one after that. We see more and more of our beautiful lakes and rivers being polluted and the Government must do something about it. I know there are fines from Europe, but it is important that we have quality water. Water is the most important resource we possess and as such is a vital necessity. It must come through the pipes clean and it must be safe. This will be a serious issue in the future.

Funding should be put in place for regional and group schemes. I hope the Minister acknowledges the work done by the people in the group schemes but, more importantly, I ask him to ensure that if this power is taken out of the hands of elected representatives some mechanism is put in place whereby Members of this House, regardless of the side on which we sit, can query any decision taken. I do not like what is happening in this country. We are turning into a police state. We are taking powers away from the Oireachtas, town councils and county councils. In the past month we did not think it worthy to have a presidential election, and that is dangerous. People died for the vote. They believed they lived in a democracy, not a dictatorship.

It is important that this House is recognised and that every Bill that comes before it — I put this on the record at every opportunity — is scrutinised. Every Member should have the right to get a reply to any question tabled. That is not much to ask. The staff in the Custom House have no reason to hide information. If a Member puts

down a parliamentary question on water, housing, sewerage or whatever, that information should be released. That is the Minister's job. He was elected by the people of Wicklow to represent his county and it is his job to ensure the democratic system is protected. It is not a good day for politics or democracy when the powers of this House are given to those in the private sector.

**Mr. Nolan:** I welcome the opportunity of speaking on the Bill and use the occasion to commend and congratulate the new Minister for the Environment, Heritage and Local Government, Deputy Roche. I do so in the full knowledge that we share a county for electoral purposes.

It is unique that this Bill is the first legislative measure the Minister is introducing in the House because the water supply for County Carlow in the main, and particularly for Carlow town, comes from the part of the county the Minister represents in the Dáil, namely, the north regional water scheme, which services all of north Carlow.

Mention was made of the part played by group water schemes in the provision of good quality water for our population. We must use the occasion to commend all those committed individuals who have worked hard in those group water schemes. I am aware they are represented by a national organisation. They are well organised and, with their contacts in the Department, their political contacts and the effective lobbying they carry out, they run a very good operation. I trust this legislation will be passed by the Houses of the Oireachtas and will become law very quickly.

I refer to one or two aspects of the Bill, the first of which concerns the replacement of existing pipes. Towns and other urban areas have had a water supply for the best part of 80 or 90 years. Much of that supply is through pipes which were laid at the turn of the last century, many of which have become corroded, resulting in a huge wastage of water in some urban areas. The Minister should seriously consider investing in the replacement and upgrading of existing pipes in larger towns. There is a cost saving to him by investing in that area. In towns like Carlow there is a huge problem with leakages from an antiquated water system.

The quality of water in general is first class, despite the problems in isolated areas. In the past few months, the county council, in a village in my area of Carlow, had to bring in water by tankers. Thankfully, that problem will be rectified over the coming weeks when a new source is identified. Work has been done on that and it is hoped the householders in the Ballinkillen area will have their new supply in the next two to three weeks.

The quality of our water has improved substantially over the past few decades. That is due mainly to the ongoing sampling and monitoring of the quality of water by local authorities in various areas. We should acknowledge also the role

[Mr. Nolan.]

the Environmental Protection Agency has played in monitoring the quality of our water supply.

I have had a number of complaints, in my position as a public representative, about the difference in the quality of water throughout the county and the country. When local authorities source water it is important they do a number of tests to try to provide the best quality water for the public because there are significant differences in the quality of water being supplied to the public. Large amounts of money have been invested over the years in the supply of water and it is money well spent.

I was pleased to hear the Minister confirm recently that this Bill is not a door opening mechanism for the reintroduction of water rates. Over the past few years the European Union has put pressure on successive Governments in regard to the reintroduction of water charges, but that will not be acceptable in Ireland's case. We are unique in the European Union in that we possibly have the highest level of rainfall. We are not short of good quality water and I urge the Minister to continue to resist that pressure from the European Union.

Mention was made of the fire service. We cannot talk about water services without talking about the fire service. It is important we do not lose sight of the fact that in providing a water service for our towns and counties we must also provide an adequate supply of water for our fire service. Investment has been made in a first class fire service throughout the country. Large amounts of money have been expended on fire tenders, which are very expensive pieces of machinery. We must rank high among other countries in the quality and standard of the tenders we use in our local authorities. There is no point in having tenders costing €225,000 or €300,000 if there is not an adequate supply of water to fight fires. During the summer, in a town close to my county of Carlow, a serious problem developed when a number of tenders from Carlow and Wexford attended a fire in Bunclody but the water supply was not sufficient and almost an entire street was wiped out by the fire. I ask the Minister to continue to invest not just in the fire service but in ensuring it has an adequate supply of water.

The fact that county councils and local authorities are losing part of their remit under the Bill is not a huge problem. We can be proud of the work of local authorities in the provision of water over the past century. County councils were set up to provide improved roads, water, sewerage facilities, and housing and, to a large extent, they have completed that work well. I would not be too concerned that part of their authority has been removed in this Bill but I agree it is important that local county councillors have an input in the provision of water services in their areas. I urge the Minister to continue to invest significantly in the provision of funding for our

sanitary services, both water and sewerage. I wish the Minister well in his new role.

**Mr. Gormley:** I echo the sentiments expressed by the previous speaker. I wish the Minister well in his new role. We worked well together on the Convention on the Future of Europe, but he can expect me to be critical at times, which is my job as an Opposition spokesperson.

Many speakers mentioned the drift towards privatisation and the erosion of local authority powers in this legislation. This is nothing new for this Government. Local government  
5 o'clock has been undermined to the point that it no longer exists. Instead, there is local administration. Councillors are powerless and legislation continues to erode their base. They never were very powerful but in the past they had reserve functions such as the making of a waste management plan or water quality management plan. I was involved in the Dublin Bay plan and made amendments at city council to deliver a state of the art sewage treatment plant in Ringsend.

This plant is an interesting example of what can happen when the private sector is involved. This is a public-private partnership. The Minister's predecessor opened it with great fanfare. Since then there have been continuous problems. I appeal to the Minister to examine this and see what went wrong and what he can learn from that experience. ABA is the consortium that runs it with Dublin City Council. Deputy McGuinness complained this morning about a plant in his area with serious problems, including creating a foul smell in the area. I speak not only as a public representative for Dublin South-East but also as a resident.

**Mr. Roche:** The Deputy should get another house.

**Mr. Gormley:** I am not moving out but our quality of life has deteriorated to the extent that in summer we must close our windows and cannot go out in the garden. It is no laughing matter. It is an appalling situation. Why has this state of the art plant in Ringsend not been commissioned? It is still in its commissioning phase. There are very serious problems because they miscalculated on the load. Our city and economy are expanding at a rapid rate. More tourists and industry are coming in here. The developers miscalculated the load going into Ringsend. This is evident because in a heavy downpour there is the problem of a storm overflow that shows that the plant is operating at capacity. We were told emphatically that this plant would reduce the smell. There was almost no smell from the last plant except very occasionally. Now, however the smell is very frequent particularly in the summer.

This legislation gives the Minister extensive powers, for example Part 4, section 60:

(1) Each water services authority, authorised provider of water services or person providing

water services jointly with or on behalf of a water services authority or authorised provider of water services, shall cause the waste water works belonging to them, taken in charge by them or otherwise under their control, to be properly maintained so as not to—

(a) cause or be likely to cause a risk to human health or the environment including risk to waters, the atmosphere, land, soil, plants or animals, or

(b) create a nuisance through odours.

I hope the Minister will use this legislation to do something. I have a report that tells me that unfortunately waste water treatment works are not subject to licensing by the EPA. However, they must meet the standards set out in the EPA legislation. Who is guarding the guards, or in this case, the local authority? Nobody. When I ring the environmental health officer to say we cannot breathe, that the smell is catching in people's throats, the response is to use chemicals to dampen down the smell, which is further injurious to public health. To whom should we go? We cannot go to the EPA or the local authority. This is an extremely difficult situation.

I would be more than happy to go to the Minister if he will help me. I had to meet the European Commission and tell it about the problem and then had to write a letter of complaint. I was forced to make this official complaint when reassurances from the city council and the Government proved absolutely groundless. What is happening at the plant is in breach of Directive 75/442/EEC because over the years complaints have been made about smells coming from these plants that were not covered by Irish legislation. This legislation may cover the problem and if so we need action rapidly on what is happening in Ringsend.

I will do all I can to raise it in the House with the Minister because this was a joint project funded by the EU, and the Department of the Environment, Heritage and Local Government. We hear about NIMBYism but I supported this wholeheartedly. I put in the amendments regarding nitrogen removal and UV treatment. This ought to have made it a state of the art plant but someone has miscalculated and nobody is held responsible, nobody is accountable, nobody has resigned. I ask the new Minister to investigate this urgently.

This Bill also covers the quality of drinking water, which is very important. The previous speaker said the quality of drinking water here is second to none. I do not agree. Drinking water quality is a serious problem. We dose it with chlorine, aluminium sulphate and fluoride. I have seen at first hand what can happen when a septic tank gets out of control. Once the ground water is polluted we have had it because there is practically no remedial action one can take. One can see that in the west. I was on Inis Meáin more than ten years ago and was shocked to discover that one could not drink the water on that island

off the west coast where one should have the cleanest possible water. It was undrinkable because the islanders had polluted it. We have turned a blind eye, which is unacceptable because we all pay the price for selfish individuals who neglect planning legislation.

The Minister is drinking his water, which I hope does not contain any contaminants such as chlorine. If he were to drink the tap water he might sometimes smell the chlorine and would have to let the water stand until the chlorine evaporated. It is put in to deal with all the effluent that is going into our water at the moment. We would also be drinking aluminium sulphate, which is used as a flocculant to get rid of the matter. We have seen what happened in Britain years ago when too much aluminium sulphate was put in. Do we know how much we are putting in? It is often a case of hit or miss. With fluoride, it is a case of some guy with a bag putting it in. This is not good enough as far as our water quality is concerned.

I have a much to say on the question of water fluoridation. I will be putting down amendments on this on later Stages. In the meantime I urge the Minister to have serious consultations with his colleague, the Minister for Health and Children. If he reads the scientific journals, the fluoride forum report and in particular, the report which I am about to write for the Joint Oireachtas Committee on Health and Children, he will come to one conclusion, namely, that fluoride should not be in our drinking water. We are the only country in the world that has mass-fluoridation. It is true that in other countries, there are cities and certain areas that have had water fluoridation. The only country that has mass fluoridation is the Republic of Ireland. We have had it for over 40 years and we can see the consequences.

In his new role the Minister will become acquainted with many environmental NGOs. Friends of the Earth Ireland had its launch today.

**Mr. Roche:** I was there.

**Mr. Gormley:** Excellent, I congratulate the Minister. The head of the EPA was also in attendance. There are also other environmental organisations such as VOICE. This group outlined objections to the fluoridating chemical and its contaminants. It made a submission on this issue and its key objection is that the fluoride chemical used throughout the State is both untested and unlicensed as a medication. Doubts about its safety as a chemical in drinking water were borne out by the decision of an EU standards committee in 2001, when the only two water treatment chemicals to fail its formal safety vote were hexafluorosilic acid, used throughout Ireland and disodium fluorosilicate, a related highly soluble fluoride. It is argued that Ireland breaches the EU drinking water directive by deliberately adding an unsafe chemical that has also been described by the EU scientific commit-



[Mr. Gormley.]  
tee on toxicity, eco-toxicity and the environment, as a pollutant.

Other subsequent official evidence pointing to the wide range of variation in source waters across what were then known as sanitary authorities, now called water services authorities under this legislation, reveal that the risks of adding untested hexafluoric acid could be very serious. These concerns also featured in a 2003 letter from the NPWA to the UK's medical research council. It is a very serious issue. The Minister for Health and Children set up the fluoride forum. I have said that it was a complete whitewash. Most of the people on it were pro-fluoridation and we never stood a chance of getting what I consider to be an objective analysis of the problem.

Research into fluoridation has been ongoing for over 50 years. The large body of research must be taken into account by any serious review of that policy. Coincidentally, a comprehensive policy review was undertaken by the British NHS centre for review and dissemination at York in December 1999. Much of their evidence was unfortunately not used by our own fluoride forum, which was set up in 2002. It represents the first official investigation into fluoridation since it was made mandatory throughout the State in 1963. The forum faced a huge task. The failure of successive Governments to comply, however minimally, with the important section of the Fluoridation Act 1960 requiring general health studies, reinforced the need for a thorough review of the population effects. Section 6 of the Act confers on the Minister for Health and Children "a duty to carry out from time to time general health studies." These were clearly intended to establish if there were, as many feared, any unintended side effects from fluoridation.

This matter was debated in the House in 1959, the year I was born. It and subsequent debates reveal a depth of concern among Deputies and Senators that there could be unintended effects entirely unconnected with teeth. These misgivings, which European and international experience has subsequently shown to be well founded, led to this section 6 of the Act. It wisely imposed a statutory duty on the Minister for Health and Children to investigate general health effects. Why is it that since 1963, not one single health study has been carried out under section 6? Does the Minister not find that surprising? If a urine or blood sample was taken from anyone in this House or beyond it would be found that nobody would be fluoride deficient. In fact, we have an excess of fluoride, a toxic substance, in our bodies. That is the problem and it is why I will put down an amendment to address it.

Whereas the forum failed to meet its original deadline to report in 2001, when it finally emerged it did not even meet its primary objective, which was to reassure the public as to the risks of fluoridation. Even though it made eight primary and 25 subsidiary recommendations,

neither individually nor collectively do they address the ongoing concerns about the safety and risks of this policy. For example, it acknowledged the now officially confirmed huge increase in fluoride poisoning among teenagers. The oral research centre in UCC has since shown it to have increased nine times since 1984, to affect 36% of 15 year olds. Some 36% of teenagers have fluorosis, a manifestation of fluoride toxicity. It is a huge problem in this country. What we have are different sources of fluoride, not just in our drinking water, but also in toothpaste. In the US, one is told that if one's child swallows more than a pea-sized amount of fluoridated toothpaste, then that child must be brought to the hospital. That says something.

The fluoride forum got its figures mixed up and there are many fundamental contradictions. The forum's first recommendation is to reduce the concentration to between 0.6mg/litre and 0.8mg/litre with a target figure of 0.7mg/litre. The then Minister for Health and Children, in a recent Dáil debate, told us that by adding fluoride to drinking water which is consumed in widely varying amounts by the public, the individual dose is unknown and indeed unknowable. It is surely relevant that when contemplating fluoridation in France in the early 1990s, the main reason for French public health-officials to reject it, as they did out of hand, was because the dosage could not be controlled.

We asked a dentist, Dr. Don MacCauley, to come before the Joint Committee on Health and Children. He discovered, through a freedom of information request, that the Food Safety Authority of Ireland had made a risk assessment into bottle feeding infants with fluoridated water. Its recommendation to the fluoride forum was that fluoridated water should not be used to bottle feed babies. That decision was overturned by the fluoridation forum in mysterious circumstances. We would not have known about it had we not submitted a freedom of information request. The evidence presented by the foremost expert in this area, Dr. Hardy Limeback, who is from Canada, was accepted by the Food Safety Authority. We were informed that fluoridated water should not be used to bottle-feed babies, but the fluoridation forum overturned that decision. The Minister knows that if the evidence had been included in the final report, that would have been the end of water fluoridation in Ireland. We continue to be faced with the consequences of the political decision to overturn the recommendation.

All Members of the House, including the Minister and I, are charged with examining this health problem. The Bill gives the Minister an opportunity, in consultation with the Minister for Health and Children, to undo this country's policy of water fluoridation. I am concerned that the policy has led to increased fluorosis, which has led to ill-health. Fluoridation must be stopped if we are to act as responsible politicians.

**Mr. Hayes:** As this is my first time to speak in the Chamber since the appointment of the new Minister for the Environment, Heritage and Local Government, Deputy Roche, I wish him well in his large and important portfolio. As another speaker said previously, the Minister has a grassroots knowledge of this area as a former member of a local authority who came up through the ranks the hard way. It is important that the Minister who is responsible for local government should have come through the local government system. I sincerely wish him the best of luck.

I said to myself as I listened to Deputy Gormley's warnings about the dangers of water that I was probably fortunate that the glass in front of me was empty.

**Mr. Roche:** The Deputy should drink gin.

**Mr. Hayes:** It is important that the drinking water available to us should be of the highest quality. As Deputy Gormley was speaking, I wondered where the water we drink comes from. There are many question marks about the source of our water supply. We are warned, particularly by those in the medical profession, to drink plenty of water at all times. If one is on a diet, suffering from an illness, in hospital or in the best of health, one is always warned to drink plenty of water. We are even told how much water we should drink during the day. The Bill is important for that reason.

All Deputies are accustomed to examining the weather each day. When I was researching this issue, I said to an American intern who works for me that water shortages are sometimes experienced in County Tipperary. She could not understand why such shortages take place, given that Ireland is famous for its rainy climate. This Bill is important for all involved, including the Government and local authorities, because it relates to the management of the water system.

We should salute those involved in this country's many group water schemes, which were referred to previously. Most of the schemes were established in the 1940s and 1950s by committees which met late at night and collected money in an era when people were not well-off. Many such initiatives in my local area were organised by groups like Muintir na Tíre. It is important to salute those who successfully established such schemes, especially in the western counties. Some of the water schemes in County Tipperary which were later taken over by the local authorities are now regarded as being among the better ones.

It seems to me, as a layman in this area, that many wells and sources of high quality clean water are available in rural Ireland. The Minister should examine the possibility of tapping the resources which are available. I refer to the many wells of clean water which people cannot use for various reasons. The grant payment system for drilling wells, which is unfairly limited to those who do not have another source of water, should

be widened to include farmers who use large volumes of water. The Minister should examine the possibility of extending the payment to all those who use large volumes of water. Those who run dairy farms and other intensive farms, for example, need a substantial amount of water. I do not understand why people involved in the tourism industry, including those who run bed and breakfast businesses and large hotels, should not be encouraged to source their own water supply. Many such sources are available. Will the Minister consider incentivising such activity to reduce the level of pressure on water sources, such as reservoirs, which are used by local authorities to provide a proper water supply?

Many speakers referred to the possible privatisation of the water network. I have many concerns about such a policy. A Deputy referred to the privatisation of Telecom Éireann. Some people who called to my constituency clinic last Monday informed me they rely on mobile telephones because they have been waiting six to eight weeks for a new telephone line to be installed in their area. I thought the era when people had to contact a local politician to have telephone lines installed in their area was gone. That does not reflect well on the telephone service provided by Eircom.

We need to invest properly in the water network which is a fantastic asset comprising thousands of miles of piping. I am aware that there have been many breakdowns in the service, especially in the past two summers. It is obvious that there is a great deal of pressure on the main water lines. We need to examine the possibility of replacing many lines which cost us a great deal of money because of their faulty condition. We have made great progress in renewing other aspects of infrastructure, such as the road network. The main highways will be completed over the next three to four years. The Department of the Environment, Heritage and Local Government needs to examine the state of the water piping network which was laid in another era to serve a different level of need and a different generation. The network is crying out for investment over the coming years.

Many Deputies have spoken about the merits of metering the water supply. I see a significant need to curb water wastage. I said that a substantial amount of water is being lost because of the bad piping system which needs to be replaced. There is a great deal of merit in the proposal to install meters in individual homes and farms. I would welcome a decision by the Government to pursue such a policy.

In north Tipperary, for instance, 95% of non-domestic consumers are on a meter system, and that is very encouraging. All water supplies should be metered because people do not understand the value of water, and the wastage that takes place on a domestic or other level, be it a farm or other development, must be curtailed. Metering is a good solution to wastage. People should be encouraged not to waste water. When

[Mr. Hayes.]

I was canvassing on a fine summer's evening earlier in the year, I was amazed to see water sprinklers being used a mile from where people complained about frequent shortages of water.

**Mr. English:** For the begonias.

**Mr. Hayes:** That is the wrong way to utilise a scarce resource. Deputy Gormley referred to the problems with water. I have no doubt that much of the water we drink is top class. While a great deal has been done, more must be done to improve quality. However, whether through public consultation or in some other way, we must enlighten people and point out to them the value of water. This message must be hammered home because people do not understand the value of something that is so easily attainable and readily available, nor do they understand how good and important this is. We must examine ways to educate the public on this.

Water quality is everyone's prominent concern. It has a direct impact on public health, the environment and tourism, especially fishing. Inland waterways are a great source of tourism revenue in some counties. The River Suir, which flows through Tipperary, was once a great source of trout for angling and attracted a large number of visitors. The number of fish in that river has declined considerably in recent years. Has that been because of the quality of the water? Has industrial pollution over the years killed some of the fish stocks in the river? That must be addressed.

I welcome this Bill and the opportunity to say a few words on it. I welcome that there is so much interest in it and that so many have spoken on it and expressed a broad range of views. We must make the public more aware of the importance of water and the increasing scarcity of this wholesome resource. I certainly wish to impress on the Minister the need to examine alternative sources which are readily available. He should grant-assist heavy users to find their own source. In other words, they should not put even more pressure on resources.

**Mr. Boyle:** The explanatory memorandum to the Bill admits that the legislation on the provision of drinking water and treatment of waste water extends back to Victorian times. From that one must infer that the infrastructure that still exists in many part of the country to supply water and collect waste water remains essentially Victorian in the condition of the pipes, their diameter, and the loadings that have been put on them by poor planning, especially in larger urban areas. It is the Government's responsibility to state how, not only in legislative terms, this can be met by a framework of agencies.

Resources must be provided to update the infrastructure in both the provision of drinking water and the collection of waste water. There has been investment, and some of it has come

through European funding, something of which the Minister will have been aware in his previous incarnation. However, that option is no longer open to us for infrastructural development. The remaining large works that must be carried out will have to be funded almost entirely by the Exchequer unless the Government, as it seems to be implying in general terms through this legislation, can magic the provision of resources through its reliance on public private partnerships.

If the Government intends to take that route in meeting this shortfall, I fear that future legislation will be needed to pick up the pieces. We can see that from the examples of other countries that have engaged private enterprise to provide water and collect waste water, which must be the most public of services and resources. That experiment has gone badly wrong. We need look no further than our nearest neighbour, the United Kingdom, and the utter catastrophe of dividing its water system into several regional privatised companies. That has done nothing for the quality of the water or its provision to the end user. In environmental terms, it has certainly brought about a greater reliance on state intervention.

Regarding the poor infrastructure that remains in larger urban areas, other speakers referred to the leakage difficulties which have been measured in towns such as Dublin and Cork as between 25% and 40% of the water supply. Some of it has to do with the corrosive joints and the pipes themselves. However, there is still the problem in too many parts of the network in many metropolitan areas that pipes are made of lead. Progress in replacing lead pipes in metropolitan areas has been much too slow. By not doing so, we are also aiding the contamination of the water supply which we must then ameliorate through other sources, often through the excessive use of chlorine in drinking water supplies.

I know that my colleague has spoken at length about the other additions made in treatment centres before water reaches households, such as the near exclusive and only State use of fluoride in our drinking water supply. The new Minister should address that as a priority. However, he has yet to say whether he believes it a problem and whether the Government is committed — it has not been to date — to overcoming the inconsistency and contradiction that it claims to represent public health while adding to our water supply something that, in the quantities in which it is now introduced, can damage public health.

The Green Party will be consistent in challenging the Government to ensure that the issue is brought to the forefront and that an amendment to the Health Act, in which it was introduced, is made. It might even be possible, through a comprehensive Water Services Bill, to submit such an amendment here. We intend giving active consideration to that on Committee Stage and hope that the Minister might be able to respond to it.

Another difficulty regarding the piping infrastructure and its use in other areas is fire safety.



As a member of a local authority in Cork, I have seen several instances where, as a result of such poor infrastructure, we have learnt too late the water pressure necessary at key and critical times. The most obvious example was the major chemical accident at what was then the Hickson pharmaceutical plant in Ringaskiddy in 1993 where efforts to extinguish the fire ceased because the water supply was inadequate. The diameter of the pipes was not wide enough while the strength of the water flow was insufficient. Luckily, that situation was resolved and the necessary expenditure was later made to ensure such an event could not take place again at that location. I later learned of other industrial sites where the supply of water was weak and needed to be strengthened; no doubt there are others. The Government, acting in concert with local authorities, lacks a plan to make water readily available to ensure fire safety, particularly with regard to industrial sites covered by the Seveso directive. I speak as a Deputy for a constituency which has the heaviest concentration of Seveso installations in the country. The Bill does not deal with this matter in any proper length and detail.

I share the concern of other speakers that the role of local authorities and their members is being further undermined by the proposals in the Bill. The Minister, having up to recently been a member of a local authority, might comment on this matter when considering the Bill on Committee and Report Stages. It is ironic that one of the few executive powers of elected members of a local authority is the power to put in place a water quality management plan that applies to estuaries and bays in the functional area of a local authority trying to control effluents entering from industrial, agricultural or domestic sources. Sadly, this power has been exercised very slowly and in limited circumstances. Other than Dublin City Council, I know of no local authority which has put a water quality management plan in place on the say-so of the elected members. No doubt some of my colleagues may tell of how such efforts have been frustrated at departmental and official level. However, Dublin City Council has not followed through on the spirit of its plan.

The fact that there is such a power and that it is not widely used contrasts greatly with the imposition of the water services authority and the need, as a result of this legislation, to bring forward a water services strategic plan. Making this a function of the unelected members of local authorities who the Minister knows will be the managers undermines local government further. Sadly, this is of a piece with all the legislation introduced by all the Minister's predecessors in recent years. All the legislation related to local government decision-making has undermined the role of local council members, particularly in the case of waste management plans. If we believe services are best delivered at local level by those elected to represent their local communities because they know how services are impacting on their lives, we should not introduce legislation of

this type. I hope the Minister is sympathetic to these views. We will wait to see if he is prepared to put in place measures to indicate that he is.

The wastewater issue has been touched on by many speakers. Many of the problems which affect the infrastructure of drinking water also apply to wastewater. I have seen the avoidance of responsibility by local authorities for the collapse of individual wastewater networks and even wider networks. Some of the problems have arisen because the original piping was designed to cope with populations now far exceeded. It is unfair that when the piping and the infrastructure break down, householders are expected to repair them. We need a legislative framework which accepts that the State or the local authority responsible for providing the infrastructure should ensure it does work, that the load is not exceeded, and that if it is, the responsibility lies with the local authority concerned.

We are now moving towards implementation of the European directive on wastewater treatment. This Bill lacks the sense of urgency needed in this area. While Dublin has its single major plant which is probably not sufficient for its needs and is causing obvious problems, many areas of the country are nowhere close to meeting the EU directive deadline. In practice, the Government expects the infrastructure to be provided through some kind of public private partnership. That is unfortunate and will create problems.

The wastewater treatment facility in Cork will come on stream soon and there is a contract for an outside body to run it. We will see how the experience pans out. Even with this multi-million euro investment which resulted in the city being torn up for the past few years, at the end of the process we only have, for a population of 150,000 to 175,000, a secondary treatment wastewater plant. Far too often these inconsistencies on the part of local authorities are tolerated by the Department of the Environment, Heritage and Local Government. When exercising the highest possible environmental standards, we should not only live up to the standards laid down for us in the EU directives but should bear in mind that these standards are likely to change in the future. We should have in place standards which will apply in 20, 30 or 50 years' time in order that infrastructural investment in the future will not be necessary.

The other difficulty regarding wastewater treatment relates to the sludge and waste created. Once again the Government has not asked the necessary questions about what will happen to this waste. The Cork plant which will probably be the model used by other local authorities will treat domestic and industrial wastewater together. Therefore, there will be a degree of toxicity in the waste produced. This will need a special dumping location while the nature of the waste will preclude it from the usage suggested by those promoting such plants in the past. Among those suggestions were laying the waste in sludge or pellet form on park land or golf

[Mr. Boyle.] courses. That is totally off the agenda. We will have hundreds and thousands of tonnes of sludge and pellets which must be disposed of.

The Green Party has suggested alternative wastewater treatments on a smaller localised level. Those treatments might apply more readily to rural than urban communities, but there has been a very slow take-up by the Department and the local authorities of innovative treatments such as reedbed treatment on a small scale. They would deal with the treatment of wastewater and the production of any waste resulting from it.

Rural water schemes have generated much comment. I reiterate what other speakers have said — we should be grateful for the provision of infrastructure in rural communities through voluntary effort. This is the opposite of the method being used by the Government to provide infrastructure for the future. Instead of making use of public private partnerships where the incentive is to appeal to those in the private sector who think they can make the most money out of the public need for infrastructure, we should reinvent the original public public partnership. Under the latter, the State provide resources and local communities then identified needs and worked towards meeting them. There have been obvious difficulties with PPPs and these are partly related to the way in which the Government has provided resources and the fact that it has not provided sufficient resources. This is particularly true in the case of rural schemes and has given rise to problems as regards excessive amounts of contaminants such as fecal coliforms — levels of which have risen as high as 25% — in water supplies.

The approach we should take is not to establish a standalone body which could, in itself, be the prototype of another privatised agency. We should use the voluntary network and provide it with adequate resources to help it become as professional as possible in this era of higher environmental standards. We are concerned that the standalone body could develop into anything and that is why I am raising this point. It is at such a remove from the original principle and the existing philosophy of group water schemes that it must be challenged.

Even during the short period he has been in office, the Minister is beginning to obtain an indication of the sense of anger towards this legislation from those who administer group water schemes. These people believe the Bill to be an attack on what they are doing.

**Mr. Roche:** I have not gained any——

**Mr. Boyle:** The Minister may not be talking to the same people with whom we have had discussions. We have certainly gained the impression that they are angry. The Minister will be obliged to respond to concerns in this area and I suspect that there will be a number of amendments to the relevant section of the Bill.

**Mr. Roche:** If the Deputy communicates to me the information he possesses, I will deal with the matter. We have been very careful to talk to people involved in group water schemes.

**Mr. Boyle:** It seems that we are operating a whistleblower's charter in the House.

**Mr. Roche:** Those involved in group water schemes told me one thing. If the Deputy knows something different, he should communicate it to me.

**Mr. Boyle:** I will talk to the Minister about that matter. My conversations have been with my party colleague who has been in contact with people in the Minister's Department. We can discuss the matter in other arenas.

My final point relates to the fact that the European Union water framework has not been implemented. The Bill does not implement it to the extent that it should be implemented. When one considers the selective and unaccomplished way we are implementing directives on waste water treatment in respect of which we have already provided a commitment to put in place, it does not inspire confidence. In light of his previous role as Minister of State with responsibility for European affairs, the Minister should pay particular attention to ensuring that we comply as quickly and as well as possible to the standards being sought of us. It will be at that point, perhaps, that it will become apparent that the legislation had a use.

**Mr. English:** I congratulate the Minister and wish him the best of luck in his new post. I believe and hope that he will do a good job. He possesses the necessary experience and understands the workings of councils. Given that he comes from County Wicklow, he will understand many of the problems being experienced in Navan and County Meath in general. Such problems are familiar to everyone who lives in the greater Dublin region.

**Mr. Roche:** I have firsthand experience of them.

**Mr. English:** This debate mainly relates to the Water Services Bill and Deputy Hayes referred to the wastage of water, etc. I was provided with some scary facts yesterday in respect of water which shocked me. One of these is that it takes approximately 1,000 tonnes of water to produce one tonne of grain. The figures to which I refer were provided by a professor at the Earth Policy Institute. I accept that there are those who will argue that he is wrong and question from what source he obtained his figures. However, he seems to be able to stand over them. They illustrate how much water is needed for different things. He stated that we are going to have a water crisis and shortages in the future. That is not news to some but I was particularly struck by the evidence he provided as regards how quickly

it could happen. What he said alerted me to how to stop the wastage of water and discover ways to use our water better. As a nation, we have a great deal to do in terms of valuing water and making better use of it.

The professor in question also stated that we drink approximately four litres of water each day, which seems correct, and that it takes almost 2,000 litres of water to produce the food we eat each day. That is shocking. I will check the figures and use them when I can, particularly in giving talks in schools, etc. Perhaps we could investigate whether there is a way to force people, through the provision of pure facts, to make better use of their water. The professor stated that in the long term decreases in the level of water tables will lead to higher food prices. When this happens, people will begin to wake up to the need to conserve water. I am not advocating the introduction of water charges but perhaps we could make people aware that water is a major ingredient in food production and that if there is less water it will be more costly to produce food. That is one approach we could take. I am sure there are many others which could be taken but there is no doubt that we have a great deal to do. The Government and the local authorities need to provide a lead in this area.

Local authorities are guilty of letting water flow out of the pipes at enormous rates. The level of leakage is unbelievable. We must take action in this regard. There were approximately 166 leakages and breakages in the pipe system in Navan during the past year. I welcome the fact that the Department has provided funding to solve the problem. However, it has been stated that it will take 12 to 18 months to replace all the pipes. Having listened to previous speakers, I understand that many towns, etc., have problems with crumbling pipes. We need to tackle this matter. It is not acceptable that people in Navan, a town with over 160 leakages, are being told that it will take 12 to 18 months to resolve the problem. I have been informed that tendering and other procedures must be undergone. Surely something else can be done in emergency situations.

Will the Minister use Navan as an example and see if savings can be made by having the work done more quickly? Perhaps it could be done in six months, with those involved working weekends and at night. There are two teams of workers in Navan who spend their days repairing various breakages. At the same time, another team is charged with putting in place new pipes. It must be costing a fortune to have these three teams working on repairing and laying pipes. The new pipes will not be used until the entire system has been put in place. There could be a new pipe running parallel to a crumbling pipe but it cannot be used. This seems to be a strange way to go about dealing with the matter. Will the Minister consider the case of Navan to see if something can be done to save money? I accept that there are difficulties in other towns but — I may be

biased — these do not seem as bad as those experienced in Navan.

The Department has provided funding in respect of Navan but there must be some way that those in local government can get things done more quickly and not be obliged to wade through red tape, etc. People cannot figure out why the process takes so long. As a Deputy, I am supposed to explain why but I cannot come up with a reason. The Minister should try to reform the system and bring about changes.

The purpose of the Bill is to clarify the position and indicate who is in charge, namely, the Minister and the water services authorities, which are the local authorities as matters stand. It contains nothing new in that regard. The main aim must be to get systems working again. The Bill refers to the setting down of standards and states that the Minister can issue a compliance notice to water services authorities which do not reach such standards. If the necessary pipes, etc., are not in place, how can the authorities reach any standards? On each occasion a pipe cracks or breaks, there is a danger that water could become polluted and that infectious diseases could spread. We have had some cases of *e.coli* in Navan. It is hard to trace, however, because it is here today and gone tomorrow. We cannot expect the Bill to solve everything immediately without providing funding or co-operating with the relevant authorities to get things done more quickly. The purpose of the Bill is to address the management of the system, including pipes and the treatment system, and to modernise the existing legislative code.

Speaking in the Seanad, the Minister's predecessor stated the legislation was one of a number of Bills and reforms in this area. I joined Meath County Council in 1999 at the time of  
6 o'clock Better Local Government and other local government reforms. Local government is worse now than in 1999. I discussed this issue with colleagues from County Meath and other counties who have been councillors for ten, 20, 30 and 40 years to find out their opinions on the matter. None of them believes we have better local government.

We are discussing further reform and legislation when we already have too much red tape and procedures. Nobody at local authority level wants to take responsibility. The buck is passed as officials deny that certain issues are the responsibility of their Department and pass them on to other Departments. In the past, a local authority had one county manager and an assistant who answered for everything and did the job. Nowadays, county councils have seven or eight assistant managers spread all over the place and whom one cannot contact.

The issue of red tape, procedures and so forth needs to be addressed and the Minister can make legislative changes which will not cost him money. The other part of the jigsaw, however, is the failure to properly fund local government. While I accept that all Departments require funding, local



[Mr. English.]

government operates on the ground to get things done by providing water and sewerage schemes and other services. There is no point introducing new legislation without a commitment to provide matching funding.

Legislation in other areas could alleviate some of the problems with water quality. I have a problem with the way in which developers are leaving many estates in terms of poor drainage and many other problems. We have had bad development with many things not done properly. Despite this, local authorities do not appear to be able to chase developers. They are reluctant to do so because they must take them to court, which costs money they are afraid to spend.

I thought the Planning Act 2000 would solve the problem of unfinished estates and the failure to provide proper water and sewerage systems. The Act provided that local authorities could consider the record of builders when dealing with an application from them for a further development. However, to refuse a second application by a developer on the grounds of previous history, the developer in question must first be brought to the High Court. This defeats the purpose and is another indication that local government reform and planning legislation are ineffective. This provision must be corrected.

Why do many of our towns have problems with water quality, cracked pipes and so on? Such problems have arisen in many areas, particularly counties Wicklow, Wexford, Kildare and Meath in the greater Dublin region. They are a result of excessive pressure on and over-development of land. In many cases, councillors are to blame for rezoning land without proper strategies. Fortunately, the approach to zoning land and the logic behind development plans appears to have changed. The latter appear to be better thought out, with experts invited to give their views. It is no longer a case of zoning someone's land because it is a nice green field. Instead, questions are asked as to whether the zoning would be beneficial and complies with the development plan. This is proper planning and I hope it results in the elimination of current planning problems. The massive development of property in recent years was not accompanied by the necessary funding. Counties in the greater Dublin region such as Meath — again I am biased in this respect — should have received additional funding for facilitating massive housing development.

We, in Navan, have been aware for years of the problems which gave rise to recent cases of broken water pipes. The problem did not crop up in the past year or two, yet it was not addressed and developers were allowed to continue building houses without proper underground infrastructure to take the pressure. As a result, we have had 164 breakages to date this year, with homes flooded, appliances wrecked and householders' lives made a misery.

The Minister's predecessor stated the issue at stake was the water in the pipes. It is laughable

to discuss water quality without discussing pipes or lack thereof. I apologise for speaking at length about matters that have arisen in Navan but I must raise them in the context of this legislation. We have disgraceful infrastructure in a modern town. I ask the Minister to examine the issue to find out if he is satisfied in terms of value for money.

It has been suggested that consultancy groups and committees will be established to monitor the situation on the ground. This is a fine idea and I am sure people will be delighted to help the Minister to monitor the local authorities. If people get involved in such committees, however, the authorities will have to listen to them. If, for instance, someone makes a telephone call, it will have to be answered. Monitoring committees must have a use but many people, not only in County Meath, who telephone public bodies do not get a reply.

**Mr. Roche:** They are referred to an answering machine or voice mail.

**Mr. English:** One is asked to press the digits "1", "2" and so on for various options. One should just press "3" for foreign affairs to find out where is everybody. The failure to get answers makes people frustrated and annoyed. The matter must be addressed.

Section 37 empowers the Minister to issue compliance notices specifying corrective action to be taken by a water services authority. Although this power was probably available already, the section clarifies it. Will the Minister, in taking such action, demand results and value for money? Value for money will mean we will have much more money at local level. I am not arguing that the solution to local government funding is for the Government to provide all of it. Various options must be considered, including making savings, raising revenue locally for certain issues if necessary and greater Government funding. Local authorities are under financial pressure and while some of the solutions lie in the local authorities themselves, many lie with the Government. It will be difficult for the Minister to use his power to intervene and slap wrists if a water authority does not meet standards when the necessary infrastructure is not yet in place. This provision will probably be fine once a proper system is in the ground.

Sections 30 and 31 set out the functions of the water services authority, for example, in terms of provision, supervision and other matters. From what I can gather, many of these guidelines are driven by the European Union. Water is a priceless commodity. In light of what I heard in Strasbourg yesterday, is the legislation intended to prepare us for the privatisation of water? The Minister has denied this is the case but the legislation makes such a process easier by creating the necessary structures.

Privatisation may be forced on us by Europe, not necessarily during the term of this Govern-

ment or the next which will, I hope, be led by the Fine Gael Party. The Minister is well informed about Europe and well respected in Europe. If privatisation is inevitable, we should tell the people now. There is no point in hoping the issue will become somebody else's problem in a few years. If privatisation or the reintroduction of water charges is planned in the long-run, it should be stated now. The Minister is indicating that this is not the case but I will remind him of his denial in a couple of years if privatisation takes place. It would be unfair not to tell people.

The proper implementation of the Bill will cost local authorities money. Other Bills created costs for local authorities which did not receive funding to implement them. Development charges are a case in point. The contribution schemes are a rip-off and are used as another form of taxation in many authorities. Councils were blackmailed into introducing contribution schemes. If they did not introduce them, they would not be guaranteed funding.

I have no problem with contribution schemes in general if they add to what is in place. However, the list of infrastructure which will be provided from these schemes and development charges refers to bridges, roads, roundabouts and so forth, things that were always in place. These are supposed to be paid for from our income tax, road tax and other taxes. I am a little concerned about what is coming down the line. This provision was sneaked into a Bill and not implemented for a few years but is now in effect. People are paying up to €15,000 if they wish to build a house in the country and link into the water and sewerage systems.

I do not mind people having to pay a small contribution towards parks and the like but they are being told that before they can start building after getting planning permission, they must pay between €10,000 and €15,000. That is the average charge in County Meath. The charge used to be €5,000 or €6,000 and nobody argued with it. It seemed fair and people accepted it. However, suddenly to have to pay €15,000 for something that was always paid for from Government coffers seems wrong and unfair. It is not good enough. It all comes back to water and sewerage services.

Planning permission is another problem. There is much talk about getting people to live in towns. We are trying to do what was done in countries such as Germany, Belgium and so forth where houses are built in clusters. However, it is probably too late to do that here. Houses are dotted all over the place and one cannot just move and put them in one place or force all the children to go into a little circle in the middle, unless people can afford to do it or it is made attractive for them to do so. Until that is done, they must be allowed to build on their land and should not be charged a fortune to do it. If we do not want houses built in every field, we must fund an alternative. Telling people they cannot build on their site but that they will be let build on Mr. Smith's

land down the road after being charged more than €80,000 for the site will not work. Why would they do it? What sane person would spend €80,000 when they did not have to?

Section 35 deals with strategic and operational planning. All councils will be obliged to make six year plans. I have no problem with long-term planning as long as it comes with multi-annual funding. However, will this mean more red tape? Will there be flexibility in these six year plans? I dealt with a case involving the five year road plan which is effective but some genius managed to get the number of a road wrong in year three. This was not discovered until year three when they were told they could not change the number of the road. That makes no sense. I hope there will be flexibility and common sense in these six year plans.

Sections 55 and 61 enable the authority to force a developer to allow water pipes to be opened and checked prior to connection to the system. I truly hope this is enforced. Builders should not be let build houses without doing this. I am told, although the Minister might be better informed on this, that in other countries, including Northern Ireland, developments are checked at each stage of progression. I cannot figure out why that cannot be done here. It will cost money which must be found because people are buying homes that are dodgy and will not last.

I hope the licensing for group schemes will not mean more red tape and delays. I also hope there will not be massive charges involved. There is no hint in the legislation of what the price of the licence will be. Is that how the changes in the Water Services Bill will be funded? I hope not. There are hundreds of smaller schemes below the threshold of 50 which will not be licensed. We will have to find some way of controlling or monitoring them.

**Mr. Kehoe:** As I have said on local radio, I congratulate the Minister on his appointment. It is a great honour for him and his family. I hope he will not be the Minister in the next Government and that we will be on the other side of the House. However, as a fellow Wexford man, I wish him the best of luck. He will be well able for local government. I have heard his views on the subject on many occasions and admire him for being so outspoken.

This Bill is of the utmost importance for our future and that of future generations. I hope it will benefit all of us. Deputy English referred to the importance of water. Everybody needs water every day; we cannot function without it. It is a necessity, regardless of one's walk of life. It is a resource that should be nurtured but is often abused. One cannot over-emphasise its importance.

Having read the Bill and the Minister's Second Stage presentation, I hope we will have cleaner water which would benefit everybody and offer a better quality of life. The Bill is the result of an EU directive. People are often frightened of EU

[Mr. Kehoe.]

directives, as our new party spokesperson on the environment and local government, Deputy O'Dowd, mentioned this morning. However, they should not be frightened if they look beyond the directive, particularly in the case of this Bill which is an example of something positive that has come from the European Union. There have been many other positive developments.

People often complain about the European Union and EU directives. The one that readily springs to mind is the nitrates directive which will have a huge effect on farmers. It frightens me also. I hope the Minister will do his best when dealing with it. As other huge changes have arisen from EU directives, people tend to be frightened of them. However, although this Bill has its origins in an EU directive, I welcome it as it will benefit us in the future.

It was only when I read the magazine produced by the National Federation of Group Water Schemes that I became aware of the different diseases that could be carried through the water supply into houses. It is amazing. *E.coli* is one of the many diseases carried through water. It is frightening. This emphasises the importance of the quality of water.

Deputy English spoke about pipe laying and replacing old pipes. In towns such as Wexford, Enniscorthy and Gorey I have seen the council laying new water pipes and then, three or four years later returning to lay them again. It amazes me. This must be investigated by the local authorities. One year they might be working on a sewerage scheme, then they return to work on the water pipes and then, three or four years later, they are back to do it again or to work on one or other connection. Surely something could be done to alleviate all this digging and replacement of pipes. This is 2004. As there have been many developments in computers and the like, we should be able to deal with something as simple as water pipes, their quality and replacement.

There are water treatment plants, pumping stations and reservoirs across the country and much work has been completed in this area. It was not until I entered politics that I discovered the amount of work and the significant cost involved in the process of supplying water from the well to the household. I was not aware of this as I had never served on Wexford County Council. The former Minister for the Environment, Heritage and Local Government, Deputy Cullen, opened a water treatment plant in County Wexford and I hope the current Minister will open further sewage and water treatment plants, which are vitally needed. Officials of Wexford County Council told me the cost of carrying out this work to the highest EU standards would run to millions of euro, which amazed me. I come from a farming background and thought no more was involved than sinking a well, installing a pump and turning on a tap. However, that is in rural Ireland, not in urban areas with thousands of houses in any one town.

Water supplies can be used or misused and I am delighted the Bill deals with water conservation, on which Deputy English made an important contribution. After I had served one year in politics, I was contacted by a man from south County Wexford to tell me a pipe of his had been leaking for almost a week. He told me he had telephoned the council on numerous occasions but they never visited him, perhaps because of council staff passing the buck or not finding someone to deal with the problem. If someone reports a problem to a local authority, it must be acted on immediately. The Minister should ensure that water supplies are looked after and that local authorities carry out their duties in a professional manner. In his earlier contribution on the Bill, the Minister stated:

Some €276 million is being invested in the current round of national programmes to identify and substantially reduce the levels of unaccounted-for waters in Ireland's water supply network. The investment must be supported by effective enforcement powers to prevent its being undermined by user-side leakage and waste.

It is important this is carried out.

On visiting Egypt two years ago, a government official there told me that in years to come the waters of the River Nile will be one of the most important commodities. He pointed out that while it was not clean water, it was the water that people drank from their wells. Irish people could not at one time have imagined buying bottled water from a shop. If I could go back two or three generations to tell people that water was being sold for up to €4 per bottle and that perhaps 50 or 60 companies supply bottled water, I would be laughed at. It would amaze those who came before us to see people carrying three litre bottles of water from supermarkets.

Housing developers make a lot of money but do they care about the quality of water being supplied to their developments? I worked in construction before I entered the Dáil. Some developers would be aware of the issue and would have the quality of water supply as one of their top priorities when they hand over the keys to new house buyers. However, other developers could not care less about water quality as long as they get €200,000 or €300,000 for a house. Whether there is a problem such as a burst pipe or otherwise, their only concern is to make a quick buck. I feel strongly on this issue. When housing estates are completed, do the local authorities carry out water tests? The Minister should consider this.

Private group water schemes are important. My parish of Bree is served by the Beaumont private group water scheme. The group is voluntary, organised by perhaps five people in the area who look after the development and upkeep of the water supply. While canvassing during the last election campaign, I visited the White Mountain area near Rathnure on a cold, windy and wet



night. As a strong Fine Gael family lives in a very isolated part of the mountain, I knew I had to call there.

**Mr. Roche:** I will know to avoid canvassing there.

**Mr. Kehoe:** I passed a pump house with a light on inside and a car parked outside. It transpired the pump house was part of a group water scheme and a man was checking it at perhaps 9.30 p.m. on a dark, wintry night. He could have been attending to his own business but he was interested in the group water scheme that was supplying his and other villages in the area. The commitment of members of group water schemes is like the commitment of GAA club members and must be commended.

This brings me to another point. County managers are to be given sole responsibility for certain areas dealt with by the Bill. In the same way that local volunteers look after private group water schemes, it is only right that county councillors, elected by the people, are given some form of responsibility for the implementation of the Bill. I feel strongly on this. While I was not a member of Wexford County Council, I know there was an intention to provide better local government. I am not sure whether my own party was responsible for implementing better local government from 1994 to 1997. However, elected representatives, including those on town councils and corporations, should be given some form of recognition for the work they do. They are elected by the people. The county manager is not elected. He or she is appointed to the council to carry out a job. We have a newly appointed county manager in County Wexford who is doing an excellent job.

**Mr. Roche:** In Enniscorthy.

**Mr. Kehoe:** He has been there for the past year and a half. I do not want to demean him or any other county manager. However, it is important to give county councillors a role because it is they who will be involved in group water schemes. If a pipe is leaking, it is not the county manager who will be contacted on a Sunday morning but the elected representative. People know it is in his or her interests to go and investigate if the water is dirty or tastes wrong or there is no pressure.

The Minister is well aware of the situation in one of County Wexford's holiday areas, namely, the Courtown area where hundreds of new houses have been built in the past ten years. Every summer from June until the end of September the area experiences major problems with the water supply and water pressure because there are so many holidaymakers whom I would not run down as they are very important to the economy of County Wexford but they do not get the water supply to which they are entitled. Regardless of where they come from, they have paid money for their house and services.

The problem may not be the fault of the developer but that of the people who gave planning permission. We should not build housing developments if the proper services for which people have paid and to which they are entitled are not in place. This is relevant in the context of development charges which people should not have to pay if, three or four years down the road, they do not get the services for which they paid. I am a believer in value for money. If people pay for something, whether it is a bar of chocolate, a meal in a restaurant, water services in an urban area or a house, they are entitled to value for money.

Deputy O'Dowd mentioned this morning that there was under-spending in the Department of the Environment, Heritage and Local Government last year to the extent of €650 million.

**Mr. Roche:** There was some under-spending.

**Mr. Kehoe:** Every Department should spend the budget it is given. I hate the practice of leaving money for a slush fund before a general election. It might be said if I were on the other side of the House, I would do the same, but I do not believe I would.

**Mr. Roche:** I am encouraging county councils not to send money back this year.

**Mr. Kehoe:** When a child goes into a shop with money to buy sweets, he or she does not come out with much left over. I do not want to liken the Minister to a child, but I want him to receive the message that he should spend every penny he gets and ensure people get the services to which they are entitled.

**Mr. Eamon Ryan:** I congratulate the Minister on his appointment. I saw him heading off with other wild geese from this House to set up the European constitution which was achieved with great aplomb. I congratulate him on this. Now he is back as a wild Wicklow goose in the Department where I wish him the very best of luck.

**Mr. Roche:** We have sheep in County Wicklow.

**Mr. Eamon Ryan:** I wanted to continue my European analogy.

The Minister must be very happy to be able to present a Bill in his first few days in office. It must be one of the first things he had to do in the House as Minister, even before answering questions at Question Time. What he had to say was interesting. His speech had the great sweep of history which perhaps he brought back from his time in Brussels. I wonder, however, what type of Minister he will be? Will he be a Fianna Fáil-Fianna Fáil Minister or a PD-Fianna Fáil Minister? I wonder how he perceives this Bill? If I were to give my impression of it, I would say it was a PD-Fianna Fáil Bill through and through. If I were to characterise it, I would say it is about

[Mr. Eamon Ryan.]  
putting the final nail in the coffin of local government.

**Mr. Roche:** That is not so.

**Mr. Eamon Ryan:** It is about centralising powers in the Minister's office.

**Mr. Roche:** No.

**Mr. Eamon Ryan:** That is absolutely clear. It is about providing for privatisation. Despite the PD-Fianna Fáil manifesto which advocates low taxes, it is about allowing for future charges. The Government can say it has a low tax regime and at the same time, as we have seen in recent years, charge for just about everything that moves in a particularly regressive manner that affects those who are poorest, which has been characteristic of the Government. The fourth characteristic of a Fianna Fáil-PD Bill is that it does not care one whit about the environment and proudly states this. The Minister himself has stated this.

It will be interesting to see what the Minister will do on Committee Stage. I am not a member of the relevant committee, but I will watch with interest to see whether the Minister will accept amendments on the basis that he inherited the Bill and was not, I presume, involved in its drafting or detailed planning. It will be a test of what direction his Ministry will take.

I was impressed by Deputy Gilmore's Second Stage speech. It is interesting, as he said, that this supposedly worthy, yet dull Bill which is nice and thick and solid gets remarkably little attention, despite its significance. Regarding some of the powers for which it provides, people will ask four or five years down the road when they were agreed or what was the thinking behind them. No one will remember this Second Stage debate when some of the points were raised.

The coverage is interesting. This afternoon I asked Deputy Gilmore and other Members who contributed on Second Stage, including my colleague, Deputy Cuffe, and Deputy Allen, whether there had been any response or analysis or anybody in the press gallery talking about it and they said there was not a whiff of interest in it. At least it is on the record and in ten years' time we will be able to say we raised particular points.

Let me deal with the four issues I mentioned, of which the first is the loss of power by local authorities. This is a shame and a fundamental mistake by the Government. I was a councillor on Dublin City Council for approximately five years. It was a great honour and I found it a hugely interesting process. If people asked me what was interesting about my job, I always said that in local government what one was doing was examining the plumbing of society, the matters that were not often seen, not fashionable or above the surface, the essential services that make our society work, the central heating of our

society, the veins, the life blood of our society in terms of the transport system. The biggest and most important questions — I was a member of the environmental strategic policy committee for approximately five years — related to where we got our water from.

On that committee I was friendly with a roads engineer whom I knew from the transport department. When he switched to the water services division, I asked him how he could move from transport engineering to water. He said it was exactly the same, that he was dealing with flows, capacity and providing for the development of the city. He said it was more interesting because it was just as important as transport but that one did not get the same hassle because it was done beneath the ground and people did not see it. He said there was just as much in the way of interesting engineering projects to tackle but that the public did not necessarily understand what was going on, even though it was hugely important. If the water was turned off, we would hear about it. It is more important than transport. If we did not have water running out of our taps, everybody would ring their public representatives to ask why.

This Bill takes away any powers local councils had to develop strategic plans. I commend the idea of having a strategic plan for water, but the councils do not have one iota of influence or say in this. They will get the plan when the manager is finished with it. That is what the Minister is putting into legislation. As the Bill is drafted, the manager will decide. If the Minister wants to change this, he can do so on Committee Stage.

**Mr. Roche:** I am blue in the face saying I am changing it.

**Mr. Eamon Ryan:** I look forward to seeing it amended on Committee Stage. However, as it stands, only the Minister can make suggestions to the local authorities which they will have to introduce. I understand why this may have to be done. For example, when the Dublin City Council SPCs looked at the need to draw water from either the River Shannon or the River Boyne, a local authority on the River Shannon may not have been keen on such a development. Some cases may require strategic intervention on the part of the Minister. However, ruling out council intervention is not right. I commend the Minister for stating he will change this provision on Committee Stage.

During the past 30 years there have been inappropriate developments such as bad and corrupt planning. Planning is often led by the water and sewerage services which fundamentally set out how we plan our cities and towns. Water services often come before proper considerations such as jobs and services for human settlement. I recently spoke with the Galway artist involved with Macnas, Pádraig Breathnach, who has long campaigned for it to be recognised that civil engineers actually decide the direction of our towns and cit-

ies, not proper planning procedures. He cited the development along the Spiddal road in Connemara that everyone decries as madness. However, he pointed out that the people were not mad but had been given no choice by the engineer who had laid the water and sewerage systems on the road, forcing them to develop along it. Development along water and sewerage pipes cannot be allowed to continue.

It is not broad enough for the manager and Minister to decide development. Outside bodies are required. In this context, SPCs are a step in the right direction. Environmental, business and social groups need to be involved in such planning decisions because they will spot a repeat of the terrible mistakes made in Dublin and Galway where development occurred along water and sewerage networks rather than in keeping with proper planning guidelines. I am annoyed that the Bill excludes any role for local authorities and, particularly, the SPCs set up to look at these issues. I will commend the Minister if he brings them back on Committee Stage.

While the Minister claims that the Bill does not provide for the privatisation of water services, it does prepare for it. In his Second Stage speech, when praising PPPs, he stated:

Such arrangements represent the best way forward for the development and renewal of our water services infrastructure. They can provide value for money and the application of the latest specialist expertise. They give independent assurance that legal obligations relating to the protection of human health and the environment are being complied with . . .

Can public servants not provide us with the latest specialist expertise and keep an eye on value for money? Are public sector engineers so bad that they cannot achieve these goals? They do not need the 20% profit margin on top to pay for the international companies which usually work on PPP contracts. From my experience, public sector engineers are just as good as private sector engineers.

From the mid-1990s, the staff profile on Dublin City Council did not change significantly. However, the number of technical staff such as engineers, architects and experts in particular functional areas had halved while the number of administrators had doubled. Supposed cost savings are being made in local authorities. However, technical staff have been replaced by administrators for the PPP profit people who are making a 20% profit from the contracts divvied out. This is not an effective use of funds. Deputy Gilmore clearly set out where the potential for privatisation existed in the Bill.

It is better to be honest if water charges are to be introduced in the future or if the European Union so directs. Even if it happens after the next general election, it will be honest to highlight the possibility. Debate can then proceed as to how the charges will work. There is concern that they will be a regressive form of tax that will hit those

in the lower income bracket worst. The Minister could set out a system where an acceptable level of usage would incur no charge, while water wastage or excessive use would be metered for extra charges. It is a mistake for him to pretend that the European Union will not push Ireland in a certain direction on this issue and that the Bill does not establish the possibility of the introduction of such charges. In ten years time when the Second Stage debate is read again, it will be evident which Members analysed what would happen and who hid the truth.

The flagrant disregard for the broader environmental agenda is evident in the Bill. In his Second Stage speech the Minister stated it was helpful to visualise water services as pertaining to water in the pipe from the time following abstraction that it first entered a supply pipe to the point of its subsequent discharge to the environment as treated waste water and that the Bill did not seek to take a broader environmental view of water resources issues such as pollution control, water quality in its broadest sense and river basin management. It is remarkable if the Bill does not. However, the Minister contradicted himself later in his speech when he stated——

**Mr. Roche:** The Deputy should read the speech in its totality. If he is not being disingenuous, he is being untruthful.

**Mr. Eamon Ryan:** ——that the water plans would have to take into account the protection of human health and the environment and supporting ongoing sustainable development.

**Mr. Roche:** The Deputy should stick around for my response.

**Mr. Eamon Ryan:** I will. However, it recognises that any plans made in the water provision must take into account what contaminants are in the water before it enters the network and have an effect on the whole water services system. We cannot ignore the environment. What comes out of the pipes has an effect on the environment which cannot be ignored in the planning of our water services.

The EPA has done excellent work on the issue of phosphates in the environment. It has stated 5 kg. of phosphates will pollute a 10 hectare lake five metres deep. Up to 38,000 tonnes of phosphate in excess of our needs are produced in Ireland each year. If dairy farmers employed proper nutrient management plans, as set out by Teagasc, each of them would save €2,500 a year. That is a water management issue that cannot be ignored. I disagree with Deputy Kehoe on the nitrates directive, as I believe it urgently needs to be taken into account in this type of legislation. One cannot take nitrates out of the water at the processing stage. The European Union has stated that above certain limits nitrates can be harmful to health. Environmental issues cannot be ignored when discussing water services. It is



[Mr. Eamon Ryan.]  
blind, narrow, old-fashioned thinking to believe otherwise.

**Mr. Roche:** Is the Deputy aware that the nitrates directive is being dealt with?

**Mr. Eamon Ryan:** I hope the Minister accepts that it does concern the environment. As a tour guide on Lough Leane in Killarney, I told people not to touch the water due to its toxicity. It will be toxic for decades because the excess phosphorus takes decades to be washed out of the system. We have to stop immediately. We have to take this into account in our water management policy. We cannot ignore it. We will not be able to ignore it in regard to group schemes.

I agree with other speakers that group schemes are a fantastic example of community development. However, people are not stupid. Tens of thousands of fishermen have witnessed our country being despoiled. The trout are no longer there. There are also tens of thousands in group water schemes who despite all the good community work done, can see there is a problem with their water supply. There are problems with groundwater because of one-off housing developments and partly because of the run-off from forestry and agriculture. People are not stupid. They understand this is one of the great environmental scandals, that we have allowed our great lakes and rivers to become nutrified.

It is not all bad, some of the worst pollution has been reduced but the overall picture is still an atrocious one which we need to address. I had hoped the Bill would address this issue. I look forward to the Minister's comments on these points and, I hope, to a new direction in the Department of the Environment, Heritage and Local Government, which is badly needed.

**Mr. P. Breen:** I welcome this opportunity to speak on the Water Services Bill and congratulate Deputy Roche on his appointment as Minister for the Environment, Heritage and Local Government. His Department is a large one in which water services play an important role. I also congratulate my colleague, Deputy O'Dowd, on his appointment as Fine Gael spokesperson on the environment. He is a very capable Deputy and I know he will do a good job.

Last Monday morning Oireachtas Members in County Clare had a briefing from the county manager and engineers. Water quality was one of the matters we discussed. I am pleased to report that water quality in the county is good.

I have a great deal of experience of group water schemes as I was secretary of a private group water scheme in west Clare for 20 years, the Lissycasey group water scheme. Many group water schemes began in the 1960s and 1970s when securing funding was a great problem. Ongoing funding is required for maintenance and because over time pipes have to be replaced. A total of 720 households were involved, most of them rural

households. One third of members were farmers. Before metering was provided for, either for farmers or private houses, there was a great deal of wastage which only came to light when meters were eventually introduced. Thousands of gallons of water were being pumped down the drain. In some cases this was due to broken pipes not being fixed. Metering has been instrumental in conserving water supplies.

Water is life. It is now difficult to get good quality water in rural areas because of pollution. Thankfully, REP schemes have helped to address this issue. Deputy Eamon Ryan referred to nitrates but I do not think we have a problem in County Clare where water quality is good.

I am delighted the Bill provides assistance for the development of group water schemes. Many of the group schemes which originated in the 1960s and 1970s are now due for upgrading. Water needs to be properly filtered. In County Clare the health board monitors water quality. During my time as secretary of a group water scheme, problems with e.coli did occur but people were not as aware of such matters as they now are. It was due to water not being treated. I believe the Department has given grants to the scheme with which I was involved for the upgrading of water filtering.

Earlier in the debate a speaker referred to the lack of quality controls for bottled water. Some supermarkets now have a facility for people to bring their own containers to be filled with the premises' own filtered water. I do not know whether it is filtered. I heard the matter discussed on the radio recently when it was said testing had revealed little difference between bottled and tap water.

Fine Gael has concerns regarding the possibility that county managers could introduce charges for water or water services. People have been hit hard enough with development charges in recent times. Planning applications are now significantly more costly. In some areas development levies can cost up to €9,800. While I accept the payments are once-off, the sums involved are significant. IBEC has expressed concern at the possibility of the introduction of large-scale charges for wastewater treatment being levied on industry, thus making us uncompetitive. Small to medium enterprises comprise 50% of industries. They are already grappling with significant insurance costs. Development charges have also been introduced and now water charges are in prospect.

Another area with which I have a problem is sewerage schemes. We are told the country is awash with money and that the Department of the Environment, Heritage and Local Government has plenty of money to upgrade group water schemes and sewerage schemes, yet many rural areas are waiting for wastewater systems. This delay is hindering planning. The same is true of group water schemes that need to be upgraded. Some years ago a 100% grant was provided for communities to upgrade group water schemes but

this has now been reduced. It is very hard to get communities to take on this initiative and collect money. Local authorities put the onus on local people to collect it to put a group water scheme in place. This hinders development.

Smaller towns and villages should have group sewerage schemes in place. I know of one area in which a meeting was held last week to discuss the matter. Three areas in County Clare, Labasheeda, Carrigaholt and Cooraclare, were promised sewerage schemes would be in place in 2003, 2004 and 2005. However, there is still no sign of anything happening, yet we are told the country is awash with money.

There are good aspects to the legislation but, as Deputy O'Dowd said, we have reservations due to the fact that water charges could be brought in by the back door.

**Mr. Roche:** They could not.

**Mr. P. Breen:** They could be. The legislation provides that county managers could bring them in. It is included in the Bill.

**Mr. Roche:** It is not.

**Mr. P. Breen:** I hope the Minister will change this aspect of the Bill on Committee Stage when Deputy O'Dowd will probably table an amendment to that effect.

I welcome those aspects of the Bill that will improve our water services. As I said, piping in group schemes developed in the 1960s and 1970s needs to be replaced while filtering systems need to be upgraded. Our water quality will be improved as a result of EU legislation. This legislation must be backed up by money from the Department.

Debate adjourned.

### Private Members' Business.

### Special Educational Needs: Motion (Resumed).

The following motion was moved by Deputy Enright on Tuesday, 19 October 2004:

That Dáil Éireann:

- recognising the frustration of parents of those children whose needs are not being met because long-promised resources are not in place;
- questioning the fairness and appropriateness of a system which removes individual assessment, critical for the identification of individual needs, and which off-loads responsibilities from the Minister to the school principal in making key decisions as to which child receives assistance; and

- aware that timely and appropriate assistance to children will help them reach their full educational potential and concerned that neglect of specific educational needs of some children will hamper their development;

calls on the Government to:

- allocate sufficient resources for the provision of special needs assistants and resource teaching hours, when and where they are needed, so that children are given the help they require;
- implement the provisions of the Education for Persons with Special Educational Needs Act immediately, so that parents, psychologists and other key support personnel can be involved in drawing up the appropriate education plans to meet the specific educational needs of children; and
- immediately sanction the resources needed to clear the backlog in assessing applications for special educational resources, state clearly how long it will take to clear this backlog and reallocate internal departmental resources to the special needs section so that they can deal properly with applications and queries from schools and parents.

Debate resumed on amendment No. 1:

To delete all words after "Dáil Éireann" and substitute the following:

"commends the Government for the significant additional resources made available for the education of pupils with special educational needs; and welcomes the legislative and administrative measures being taken by the Government to improve the framework within which services are delivered to pupils with special educational needs, their parents and schools."

—(Minister for Education and Science).

**Mr. Carey:** I wish to share time with a number of my colleagues. Ar dtús, by mhaith liom tréaslú le mo chomhlacacha agus mo chara, Deputy

*7 o'clock* Hanafin, as ucht í a ainmniú mar Aire Oideachais agus Eolaíochta. Tá fhios agam go mbeidh sí go heifeachtúil san post sin agus go n-éireoidh sí go geal. Tá súil agam go n-éireoidh sí níos airde ar an dréimire polaitíochta i gceann cúpla bliain eile, ar aon chuma. I am delighted to congratulate the Minister for Education and Science, Deputy Hanafin, on her appointment and wish her every success in the position.

As regards the motion tabled by the Opposition, it is important that we avoid playing political football with this, if at all possible. I began my

[Mr. Carey.]

teaching career in the mid to late 1960s. In those days we were governed by a rather dog-eared copy of a book called "The Rules for National Schools" and a pile of circulars which were kept under lock and key in much the same way as the Book of Kells is in Trinity College.

In those days children with special needs were referred to in a much more derogatory way. They were called stupid. That was being charitable, some of the time. Those children were relegated to classes, taught in rooms at the rear of assembly halls, where there was no natural light. Those conditions pertained until the mid-1970s. I recall when my own school was sanctioned for a special class. A special class was allocated a space that was meant to be used as a small kitchen for the hall in our school. Members will not believe the trouble we had to go through to get a small grant from the Department of Education at the time to try to convert that small kitchenette area for a group of approximately 12 children.

No party can claim it crowned itself in glory in dealing with children with special needs, until relatively recent times. It was not until 1997 when Fianna Fáil was returned to Government that a determined effort was made to codify any form of legislation in the area of education. I recall in October 1998 when, just as the late Deputy Donough O'Malley did with second level education, the then Minister, Deputy Martin announced to the House that all primary school children with disabilities would have an automatic entitlement to a response to their needs. That was a significant shift at the time. It was out of that announcement that the provision which has developed evolved. I am not going to recite what has happened in the area of increased allocation of resources. The Minister did that last night, as did the Minister of State. It is on record and Members all know what it is.

Much has been done and Deputy Stanton and others have rightly urged the Government to do more. I am committed, as is everyone in this House, to make the best possible provision for that area of special need. The bedding down of the Special Educational Needs and Disability Act 2001 will bring about quite a shift in the area of provision for special needs children, and that is as it should be. Every one of us can recite cases that we need to draw the Minister's attention as regards more enlightened provision for children with special needs. Why, for example, does the mother of a child have to go on Marian Finucane's programme to have her educational needs addressed? Why does another mother have to get on "Morning Ireland", on "Questions and Answers" and again on "Morning Ireland" to get a psychological assessment done?

We know the national educational psychological service and the National Educational Welfare Board exist and are all bedding down. Hopefully, in a short time there will be significant improvements.

I take issue, however, with a number of aspects to the Opposition's motion. I cannot understand how Fine Gael becomes associated with a motion suggesting that responsibilities be devolved from the Minister to the school principal with regard to the making of decisions. I have been involved in education for a long time and that smacks of the "big brother" attitude of control centralisation. No member of the Labour Party is here to listen to this, but it really smacks of "big brother" taking control. We have moved away from that and we should stay far away from the Minister and Department of Education and Science becoming involved in the day to day running of schools. It took us a long time to try to shake that off. Many of us here lived in fear of inspectors coming in and deciding what was good for our schools. That can no longer happen, so I very much condemn this particular aspect of the motion.

I must also draw attention to the fact the Opposition was in power at a time when its finance spokesmen continually told us they set the Celtic tiger roaring. They tell us that when they left office in 1997, there was a budget surplus. Yet they made no provision for people with disabilities. Neither the 1995 nor the 1996 budget made such a provision. The 1996 budget was castigated by the Mental Health Association of Ireland which said families of people on waiting lists for mental handicap services had been let down by it. In 1997 the rainbow coalition froze direct funding to schools and proposed cutting teaching numbers. It also cut back money for innovation and building projects in the Department by €20 million. I do not believe this side of the House needs to be lectured by the Opposition. I recommend the Minister's amendment.

**Mr. Curran:** I congratulate Deputy Hanafin, the Minister for Education and Science, and wish her well in her new Department. I welcome the opportunity to speak on this motion and fully support the amendment put forward by the Government. Those who tabled the original motion referred to a number of issues including resources being made available for special needs education. That is precisely what the last Government since 1998 and the current Administration is doing so significantly. I fully concur with the Minister's comments last night when she said that every child in the country deserved the opportunity to reach his or her potential. It is her aim, as Minister for Education and Science, to create the environment in which that can be achieved. I am also pleased to hear the Minister say that while she may be happy to record her Department's achievements to date, she is not complacent. That is important to acknowledge. She acknowledges that much has been achieved in the area, but goes on to say, "We are not at the level we want to be."

That is an important recognition and outlines her commitment to this particular issue. We have come a long way, however, since 1998. I am not



going to go through all the figures, but wish simply to indicate the numbers of people actively involved in this sector: 2,600 resource teachers, 1,500 learning support teachers, 1,000 teachers in special schools, 600 teachers in special classes and 5,000 special needs assistants. That shows real commitment to special needs education and demonstrates a rapid incremental expansion of services since 1998. The Minister also accepted last night that there are individual cases where schools are awaiting decisions on applications for additional resources. Members on all sides of the House have received representations, both from parents involved with children and school authorities. I was pleased to hear she is taking measures to ensure the process is speeded up. That is an important development. We are receiving the representations regularly and I was pleased to note that.

As a member of a primary school board of management, and as the parent of a child currently benefiting from the existing range of available services, I am reassured by the Minister's comments and her commitment to making further improvements in the area of special needs education. For the parent of a child with any form of learning disability the focus of his or her life is the welfare of that son or daughter. Every day is a struggle to ensure the child receives the best services available. Every day brings a reassessment of the situation and every day we ask what more can we do for the child. The range of services available is often unclear and confusing and while every day parents of children with a learning disability hear of new methods, techniques etc., they rarely know how to access the new services.

It is within the context of that background that I welcome the new Education for Persons with Special Educational Needs Act. Some of the main aims of the Bill were to provide further for the education of people with special needs, provide that their education takes place, in so far as it is possible, in an inclusive environment, and that they have the same right as everyone else to avail of and benefit from an appropriate education. The Act provides for the assessment of a child's educational needs and allows for an individual educational plan to be drawn up for that child. It provides for greater involvement of parents in the education of their children, establishes the National Council for Special Education and also an independent appeals system, the Special Education Appeals Board.

The Bill was thoroughly debated both in this House and on Committee Stage and it is my genuine belief that if this Act is implemented in full in years to come, it will result in profound beneficial improvements in the way children with learning disabilities are treated in society and their educational requirements met.

I compliment Members from all sides of the House who contributed to the Committee Stage debate last January. We were here on 6 January dealing with more than 500 amendments. This is

an emotive issue for anybody involved in it but it was dealt with it in a sensitive, caring and thought-provoking manner by all Members.

I attended a meeting the other night of a local school board at which the principal, in her report, was able to state that she had received a visit from the newly appointed special educational needs organiser. Progress is being made and, while I admit it is early days, at least the system is up and running and the schools are beginning to have an input. I urge the Minister to ensure that all aspects of this Bill are delivered within the timeframe set out and that in years to come, the necessary budgetary allocations will continue to be made to allow us reach our stated objective.

Not all issues, however, relate to resources in terms of money and numbers of teachers. It is important that all those involved in the education of our children with learning difficulties be prepared to learn and adopt new teaching methods and techniques as they emerge. New methods and techniques emerge continually. When we as parents hear of new techniques, we are never sure if they will work. We do not know on whom they have been tested. It is a grey area. I ask that the Department become actively involved in continually assessing new techniques and, if they are proven to be successful, that they are implemented in a timely manner. The one concern parents always have is that there is a short timeframe when those children are going through the education system but new techniques emerge all the time and it is important they are evaluated and implemented, if appropriate.

I welcome the contribution by the Minister, Deputy Hanafin, last night in which she committed to build on the progress to date, ensuring that each child has the opportunity to reach his or her potential. I commend the Government amendment to the House.

**Mr. O'Connor:** I welcome the opportunity to speak on this matter and to make it clear that I will support the Government amendment. Along with my colleagues I welcome the appointment of Deputy Hanafin as Minister for Education and Science. I acknowledge also the presence in the Chamber of the Minister of State, Deputy de Valera. I am always keen to do that because when we were both much younger — the Minister of State has always been younger than me — she represented the Tallaght area at a time when educational disadvantage was a major problem and provision was not as it is today. I am glad to say that has changed.

I do not want to refer to Tallaght every time I speak because I am sensitive to the fact that I represent a wider constituency which includes major population centres such as Firhouse, Templeogue, Greenhills and Tallaght. That said, I want to refer to Tallaght, although I often make strong representations in respect of schools in other parts of the constituency. I was in contact with the Minister's office during the week about the Bishop Galvin school in Orwell Road.

[Mr. O'Connor.]

The Minister will be aware, because it has dominated the media and Dáil business today, that a report was launched on Monday, *How are our Kids*, which provides information on disadvantage, including educational disadvantage, in the Tallaght west area. I welcome any report which lists, in a positive way, the needs of any community but I want to reflect that like many people in the community, we have been very upset by some of the negative reaction to the report. People have commented to me that whatever about identifying needs, we should be careful not to downgrade our area. Tallaght west is an extremely vibrant community. People are very proud of the community they live in and the difficulties identified by the positive aspects of this report need to be highlighted and addressed. In that regard, I acknowledge the interest the Minister has shown, and I have said that to her on a number of occasions since Monday. I repeat my invitation to her to visit Tallaght at an early stage and see for herself the positive work being done in many of our schools.

I record my strong support for the Minister in tackling educational disadvantage, particularly in the Tallaght area. As a member of a number of school boards in the area I am especially anxious to support strongly the provision of Early Start pre-school places for children at risk, which are important. We have all highlighted in a positive way the importance of reading support programmes and it will be necessary also to examine the need for extra teaching resources. The communities referred to in the report I cited — Killinarden, Jobstown, Brookfield and Fettercairn — are appreciative of the resources allocated to deal with educational disadvantage. There is always a need for more resources, however, and as the Minister is parcelling out the cake, and I know there will be a great deal of pressure on her from every part of the country, I urge her to consider my constituency in particular. My colleagues can talk about their own constituencies but I want to stress the needs of Dublin South-West, particularly Tallaght west. The Taoiseach often says that if the economy is booming and all boats are rising, it is important we look after the little boats. Little boats, so to speak, have been identified in Tallaght west. A number of Ministers have a job to do in that regard, but especially the Minister for Education and Science, and I am confident she will help us in that respect.

**Mr. P. Power:** I join my colleagues in congratulating the Minister on her recent appointment and wish her well in her Ministry. Her appointment has received an overwhelmingly positive response throughout all sectors of the education system, and that can only bode well for her Ministry in due course. The Minister, Deputy Hanafin, brings an awareness of issues and expertise to her Ministry. She also brings a clear commitment which was demonstrated in her contribution to this debate. I wish her well in her Ministry.

All of us come to the debate on this motion with a common objective, namely, that all children, regardless of their limits or ability, should be entitled to achieve that potential. The question is how we do that. The Minister was clear in her acknowledgement that nobody can say, for reasons of which we are all aware, that we have reached a Utopian position where all children are now able to achieve their potential, but there is no doubt we have made significant progress relative to the situation which pertained only a few short years ago. A statistic which has been highlighted frequently in the debate demonstrates that the 10,700 special needs teachers in place would constitute 50% of all the teachers who were teaching in 1998. That is a telling statistic.

I cannot agree with the first part of the Opposition's motion which states: "... children whose needs are not being met because long-promised resources are not in place". It is obvious the resources are in place. The key question is delivery and deliverability of those resources. It does not take an expert or well-paid psychologist to determine whether a five or six year old student has a mild or general learning disability. I would prefer to trust the experience and reasonableness of teachers and principals, cross-checked by teachers who can form an opinion on mild learning disability. It would be better to see the time and resources involved in that assessment deployed in the delivery of the resources which are needed.

A case in my constituency illustrates this. A child was assessed 16 months ago but only recently the decision was made to deny the child resource hours. The teachers and principal in the school would testify that other students, with greater ability and less pronounced learning difficulties, were provided with resource teachers. Had it been left to them to make that fairly simple assessment they could have done so very easily and the resources would have quickly been provided for that child. Early intervention in this area is vital.

No system, whether weighted or with individual assessment, will be perfect because of the subjective nature of the assessments made in these cases, but we must judge how to proceed. The system proposed will in time accelerate the delivery of the services and resources that are in place. I hope the new Minister will monitor and scrutinise the role of the new structures to ensure that the resources are provided for the children most in need.

**Mr. M. Moynihan:** I congratulate the new Minister and wish her well in the Department of Education and Science. I acknowledge the presence of the Minister of State, Deputy de Valera. Special education is an emotive issue and prior to 1988 many children were left outside the loop but since then many resources have been put into this area. The Minister said last night that irrespective of the amount of money spent and the resources

supplied she was not complacent and needed to improve the service.

Everybody has his or her examples of cases affected by this. In my constituency St. Joseph's Foundation in Charleville has been providing a service for children with disabilities since 1969 and has contributed significantly to children with special needs over the past 30 to 35 years. I congratulate it on this. The management told me it is always seeking to improve the services and there is always a challenge there. Even when it achieves a stated goal new children present with different behavioural challenges and problems which must be rectified. It is a steep curve and major resources have been committed but more need to be put into the area.

Children who fell out of the special education loop were confined to a very difficult life because the resources did not exist ten or 20 years ago. At least we are now committing the resources and passing legislation to improve the lot of those with special needs.

**Cecilia Keaveney:** I too congratulate the new Minister on her appointment. As a former teacher, she will be *au fait* with the issues. Partnership can yield great results and Scoil Íosagáin in Buncrana has had remarkable success in this respect. One of the first Adjournment debates in which I spoke was in an effort to retain child care support for the mild handicapped group. A moderate disability classroom had been opened and we were told that the Minister would transfer the child care assistant from the mild handicapped class to the moderate class. The school is a mainstream primary school with associated special classes. I was very annoyed because I could not see the humanity in removing a child care assistant from one class to another when the disability with which the assistant dealt already was severe.

In 1996, 42% of primary schools in County Donegal did not have access to a remedial teaching service. In 1996-97 no remedial teachers were appointed yet the then Minister said she had achieved substantial advances across the spectrum of special needs, including the remedial area, and it was her intention to continue the process. That terrified me because we were trying to keep the child care assistant in the mild class, and on 17 April 1997 the then Minister told me it would not happen. Thankfully, on 8 July 1997, Deputy Martin, who had been appointed Minister for Education and Science, reversed that decision.

The school has a principal and 20 mainstream assistants, 21 special needs assistants, including full-time and part-time posts, five of them sanctioned since August to meet the needs of the autism classes, three full-time resource teachers, two full-time learning support teachers, one class for severe profound general learning disability, two classes for pupils with moderate general learning disability, one class for pupils with mild general learning disability, three classes for pupils with autism and two classes for pupils with spec-

ific learning disabilities. I commend the Department for recognising such a wonderful school with a wonderful principal and staff, and the support of the parents and the way both groups have worked in partnership. Much has been done and that is a record of what has happened in my constituency.

This is further enhanced by all the other supports, such as the increased number of resource teachers, from 104 to 2,600, the special needs assistants, from 300 to 5,500, and the learning supports of 1,531, home tuition, school transport, capitation grants and special schools and classes. Difficulties remain, people still fall through the gaps and the response for some is too slow, but I hope the changes under way in the Department will address these needs and prioritise the glaringly obvious cases, which does not seem to happen as it should.

I welcome the educational psychologists to Donegal because it is important that someone coordinates the people involved in the necessary facilities and supports there. This will maximise their contribution. More could be done with the resources in the classrooms, such as providing arts and other after-school activities. This debate should have been much longer and I look forward to contributing on this topic on another occasion.

**Ms Cooper-Flynn:** I thank my colleagues for the very brief time available to me to make a couple of points. I compliment the Minister, Deputy Hanafin, on her appointment and wish her every success in her new portfolio. I also welcome the Minister of State, Deputy de Valera to the House.

Under the new system the weighting is done on a school-wide basis rather than on the basis of the number of children with special needs. Children, not schools, have special needs and the Minister might consider that two schools, each with 500 pupils, would not necessarily have the same number of children with special needs but under this new system each will receive the same resources. The Minister is not bound by any particular policy or decision for the future.

I am worried that resources might be swallowed up by larger schools and that smaller schools will suffer. Teaching principals in small schools represent 75% of all principals here. At present, all of the schools have access to a resource teacher and a learning support teacher through the clustering arrangement, as the Minister is aware. Large schools automatically have these resources by virtue of their size. I would like to give one example from my own constituency of the old versus the new. One small school currently has eight tenths of a resource teacher and two tenths of a learning support teacher. Under the new system, they will have six tenths of a resource teacher and no learning support at all. The principal is expected to decide on how best these resources would be divided between special needs children. I take issue with Deputy Power's point that a teacher is better at doing this than a psychologist. That may be the case some-



[Ms Cooper-Flynn.]

times, but when one has only a very small amount of resources available and has to decide between many children, one may be at an advantage with a psychologist.

In disadvantaged schools in urban areas like Limerick, there is currently one teacher to 80 special needs children. However, in a disadvantaged school in my constituency in Belmullet, which is not an urban area, there is one teacher to 150 special needs children. Is a special needs child in a city like Limerick more special and important than a special needs child in a disadvantaged school in a rural constituency? If that measure alone could be changed, then I would greatly appreciate it.

**Mr. Crowe:** I wish to share time with Deputies Eamon Ryan, Finian McGrath, Cowley, Healy and Connolly. Other speakers have said this is an emotive issue and I agree. The system has failed many children and I do not think there is any disagreement about that among the speakers. My colleague from Dublin South-West spoke of the new report entitled *How are our Kids?* Anyone who lives in the area from where that report came would agree that the problems are there. People want us to try to address those problems. It is similar to the whole area of special needs; it is all about resources. The other area that concerns people is the distribution of those resources.

Deputy Keaveney spoke of children falling through the gap. That is the big problem and is where the frustration, anger and the sense of being let down is coming from. In our constituencies this is the issue that families constantly come to us to talk about; trying to get a special needs teacher for a child. Last April, the then Minister announced his intention to have extra resource teachers and learning support teachers in primary schools. He was subsequently asked in the Dáil to detail his plan to implement these developments and was reminded by various sources of the need to appoint and apply these resources at the earliest date so that schools could plan for the coming year. In response, a spokesperson stated that the Department had received about 8,400 applications for special education resources since February 2003, with 5,000 applications received between February and August 2003, which were being considered, according to the spokesperson. It shows the level of applications coming in. That was last May and the Department is still processing applications from the previous February, which is a delay of more than a year. Of those 5,000 applications only 1,000 were dealt with, the remaining 4,000 were being reviewed at the time. Were these 4,000 applications reviewed and what was the outcome?

While processing applications may be complex, it is a bit inadequate for the Department to simply refer schools to a circular advising them on how best to use the resources the school already had. If the special needs resources in these appli-

cant schools had been adequate, there would have been no application in the first place. Children who need help in the area of dyslexia, dyspraxia, mild autism and so on, are often left in limbo. They may be too old to remain in a school that made provision for them, while unable to access the next stage in the education process as available schools in their area lacked the special needs resource teachers and assistants. This is often the case because of the backlog in people waiting assessment. A secondary school principal receiving an application from a pupil with special needs will ask for assessment or at least a review of the original assessment. However, if there is nobody to carry out the assessment, then the pupil cannot get admission.

According to a Department spokesperson last May, the new system for assessing applications will be known as a weighted system. This would largely involve making staffing allocations to schools based on predicted incidence of pupils with special needs. According to the Department the advantage was that the new system would reduce the need for individualised education, psychological assessment and reduce the individual number of applications. That clearly has not happened. I draw the Minister's attention to the plight of an individual whose educational development has literally been brought to a halt because there is no place to go for certain children with special needs. If one comes from part of the country with a low population density, it is less likely that the local school will not qualify for those resources in a system the Department proposes, which is the allocation to schools based on a predicted incidence of pupils with special needs.

**Mr. Eamon Ryan:** I welcome the Minister in her new job. She is arriving in a very strong position. It seems this Government will not spend money on overseas development aid. The Minister of Health and Children will not look for money in the health area. The Government is certainly not spending money on public transport. At a time when our economy is booming and our finances are brilliant, then the Minister should be in a fantastic position to allocate a massive increase in spending in the education area. Even the National Competitiveness Council has stated that, as has the OECD. Just about every party in this House, with backbenchers included, has stated that. It is the best investment we can make for life.

The Minister for Justice, Equality and Law Reform seems to believe it is good to have inequality in our society. Perhaps there is something in competition, but only if, in a competitive society, people are starting from a level playing field. It should be a genuine meritocracy rather than an aristocracy, which is what I believe we have here. The way of going back to that more even system is to invest particularly in primary school education. It should be the Minister's first priority. We should also target money and invest-

ment at those people who need every help they can get and that the State can provide because they may have certain disadvantages at the start of life. We need to do everything we can to assist them and give them a leg up before they enter the very competitive world the Minister for Justice, Equality and Law Reform has awaiting them.

I am glad to hear that the Minister for Education and Science recognises that we have a problem, that there are not sufficient resources put in and that there are problems with the administrative system on allocation of places for special needs teachers between the Department and the schools. That is something the Minister can work out and make sure that those difficulties we have heard about from Deputy Cooper-Flynn and Deputy Keaveney are sorted out so that we can spend our money effectively and wisely.

I wish the Minister the best of luck. Her success will be judged on how much money she ends up getting from her colleagues to put into this vital area for the development of a society.

**Mr. F. McGrath:** I congratulate the Minister on her major promotion to the education portfolio. I wish her well. She knows and understands the education system and she is a woman of ability and integrity.

I thank the Leas-Cheann Comhairle for the opportunity to speak on this motion on the urgent need to allocate sufficient resources for the provision of special needs assistants and resource teaching hours, when and where they are needed, so that children are given the help they require. This fits in with the Minister's vision of creating happy schools, where pupils, teachers, special needs assistants and parents all work together in the interest of the pupil. That is what progressive education is all about, that is what inclusive education is all about. I strongly support my own union, the INTO, in its demand for 650 resource teachers, more special needs assistants and above all, its demand for a quality educational service for all children in this State, especially for children with disabilities and children in disadvantaged schools.

That is what this debate is about tonight. I am looking for radical reform, more investment and more respect for the importance of education in our society. I want more supports for teachers and students. I urge caution so that we do not make the mistakes of other countries by allowing our education sector to be undermined by extreme and wild economic ideas that constantly peddle the idea that a school is like a factory or a production line churning out pupils. Schools are not factories and they are not businesses, they are involved in educating young people and, above all, helping children to develop to the maximum of their ability. The reality of life is that different children have different abilities and skills. A sound educational system will always accommodate difference, as many people said during the debate on the Education for Persons with Special

Educational Needs Act. It is time to implement the provisions of that legislation.

I invite the Minister to listen to schools like St. Mary's Holy Faith secondary school in Killester, which is trying to assist its students with special needs. I urge the Minister to increase the special needs teaching hours in such schools and, in particular, to improve their educational service. I ask the Minister to support St. Paul's senior school in Ayrfield, St. Eithne's girls school in Edenmore, Scoil Náisiúnta na Tríonóide Naofa and Scoil Naomh Colmcille in Donaghmede. There has been a net loss of 5.8 learning support and resource teachers in the four schools. I have mentioned some of the many schools whose problems I have been told about by parents in recent days. I remind the House that I speak as the parent of a daughter with a disability and as a former teacher in a disadvantaged school.

I welcome the Minister's statement last night that she accepts that the State's record in providing for children with special needs has been poor. While we have made some advances, particularly in the past six years, it is important that the Minister keep her eye on the ball. I suggest three short and sensible proposals for dealing with this issue. We need to ensure that the State's resources are used for those children with the greatest need. We should listen to the parents and teachers on the front line. We have to end the nonsense of parents having to go to court to fight for their children's educational services. In other words, the Minister should spend her Department's funds on services and resources rather than bureaucracy so that we will all win. I urge all Deputies to support the motion before the House.

**Dr. Cowley:** I congratulate the Minister on her appointment and wish her every success. I agree she is a person of great integrity. I hope she will make the changes that need to be made urgently. For example, the criteria laid down by the Department of Education and Science for the allocation of special needs assistants in national schools need to be amended.

I have been approached by many parents, as I am sure every other Deputy has, about the unacceptable problems in many schools. I have spoken to the parents of a girl who is in receipt of disability care allowance. They have received supporting evidence of her disabled condition from a top neurologist and a top paediatrician. They cannot get special needs assistance for their daughter, who has had numerous falls, causing personal injury. She has been deemed a danger to herself and her fellow pupils. Her parents cannot have additional hours allocated to her. It is time to ask serious questions. This scandal should be brought to an end by putting in place a proper system which ensures that children with special needs receive the teaching assistance they need and deserve.

I wish to give more details of this scandalous case to outline the personal tragedy involved. The

[Dr. Cowley.]

girl's mother has been telephoning the Department of Education and Science for the past few days, but her calls are not being answered. Her child, who is called Mary, suffers from a type of cerebral palsy, problems with co-ordination, poor balance and hypotonia. Mary, who will celebrate her fifth birthday this month, has been attending speech therapy and physiotherapy since she was born. She attended pre-school but could not stay there forever. I understand that the Department does not give proper recognition to pre-school, but just to schools catering for those between the ages of six and 16. That is all right if one is able, but it is a different story if one is disabled.

Mary's mother would do anything for her child. She has tried very hard. She submitted all the documents she needed to submit before the end of March 2004. She received a letter from the top neurologist at the Central Remedial Clinic, where the child continues to spend time. She also received a letter from her local paediatrician and the combined clinic. She gathered all the documentation she needed to enable the child to start school on 1 September last. When she contacted the Department of Education and Science in early August to see how everything was going, she found that everything was not going well, unfortunately. The principal of the school received a letter stating that Mary would not be given any hours. Applications had been received for special needs provision in respect of three children, one of whom was Mary. Even though she was given what is known as relief, she was not given the 12 hours which were to have been given to one of the three children who it was no longer planned to send to the school. There was no relief because no hours were available, or if hours were available, Mary did not get them.

My office contacted the Department of Education and Science to argue the case of the child, who cannot open her school bag or her lunch box, requires assistance to go to the toilet, cannot be left in the playground on her own in case she might fall, has weakness on her left side, cannot walk properly, has to wear special shoes and has already broken her top and bottom teeth after numerous falls. I cannot understand why this utter scandal is not being addressed.

**Mr. Connolly:** I congratulate the Minister and wish her well in her new portfolio. I am happy to speak on this motion. Addressing the problems of students with special needs in mainstream schools is a difficult and complex task. It impinges on mainstream teachers, many of whom do not have the required skills or qualifications to deal with such problems. The prevalence of the many special needs in this area is increasing all the time.

The parents of a child with Down's syndrome called to talk to me last Monday. They complimented the services given to their child at national school level. She received 23 hours of one-to-one special needs assistance and three hours of resource teaching each week in infant

school. Her need for special needs assistance and resource teaching increased when she moved into second class in primary school. However, her special needs hours were reduced from 23 hours to ten, despite the fact that she was spending an additional five hours in school, and her resource teaching hours disappeared altogether. Her teachers are trying to come to terms with teaching kids with Down's syndrome, who would have had to attend special schools in years gone by. Much greater expense was involved in the previous approach because a bus would have been provided and an assistant would have been paid to accompany the children on the bus. It is grossly unfair that her hours have decreased.

When I telephoned the teachers at her school to ascertain their feelings on the matter, I found that they were more than willing to teach the child in the school. They recognise that she needs some extra special attention, however, so that all their time is not taken up looking after one child. When I telephoned the Department of Education and Science in Athlone, I was told to contact the special section dealing with disability. I was delighted to hear of such a section as I thought it would help to facilitate mainstreaming. I was given two telephone numbers — 090 6484166 and 090 6484187 — to call to get in touch with the relevant officials. Although I rang the numbers steadily all day yesterday and most of today, I did not receive an answer. Deputy Cowley spoke of similar problems. It is most likely that the officials are flat out dealing with inquiries, but it is very frustrating to receive such a level of response. We are talking about trying to keep a child in mainstream education. It would be better to keep the child close to her parents, who can drop her off at her local school every day, as all children like, than to send her to a school 19 miles away. I ask the Minister to address these issues.

Schools in my home area of north Monaghan, which is rural, are separated. It is impossible for resource teachers and special needs teachers in the area to develop the type of special relationship which is needed because they are sent from school to school. Teaching is an important skill, but it is also important for teachers to develop relationships with their pupils. They are not being given the right opportunity to impart the knowledge they need to impart, however.

**Mr. Healy:** I congratulate the Minister on her appointment and wish her well in her portfolio. I expect that she will look after her mother's home town and home constituency.

**Mr. F. McGrath:** She will have to engage in positive discrimination.

**Mr. Healy:** Despite the substantial wealth brought to this country by the Celtic tiger economy, the issue of special needs is not being addressed and the most vulnerable children in society are being left behind. The Government does not have the political will to solve this prob-



lem. It is nothing short of a scandal that the needs of the weakest children in society are not being properly met. The existing system, whereby school size determines the number of resource teachers and special needs assistants allocated to each school, will not work because it disregards the need for individual assessment and one-to-one tuition in many cases. The position has worsened in the recent past as a result of the reviews of resource teachers and special needs assistants. Parents, teachers and children are confused about the current situation. Parents believe that resources are available in schools, but when they try to avail of them they find they do not exist. They find the situation frustrating. Of course, additional resource teachers were announced in the summer and they are obviously very welcome. However, as Deputy McGrath stated, teachers and parents alike said at the time that the numbers were simply not high enough even to deal with the weighted system that has been introduced, let alone the needs of individual schools where the numbers of special needs children attending are above the weighted average. I certainly question the fairness and appropriateness of a system that removes individual assessment, something that is critical to identifying children's individual needs.

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

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

**Mr. Stanton:** I wish the Minister well. No doubt we will have many battles and debates here. I respect her authority greatly, but she has a great deal to do.

How dare the Opposition come in here tonight and last night and ask for more resources for the provision of special needs assistants? What a cheek it has to call for the implementation of the Education for Persons with Special Educational Needs Act 2004.

**Ms Hanafin:** No one said that.

**Mr. Stanton:** Listening to all those people last night, I heard them say that things were great and ask how the Opposition dared bring it up. That is what they have been saying. Deputy Kelly told us what would have happened in 1960 before berating the Opposition for recognising the frustration of parents of children whose needs are not being met because long-promised resources are not in place. We meet them every day of the week. They ring us up and call in to out clinics. They are really frustrated and upset.

I want to get the message across to the Minister that she must act quickly. Her colleagues came in here tonight one after another listing a litany of resources provided since 1997, which was a good job. However, a great deal has happened since. We now have an extremely complex curriculum

in primary schools in particular. It demands more people, since one cannot teach without them. It is very scientific. In the past, as the Minister knows, learning was by rote. The teachers dealt with class groups, and if a child could not pick it up, that was no great problem. Many children with special needs did not go to school. I do not remember children with Down's syndrome attending primary school. They did not go, but now, quite rightly, they are going.

Parents want them to attend the local school, and they need resources, but they are not getting them. What has happened over the summer and led to this motion is that matters have got infinitely worse. A parent telephoned me who had been trying to get through to the Department, as had her child's principal, but to no avail. A circular was even issued with instructions not to call. There is no point in doing so, since one cannot get a response. That is not the officials' fault, since the organisational structure is wrong. They need far more people there. I do not know whether the Minister has visited that section since her appointment.

**Ms Hanafin:** I have.

**Mr. Stanton:** I am sure that she would agree that it needs a great deal more help and resources. There are far more special needs students in schools now. The world has changed greatly since even 1997, and rightly so. There are far more in mainstream classes, but there are great pressures on principals. The so-called "weighted" system has added to the pressure on them. They are now being asked to play God to decide who gets what in the school. Some principals tell me they spend almost all their time dealing with special educational needs. They must try to cope with it and deal with parents, but trying to contact the Department is "mission impossible". It is not a weighted system but one of quotas. A weighted system was described in the SERC report of 1993, with which the Minister is familiar. One of the problems is that there is no primary pupil database. Perhaps the Minister might consider setting one up. We would then have to award points to each student in the school so that we had a real weighted system. However, no such system exists; it is purely one of quotas.

There is also an urban-rural divide. It was mentioned earlier that a group of disadvantaged students in a rural area was left out under the system. The big issue here is that girls are being greatly discriminated against by this system. I wonder whether it is in breach of the Equal Status Act 2000. I know that it includes provisions on positive discrimination, but Bunreacht na hÉireann says that "All citizens shall, as human persons, be held equal before the law." Yet we have a system where, if a child is in an all-girls school, it gets less provision than in an all-boys school.

**Ms Hanafin:** What if the applications are from boys?

**Mr. Stanton:** Who dreamed this up? What is its basis? Was it scientific? How did they come up with the numbers? No one knows. We spent days here debating the Education for Persons with Special Educational Needs Bill with the Minister, Deputy Noel Dempsey. We also spent days in committee. We had over 50 presentations from people on the Bill, yet no one mentioned the weighted system. It came out of the blue last June when the schools received the circulars as they were about to break for the holidays.

I will return to the example of the child with ADHD. The child has been recognised as having the problem but cannot get any assistance until, according to the circular issued by the Department, it receives treatment. We do not know what that treatment is in SpEd 09/04. Is it some kind of medicine? Is the treatment psychological? The mother has been trying to access the child psychological services for the last two years but cannot because it is on a waiting list. The child cannot get treatment, and because of that, the Department says it can receive no help from it either. It is a double whammy. Such are the things that are going on.

It seems those circulars are written with the express purpose of trying to exclude as many children as possible. They exclude people, and that is not good enough. The Minister should meet the Irish Primary Teachers' Network as a matter of urgency, invite them in, sit down with them, and listen to what they have to say. Perhaps the Minister would learn a great deal about what is happening on the ground. The circulars also lump everyone in together, whether they have a specific learning difficulty, a mild or a moderate one. It is ridiculous. I do not know what research has gone into this. What is its basis? We must be the only OECD country with this crazy system. I would like to know its history. Essentially, it is currently far too simplistic, and children are falling through the net.

Deputy Moynihan mentioned St. Joseph's Foundation in Charleville. I advise the Minister to visit it, as I did three weeks ago. I am not sure when the Deputy did so, but the pressures there are extremely great. The staff are doing great work. Challenging behaviour is causing a real problem. Teachers are not being trained to deal with it and are being assaulted. Parents are at their wits' end. I cannot accept people coming in here with platitudes and saying the Opposition should not be raising these issues and that the Government is doing a great job.

**Ms Hanafin:** I did not say that.

**Mr. Stanton:** It is in the amendment to the motion that the Minister tabled. It commends the Government on doing a great job and welcomes the legislative and administrative measures. Everything is fine. Everything in the garden is

rosy. However, that is not the case, since everything in the garden is very poor at present. A great deal more work must be done.

Deputy Power came in here and told us that things were grand, only to state that there was a 16-month waiting list before action was taken. At the end there was a rejection. That is a terrible system. Imagine having a small child with a learning difficulty and waiting for 16 months for a response. Those 16 months are the most crucial time when the child could really benefit from help. Yet there is no response for 16 months, and when it comes, it is that the child can have no help. Finally, according to Deputy Power, the principal and teachers of the school had to make a very strong case so that the Department relented. What way is that to run a system? That child should have had help from day one, as many others should have, and I thank Deputy Power for bringing it to our attention.

The Minister has a great deal of work to do, and we will be watching from this side of the House, returning with more motions if we do not see positive action quickly. Too much is at stake; this is far too serious. If the children do not get help now, things will get worse as they move through the system. They will drop out and fail and may end up in jail or somewhere else because of anti-social or other behaviour. Many children suffering from ADD, ADHD and autism do not get appropriate help and end up incarcerated in prisons. Governors will tell one that if one talks to them. The situation is very serious. People enter this House this evening and affect to be great pals, and everything is supposed to be very nice but it is not nice. It is far from it, and the system has made matters infinitely worse. Schools, principals and parents countrywide are under pressure. The Minister must act quickly and decisively to sort matters out. Because of the new so-called weighted system, which is no more than a quota system, small schools are suffering disproportionately. We await action by the Minister and will support her in any such positive action. The first step she can take tonight is to support the motion tabled by the Opposition.

**Ms McManus:** I thank Fine Gael for tabling this motion on a joint basis on such an important matter and facilitating me in allowing me time to speak.

In a country as wealthy as ours, the needs of children should and can be fully addressed. Childhood is a once off state. It does not happen twice.

The possibilities of growth and development offered by childhood are not repeatable in life. We are not meeting sufficiently well the needs of children with special needs. To be precise, the Government is failing to do so. I have been contacted by parents of children with special needs in my constituency in Wicklow. The number of parents contacting me was so great that I became very conscious of the frustration at the delays by the Department of Education and Science, and the

8 o'clock

uncertainty that those parents experienced, especially with regard to the number of hours for special needs assistants. Because of the number of parents in touch with me, I decided to carry out a survey of all the national schools in my county. I am currently collating the information and the first aspect to strike me is the high number of schools which responded, providing a range of information.

The results clearly show what has or has not happened in just one county, and the information is disturbing. Some 60% of the schools applied for increased special needs hours or special needs assistant posts for 2004-05. Of that number, 68% said they were not satisfied with the assessment procedure or with their allocation. Only a quarter of the schools surveyed expressed satisfaction with their allocation. This is the over-riding view of experienced school principals who have close knowledge of their pupils and who are finding the system is letting them down instead of providing them with the necessary supports to mainstream children with special needs.

Even more striking was the information and comments which I did not actually seek from principals, who gave me their views, sometimes in a very forthright manner. I will quote some comments to give a sample of the cries from the heart that this survey exposed. One principal wrote as follows:

I am intrigued that you have undertaken this study of special education provision in our schools. The farcical and shameful treatment of this issue by the Department of which Deputy Dempsey is the former Minister can hardly be overstated. His review of existing special educational needs resources was in reality a cost-cutting exercise. The new weighted system is no such thing. It is based on enrolment and does not take into consideration the actual needs of schools. I have also been told that the Department of Education and Science is penny-pinching, with some special needs assistants who are working 83% of the full-time hours not getting 83% of the pay.

Another principal said:

Applications for 13 children were sent in February 2003 but were not processed until June 2004. Some of these applications were actually lost by the Department. During the 16-month limbo, many tedious, time-consuming and unnecessary surveys, audits and re-applications were imposed by the Department.

Another principal plaintively noted:

We had a NEPS psychologist for the last three years. She left in June 2004 and has not been replaced. What not?

In another case a child was recommended for special needs assistant support and resource hours by the psychologist from Enable Ireland but despite this recommendation the Department refused all support for the child. The psychologi-

cal service was criticised as being too thinly spread and the special needs assistant system too changeable.

Another principal noted:

The Department is constantly moving the boundaries with the result that we have a child who badly needs resource hours and got them when he was assessed, but by the time we applied for them, he was not entitled to them as they did not fall into one of the new categories.

In another school the complaint is that there is only one psychologist in the area, and if he calls to the school three times a year, says the principal, "we are really blessed. Underfunded, understaffed, there is just not enough".

There are complaints about delays. A child with cerebral palsy is without support even though a special needs assistant has been sanctioned. Because written confirmation has not been received, the school cannot proceed to meet his needs. A constant refrain is that the system is too slow. There are complaints of long delays, needs not being addressed on time and the impossibility of implementing integration due to a lack of resources.

Another principal wrote:

Liz, the whole area of special needs is a mess created by our legislators who have dumped teachers and principals in a morass. This will drag our schools down if not addressed.

A similar view was expressed in another school:

Over the entire summer of 2004 this school was left in a limbo of not knowing the status of our special needs assistants, not knowing the arrangement for clustering schools to share resource teachers, not knowing the sanction or otherwise of resource teaching hours for eligible pupils. The situation was handled very badly by the Department and caused much anxiety for parents, teachers and school management.

One of the recurring complaints is that a child may be assessed and found eligible for assistance, then subsequently be refused that support because of a change in the procedures. In one case mentioned, a child had a special needs assistant, sought his restoration and was refused.

I am only taking a sample of the problems encountered by school principals. They repeatedly noted the importance of the work of special needs assistants and the expertise, generally considered very high, of psychologists and resource teachers. The point made most strongly related to what one principal called the obstacle course set for children with special needs, involving delays, red tape, bureaucracy, endless form-filling and inefficiencies at Department level.

What is most evident from this information is that far too many principals, teachers and parents are finding the process of acquiring special needs supports extremely wearing, time-consuming and frustrating. I share the concerns expressed by



[Ms McManus.]

Deputies Enright and O'Sullivan. Children with special needs present special challenges to those who care for them and educate them. The very least these children should be able to expect is an effective, fair and efficient system of assessment and of special needs provision. Clearly, that has not been their experience and I hope the new Minister for Education and Science can bring about change and an improvement, and use the valuable insights gained in this debate about the deficiencies and shortcomings of the current system of providing for these most vulnerable children. There are anxieties in schools about the new system of assessment, leading to a reduction in the number of resource teachers and special needs assistants for the schools. I urge the Minister to address the issue and reassure parents and teachers looking after children with special needs that their needs will be addressed.

**Minister of State at the Department of Education and Science (Miss de Valera):** I commend the Minister for Education and Science for her response to the motion on special educational needs tabled by the Opposition. The Minister has set out in a very comprehensive manner the scale of investment, as well as the legislative, structural and procedural reforms introduced by the Government parties over a short period since 1998.

Everyone on this side of the House, not least the Minister, has been very open and forthright about what needs to be done with regard to this issue. The significance of what has been achieved seems to have been lost on, or wilfully ignored by, the Opposition. That there are now almost 11,000 adults in the primary system providing dedicated support for children with special educational and learning support needs is an incredible achievement by any objective measure. Progress has been underpinned by major legislative and structural reform. The Education for Persons with Special Educational Needs Act provides that the rights and entitlements of children with special educational needs will henceforth have a statutory basis. In addition, a dedicated body, the National Council for Special Education, will shortly assume operational status to ensure the delivery of necessary supports at the level of the individual school and pupil.

The new resource allocation measures being introduced by the Department have been developed following consultation with representative interests. To the greatest extent possible, these measures represent a synthesis of all the views received. The overall intention is to alleviate the burden on schools with regard to individual applications for resources and the requirement and professional reports in each case. This approach was extremely cumbersome and led to the backlog of applications referred to in the debate. We do not want to see the recurrence of such a scenario.

The delay in processing resource applications serves to emphasise the urgent need for the measures being introduced by the Minister for Education and Science. In that regard, action is being taken to ensure that the balance of outstanding applications are processed and schools notified of the outcome in the earliest possible timeframe. In the interests of clarity, the current position is that applications submitted to the Department by 30 June last for teacher support for children with lower-incidence special educational needs have received a response. In addition, responses have also been issued in respect of applications submitted by 30 June for special needs assistant support for new entrant pupils. Later applications for teacher support and appeals continue to be processed.

In the case of applications for SNA support for pupils other than new entrants, the position is that a team has been established by the Department to review SNA support in mainstream national schools generally. This team commenced its task recently and is assessing the levels and deployment of such support to ensure that the needs of children are being met in the context of new applications for resources for schools. Every effort is being made to ensure that the review and the notification of schools regarding outstanding applications for SNA support are completed in the earliest possible timeframe.

As outlined by the Minister, the new weighted model will provide schools with an automatic level of teaching support for pupils with higher-incidence special educational needs as well as those with learning support needs. Schools will still be able to apply for specific allocations of support for pupils with lower-incidence special educational needs. Due to the fact that individual assessments will not be required for children being catered for under the weighted model, psychological services should be in a position to provide a better service for children in the lower-incidence categories.

The revised arrangements do not amount, as suggested by the Opposition, to a blanket allocation that, in the words of Deputy Enright, "pays little attention to specific and individual requirements". On the contrary, these arrangements ensure that each school will in future have an automatic allocation of teacher support and the scope to secure additional support on the basis of assessed need. What does not change under the new arrangements is the responsibility and discretion given to school principals to deploy all available resources in a flexible and effective manner. This applies to special needs assistants as well as teachers and SNAs will continue to be allocated to schools on the basis of the care needs of individual pupils.

Deputy Enright also referred to capitation grants and it is important that I clarify the position in this regard. The capitation grant is not a special educational support *per se*. Rather it is the basic funding allocated to all schools to cover operating costs such as heating, cleaning and

insurance. The higher rates applicable to special schools and classes are not preferential. Instead, they reflect the lower class sizes but comparable costs of those facilities. In so far as children with special educational needs in any setting, special or mainstream, require additional support in terms of specialised equipment or materials, a dedicated budget is in place for that purpose. As the Minister indicated yesterday, that budget has risen from €800,000 in 1998 to €3 million in the current year.

What we are aiming for is a more flexible and responsive system capable of taking account of the needs of the individual child with special educational needs, while giving schools a measure of flexibility as to how resources are deployed. I am confident that we are heading in the right direction but I must emphasise that we intend to review progress in light of experience. With its focus on service delivery and policy advice, the National Council for Special Education will be a major asset in that regard.

I again commend the Minister for her comprehensive contribution to this important debate, which provides a welcome incentive for all concerned to redouble their efforts on behalf of children with special educational needs.

**Mr. Sargent:** Ba mhaith liom mo chuid ama a roinnt leis an Teachta Enright.

I thank Fine Gael, particularly Deputies Enright and Stanton, and the Labour Party which, together with the Green Party, are sponsoring this motion. This is a timely debate and it follows on from a clear and embarrassing revelation about shortcomings in the health services. It was stated yesterday that there were 3,900 more hospital beds in 1990 than there are at present. The shortcomings as regards our schools are similar. On becoming aware of this debate, teachers and parents contacted many Members, including, I am sure, those in government, to remind them that the situation has worsened considerably since September.

I met an individual earlier who is a resource and learning support teacher. When I was teaching, she would have been known as a remedial teacher. She informed me that her work environment has been appalling this year. Up to now, she had been able to deal with people with special learning needs on a one-to-one basis. However, it appears the Department has issued a diktat that people should be brought together to have their needs dealt with on a group basis. Schools are obliged to do this because they do not have adequate resources and an adequate number of special needs assistants or resource and learning support teachers to allow them to meet the one-to-one needs of their students.

A person in sixth class with a reading age equivalent to that of a child of six and a half years would, last year, have dealt with his or her teacher on a one-to-one basis and made progress. Now, however, because of Government insensitivity and a sheer failure to do its job, the individ-

ual must sit with a group of perhaps four or five peers. The trauma this causes appears to be lost on the Government. That is only one example and it is from the point of view of the student.

Teachers are tearing their hair out. So too are parents who expect a great deal more from the education system. Principals are obliged to abandon any prospect of taking summer holidays because the Department often seems to give approval to proceed with school accommodation and building projects at the end of June. As a result, principals must be on-site for the duration of the summer holidays to ensure that such projects are completed by September.

In addition to the practical nuts and bolts issues that accompany the job of providing education, there is the additional trauma caused by the fact that special needs assistants and resource and learning support teachers not being made available. I have heard so many stories about this matter, it is a pity I do not have time to recount them. I have heard, for example, about schools in my constituency of Dublin North, particularly in the Swords area, which provided information, by way of census, in October 2003 on what were their needs as regards special needs assistants and resource and learning support teachers. A year later, these schools are still awaiting the decision of the Department in that regard and they are obliged to double up and group classes and people together. The people to whom I refer should, as stated earlier, be dealt with on a one-to-one basis. The Department seems to be changing the goalposts but it is not a fair game. The people suffering are the most vulnerable.

Is pointe é nach ndéantar tagairt dó ró-mhinic ach tá sé tábhachtach. Bhí mé ag éisteacht le comhleacaithe do mo leithéid, an Comhairleoir Neil Clarke, ó Leitir Cheannan a bhí á rá liom go raibh daltaí ag freastal ar an gaeilscoil ann a bhí ag iarraidh múinteoir feahais agus speech therapist. Dúradh leo dul go dtí scoil Béarla mar is ansin a bhéadh seirbhís agus nach mbéadh sé ann do dhaoine le Ghaeilge. Go minic sin mar a bhíonn. Is féidir le duine dul trí chóras Ghaeilge ach má tá riachtanas speisialta ann, ní mór leo dul go dtí scoil Bhéarla. Tá sé sin mí-bhunreachtúil chomh maith le rud ar bith eile. Tá sé scanrúil go ligeann an Rialtas é seo tarlúint.

Tá an rún seo an-tábhachtach agus, le cúnamh Dé, leis an méad atá cloiste ag an Rialtas, tá súil agam go mbeidh sé in ann oibriú agus leigheas éigin a chur ar an scéal agus, idirlinn, tacaíocht a thabhairt don rún. Níl sé ach ag insint an fhírinne.

**Ms Enright:** I compliment the Minister on being present for the entire debate. It is a recognition of the importance of the issue we are discussing. Ministers do not always attend debates and I hope her welcome attendance sets a precedent for her colleagues.

Attempts were made to contradict Deputy Stanton when he raised the issue of special needs provision. I dispute Deputy Carey's claim that the issue has become a political football. By introduc-

[Ms Enright.]

ing that phrase, the Deputy ensured it would become a political football, which no Member on this side nor the majority on the other side want. When Opposition Members represent the views of their constituents in a debate in the House, they do not create a political football but do the job they are paid to do. It is a pity that a Member of Deputy Carey's experience can introduce such phrases to a debate.

The Deputy also took issue with the Fine Gael Party's association with the motion because it includes the phrase "in relation to school principals". At best, this demonstrates deliberate ignorance in his reading of the motion. We are not taking any issue with principals having responsibilities or making judgments. Our problem is that they are being asked to make decisions on the allocation of resources which in many cases are not available. School principals have explained to me and numerous other Members that this is the position. They have no problem taking on work and making decisions and many would welcome greater decision-making responsibility in this area. Under the new weighted system, however, they are being left with the task of informing parents that children who benefited from resource hours last year will no longer receive them under the new system. I have a difficulty with this task being offloaded on principals.

Last night, the Minister stated that every application had to be accompanied by a psychological or clinical assessment and processed individually. This is the correct approach and one of the reasons for the delay and backlog. The Department in which 7,500 applications lay for a year and a half was one of the main reasons for the delay. School principals did not hesitate to fill out and return forms or forward the results of psychological assessments but acted instantly because parents were beating down their doors. The delay and many of the problems with the process were caused by the Department. A good starting point for addressing the issue of special needs would have been to establish proper systems in the Department. This was not done and must be done.

The Minister used the slightly more polite word "redeployment" to describe the cutting of resources to which I referred. Effectively, resources are still being cut in many schools. She also indicated she would accelerate her efforts to counteract this, which I welcome. How does she intend to do this? Last night I provided six examples of how she could proceed. We require an explanation. While everyone has faith in the Education for Persons with Special Educational Needs Act, we want to know precisely how and when it will be implemented. I referred last night to the case of a special needs organiser who said organisers still do not know what they are supposed to do. They have been in position for seven weeks which is an adequate period for anyone to learn about a job.

No speaker from the Government side explained from where the idea of the weighted model came. Deputy Stanton noted that during numerous discussions of the legislation which eventually became the Education for Persons with Special Educational Needs Act, the weighted system was not referred to once. How is it possible that having debated legislation at such length, Members have an entirely different notion of what we discussed? Why, before the Act was signed into law, was a decision made to introduce a new weighted system about which nobody had heard? This was wrong and unjustified.

The Minister of State at the Department of Education and Science, Deputy de Valera, referred to developments since 1 June, applications which have been processed and so on. When she pointed out that applications for support for children with lower incidence needs had received a response, I immediately wondered what was the position regarding children with higher incidence needs. I then realised that applications made on behalf of children with higher incidence are to be dealt with under the weighted system. Strangely, most of the people experiencing problems are those being dealt with under this system. The problem with the new system is that applicants are not processed because resources are not available.

I am surprised by the list of speakers from the Government side, many of whom, like me, represent largely rural constituencies. I am amazed they indicated that everything in the garden is in more or less rosy because that is not the case in the area I represent. I have received queries from throughout the country and they clearly indicate that there are major problems in the area of special educational needs.

Deputy Power stated he accepted imperfection. We should not accept imperfection. He also used the phrase "in time". The problem for most of the children in question is that they do not have time. If they do not receive the help they need by the age of seven or eight, their chances of improving or catching up are greatly reduced. We are failing to provide for children of that age. While I am aware of some changes this year with regard to children in junior infants, many of whom receive assistance, many children in first, second and third class have still not been allocated the resources they need.

One of the most significant issues in rural schools is the idea of clustering. The weighted system will not work in such schools. We have been contacted primarily by rural schools, although urban schools have also done so, which indicates there is no urban-rural divide on this issue. Rural schools will face a major problem in this regard.

How will Government speakers returning to their clinics or meeting constituents in their offices face parents affected by this issue? Perhaps they are not approached by parents of children with special needs. It is possible such parents see no point in contacting Government Deputies



but they are certainly coming to me in large numbers. Since last June, more people have contacted me on the issue of special needs than in the previous two years. I hope Government Deputies can return to their constituencies with a clear conscience and have the honesty to tell parents and school teachers that they believe there is a problem in the area of special education needs. Will they tell them that they voted in the Dáil for a motion stating the Government is doing a great job in this area? I find their actions, which they will have to explain, hard to believe. Special educational needs is a major issue, as my colleagues on the Opposition Benches will agree.

I am glad Deputy Cooper-Flynn's short absence from the Fianna Fáil Party has allowed her to see matters a little more clearly. In just one minute she spoke realistically about what many children with special needs and their families face.

I thank Deputies from all sides who contributed to the debate. I appeal to the Minister to re-examine the issue of special needs, especially the weighted system, and consider how schools in areas where clustering is required will work under the system. She should not be afraid to look at new alternatives or to see the failures that are apparent in the system at present. She should also look at the weighting as it relates to girls. I am aware of the statistics but it could be argued that in those classrooms boys might be more boisterous and their needs become apparent at a younger age whereas girls might be more inclined to sit back in the classroom, with their need not becoming apparent so early. We must consider all these issues.

I urge the Minister to reconsider the weighted system, examine the special needs area and implement the Act in full in the shortest time possible. I ask Members to support the motion.

Amendment put.

The Dáil divided: Tá, 65; Níl, 53.

Tá

Ahern, Michael.  
Ahern, Noel.  
Andrews, Barry.  
Blaney, Niall.  
Brady, Johnny.  
Brady, Martin.  
Brennan, Seamus.  
Browne, John.  
Callanan, Joe.  
Callely, Ivor.  
Carey, Pat.  
Carty, John.  
Cassidy, Donie.  
Collins, Michael.  
Coughlan, Mary.  
Cregan, John.  
Cullen, Martin.  
Curran, John.  
de Valera, Síle.  
Dennehy, John.  
Devins, Jimmy.  
Ellis, John.  
Fahey, Frank.  
Finneran, Michael.  
Fitzpatrick, Dermot.  
Fleming, Seán.  
Gallagher, Pat The Cope.  
Hanafin, Mary.  
Haughey, Seán.  
Jacob, Joe.  
Keaveney, Cecilia.  
Kelleher, Billy.  
Kelly, Peter.

Killeen, Tony.  
Kirk, Seamus.  
Kitt, Tom.  
Lenihan, Brian.  
Lenihan, Conor.  
McDowell, Michael.  
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'Dea, Willie.  
O'Donoghue, John.  
O'Donovan, Denis.  
O'Flynn, Noel.  
O'Malley, Fiona.  
Parlon, Tom.  
Power, Peter.  
Roche, Dick.  
Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Treacy, Noel.  
Wallace, Mary.  
Walsh, Joe.  
Wilkinson, Ollie.  
Wright, G. V.

Níl

Boyle, Dan.  
Breen, James.  
Breen, Pat.  
Broughan, Thomas P.  
Bruton, Richard.  
Costello, Joe.  
Cowley, Jerry.  
Crawford, Seymour.  
Crowe, Seán.  
Cuffe, Ciarán.  
Deasy, John.  
Deenihan, Jimmy.

English, Damien.  
Enright, Olwyn.  
Ferris, Martin.  
Gilmore, Eamon.  
Gormley, John.  
Hayes, Tom.  
Healy, Seamus.  
Higgins, Michael D.  
Hogan, Phil.  
Howlin, Brendan.  
Kehoe, Paul.  
McCormack, Padraic.

Níl—*continued*

McGinley, Dinny.  
McGrath, Finian.  
McHugh, Paddy.  
McManus, Liz.  
Mitchell, Gay.  
Mitchell, Olivia.  
Morgan, Arthur.  
Moynihan-Cronin, Breeda.  
Murphy, Gerard.  
Neville, Dan.  
Ó Caoláin, Caoimhghín.  
Ó Snodaigh, Aengus.  
O'Shea, Brian.  
O'Sullivan, Jan.  
Pattison, Seamus.

Penrose, Willie.  
Rabbitte, Pat.  
Ring, Michael.  
Ryan, Eamon.  
Ryan, Seán.  
Sargent, Trevor.  
Sherlock, Joe.  
Shortall, Róisín.  
Stagg, Emmet.  
Stanton, David.  
Timmins, Billy.  
Twomey, Liam.  
Upton, Mary.  
Wall, Jack.

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

Amendment declared carried.

Motion, as amended, put and declared carried.

### Adjournment Debate.

#### Health Board Services.

**Mr. Carey:** I thank you, a Cheann Comhairle, for allowing me to raise this matter on the Adjournment. I want to find a solution to an issue that has been raised by many Members, including Deputy Broughan. Without wishing to make a pun, it is a sensitive issue. I first raised it when it came to my notice in late 2003 that some chiropodists in the Northern Area Health Board and, as I have discovered since, in other areas have a practice of charging a top-up fee to medical card holders. The fee started at €5, was increased to €10 and is now €15 whereas the medical card holders are by and large elderly people who can ill afford to pay.

As of the last correspondence with the Eastern Regional Health Authority chiropodists receive a payment of €18.32 for a surgery consultation, €27.55 for domiciliary care and a smaller amount for once-off treatment. I gather that all medical card patients are entitled to six so-called free treatments per year although other categories have been mentioned in ministerial replies.

This is a persistent problem that needs to be addressed. It affects the most vulnerable in our society. I know discussions took place between the Northern Area Health Board and the ERHA and, subsequently, discussions took place between the ERHA and the Department of Health and Children. A report was requested and has been received. However, I seek a solution so that patients can be treated without having to pay the top-up fee.

The issue has been ping-ponged across the table by the Department and the ERHA. Will the Minister give an assurance to the House that the matter is being addressed, hopefully in favour of

patients? I recognise that the two chiropody associations, the professional body and another body representing chiropodists who trained in a different format, would like increased fees and improved payments. However, this ought not be to the detriment of medical card holders. While the dental profession led the way in this regard, as is its right, in this case we are talking about a very vulnerable group.

The Minister should consider the issue as sympathetically as possible. If there are financial implications, now is the time, as the Estimates period approaches, for this additional burden to be borne in mind and alleviated in favour of patients.

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** I followed with great interest what Deputy Carey said and I thank him for raising this important issue on the Adjournment.

While there is no statutory obligation on health boards to provide chiropody services to medical card holders, they make arrangements for the provision of such services. The nature of the arrangements and the level of service provided are a matter for individual health boards. In making these services available health boards have regard to a range of issues including overall service priorities and the level of funding available.

Accordingly, chiropody services provided by health boards vary somewhat throughout the country. Priority is usually given to certain groups of people, including people who are medical card holders aged 65 years and over. Chiropodists are paid €19.24 for a surgery visit and €28.94 for a domiciliary visit plus €3.48 for a treatment. The rate paid to chiropodists under the ERHA chiropody scheme is the approved sessional rate sanctioned in the Department of Health and Children's consolidated pay scales.

When it became known that chiropodists in the ERHA region were imposing an additional charge, the Department wrote to the authority stating that these were inappropriate and should

not be levied on people who were deemed eligible for the service under the ERHA scheme.

The Department understands that some chiroprodists and podiatrists providing services to patients have levied patients because they believe the fees currently being paid are not economic. The fees paid to chiroprodists providing services under the ERHA scheme are increased in line with national pay rounds. Any increase in sessional rates is ruled out as a cost increasing claim under Sustaining Progress.

The ERHA has informed the Department that where there are agreements by providers with boards it is inappropriate to seek top up payments from clients, and where issues have been raised by clients and-or service providers with the area health boards in the eastern region they were advised that the rates agreed for the scheme were in accordance with those I quoted earlier.

### **Pension Provisions.**

**Mr. Broughan:** I thank the Chair for allowing me to raise this issue because, since the Dáil resumed, I have been prevented from raising it on four or five occasions on the spurious ground that because it was an issue which affected a semi-State company, namely, An Post, it could not be raised directly in this House under the responsibility of a Minister. It is also notable that on two or three occasions on the Order of Business the Taoiseach refused to deal with me and to address this matter.

I speak not only for the An Post pensioners, although they are foremost in my mind. The points I make apply equally to the current employees of An Post who have missed out on two stages of the Sustaining Progress national agreement. As Minister for Communications, Marine and Natural Resources, Deputy Dermot Ahern refused on a number of occasions last summer to address this matter, claiming that section 13(1) of the An Post main superannuation scheme 1990, as amended in 1997, 1999 and 2001, forbade him to do so as it was a matter for the semi-State body. The current position, whereby 8,000 An Post pensioners on very modest incomes are being deprived of their due increases under Sustaining Progress, is disgraceful and outrageous. I am disappointed that the new senior Minister is not here this evening to respond to the points I wish to make.

This has been going on for almost a year. The pensioners missed out on a 3% rise on 1 November. They missed out on a 2% rise on 1 August. In a couple of months time they will be missing out on another 2% rise. There will therefore be an accumulated 7% loss for these most vulnerable citizens, 8,000 people and their families, perhaps 15,000 people in all.

This emerges apparently because the current chief executive of An Post, Mr. Donal Curtin, has linked the situation of the pensioners to nego-

tiations on the transformation agreement of An Post with the current An Post employees. It is a disgraceful tactic by Mr. Curtin and by An Post management to attempt to use pensioners as pawns in a negotiation. It is utterly outrageous.

As I mentioned to the Taoiseach recently, we got our increases and are getting our increases under Sustaining Progress. It is outrageous that these most vulnerable former workers are not getting their increases. It is bad enough that low-paid workers in a semi-State company are denied their cost of living increases but pensioners are now being penalised for years of mismanagement by An Post senior managers and by the board. It is another example of the harsh right-wing ideology of this Government, despite all the palaver by the outgoing for Minister for Communications, Marine and Natural Resources, Deputy Dermot Ahern, about a move to the left by the Fianna Fáil Party.

I have raised this issue with the new general secretary of the Communication Workers' Union, Mr. Steve Fitzpatrick, and I discovered that the union has again and again encouraged An Post to look after the pensioners, to give the pensioners their increases and in no way to try to link the two issues. That is why I remain convinced that the fault for this problem lies at the door of the current chief executive, Mr. Donal Curtin, and the management and board of An Post.

We are talking about national pay agreements, to which management, workers and the State put their names, that are intended to cover a range of interests including, in this case, the welfare of pensioners. What is happening is an attempt to pull the rug from under national agreements. There is no justification for this treatment of An Post pensioners. In the folder before me and in my office upstairs I have letter after letter and e-mail after e-mail from pensioners in virtually every constituency around the country. Through the Minister of State, I ask the senior Minister, Deputy Noel Dempsey, to at long last come in here, perhaps tomorrow at Question Time when we will all be here, and address this matter urgently and try to bring about justice for these most vulnerable workers. An important point about this matter is that most of the pensioners to which I refer were civil servants until 1989 and, under the Civil Service regulations, like many current workers at An Post, were covered by Civil Service superannuation. Why should these former civil servants be treated in this cavalier and disgraceful manner?

I thank the Minister of State for coming into the House and urge him to respond on behalf of the Minister for Communications, Marine and Natural Resources, Deputy Dempsey.

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** I thank Deputy Broughan for



[Mr. Gallagher.]

raising this important issue relating to pensioners who have not been paid their increases under the national pay agreement. I also apologise on behalf of the Minister, Deputy Dempsey, who regrets he is unable to be in the House to reply to this matter directly.

Both Minister Dempsey and I are aware of the situation that has arisen for An Post pensioners. The issue has been raised on numerous occasions and, as a Minister of State in the Department, I am aware of the situation. More particularly as a Deputy, I am aware of a number of people in my constituency who have suffered as a result of this.

Severe financial difficulties have given rise to a situation where the company has not paid Sustaining Progress increases to its serving staff and, by extension, to its pensioners. The resolution of these financial difficulties is the ultimate solution to the problem.

It will be helpful if I outline for the benefit of the House the background to this situation and how matters stand at present. An Post is facing an extremely serious financial situation, having suffered heavy losses in 2002 and 2003. In the interests of the company, its customers its employees and its pensioners, it is imperative that it is placed on a firm financial footing.

In this context, An Post management has had to implement severe cost cutting measures to stem the flow of losses, including in terms of the Sustaining Progress payments to its employees and pensioners. Authority to implement pension increases was delegated to An Post by the Department on 26 May 1989. Traditionally, An Post has granted increases to serving staff in line with national pay agreements. Increases to pensioners have then subsequently been applied in line with increases granted to serving staff. The terms and conditions, including those regarding the matter of increases, as enshrined in the An Post main superannuation scheme 1990, are based on those that prevailed in the former Department of Posts and Telegraphs. In regard to serving staff, the company is involved in detailed negotiations with its unions, under the auspices of the Labour Relations Commission, to reach agreement on necessary restructuring to return to financial stability. These negotiations have impacted on consideration of increases for An Post pensioners.

The Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, has no function whatsoever in directing An Post in operational and commercial issues

9 o'clock such as the payment of pensions and he does not propose to intervene in the matter. Nevertheless, the Minister is aware that An Post pensioners are concerned about the payment issue and that An Post management is reviewing this situation. In light of this review, he feels that it would not be appropriate to comment further at this stage. Both the Minister and I are

sympathetic to the situation in which An Post pensioners find themselves. While the permanent solution is for An Post to be placed on a firm financial footing as soon as possible, the company is at present closely examining pension increases. The Minister has asked An Post to keep us advised of developments. I will relate the issues raised by Deputy Broughan to the Minister when we meet tomorrow.

### FÁS Training Programmes.

**Mr. Hogan:** I thank the Ceann Comhairle for allowing me to raise this issue of public safety. Since I raised this matter with the Minister of State, Deputy Killeen, on Second Stage of the Safety, Health and Welfare at Work Bill 2004, I believe that the company in question, Omlink International in County Meath, is no longer listed as an approved trainer on the FÁS website.

However, it begs the question how the company was approved in the first place, given the unusual circumstances in which it was approved as an assessment centre. It was suspended from a similar scheme operated by FÁS's counterparts in Northern Ireland and Britain. Who recommended the approval? Did FÁS know that the company was under suspension in Northern Ireland? How many other questionable approvals have been made? How many construction workers have been given skill certificates by firms which were not up to standard and are in breach of legal requirements under the Safety Health and Welfare at Work (Construction) Regulations 2001?

Approximately 30,000 people have skill certificates in the construction industry. We cannot underestimate the importance that those operating tower cranes and driving diggers and excavators should have the right training. This is a serious public safety issue. Will the Minister explain the circumstances which led to this company's delisting? Did it arise from an external complaint or from an internal FÁS review? When my attention was brought to the high level of serious construction accidents, over 90 deaths in the past four years, I raised these issues with the director general of FÁS. I was disappointed that his reply was economical on how many firms had been delisted. Instead, his reply suggested that all was rosy in the garden and all matters causing difficulties had been resolved.

The development of the construction skills certification scheme has created a market for training in the health and safety area worth many millions of euro. Unless FÁS applies the most rigorous tests to those it approves, there is a real danger that unscrupulous operators seeing a chance to make a quick buck will move into this market. This is not some academic exercise in approving trainers. It is an issue with serious life and death consequences for those working in the construction industry. If rogue trainers and

assessors are allowed loose on the marketplace, lives will be put at risk. It is incumbent upon FÁS, as a Government body, to insist on the highest standards being applied by all trainers and that those who are not qualified and do not possess the necessary skills are not approved.

Public reassurance and confidence in health and safety in the construction industry is of great importance. The construction skills certification and safe pass schemes have been incorporated in statutory form. In line with that legislation, FÁS approves the trainers and assessors to carry out the relevant training and assessment for workers in the construction industry. In view of the circumstances surrounding the approval and delisting of the company, we need assurance that the procedures that led to this flawed approval have not been repeated with other companies. To achieve this, an independent external assessment must be carried out. I urge the Minister for Enterprise, Trade and Employment to direct FÁS to commission such an assessment immediately.

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** Táim buíoch don Teachta Ó hÓgáin as an ábhar thábhachtach seo a ardú ar an Athló anocht. FÁS and other training bodies provide a range of training programmes under the construction skills certification scheme, certified by FETAC. More than 30,000 people to date have undergone construction skills certification scheme training. The scheme provides training and certification for a range of occupations in the construction industry, including basic and advanced scaffolding, tower crane operation, slinging and signalling, telescopic handler operation, tractor and dozer operation, mobile crane operation, crawler crane operation, articulated dumper operation, site dumper operation, 180° and 360° excavator operation, roof and wall cladding and sheeting and built-up roof felting.

FÁS has set down well-defined procedures, used to regulate training organisations using FÁS training and assessment material to obtain FETAC certification. To conduct such programmes trainers must meet the training and assessment criteria as determined by FÁS. A training provider who wishes to be approved to deliver a construction skills certification programme must first apply to the services 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 each programme for which approval is sought. The application is then 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 construction skills certification scheme practical and theoretical assessment to determine competence to train in

the specified area for which approval is sought. If the trainer successfully attains the required standard his or her organisation must then apply in writing to the manager of the curriculum and quality assurance department to become an approved assessment centre. This process came into operation on 1 January 2004. All trainers approved prior to this date are required to meet the new standards.

The curriculum and quality assurance department's approved assessment centre system is used to regulate training organisations using FÁS training and assessment material to obtain FETAC certification for the training carried out by them. To be approved as an assessment centre under the construction skills certification scheme, the applicant organisation must have a company audit undertaken by FÁS. The purpose of the audit is to ensure there are adequate arrangements in place to ensure the quality and security of the assessment process. It must nominate trainers and assessors who are technically competent in the skill areas in which they will conduct assessments and they must also have been approved by FÁS services to business units to carry out training and assessment under the CSCS. Trainers, assessors and verifiers must successfully complete an assessor-verifier training programme run by the curriculum and quality assurance department of FÁS.

In operational terms, to assure the validity of the system, FÁS has procedures in place to provide assurance that training and assessment is carried out in accordance with procedures. It is the responsibility of the services to business division and regional management, together with the curriculum and quality assurance department, to ensure that CSCS training and assessment practices are in accordance with national procedures.

The regional certification and standards officer carries out random and unannounced monitoring visits to training and assessment sites and reports to the regional finance and administration manager. When monitoring an approved training-assessment centre, the records of a particular group of candidates are checked from start to finish to allow the monitor to determine if the full procedure is correctly followed.

If non-conformance identified in the course of the monitoring visit has not been resolved during the visit, the certification and standards officer sends a letter to the approved training organisation identifying the non-conformance, the corrective action needed to prevent recurrence, and specifies a time frame for implementation of the action and requests to be informed when the corrective action is completed. When the certification and standards officer is notified that the non-conformance has been rectified the certification and standards officer will take the next available opportunity to verify that the non-conformance has been rectified.

[Mr. Killeen.]

If a FÁS region is not satisfied with the performance of an approved training organisation due to failure to rectify non-conformance, repeated breaches of procedure or a serious breach of procedure, the finance and administration manager will write to the ATO requesting an explanation for the failure to comply. If the issue is not resolved to the satisfaction of the manager, he or she will send a report containing the full details, in addition to all relevant documentation, to the central services to business unit. The matter will be dealt with under the CSCS procedures for dealing with CSCS trainer-assessor non-conformance. Ultimately, following appropriate warnings, a provider may be removed from the approved list.

The aforementioned procedures are applied to all FÁS-approved trainers and assessors and everything possible is done by FÁS to ensure compliance with these standards. I assure the House that FÁS will take appropriate action to protect the participants and the integrity of the scheme.

A number of issues arose with regard to the training practices for the construction health and safety schemes operated by FÁS. As a result of reviewing and evaluating the construction skills safety programmes in late 2002, the FÁS executive commissioned a consultant to review the programmes and to make recommendations to ensure best practice and quality assurance. The consultant produced a report in October 2003, based on which the FÁS executive set up a group to develop and implement an action programme with the purpose of ensuring best practice and quality assurance.

Extensive progress has been made in implementing the report's recommendations. Where FÁS is satisfied that the behaviour of a company warrants its removal from the register of approved training organisations, it takes action accordingly. The decision to review the schemes and any future investigation into the operation of the CSCS programme is an operational matter for FÁS. However, arising from matters raised by Deputy Hogan in regard to Omlink International and what he described as unusual circumstances there, I will pursue those specific questions with FÁS and return to him with further information. Some 28 companies have been approved and two have been delisted.

### Constituency Commission Report.

**Mr. Morgan:** Ar dtús, ba mhaith liom comhgairdeachas mór a chur chuig an tAire nua on the occasion of his appointment. I wish him well. He may be interested to know that a crowd of old Brits at the British-Irish Interparliamentary Body sent him good wishes as a former member of that body.

I have raised this matter on the Adjournment because the recommendations in the Constituency Commission's report take this State further down the road of diluting the proportionality of our electoral system. This is most starkly illustrated by the decision to divide County Leitrim between the two proposed new constituencies of Sligo-North Leitrim and Roscommon-South Leitrim, but it is part of a much more fundamental problem.

In this, the third consecutive commission report, the number of five-seat constituencies has been cut, while the number of three-seat constituencies grows steadily. What is most worrying about the growth of three-seat constituencies is that it seems to be the favoured option for dealing with population growth and change. I am disappointed the Minister has indicated he will accept these recommendations.

Do the people of Finglas in three-seat Dublin North-West have the same opportunity for putting their chosen party or representative into Leinster House as the people in leafy Dundrum in Dublin South, a five-seat constituency? Is it merely a coincidence that there is a proliferation of three-seat constituencies north of the Liffey whereas the larger constituencies are more common south of the Liffey? Will the people of Leitrim have any chance of ever electing another representative from the county to the Dáil? Is the legislation restricting constituency size to three, four and five-seaters a deliberate attempt by the establishment to keep the marginalised, marginalised? Perhaps this would be best described as a more subtle form of "Tullymandering", which is being implemented over a longer timeframe.

It is not too much of an exaggeration to state—

**An Ceann Comhairle:** It is not in order to reflect on the members of an independent commission who are not Members of this House and are not in a position to defend themselves here.

**Mr. Morgan:** I do not intend to reflect on them, a Cheann Comhairle.

**An Ceann Comhairle:** An independent commission drew up the proposed constituency changes.

**Mr. Morgan:** It operated under a particular legislative measure. It had a brief from this House and it is to that I allude. I am not attempting to reflect on the commission or its work, merely the guidelines set down by this House that restricted the commission in arriving at a conclusion. Inevitably the report will mirror the submissions coming to the commission from Fianna Fáil or Fine Gael.

Though I expect the Government to dismiss the concerns raised regarding the independent



nature of the commission, this is not good enough. The essential problem is that the commission is constrained by legislation to have constituency sizes between three and five seats. The proportionality possible under the proportional representation with the single transferable vote system in place in this State has been diluted substantially through the selective redrawing of constituency boundaries and the reduction in constituency size in terms of Members elected from nine and seven-seat constituencies of the 1920s when the system was instigated to today's five, four and three-seaters.

PRSTV using multi-seat constituencies is a unique system that is not much practised outside of Ireland. It was not designed with the intention of applying it to three-seat constituencies. The number of Members returned per constituency is a crucial component of the Irish electoral system. The higher the number of Members returned per constituency, the greater the proportionality of the system.

I urge the Minister to amend section 6(2)(b) of the Electoral Act 1997 to allow for the formation of six and seven-seat constituencies. This would restore the positive attributes of the PRSTV system, in terms of locally accountable representatives and voters being able to make inter and intra-party choices. The Minister, Deputy Roche, was elected in a five-seat constituency. Would he accept that the larger constituency size adds an extra element of proportionality to the electoral system as a whole?

In view of the importance of maintaining the integrity of county boundaries, I call on the Minister to introduce the legislative changes to which I referred earlier and to reconvene the Constituency Commission to consider the possibility of establishing one six-seat constituency comprising the three counties of Sligo, Leitrim and Roscommon. The Government must recognise that we risk losing people's respect for the electoral system in places such as County Leitrim when it is seen that it is unfairly applied in ways that prevent them from electing their chosen representative to Parliament.

**Mr. Gallagher:** I apologise for the Minister for the Environment, Heritage and Local Government, Deputy Roche, who cannot attend tonight due to a prior commitment.

I welcome this opportunity to put on the record of the House the continuing non-partisan approach to the constituency review first introduced by the then Fianna Fáil Government in 1977. In accordance with section 5 of the Electoral Act 1997 and following publication of the 2002 census results, a commission was established in July 2003 to report on European and Dáil constituencies. The commission reported on European constituencies in October 2003 and its recommendations were enacted for the June elec-

tions. It reported on Dáil constituencies in January and yesterday it was announced that the Government has accepted its recommendations in full and authorised the drafting of a Bill to give effect to them.

The criteria which the commission and, by extension, the Oireachtas, must apply in reviewing Dáil constituencies are set out primarily in the Constitution and in terms of reference specified in section 6 of the 1997 Act.

Article 16.2.3° of the Constitution provides:

The ratio between the number of members to be elected at any time for each constituency and the population of each constituency, as ascertained at the last preceding census, shall, so far as it is practicable, be the same throughout the country.

The terms of reference for the commission as set out in the 1997 Act are:

A Constituency Commission shall, in observing the relevant provisions of the Constitution in relation to Dáil constituencies, have regard to the following:

(a) the total number of members of the Dáil, subject to Article 16.2.2° of the Constitution, shall be not less than 164 and not more than 168;

(b) each constituency shall return three, four or five members;

(c) the breaching of county boundaries shall be avoided as far as practicable;

(d) each constituency shall be composed of contiguous areas;

(e) there shall be regard to geographic considerations including significant physical features and the extent of and the density of population in each constituency; and

(f) subject to the provisions of this section, the Commission shall endeavour to maintain continuity in relation to the arrangement of constituencies.

As I see it, Deputy Morgan raises two issues. The first is the increase, from 16 to 18, in the number of three-seat constituencies as a result of the commission's recommendations. The Constitution is silent on the specific question of the size of constituencies. As I have said, the statutory terms of reference provide that "each constituency shall return three, four or five members".

Thus, in framing recommendations that represent a reasonable balance between all the elements of its terms of reference, the commission has a degree of flexibility as to the size of constituency it considers best meets the situation on the ground. The terms of reference do not specify that one constituency size is better than another.

[Mr. Gallagher.]

Deputy Morgan also raises the question of the breaching of county boundaries and the statutory provision that, in observing the relevant provisions of the Constitution, regard shall be had to avoiding such breaches as far as practicable. The 1997 Act specifically provides that the considerations listed are subordinate to the constitutional requirements. The bottom line is that, to meet the constitutional requirement in regard to equality of representation, the commission has to recommend constituencies that have average representation close to the

national average, even if at times this means breaching county boundaries.

In accepting the commission's recommendations as a package, the Government is stating that the non-partisan approach to constituency revision has served the country well and should continue to be applied. We intend that the Bill will be drafted on this basis and introduced as soon as possible for debate by the Dáil and Seanad.

The Dáil adjourned at 9.25 p.m. until 10.30 a.m. on Thursday, 21 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 41, inclusive, answered orally.*

*Questions Nos. 42 to 143, inclusive, resubmitted.*

*Questions Nos. 144 to 152, inclusive, answered orally.*

### **Sport and Recreational Development.**

153. **Mr. Stanton** asked the Minister for Arts, Sport and Tourism the Government policy on sport; and if he will make a statement on the matter. [25529/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The Government policy objective for sport is to promote and encourage an active sports sector, with increased participation in sport, especially by young people in areas of disadvantage and to support the provision of good quality, sustainable facilities and opportunities for people to play an active role in sport. In order to contribute to a more healthy lifestyle, it is vital that people of all ages and from all backgrounds have equal opportunities to engage in sporting activity and are encouraged to participate at the level which suits their needs. In addition, the Government, through the strategies of the Irish Sports Council supports the pursuit of excellence and success in national and international competition by our elite sportsmen and sportswomen.

My Department's statement of strategy 2003-05 has identified the key areas to be addressed. These include the creation of expanded opportunities to participate in sport through facilitating the provision of sporting facilities at local, regional and national level with a particular emphasis on providing facilities for young people in disadvantaged areas. It underpins the important role of the Irish Sports Council in assisting with the provision of sports programmes.

This departmental strategy for sport guides the actions of the Irish Sports Council in its promotion and development of sport as outlined in its own statement of strategy 2003-05, Sport For Life, which maps out a threefold strategy: to increase participation in sport; to create an environment to develop sporting abilities; and to enable our best sports people to achieve world class standard. The Irish Sports Council has been allocated funding of €30.7 million for 2004 to operate a range of initiatives and programmes from the Buntús primary schools programme and the youth field sports programme all the way up to the high performance strategy and international carding scheme.

My Department's sport capital programme has been enormously beneficial to clubs, sports organisations and voluntary and community groups, directing funds to virtually every village, parish and town throughout the country. Since 1998, on the sports capital side alone, my Department has allocated almost €331 million to over 4,200 projects around the country to assist towards the cost of providing sport and recreational sport facilities. In consultation with the Department of Community, Rural and Gaeltacht Affairs, 1,266 projects located in areas designated as disadvantaged have been allocated funding of over €121 million in the four year period 2001-04.

The tax relief on donations to certain sports bodies scheme, established under section 847a of the Taxes Consolidation Act came into effect on 1 May 2002. Since then 83 projects, drawn from nine sporting disciplines and with a total project cost of €76 million, have been approved by my Department.

Under the local authority swimming pool programme, my Department is committed to supporting 55 local authority swimming pool projects throughout the country. Delivery of this programme is well underway with a total €43 million paid out in the period 2000-04 with 14 projects completed, eight under construction and the remaining 33 projects at various stages.

The Government decision earlier this year to support the redevelopment of a 50,000 all seated stadium at Lansdowne Road in association with the IRFU and FAI along with a sporting campus at Abbotstown is further progress towards bringing our national sporting infrastructure into the 21st century alongside other recent national projects such as the national aquatic centre and the national rowing centre at Inniscarra. I am satisfied that we now have in place a vibrant policy through which persons of all ages can participate in sport.

### **Arts Council.**

154. **Mr. P. McGrath** asked the Minister for Arts, Sport and Tourism if he has received the report, Towards a Policy for the Traditional Arts, from the Arts Council, which he commissioned some time ago; the timeframe for the implementation of this report; and if he will make a statement on the matter. [25545/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The remit of the special committee on the traditional arts established by me, in accordance with section 21 of the Arts Act 2003, was to make recommendations to the Arts Council on the role of the council in relation to the traditional arts. The committee presented their report to me last month. I believe that it represents a very valuable contribution to the process of ensuring that our traditional arts sector is acknowledged and cherished for its quality and diversity. I wish to pay particular tribute to the work of the committee which produced the report and which was so ably led by Mr. Jerome Hynes.



[Mr. O'Donoghue.]

Responsibility for follow-up action, including decisions regarding implementation of the report's recommendations, rests with the Arts Council which, I understand, has invited feedback from the sector. I look forward to engaging in due course with the council on its implementation strategy.

### **Tourism Industry.**

155. **Ms B. Moynihan-Cronin** asked the Minister for Arts, Sport and Tourism his views on figures from the Central Statistics Office in August 2004 which highlight the high costs of accommodation and eating out here; his further views on the consequences of such figures for the tourist industry. [25438/04]

174. **Mr. G. Mitchell** asked the Minister for Arts, Sport and Tourism the measures which are proposed to restore the competitiveness of tourism here; and if he will make a statement on the matter. [25539/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I propose to take Questions Nos. 155 and 174 together.

I have already made very clear my views on the growing level of dissatisfaction expressed by overseas visitors about the value for money, particularly in terms of the cost of eating out, of the overall tourism experience in Ireland. One of the strongest messages of the tourism policy review group is that restoring competitiveness is the major challenge facing the tourism sector. In short, delivering value for money will be of paramount importance for maximising future growth opportunities.

The reality is that Ireland has never been marketed as a low cost destination. However, during the years of significant growth in the 1990s, it was competitive and was seen to be offering holidaymakers value for money.

The consumer price index for August 2004 did show price increases in the restaurants and hotels category at the level of 0.3% for the month and 4.5% for the year. However, by end September 2004, there was no further deterioration in the annual rate of increase. In the context of value for money, it is important to point out that there continues to be very attractive packages on offer in regard to access, accommodation and dining out.

Competitiveness is a function of the overall Irish tourism experience for customers relative to other competing locations. My contribution towards the restoration of competitiveness is to see a coherent tourism action plan implemented effectively in co-operation with all the major players. To this end, I have established a high level implementation group to advise and assist in driving forward and monitoring the comprehensive action plan set out in the report of the tourism review group.

I received the first progress report from the implementation group at the end of August. Few

people involved in the industry were surprised to learn that the group found that strong areas of concern remain in relation to the competitiveness and value for money available in wide segments of Irish tourism. The group has re-affirmed that sustained efforts to address the issues that have undermined competitiveness within both the industry itself and within the Government sector, along the lines of the review group's recommended actions, are essential.

The implementation group will continue its work over the remainder of the period of the initial two year tourism action plan. It will continue to meet at monthly intervals and to encourage, through regular consultations, the relevant Departments, State agencies and industry representative groups to progress the implementation of the recommended actions.

### **Abbey Theatre Players.**

156. **Mr. Wall** asked the Minister for Arts, Sport and Tourism if he has proposals to address the funding difficulties at the Abbey Theatre; his views on the possibility of staff redundancies at the theatre; and if he will make a statement on the matter. [25418/04]

164. **Mr. S. Ryan** asked the Minister for Arts, Sport and Tourism his views on the recent TNS-MRBI opinion poll which found strong support among the public for State funding for the Abbey Theatre; if he will address the funding problems at the theatre; and if he will make a statement on the matter. [25425/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I propose to take Questions Nos. 156 and 164 together.

I have been briefed on the problems currently being encountered at the Abbey Theatre by the chairperson of the Arts Council. Financial support of the Abbey is a matter for the Arts Council. I understand that the council has been in close dialogue with the Abbey and wishes to support the organisation through its current difficulties. The council is conducting an independent review to help inform the council's response. My Department's role is confined to the overall funding of the Arts Council, which itself decides how funds made available by my Department are disbursed. I am not in the least surprised by a positive public attitude towards the Abbey. The Abbey has an iconic place in the Irish psyche, in our cultural life, and I share the view that the Abbey must be cherished and supported.

### **Tax Code.**

157. **Mr. O'Shea** asked the Minister for Arts, Sport and Tourism his views on the recent figures he issued regarding the declining number of certificates issued for the section 481 tax break in the first seven months of 2004; his views on the decline in the amount of film production here recently; and if he will make a statement on the matter. [25420/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I do not believe that there is any evidence to suggest that the Irish film sector is in decline. During the first seven months of 2004, 11 film projects were certified by my Department for the purposes of the section 481 tax relief. This is down somewhat from the 15 projects certified during the same period of 2003, but is very similar to the 12 projects certified during the first seven months of 2002. To date in 2004, my Department has certified 16 projects in this context.

I am aware that there are competitive pressures coming to bear on the effort to attract international film productions, particularly from economies where wage rates and other costs are far lower than in Ireland. However, we also have advantages, such as our use of the English language, our historical links particularly with the United States, the very high skill and experience levels of our film professionals, our relatively low level of bureaucracy, and the variety of locations available within quite short distances of one another. The Government has done its part in that film producers now have certainty going forward, as the section 481 scheme has been extended to 2008, with the amount that can be raised increasing substantially from 2005.

I have every confidence that Irish film-makers will take full advantage of this decision, and that our industry has a very bright future. The indications available to my Department suggest that there has already been quite a significant pick up in activity, and that producers are generally optimistic about the industry's prospects. It is my intention to travel to the United States early next year to support the efforts of the Irish Film Board to persuade film producers that Ireland is an attractive location for international film productions.

*Question No. 158 answered with Question No. 151.*

### **Sports and Recreational Development.**

159. **Mr. Gogarty** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to the need for an integrated approach to facilitate participation in sport at an early age between his Department and the Departments of Education and Science and Health and Children; and if he will make a statement on the matter. [25497/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** As the Deputy is aware, the Irish Sports Council is the statutory body with responsibility for the development of sport, including initiatives to promote sport among young people. The provision in funding for the Irish Sports Council in the 2004 Estimates is over €30 million, in comparison to just over €13 million in 2000.

This Government recognises the major role that sport can play in the lives of young people. The Irish Sports Council is responsible for a

number of initiatives aimed at encouraging young people to participate in sport. There are currently 16 local sports partnerships in operation around the country. One of the central aims of the local sports partnerships is to create greater opportunities for participation by all in sport and to ensure that resources are co-ordinated and used to their best effect at a local level.

The sport for young people grant scheme is promoted through vocational education committees which do not currently have local sports partnerships in their areas to create sporting opportunities to participate in sport for young people, particularly those in areas of social and economic disadvantage. This grant scheme is open to the vocational education committees. The designated areas scheme-underage participation scheme provides funding to the FAI, GAA and IRFU, to assist these organisations to develop programmes for increasing participation in sport by young people in the three main field sports.

The Buntús programme is also being rolled out by the Irish Sports Council through the local sports partnership network to primary schools. The programme aims to support the primary PE curriculum by providing equipment, resource cards and training to teachers and allows teachers and introductory level coaches introduce sport to children in a safe and fun way.

The code of ethics and good practice for children's sport was launched in 2000 by the Irish Sports Council and provides guidelines to sports organisations in promoting good practice in children's sport. The core message in the code is that sport must be safe, must be fun and no matter what young people are involved in, that it takes place in a spirit of fair play.

My Department and the Irish Sports Council maintain an ongoing liaison with the Department of Health and Children in relation to matters of mutual concern. Officials of the Department and the council have actively participated in the development of key initiatives such as, for example, the national children's strategy, the national children's play and recreation policy, healthy heart strategies. My Department has also contributed to the task force on obesity established by the Department of Health and Children and which is being chaired by Mr. John Treacy, chief executive of the Irish Sports Council.

Finally, the European Year of Education through Sport 2004 is an important European Commission initiative in the area of education and sport, which I launched along with my colleague, the Minister for Education and Science, in Croke Park in January this year. As part of our national programme in this regard, this initiative will be used to promote the importance of sport within the education system, particularly in promoting social inclusion. My Department, the Departments of Education and Science and Health and Children as well as the Sports Council and other relevant bodies are represented on the national steering committee of the European Year of Education through Sport 2004.

### Tourism Industry.

160. **Mr. Stanton** asked the Minister for Arts, Sport and Tourism the impact on tourism of the 9 p.m. ban on children in licensed premises since the inception of the ban; and if he will make a statement on the matter. [25528/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** It is too early to say with confidence what precise impact the 9 p.m. restriction has had on tourism business this year. There are, at present, no official figures which measure the actual situation. Nevertheless, I am aware that many people in the hospitality trade, both at individual and representative group level, have described this particular measure as having a negative impact on trade. If there are difficulties, my understanding is that they are more likely to be concentrated in areas outside of Dublin, particularly as regards family holidays over the summer period.

The Intoxicating Liquor Bill 2004, which has recently been passed by both Houses, provides for an extension to 10 p.m. of the time that persons under the age of 18 years may remain in licensed premises from May to September. The Minister for Justice, Equality and Law Reform has also agreed to consider issues of concern to the tourism industry in the context of the comprehensive review of the intoxicating liquor legislation that is currently underway.

I know from experience the difficulties in coming up with enforceable formulae to tackle the presence of minors on licensed premises and I warmly welcome the Minister's openness to addressing legitimate concerns without, of course, undermining the basic thrust of Government policy in relation to underage drinking.

### Stadium Redevelopment.

161. **Mr. Broughan** asked the Minister for Arts, Sport and Tourism his views on possible delays in the redevelopment of Lansdowne Road due to asbestos in the stadium; and if he will make a statement on the matter. [25433/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The Lansdowne Road Stadium Development Company is responsible for the day to day matters in relation to the development of the stadium. A project director has been appointed and progress on the stadium plans are well underway. At this stage, delays in the redevelopment of the stadium are not anticipated.

### Performing Arts.

162. **Mr. P. Breen** asked the Minister for Arts, Sport and Tourism the position regarding the proposed academy for the performing arts; and if he will make a statement on the matter. [25543/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** In January 2003, it was decided

that responsibility for an Irish academy for the performing arts would be transferred to my Department from the Department of Education and Science. The likely timescale for the commencement of the project is dependent on how it is decided to proceed. I have already stated previously that one of my priorities, as Minister for Arts, Sport and Tourism, is to examine the synergy between the education and the arts. Many communities, schools and universities contribute enormously to the furtherance of arts education and training. It is in this context that my Department will be examining the issue. Until such time as I have concluded my deliberations and decided the most appropriate course of action, it will not be possible to indicate a likely timescale. Capital funding is currently not available to progress the development of the project.

### Tourism Industry.

163. **Mr. Hayes** asked the Minister for Arts, Sport and Tourism the number of actions proposed in the report, *New Horizons for Irish Tourism*, which have now been implemented; and if he will make a statement on the matter. [25548/04]

172. **Mr. Costello** asked the Minister for Arts, Sport and Tourism the way in which he will respond to the call recently from the national tourism strategy group for fast turn-around facilities at Dublin Airport; and if he will make a statement on the matter. [25435/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I propose to take Questions Nos. 163 and 172 together.

In January 2004, I established the tourism action plan implementation group whose fundamental task is to monitor the implementation of the recommendations within the report of the tourism policy review group, *New Horizons for Irish Tourism: An Agenda for Action*, to assess progress and to report on how any constraints that are found to be impeding progress might be addressed.

The tourism action plan implementation group presented its first progress report to me at the end of August. It is available on my Department's website [www.arts-sport-tourism.gov.ie](http://www.arts-sport-tourism.gov.ie) and a copy has been placed in the Oireachtas Library.

The group found that overall the initial progress in the implementation process has been good with strong commitment and support from the tourism industry and the Government to the strategy and recommendations of the review group. It reported that the areas where progress is most advanced lie in those relating to administrative and co-ordinating activities, as the key actors gear up to implement the new strategy, and that the areas where progress is least advanced lie in the more specific areas of what can be termed the "real economy".

There is a detailed schedule appended to the report setting out progress achieved up to mid-2004 for each of the 70 recommendations in the *New Horizons* document. The implementation



group will continue its work over the remainder of the period of the initial action plan. It will continue to meet at monthly intervals and to encourage, through regular consultations, the relevant Departments, State agencies and industry representative groups to progress the implementation of the recommended actions in the report of the review group.

As the Deputy is aware, ministerial responsibility for aviation matters rests with my colleague, the Minister for Transport who, I understand, has asked the new Dublin Airport Authority, which took office on 1 October 2004, to give priority to addressing capacity requirements at Dublin Airport including providing additional facilities for the fast turnaround of aircraft. In the context of my commitment to ensure the better integration of national tourism policy with other Government policies, including transport, I will continue to liaise with my colleague, the Minister for Transport on this issue and my Department's officials will participate fully in inter-departmental-agency fora to drive forward the tourism agenda as recommended in the New Horizons report. The tourism action plan implementation group will continue to monitor capital investment developments at Dublin Airport and will report on progress again in due course.

*Question No. 164 answered with Question No. 156.*

#### **National Conference Centre.**

165. **Mr. McCormack** asked the Minister for Arts, Sport and Tourism the position regarding the provision of a national conference centre; and if he will make a statement on the matter. [25547/04]

180. **Dr. Upton** asked the Minister for Arts, Sport and Tourism the number of groups or companies which have expressed interest in the construction of the proposed national conference centre; when the contract is likely to be awarded; and if he will make a statement on the matter. [25431/04]

182. **Mr. Deenihan** asked the Minister for Arts, Sport and Tourism the number of submissions received in response to the Office of Public Works advertisement for expressions of interest to provide a national conference centre in Dublin; the number of candidates that were short-listed; the location of the site in each case; the likely date on which a decision will be made on the successful candidate; and if he will make a statement on the matter. [25368/04]

186. **Mr. Penrose** asked the Minister for Arts, Sport and Tourism the progress being made in relation to the provision of a national conference centre; the likely location of the centre; and if he will make a statement on the matter. [25423/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I propose to take Questions Nos. 165, 180, 182 and 186 together.

On 7 July last I announced that three of the four candidates who submitted expressions of interest in the provision of a national conference centre in the Dublin area had been short-listed to proceed to the next stage of the competition. As required, each short-listed consortium proposed an acceptable site in the Dublin area.

As I informed the House in reply to an earlier question today, the Government decision to proceed with the provision of a national conference centre also provided that its provision should be pursued under a public private partnership arrangement. This is a necessarily complex procedure and one that is required to be undertaken in accordance with the Department of Finance's interim guidelines for the provision of infrastructure and capital investments through public private partnerships.

As part of the procedural requirements of the PPP process, a public sector benchmark exercise and a benefit assessment must be undertaken before the next detailed proposals stage can be initiated. These exercises are being carried out and are close to finalisation. In addition, every effort is being made by the Office of Public Works and its advisers to complete as soon as possible the detailed project contract documentation required. As I explained to the House on 1 July last, the preparation of this documentation is demanding and time-consuming, with details requiring careful scrutiny and consideration.

At that time, I also expressed the hope that the procurement process would be sufficiently advanced to facilitate a Government decision before the end of the year. This has not proved possible and the firm objective now is to ensure that invitations to tender are issued to the three pre-qualified candidates before Christmas.

On the assumption that tender invitations will be ready for issue in December, and allowing several months for engagement with the selected tenders, current indications are that a preferred bidder could be selected by late summer 2005. While, I am reluctant to be categorical, given the complexity of the process, my personal priority and that of the Government, is to have this project brought to a conclusion at the earliest possible date while ensuring that the relevant procedures and guidelines pertaining to the process are closely observed and that nothing is done that might jeopardise its successful conclusion.

*Question No. 166 answered with Question No. 151.*

#### **Tourism Industry.**

167. **Dr. Upton** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to the figures revealed by Fáilte Ireland in July 2004 which show that there has been a dramatic fall in tourist numbers in many parts of the country in the summer of 2004; the measures he proposes to redress the regional imbalance in the number of tourists especially in the west and

[Dr. Upton.]  
north west; and if he will make a statement on the matter. [25432/04]

175. **Ms O. Mitchell** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to the widespread concern among many sectors of the tourism industry in the regions regarding the very patchy season in 2004; and the proposals he has to win back market share for the regions. [25538/04]

223. **Mr. Deenihan** asked the Minister for Arts, Sport and Tourism if his Department has carried out a review of the regional tourism authorities, as promised some time ago; and if he will make a statement on the matter. [25369/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I propose to take Questions Nos. 167, 175 and 223 together.

While CSO figures show an increase of 5% in overseas visitor numbers in the first seven months of the year, evidence on the ground suggests that this level of growth has not been shared equally throughout the country or among different sectors of the industry. The trend towards shorter holidays is clearly impacting on regional spread and some tourism enterprises, particularly in rural areas are reporting a difficult year.

One of the key objectives of national tourism policy is to achieve as wide as possible a distribution of visitor numbers across the different regions with the consequent distribution of tourism revenue. Achieving that goal has long been recognised as a major challenge for Government, the tourism agencies and the industry alike, a view that has been echoed in the progress report submitted recently by the tourism action plan implementation group.

The Government, for its part, has committed substantial resources to enable the tourism agencies to support the tourism industry across the length and breadth of Ireland to win its fair share of business.

In regard to the promotion and development of tourism by the regions themselves, Fáilte Ireland is channelling in the region of €5 million directly into the regional tourism authorities to strengthen and enhance their operational and marketing capabilities this year. This investment, which represents a 20% increase in funding to the RTA network, is designed to ensure both a high quality visitor servicing experience at key tourist information offices and also a strong overseas promotional effort, in co-operation with Tourism Ireland.

Building on this, and on foot of the recommendations of the report of the tourism policy review group, Fáilte Ireland is now actively considering the question of how best to establish a closer correlation between the identified core visitor servicing and development functions provided at regional level and the State financial support system.

Home holidays promotions and supporting the RTAs represent just two of the many ways Fáilte

Ireland is funding the development of tourism in the regions. In total this year, Fáilte Ireland is investing in the order of €25 million in developing regional tourism, from supporting local festivals to building capability and strengthening the tourism product itself. Initiatives such as the festivals and cultural events programme will continue to favour the less developed regions. The tourism product development scheme is supporting the development of tourism capital infrastructure in a sustainable way that widens the spatial spread of tourism, diverts pressure from highly developed areas and increases the under performing regions' share of overseas tourism revenue. Both tourism agencies are investing resources in encouraging good air links. Already, Knock and Galway airports are reaping the rewards of their efforts to promote direct access to the west, particularly from Britain.

As the Deputy is aware, I have no direct responsibility in regard to individual actions or measures relating to tourism promotion or development insofar as specific areas of the country are concerned. These are a day to day function of the tourism agencies at national and regional levels.

#### **Genealogy Project.**

168. **Mr. Perry** asked the Minister for Arts, Sport and Tourism when he expects the Irish genealogical project to be completed; the reason for the delay in completion, in view of the fact that 1994 was the target year of completion; and if he will make a statement on the matter. [25370/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I refer the Deputy to the reply to Parliamentary Question No. 15 of 1 July 2004.

As I indicated on that occasion, the primary aim of the Irish genealogical project, which has been the responsibility of my Department since 1997, is to compile all church and civil records up to 1900. The number of records involved is in excess of 20 million. I am advised that to date about three quarters of church records and 40% of civil records have been indexed by 35 designated Irish Genealogical Limited centres. Some €380,000 has been allocated in support of this project from subhead D4 in my Department's Vote in the current financial year.

The Irish Genealogy Limited business plan 2005-07 has a target of completion of 90% of church records by the end of 2007, subject to the necessary financial resources being available. Due to the prioritising of the indexing of church records, a target date for completion of the cataloguing of civil records has not been determined.

#### **National Cultural Institutions Act.**

169. **Mr. Kehoe** asked the Minister for Arts, Sport and Tourism if section 13 of the National Cultural Institutions Act 1997 is in itself insufficient to resolve legal problems related to official grants of arms; if he intends to implement this

section of the Act; and if he will make a statement on the matter. [25262/04]

176. **Mr. English** asked the Minister for Arts, Sport and Tourism if he has given consideration to introducing a genealogy and heraldry Bill to authorise the creation of a new post of State herald-Stát Aralt within the National Library of Ireland, with clearly defined powers and duties; and if he will make a statement on the matter. [25263/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I propose to take Questions Nos. 169 and 176 together.

I have no plans to introduce a genealogy and heraldry bill to authorise the creation of a new position of State herald. Rather, it is my intention that section 13 of the National Cultural Institutions Act 1997 relating to genealogy and heraldry will be implemented in the next stage of phased implementation of the Act, which will result in the establishment of statutory boards for, and autonomy of, the National Museum and National Library from 1 January 2005. The advice available to me does not suggest that section 13 is inadequate for this purpose but, as the Deputy will appreciate, legal interpretation of the section in the final analysis is a matter for the courts.

#### **Sports Funding.**

170. **Mr. O'Dowd** asked the Minister for Arts, Sport and Tourism the areas and projects which will benefit from his Department's funding of sport development officers; if his project will be mainstreamed and expanded throughout the country; and if he will make a statement on the matter. [22688/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The Programme for Prosperity and Fairness committed the Government to the introduction of local sport partnerships to help promote and develop sport at local level. In its first strategy document, A New Era for Irish Sport — 2000-2002, the Sports Council identified the establishment of local sports partnerships as one of its main priorities.

The Irish Sports Council, following evaluation of proposals from local bodies, approved and funded the establishment of eight partnerships in May 2001. A further four were established in early 2002. These are located in Clare, Donegal, Fingal, Kildare, Laois, Roscommon, Sligo, Tipperary North, Cork, Limerick, Meath and Waterford.

At my Department's request the Sports Council commissioned a review of the operation of four of the original eight partnerships. Arising from this review, I authorised the Irish Sports Council last year to extend the network of local sports partnerships by a further four, bringing the total number of LSPs to 16. These four partnerships are now being established in Kerry, Westmeath, Kilkenny and Mayo. This year, €2.3 million has been allocated to the LSPs to cover the

12 existing and four newly established projects. Since 2001, a total of almost €6.7 million has been allocated to the LSPs by the Irish Sports Council.

An independent appraisal and review of the entire local partnership process will be carried out by my Department later this year to obtain confirmation that this element of sport policy continues to have an impact at local level. The question of extending the partnerships to further areas of the country will be considered in the light of the outcome of that appraisal.

*Question No. 171 answered with Question No. 150.*

*Question No. 172 answered with Question No. 163.*

#### **Abbey Theatre Players.**

173. **Mr. Sherlock** asked the Minister for Arts, Sport and Tourism the position regarding the relocation of the Abbey Theatre; and if he will make a statement on the matter. [25427/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I refer the Deputy in this context to my reply Priority Question No. 144 of today.

*Question No. 174 answered with Question No. 155.*

*Question No. 175 answered with Question No. 167.*

*Question No. 176 answered with Question No. 169.*

#### **Departmental Programmes.**

177. **Mr. Timmins** asked the Minister for Arts, Sport and Tourism if it is his intention to introduce a follow up programme to replace the ACCESS programme to upgrade existing arts and heritage centres, especially the content and quality of the displays and interpretative material in these centres; and if he will make a statement on the matter. [25546/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The ACCESS programme provided grants of €45.71 million for the development of 44 arts and cultural facilities around the country, and has transformed the level of access to the arts for a great many people in local communities. The provision of adequate facilities is a key element in making the arts something that everyone can enjoy and participate in.

I am currently reviewing the need for a successor programme to ACCESS, to address priority needs for the provision and upkeep of performance and display space following which I will engage in consultations with the Minister for Finance on the parameters for such a programme.

#### **Sports Review Group.**

178. **Mr. Deenihan** asked the Minister for Arts,



[Mr. Deenihan.]

Sport and Tourism if he has established the Athens review group; the timeframe for the publication of its report; and if he will make a statement on the matter. [25530/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The Deputy will be aware that the Irish Sports Council, as the statutory agency for the promotion and development of sport in Ireland, is responsible in partnership with both the Olympic Council of Ireland and the relevant national governing bodies of sport, for all matters relating to the preparation and participation of Irish competitors at the Olympic Games.

My Department has already engaged with the Irish Sports Council in regard to Ireland's performance at Athens. The council has initiated a review of Team Ireland's participation in this year's Olympic and Paralympic Games. The review involves questionnaires, one-to-one meetings with the athletes, support personnel, coaches and performance directors.

The aim of the review is to produce an objective assessment of the preparation and performance of the Irish teams at the Athens Olympic and Paralympic Games in 2004, identifying the strengths and weaknesses of all aspects of the programmes throughout the four year cycle, with a view to making recommendations regarding the development of a programme for Beijing in 2008.

Wharton Consulting, a leading consultancy firm based in Britain, is conducting the review under the direction of a steering committee established by the Sports Council and on which my Department is represented. Wharton Consulting was selected by the Sports Council following a public tender process and has considerable experience working with sporting organisations in England, including Sport England. The review is due for completion by 1 December 2004 and it is the intention of the Irish Sports Council to publish the report in due course.

#### **National Concert Hall.**

179. **Mr. O'Dowd** asked the Minister for Arts, Sport and Tourism the position regarding the future development of the National Concert Hall; and if he will make a statement on the matter. [25541/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The OPW commissioned an outline report on the feasibility of reconfiguring the Earlsfort site to meet the long term needs of the National Concert Hall. This study concludes that all of the needs of the National Concert Hall for the long-term could be met if the entire Earlsfort Terrace site were to become available. This report is being examined in consultation with all of the parties involved, following which I intend to bring proposals to Government in the near future for long-term strategic development of the National Concert Hall.

*Question No. 180 answered with Question No. 165.*

#### **Sports Capital Programme.**

181. **Mr. Stagg** asked the Minister for Arts, Sport and Tourism the number of new public facilities such as swimming pools, gymnasias, synthetic and floodlit playing pitches which have been resourced and provided by his Department since June 2002; and if he will make a statement on the matter. [25429/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Under the national lottery funded sports capital programme administered by my Department, funding is allocated to projects which provide sports and recreational facilities at local, regional and national level. Since June 2002 a total of €114.45 million has been allocated to 1,357 projects throughout the country under the 2003 and 2004 sports capital programmes. The projects funded through the programme form the backbone of sporting infrastructure in the country and provide the means for greater public participation in sporting activities. These projects include facilities such as development of natural playing surfaces, synthetic and all-weather surfaces, floodlighting, indoor sports halls, changing facilities and a vast range of sporting equipment.

In terms of municipal public facilities, it has been a key objective of sport policy, particularly in recent years, to support a number of multi-sport centres on a regional basis throughout the country, most of which would be under the management and control of local authorities. Of course, such projects must, like all others, comply with the terms and conditions of the sports capital programme.

A total of 26 such projects in urban centres have been allocated a total of over €14.7 million under the 2003 and 2004 programmes, providing facilities in areas such as Finglas, Ringsend, Ballyfermot, Monkstown, Mahon in Cork, Limerick, Dundalk, Trim, Thurles, Killarney, Waterford, Sligo and Youghal.

My Department also administers the local authority swimming pool programme, which provides grant aid towards either the capital costs of new pools or the refurbishment of existing pools. The closing date for receipt of applications from local authorities under the current programme was 31 July 2000.

Since June 2002, grant-aid has been approved for the following swimming pool projects: Finglas, aquadome Tralee, Tralee sports and leisure centre, Grove Island in Limerick, Clonmel, Churchfield in Cork city, Tuam, Ballymun in Dublin, Cobh, Youghal, Ballyfermot in Dublin and Drogheda. Four of these projects are open to the public and eight are under construction or about to start construction.

The National Aquatic Centre at Abbotstown was completed in March 2003, on time and within its budget of €71 million. It provides international standard facilities for swimming and diving as

well as extensive leisure water facilities. Commitments in regard to the provision of sporting facilities are outlined in the programme for Government which are being implemented nationwide.

*Question No. 182 answered with Question No. 165.*

#### **Tourism Industry.**

183. **Mr. Eamon Ryan** asked the Minister for Arts, Sport and Tourism his views on the latest CSO figures which suggest that while domestic holiday trips were up 10%, nights spent in guest houses and bed and breakfasts fell by 9.4% and self catering and rented houses fell by 16%; his further views on whether these figures are related to high prices charged for stays, or high costs for the tourist industry here; and if he will make a statement on the matter. [25509/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I welcome the overall results of the latest CSO household travel survey for the quarter to the end of June, which show an increase of 10% in the number of domestic holiday trips and an increase of 16% in expenditure over the same quarter last year. This level of performance is encouraging given the competitive challenges facing the Irish tourism industry and the attractive alternative holiday offerings available to the Irish consumer.

The CSO statistics also show variations in the level of performance among the different categories of accommodation providers with increases in the number of bed nights in the case of hotels, caravan and camping sites and own holiday homes and reductions, to which the Deputy refers, in the case of guest houses bed and breakfasts, self-catering and rented houses. Extreme caution should be exercised, of course, in interpreting trends over such a limited timeframe. While price is always a consideration in holiday choice, variations in performance in the case of these statistics may be more indicative of emerging changes in market share among the different accommodation categories, related to such factors as changing consumer tastes and variations in supply levels. Whereas significant additions have been made in recent years to the supply of hotel rooms, I understand that the number of approved bed and breakfasts has been declining at an annual average rate of 10%.

I had a very useful meeting with representatives of the Town and Country Homes Association, the largest representative group of approved bed and breakfasts, on 12 October during which the association committed itself to reviewing its product and marketing positioning in the light of changing consumer trends. For my part, I indicated my strong view that the bed and breakfasts product was an important and integral component of the Irish holiday experience, in particular to visitors from overseas, and gave an assurance that support would continue to be available through the State tourism agencies to

strengthening the capability of the sector in the future.

#### **National Library.**

184. **Mr. Deasy** asked the Minister for Arts, Sport and Tourism when the vacant post of director of the National Library of Ireland will be filled; if the salary on offer for the position might be reviewed in the interests of securing the services of a suitably qualified person; and if he will make a statement on the matter. [25264/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Arrangements for the filling of the post are in train in the context of the establishment of the National Library as a separate legal entity in accordance with the provisions of the National Cultural Institutions Act 1997. The objective is to give effect to those provisions from 1 January 2005. The salary for this post is based on recommendations of the review body on higher remuneration in the public sector. There are no proposals to change it at present.

#### **Campus Stadium Ireland.**

185. **Mr. Stagg** asked the Minister for Arts, Sport and Tourism his proposals for the inclusion in the Abbotstown campus of an indoor sports arena; and if he will make a statement on the matter. [25430/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** In January 2004, the Government decided to proceed with the development of a sports campus at Abbotstown. I requested Campus Stadium Ireland Development Limited to meet with the various sporting bodies and draw up a developmental plan for a campus of sports facilities at Abbotstown. This work is now nearing completion and I expect to receive the proposals of the board of CSID for phased development of the component elements of the campus in the very near future and to be in a position to bring them to Government for decision before the end of the year, which will be the basis for a Government decision on the future of the sports campus project.

*Question No. 186 answered with Question No. 165.*

*Question No. 187 answered with Question No. 151.*

*Question No. 188 answered with Question No. 149.*

#### **Foreign Adoptions.**

189. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children the number of post placement adoption reports that were not provided in time to the authorities in Belarus; if her Department's attention is drawn to the fact that they have now suspended adoptions to Irish persons until these reports are completed; and if

[Mr. G. Mitchell.]  
she will make a statement on the matter.  
[25875/04]

200. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the efforts she has made to liaise with the Adoption Board and Belarus to ensure that it reopens to foreign adoptions and that responsibilities which Ireland may have in relation to adoption in Belarus, especially post placement reports, are effectively implemented to assist persons (details supplied) in County Wexford. [25611/04]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** I propose to take Questions Nos. 189 and 200 together.

Arrangements with the central authorities of other countries are primarily a matter for the Adoption Board. I have been informed by the board that the adoption centre in Belarus has confirmed that intercountry adoptions to all countries have been suspended by the Belarusian Government, pending a review of intercountry adoption laws, procedures and practices in Belarus. This suspension also applies to adoption applications already in Belarus.

I have also been advised by the Adoption Board that the board is in routine contact with the adoption authorities in Belarus to ensure that we are in full conformity with their intercountry adoption requirements at all times. The board regularly monitors and follows up on any outstanding post placement reports. Post placement reports from Ireland were not a factor in the decision to suspend adoptions.

The adoption centre in Belarus is awaiting further clarification from the Belarussian Government as to the scope of the internal review of intercountry adoption that is to be carried out. The board will remain in close contact with the adoption centre as regards developments.

#### **Vaccination Programme.**

190. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the position regarding the national supply of the influenza vaccine; if the cost of the vaccine is refundable to senior citizens; and if she will make a statement on the matter. [25573/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Notwithstanding a problem with one supplier that affected supplies worldwide, ample supplies of vaccine have been secured for this country for the 2004-05 influenza season. Some 200,000 doses of 'flu vaccine were distributed around the country in early September 2004. A further 192,680 doses were distributed during the first week in October. Another 200,000 doses will be delivered later this month. This compares favourably with last year when approximately 470,000 doses of vaccine had been distributed by the middle of November.

The vaccine is available free of charge from general practitioners to medical cardholders who are deemed to be at risk of serious illness as a result of contracting the disease. Persons in the "at risk" group who do not have a medical card can obtain the vaccine free of charge, however, the fee for administering the vaccine in such cases is a matter between the general practitioner and the patient.

The "at risk" groups include persons aged 65 years or older, those with specific chronic illness such as chronic heart, lung or kidney disease, and those with a suppressed immune system. For persons in the "at risk" groups, complications arising from influenza such as pneumonia are common and can be fatal particularly in the elderly.

My Department asked health boards on 23 September last to advise GPs to concentrate their efforts on ensuring that patients at greatest risk receive priority vaccination. A national and local media campaign is planned by the Health Boards Executive to take place at the beginning of November in order to remind those who are in the "at risk" group and who have not yet received the vaccine to do so immediately.

#### **Medical Cards.**

191. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals to extend the right to a medical card to all children with an intellectual disability; and if she will make a statement on the matter. [25574/04]

192. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals to increase substantially the income limits for qualifying for a medical card; and if she will make a statement on the matter. [25575/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 191 and 192 together.

The Government is fully committed to the extension of medical card coverage as set out in the health strategy. This will focus on people on low incomes. The timing of the introduction of the extension will be decided having regard to the prevailing budgetary position.

Income guidelines are drawn up each year by the health board-authority chief executive officers to assist in the determination of a person's eligibility for a medical card and these are revised annually in line with the consumer price index, CPI. The last such increase was notified in January 2004. For those who do not qualify for a medical card there is a number of schemes that provide assistance towards the cost of medication. Under the long-term illness scheme persons suffering from a number of conditions can obtain the drugs and medicines required for the treatment of that condition free of charges. The conditions in question include intellectual disability. Under the drug payments scheme, a person and his or her dependants will not have to pay more than €78 in any calendar month for approved prescribed drugs and medicines.



Health board chief executive officers have discretion in relation to the issuing of medical cards and a range of income sources are excluded by the health boards when assessing medical card eligibility. Despite someone having an income that exceeds the guidelines, a medical card may still be awarded if the chief executive officer considers that a person's medical needs or other circumstances would justify this. It is open to all persons to apply to the chief executive officer of the appropriate health board for health services if they are unable to provide these services for themselves or their dependants without hardship.

The health strategy includes a whole series of initiatives to clarify and expand the existing arrangements for eligibility for health services, including recommendations arising from the review of the medical card scheme carried out by the health board CEOs under the PPF which include: streamlining applications and improving the standardisation of the medical card applications process to ensure better fairness and transparency; providing clearer information to people about how and where to apply for medical cards; and proactively seeking out those who should have medical cards to ensure they have access to the services that are available.

In addition, my Department is committed to the preparation of new legislation to update and codify the whole legal framework for eligibility and entitlements in regard to health services.

#### **Health Board Allowances.**

193. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children if she will standardise and increase the rate of health board travel allowance awarded by health boards to intellectual disability services to assist with travel costs of persons attending their day services (details supplied); and if she will make a statement on the matter. [25576/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** A strategic review of disability services is currently being undertaken by my Department. The issue of the travel allowances will be considered in the course of this review.

#### **Services for People with Special Needs.**

194. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals to provide 600 additional respite places over a three year period for children and adults with an intellectual disability and to have a specified number of these places reserved for children and adults with more significant disabilities and challenging behaviour; and if she will make a statement on the matter. [25577/04]

195. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children if it is her intention to provide at least €80 million in revenue and €40 million in capital in 2005 in order for a three year investment programme to provide 600 additional

residential respite places for persons with an intellectual disability; if a similar level of resources will be provided for the following two years; and if she will make a statement on the matter. [25578/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I propose to take Questions Nos. 194 and 195 together.

The Deputy will appreciate that I cannot at this stage give specific commitments in relation to levels of expenditure in 2005. As part of the national strategy on disability, the Government recently announced a multi-annual investment programme which is being considered in the course of the current Estimate and budget discussions with the Department of Finance.

196. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children further to recommendation 626 of the report of the commission on the status of people with disabilities 1996, her proposals for the introduction of a variable cost of disability payment which is based on the needs of the person with the disability in recognition of the extra costs associated with their disability; and if she will make a statement on the matter. [25584/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Under the Programme for Prosperity and Fairness, an inter-departmental working group, chaired by the Department of Health and Children, was established to examine the feasibility of introducing a cost of disability payment — PPF3.10.11.

The National Disability Authority, on behalf of the working group, and in line with its own remit, commissioned research into the feasibility of a cost of disability payment in Ireland. The purpose of this research was to advise regarding: the additional costs incurred by people with disabilities, owing specifically to the direct or indirect costs of the disability; and the appropriate mechanisms, or instruments by which to address identified additional costs.

The resultant report, *Disability and the Cost of Living*, was published by the NDA early in 2004. The working group in March of this year produced a position paper, which gave an overview of the work it has undertaken to date. It outlined the group's current thinking and also gave an indication of the next steps the working group intends to take.

The working group recommends that urgent steps be taken to improve the quality of data relating to disability in Ireland. This might include, for example, adjustment of existing data gathering exercises undertaken by the Central Statistics Office or other relevant bodies to include questions on the numbers per household with disabilities, the nature of the disability, severity of impairment, etc. The working group considers that it is vital that comprehensive data is available on which to base consideration of the feasibility of a cost of disability payment. Given

[Mr. T. O'Malley.]

its advisory and research remit, the working group considers that the National Disability Authority has an important role to play in addressing these data gaps along with other relevant bodies.

The working group acknowledges that a number of Departments and agencies have previously carried out reviews of the various supports-payments for people with disabilities. However, these reviews have tended to focus solely on the operation of individual schemes, without taking a broader overview of how these measures fit into the overall system of disability supports. The working group proposes to examine the scope for rationalising and streamlining the various disability supports measures, with a particular focus on mitigating the additional costs of disability for a greater number of people with disabilities, particularly in the case of those who wish to move from a position of total welfare dependence to one of greater economic independence. The working group is now proceeding to follow up on these various matters.

#### **Vaccination Programme.**

197. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children if a refund will be made in regard to the cost of the influenza vaccine for a person (details supplied) in County Waterford; and if she will make a statement on the matter. [25585/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Notwithstanding a problem with one supplier that affected supplies worldwide, ample supplies of vaccine have been secured for this country for the 2004-05 influenza season. Some 200,000 doses of 'flu vaccine were distributed around the country in early September 2004. A further 192,680 doses were distributed during the first week in October. Another 200,000 doses will be delivered later this month. This compares favourably with last year when approximately 470,000 doses of vaccine had been distributed by the middle of November.

The vaccine is available free of charge from general practitioners to medical cardholders who are deemed to be at risk of serious illness as a result of contracting the disease. Persons in the "at risk" group who do not have a medical card can obtain the vaccine free of charge, however, the fee for administering the vaccine in such cases is a matter between the general practitioner and the patient.

The "at risk" groups include persons aged 65 years or older, those with specific chronic illness such as chronic heart, lung or kidney disease, and those with a suppressed immune system. For persons in the "at risk" groups, complications arising from influenza such as pneumonia are common and can be fatal particularly in the elderly.

My Department asked health boards on 23 September last to advise GPs to concentrate their efforts on ensuring that patients at greatest risk

receive priority vaccination. I have read the details provided by the Deputy in relation to a person in County Waterford who fits the "at risk" criteria and is a medical card holder. I am concerned that this person found it necessary to purchase 'flu vaccine privately on 8 October 2004. At that stage, 392,680 doses had been distributed around the country, that is, 63,280 more doses than the same time last year. Having regard to the circumstances involved, my Department is writing to the chief executive officer of the South Eastern Health Board asking that he arrange for a refund of the costs incurred by the person in question in purchasing 'flu vaccine.

#### **Health Board Allowances.**

198. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Mayo will receive the arrears of their blind welfare allowance. [25599/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The assessment of entitlement to and payment of the blind welfare allowance, including the payment of arrears, is a matter for the relevant health board. Accordingly, a copy of the Deputy's question has been referred to the chief executive officer, Western Health Board, with a request that she examine the case and reply directly to the Deputy as a matter of urgency.

199. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when arrears of blind welfare allowance that is due to persons for a number of years as a result of the misinterpretation of the blind welfare allowance circular 4/79, will be awarded; and if she will make a statement on the matter. [25600/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The Department of Health and Children has received from the health boards an estimation of the cost of implementing the revised methodology of calculating blind welfare allowance. The matter is under consideration in the context of the Estimates process.

*Question No. 200 answered with Question No. 189.*

#### **Hospital Waiting Lists.**

201. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if a person (details supplied) in County Sligo will be called for an operation in Beaumont Hospital; when a decision will be made; and if she will make a statement on the matter. [25614/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Responsibility for the provision of health services to persons living in County Sligo rests with the North Western Health Board. My Department has asked the chief executive officer of the board to investigate the matter raised by the Deputy and to reply to him directly.

### Services for People with Disabilities.

202. **Mr. Sargent** asked the Tánaiste and Minister for Health and Children if it is in line with Government policy for a health board to disburse money directly to parents of a child with Down's syndrome rather than engage a speech therapist on the understanding that the parents will procure speech and language therapy privately; and if this practice has been authorised by her Department and the Comptroller and Auditor General. [25624/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** As the Deputy may be aware responsibility for the provision of services to persons with an intellectual disability, including Down's syndrome, is a matter for the relevant health board. The allocation of funding for the provision of requisite services is determined by the health board on a case by case basis. It is a matter for the relevant health board to ensure that all sanctions have been obtained and that an adequate monitoring system is in place to guarantee appropriate disbursement of public funds.

### Health Board Services.

203. **Dr. Upton** asked the Tánaiste and Minister for Health and Children if every assistance will be given to a person (details supplied) in Dublin 12; and if she will make a statement on the matter. [25681/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I am aware of the circumstances of this case. Responsibility for the provision of care and treatment of the named individual rests with the Eastern Regional Health Authority. My Department has therefore asked the regional chief executive to investigate the matter raised by the Deputy and reply to her directly.

### Carriage of Dangerous Goods.

204. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that patients are frequently required to send their blood and urine samples to laboratories via the postal service; her views on whether this is a satisfactory method of transporting bodily fluids in view of the safety risk and the possibility of loss, damage or interference with the sample; if steps will be taken to end this practice; and if she will make a statement on the matter. [25682/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** EU Directive 94/55/EEC brought into legislation by SI 492/2001, the Carriage of Dangerous Goods by Road Regulations 2001, sets out an agreement on the international carriage of dangerous goods by road. Samples, which have no inherent infection danger and are appropriately packaged, may at present be sent by post. Other samples, which carry a danger of infection,

should conform to the requirements of the directive and be appropriately transported.

Health board officials have raised the issue of the collection and transport of blood and other samples from general medical service scheme doctors' practice premises with my Department, and the implications of introducing an appropriate collection system is being evaluated by the health boards.

### Departmental Priorities.

205. **Mr. O'Connor** asked the Tánaiste and Minister for Health and Children the priorities of her Department following the recent Cabinet changes; the programme being followed; and if she will make a statement on the matter. [25683/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Current health policy is informed by the health strategy, Quality and Fairness — A Health System for You, which is underpinned by the guiding principles of equity, people-focus, quality and accountability. The Government is committed to sustaining and improving health service developments and to reforming the way in which the health service works so that funding is used efficiently and effectively for the purposes intended. Within this overall context, I will give priority to supporting those who need to access the health care they require.

With a view to ensuring that acute hospital services meet the needs of patients in a timely and effective manner, my focus is on the reduction of waiting lists and waiting times for inpatient and day-case treatments. This initiative is being facilitated by the national treatment purchase fund. I am also committed to tackling the problems in accident and emergency departments. Among the initiatives undertaken to date to assist in dealing with this issue is that of facilitating the discharge of patients, notably elderly, from acute hospitals to more appropriate settings. I am concerned that the elderly should receive appropriate care either in a residential setting or in their own homes.

Another priority is the improvement of cancer services and my intention is to build on the considerable investment made since 1997 in the development of such services. In line with the programme for Government, I am committed to extending medical card eligibility to more people on low incomes.

The general question of services for those with a disability is also a priority. Under the recently published Disability Bill 2004, my Department has published an outline sectoral plan in respect of the specific health and personal social services provided for people with disabilities. This is an interim plan designed to encompass a programme of work, which is to be undertaken over the next 12 to 18 months. The main aspects of this programme are related to the provisions contained in the Disability Bill 2004, together with a strategic review of the services as a whole.



[Ms Harney.]

The programme of reform of the health service announced by the Government in June 2003 is now well underway. This initiative will result in the consolidation of a multiplicity of different structures within a single agency, the health service executive. Additionally, with a view to achieving the aim of the delivery of high quality health services that are based on evidence-supported best practice, the health information and quality authority will be established on a statutory basis.

The board of the Interim Health Service Executive was appointed in late 2003 and the Interim Health Service Executive was established on a statutory basis in March 2004. The Interim Health Service Executive is charged with drawing up a plan, for my approval, for the establishment of a unified management structure for the proposed new health service executive. It is also making plans for the smooth transition from the current structures to the new HSE structure.

I will soon be bringing forward legislation to give effect to the health reform programme.

#### **Cancer Screening Programme.**

206. **Ms McManus** asked the Tánaiste and Minister for Health and Children her views on the need for a national prostate cancer screening programme; her plans for this; when it is likely to be rolled out; and if she will make a statement on the matter. [25684/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The national cancer strategy is currently being developed by the national cancer forum in conjunction with my Department. As part of this work, a multi-disciplinary sub-group of the national cancer forum has reviewed all issues relating to screening, including examining specific diseases such as prostate and colorectal cancer. The group advised that insufficient evidence exists to recommend the introduction of a population based prostate screening programme in this country. The group also recommended that this issue should be reassessed when the results are available from randomised trials currently being conducted. The group's recommendation will inform the development of the new national cancer strategy.

This position is consistent with recent recommendations adopted by the European Union. This advocates the introduction of cancer screening programmes, which have demonstrated their efficacy having regard to professional expertise and priority setting for health care resources. The proposals do not make specific recommendations in respect of screening for prostate cancer.

#### **Departmental Investigations.**

207. **Mr. Crawford** asked the Tánaiste and Minister for Health and Children the reason Parliamentary Question No. 244 of 7 July 2004, referred to in written reply to Parliamentary Question 831 of 29 September 2004 has still not

been answered; and if she will make a statement on the matter. [25685/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The collation of the information requested by the Deputy is now almost complete. The details will be made available to the Deputy on Tuesday, 26 October 2004.

#### **Health Board Services.**

208. **Mr. R. Bruton** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in Dublin 24 will obtain a full assessment concerning their application for domiciliary care allowance; the reason it has taken five months for a decision to be taken in this case, in view of the fact that an application was made in May 2004; and if she will make a statement on the matter. [25712/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The assessment of entitlement to and payment of the domiciliary care allowance is a matter for the relevant health board and the Eastern Regional Health Authority in the first instance. Accordingly, a copy of the Deputy's question has been forwarded to the regional chief executive of the Eastern Regional Health Authority with a request that he examine the case and reply directly to the Deputy as a matter of urgency.

209. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the reason there is a waiting list of one year for a person (details supplied) in Dublin 9 who urgently requires the community occupational therapist assessment for their stair-lift grant; and if she will make this issue a priority. [25744/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The provision of health related services, including occupational therapy, for people with physical and-or sensory disabilities is a matter for the Eastern Regional Health Authority and the health boards in the first instance. Accordingly, the Deputy's question has been referred to the chief executive officer of the Eastern Regional Health Authority with a request that he examine the matter and reply directly to the deputy, as a matter of urgency.

210. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children if the Health Board in the South East will assist in community based cardiac self-help defibrillator schemes as currently happens in the Eastern Regional Health Authority Area; and if she will make a statement on the matter. [25745/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Department of Health and Children is aware of the potential to reduce the number of sudden cardiac deaths in the community. The provision of community-based cardiac defibrillators, including their placement and the ongoing training of relevant personnel and

community volunteers, is to be examined by the recently established task force on sudden cardiac death.

I understand that many communities around the country have purchased or are in the process of purchasing an automatic external defibrillator, AED. I am advised that the South Eastern Health Board and other health boards are considering supporting such initiatives, as part of the ongoing implementation of the cardiovascular health strategy.

#### Organ Retention.

211. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals in regard to the concerns of a person (details supplied) in County Waterford regarding organ retention; and if she will make a statement on the matter. [25836/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** 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 regarding 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 the inquiry's non-statutory nature has not thus far significantly hampered its substantive work.

The chairman has indicated that she will provide a report on paediatric hospitals in December 2004. Ongoing consultations are taking place with the inquiry regarding the other elements of its remit, having regard to the Government decision that the inquiry should conclude by 31 March next. Pending receipt of the chairman's report, 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 for 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 and rental and administration of the inquiry office. My Department has also provided funding to the Eastern Regional Health Authority and Parents for Justice in respect of inquiry — related expenditure amounting to €6,780,424. This brings the total expenditure relating to the inquiry to the end of August 2004 to €18.358 million.

The persons who wrote to the Deputy may wish to make contact with the relevant hospital for further details on the particular post-mortem that affects them.

#### Departmental Priorities.

212. **Mr. O'Connor** asked the Minister for Finance the priorities of his Department following the recent Cabinet changes; the programme being followed; and if he will make a statement on the matter. [25725/04]

**Minister for Finance (Mr. Cowen):** The priorities for my Department are set out in our Statement of Strategy 2003-2005, which was published in April 2003 and which reflects the goals and objectives published in the programme for Government in June 2002.

In accordance with the provisions of the Public Service Management Act, which requires that Departments publish a revised statement of strategy within six months of a change of Minister, my Department is currently revising its statement. This will continue to reflect the goals and objectives in the programme for Government, having regard to developments since the last statement was published, including changes in our business environment.

#### Tax Collection.

213. **Mr. F. McGrath** asked the Minister for Finance the reason a person (details supplied) in Dublin 9 received a bill from the Collector General for a capital gains tax liability of €359.80 against cash received on free First Active shares; and if he will make a statement on the matter. [25742/04]

**Minister for Finance (Mr. Cowen):** I have been advised by the Revenue Commissioners that they have written to First Active members who received payment from the Royal Bank of Scotland in respect of its acquisition of First Active. As with previous disposals of shares in this type of situation, this transaction gives rise to a potential capital gains tax, CGT, liability on the members in respect of the disposal of their First Active shares. Any CGT liability on disposal of these shares is due for payment on or before 31 October 2004. First Active shareholders have been notified by Revenue of their CGT obligations.

From the information supplied to the Revenue Commissioners, the person referred to by the Deputy received a payment of €3,069 from Royal Bank of Scotland and, provided she had no other gain or loss, her CGT liability is calculated as follows:

Cash Received	€3,069
Allowable Costs	Nil (as the shares were acquired at no cost they have a nil base)
Chargeable Gain	€3,069
Less Personal Exemption	(€1,270)
Net Chargeable Gain	€1,799 @ 20% = €359.80

The chargeable gain above can be reduced by any allowable losses arising in 2004 together with any

[Mr. Cowen.] unused allowable losses from disposals of assets chargeable to capital gains tax in any previous year.

I have also been informed by the Revenue Commissioners that the Revenue documentation sent to the person includes a computation sheet and a payslip. The payslip and payment should be sent to the Collector General's office. The documentation issued also includes a special Revenue help-line number for any further assistance required by the person referred to by the Deputy.

#### **Alternative Energy Projects.**

214. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources the proportion of bioethanol or alcohol contained in car fuels sold here. [25813/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** There is currently no bioethanol or alcohol contained in car fuels sold in Ireland. More than 18,000 litres of pure plant oil has however been produced and sold as an alternative vehicle fuel since May 2003.

In March 2004, my Department secured an amendment to the Finance Act 1999, which provides for the introduction of a scheme for excise tax relief for biofuels. The purpose of the scheme is to allow qualified and conditional relief from excise of biofuel used in approved pilot projects for either the production of biofuel or the testing of the technical viability of biofuel for use as a motor fuel.

My Department is finalising details of the scheme with the Department of Finance. The European Commission has confirmed that the scheme would represent a state aid and consequently its approval is required. The EU Energy Tax Directive of 2003 envisages such tax relief and the Commission has approved schemes for excise relief of biofuel in other EU member states. Formal application for Commission approval will be made shortly and, assuming approval is granted, the necessary commencement order will then be signed.

#### **Departmental Priorities.**

215. **Mr. O'Connor** asked the Minister for Communications, Marine and Natural Resources the priorities of his Department following the recent Cabinet changes; the programme being followed; and if he will make a statement on the matter. [25722/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The goals, objectives, strategies and outputs in respect of each of the areas under my Department's remit are set out in the Department's Statement of Strategy 2003 — 2005. This reflects Government priorities as set out in An Agreed Programme for Government and the shared agenda set out in the social partnership agreement, Sustaining Progress. The statement of strategy can be accessed

at [www.dcmnr.gov.ie](http://www.dcmnr.gov.ie). My Department has begun work on the preparation of a new statement of strategy that will set out the strategic challenges and goals over the next three years.

#### **Visa Applications.**

216. **Mr. Carey** asked the Minister for Foreign Affairs the way in which an Irish national can obtain a visa to visit Libya to explore possible trading arrangements between Libya and Ireland; and if he will make a statement on the matter. [25616/04]

**Minister for Foreign Affairs (Mr. D. Ahern):** Irish nationals require a visa to enter Libya. An Irish national resident in Ireland should apply for a visa to the Embassy of the Socialist People's Libyan Arab Jamahiriya, The Libyan People's Bureau, 61-62 Ennismore Gardens, London SW71NH. An Irish national resident outside Ireland should apply to the Libyan Embassy accredited to their country of residence.

217. **Dr. Upton** asked the Minister for Foreign Affairs the position regarding an application for a student visa (details supplied). [25708/04]

**Minister for Foreign Affairs (Mr. D. Ahern):** The application, which is the subject of the Deputy's question, was made on 17 August 2004 and was referred to the Department of Justice, Equality and Law Reform for decision. Following an initial refusal of the application by the Department of Justice, Equality and Law Reform, it was approved on appeal. This decision was forwarded to the Department of Foreign Affairs visa office on 14 October. The Department of Foreign Affairs visa office is in contact with the applicant with a view to arranging the issuing and collection of the visa.

#### **Departmental Priorities.**

218. **Mr. O'Connor** asked the Minister for Foreign Affairs the priorities of his Department following the recent Cabinet changes; the programme being followed; and if he will make a statement on the matter. [25716/04]

**Minister for Foreign Affairs (Mr. D. Ahern):** The Department's priorities remain as set out in the programme for Government, the strategy statement of the Department of Foreign Affairs 2003-05 and the commitments in Sustaining Progress.

I am in discussion with senior officials in my Department about priorities for the period ahead. In this regard also, the Public Service Management Act 1997 requires Departments to produce a new strategy statement within six months of the appointment of a new Minister. My Department will begin the preparation of this statement for the period 2005 to 2007 at an early date.

#### **Foreign Conflicts.**

219. **Mr. F. McGrath** asked the Minister for



Foreign Affairs if the Shot At Dawn Campaign (details supplied) pardons issue; if there are further developments from the British authorities. [25743/04]

**Minister for Foreign Affairs (Mr. D. Ahern):**

In the period since the Deputy's last question on this matter in September 2003, officials from my Department travelled to London to meet the Ministry of Defence with a view to exploring how best to make progress on this issue. Our aim is to restore the good names of the Irishmen concerned.

The Ministry of Defence responded positively to our request for certified copies of the files for the courts-martial of the 26 Irish soldiers executed by the British Army during the First World War, although one file could not be located. Much of the information on the files supplied by the Ministry of Defence, including the transcripts of the courts-martial trials, is hand written and therefore difficult at times to decipher. However, the files provide us with a detailed and often harrowing picture of the circumstances in which these unfortunate men found themselves.

My Department is finalising a report, which we intend to forward to the British side. The research on which the report is based substantiates the concerns about these cases, which moved us to support the Shot at Dawn Campaign. Once complete, this report will be passed to the British side and it is envisaged that further discussion will take place once they have had the necessary time to consider its contents. My officials have remained in close contact with the Shot at Dawn Campaign (Ireland) co-ordinator, Mr. Mulvany, throughout these deliberations, and will continue to update him regularly as developments arise in the period ahead.

**Inward Investment.**

220. **Mr. Timmins** asked the Minister for Foreign Affairs if the election manifestos of the candidates in the US Presidential election contain commitments that may impact on the economic situation here, particularly with respect to foreign direct investment and proposals to limit this; and if he will make a statement on the matter. [25805/04]

**Minister for Foreign Affairs (Mr. D. Ahern):**

My Department, through our Embassy in Washington, closely monitors the US Presidential election campaign, including any policy positions on the US economy, which might possibly have an impact on trade and investment with Ireland. In my view, however, it would not be appropriate or prudent to comment publicly on possible issues in this area during the election campaign itself. At the same time, if we have any concerns at the end of the campaign, we will of course take these up with the incoming Administration.

**Arts Council.**

221. **Mr. Gregory** asked the Minister for Arts, Sport and Tourism the amount per capita which the State contributes to the arts; the way in which this compares with average State support for the arts in other EU countries; if it is his intention to respond to the request of the Arts Council that its State funding increase to €70 million in 2005; and if he will make a statement on the matter. [25615/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):**

The principal vehicle for the delivery of State support to the arts is the Arts Council. My Department's subvention to the Arts Council in 2004 will amount to €52.5 million. In addition capital expenditure in support of the arts and expenditure on international cultural exchange is provided in sub-heads D5 and D3 of my Department's Vote totals €18.911 million. Based on the CSO figures of a total 2004 population for the State of 4.04 million, this constitutes a per capita amount of €17.67. In seeking to compare figures for other EU states, great care has to be taken as adjustments are necessary to take account of differing sizes of arts sectors, the nature of activities undertaken, whether funding of the arts is centralised or handled at the regional or local level and the cost structures that apply in each country. There can also be significant differences of approach from one country to another regarding what is described as "art" and what is included as "arts spend."

**Tourism Industry.**

222. **Mr. Deenihan** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to the widespread concern among many sectors of the tourism industry in the regions regarding the very patchy season in 2004; and the proposals he has to win back market share for the regions. [25746/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):**

While CSO figures show an increase of 5% in overseas visitor numbers in the first seven months of the year, evidence on the ground suggests that this level of growth has not been shared equally throughout the country or among different sectors of the industry. The trend towards shorter holidays is clearly impacting on regional spread and some tourism enterprises, particularly in rural areas, are reporting a difficult year.

One of the key objectives of national tourism policy is to achieve as wide as possible a distribution of visitor numbers across the different regions with the consequent distribution of tourism revenue. Achieving that goal has long been recognised as a major challenge for Government, the tourism agencies and the industry alike. This view has been echoed in the progress report submitted recently by the tourism action plan implementation group.

[Mr. O'Donoghue.]

The Government for its part has committed substantial resources to enable the tourism agencies to support the industry across the length and breadth of Ireland to win its fair share of business.

To assist the promotion and development of tourism by the regions themselves, Fáilte Ireland is channelling approximately €5 million directly into the regional tourism authorities to strengthen and enhance their operational and marketing capabilities this year. This investment, which represents a 20% increase in funding to the RTA network, is designed to ensure both a high quality visitor servicing experience at key tourist information offices and also a strong overseas promotional effort, in co-operation with Tourism Ireland.

Building on this, and on foot of the recommendations of the report of the tourism policy review group, Fáilte Ireland is now addressing how best to establish a closer correlation between the identified core visitor servicing and development functions provided at regional level and the State financial support provided through the tourism agencies. This work should be completed later this year and should provide guidance to Fáilte Ireland on the most appropriate regional structures for the discharge of its functions and the relationships and arrangements that should apply at regional level.

Home holidays promotions and resourcing the RTAs represent just two of the many ways Fáilte Ireland is supporting the development of tourism in the regions. In total this year, Fáilte Ireland is investing approximately €25 million on developing regional tourism, from supporting local festivals to building capability and strengthening the tourism product itself. Initiatives such as the festivals and cultural events programme will continue to favour the lesser-developed regions. The tourism product development scheme is supporting the development of tourism capital infrastructure in a sustainable way that widens the spatial spread of tourism, diverts pressure from highly developed areas and increases the under performing regions' share of overseas tourism revenue.

The development of good access, particularly air access, is key to strengthening the competitive position of the regions. Both tourism agencies recognise this issue and are investing significant time and resources in encouraging good air links. Already, Knock and Galway airports are reaping the rewards of their efforts to promote direct access to the west, particularly from Britain.

As the Deputy is aware, I have no direct responsibility for individual actions or measures relating to tourism promotion or development in so far as specific areas of the country are concerned. These are day to day functions of the tourism agencies, at national and regional level.

*Question No. 223 answered with Question No. 167.*

### Sports Capital Programme.

224. **Mr. Crowe** asked the Minister for Arts, Sport and Tourism his proposals to use his office to investigate activities regarding the Tallaght stadium in view of the large amount of public funding invested in same; and if he will report on this matter. [25622/04]

226. **Mr. O'Connor** asked the Minister for Arts, Sport and Tourism if he will report on recent contacts with a football club (details supplied) regarding its unfinished stadium; if his attention has been drawn to the widespread concern in the region that the community has been left with a serious eyesore; the action open to him; and if he will make a statement on the matter. [25720/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I propose to take Questions Nos. 224 and 226 together.

Following applications from the club, grants totalling €2.57 million were allocated, under the sports capital programme, towards the development of a new stadium in Tallaght for the club referred to by the Deputy, Shamrock Rovers Football Club, in each of the years 2000, 2001 and 2002. This project was identified as a priority by the, Football Association of Ireland, FAI, to receive funding under the programme.

Of the funding allocated, €2,441,251 was paid to the club in 2001 and 2002 in respect of works certified by invoices and approved by the Office of Public Works, which acts as technical advisers to my Department. These combined payments represent 95% of the total grants allocated; the remaining 5%, in this case €128,487, is retained in accordance with standard practice pending the receipt of certification of completion of the defects liability period of the project.

Following considerable rises in project costs since 2002, the club advised my Department that it was in discussions with a number of interested parties in an effort to secure additional funding to complete the project. It has not, however, provided my Department with information on the current status of these discussions despite repeated requests to do so. My Department has discussed the importance of bringing this project to a satisfactory conclusion at meetings with the Football Association of Ireland and with South Dublin County Council on a number of occasions and remains committed to constructive engagement with the parties involved.

### Departmental Priorities.

225. **Mr. O'Connor** asked the Minister for Arts, Sport and Tourism the priorities of his Department following the recent Cabinet changes; the programme being followed; and if he will make a statement on the matter. [25719/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The priorities for my Department are set out in the programme for Government and are further articulated in my Department's

statement of strategy which is available on my Department's website. Progress on the delivery of these priorities is set out in my Department's first annual report 2002-03 which is also available on my Department's website.

In addition to the foregoing, my Department will be taking all possible steps to implement Government policy on decentralisation regarding the core Department and the three agencies under its aegis designated to be decentralised.

*Question No. 226 answered with Question No. 224.*

### **Sports Capital Programme.**

227. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism the extent to which his Department has funded sporting or recreational groups directly or indirectly in the past 12 months; his plans for the future in this regard; and if he will make a statement on the matter. [25818/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The national lottery-funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

Under the 2004 sports capital programme €61 million was allocated in respect of 738 projects. These allocations give very real, practical effect to the commitment made in the programme for Government that we will continue to invest in sports facilities around the country. This ongoing investment is yielding an excellent network of facilities for all levels of sport in Ireland and is providing a framework on which the delivery and implementation of national sports policy can be built, covering the three main pillars of our sports strategy — participation, performance and excellence.

An amount of €100,000 was also allocated this year towards the renovation of the accommodation at Mosney, which is used to house the participants in the national finals of the Community Games.

The Irish Sports Council is the statutory body with responsibility for the development of sport. The provision in funding for the Irish Sports Council in the 2004 Estimates is more than €30 million of which €11 million has been allocated to national governing bodies of sport and more than €2 million to local sports partnerships to help promote and develop sport at local level.

*Question No. 228 answered with Question No. 151.*

### **Sport and Recreational Development.**

229. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism his priorities for the development of sporting and recreational facilities in the

future; and if he will make a statement on the matter. [25822/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The programme for Government outlines a number of priority areas regarding the future provision of sports facilities to which I am fully committed to implementing.

I will continue to invest in sports facilities around the country through the national lottery and Exchequer funding, particularly at local level where clubs of all codes, run by volunteers, remain the backbone of Irish sport. The development of quality infrastructure is crucial to the development of sport. The sports capital programme is the primary vehicle through which the capital provision of sports facilities at all levels and of all types throughout the country are funded. Since 1998, almost €331 million has been allocated under the programme to more than 4,200 deserving projects in parishes, villages and towns all over the country. Details of the 2005 programme will be announced in due course.

The allocation of funding under the sports capital programme will continue to help build facilities, which will serve the needs of the sporting bodies both nationally and locally. Special priority is given under the sport capital programme to proposals for facilities in disadvantaged areas — in line with Government policy aimed at increasing participation in sport in these areas. In the four years to 2004, a total of €121 million was allocated to 1,266 projects in disadvantaged areas. My Department will continue to liaise closely with the Department of Community, Rural and Gaeltacht Affairs to determine priority projects impacting on such areas.

I am committed to working with local authorities to provide at municipal level a range of public facilities such as swimming pools, gymnasia and synthetic floodlit playing pitches. Under the swimming pool programme, the development of pools for the future is done in a structured and focused way, concentrating on areas of greatest need, and enhancing upon the quality of those built in the 1970s and 1980s. Grants of up to a maximum of €3.8 million are available towards both the refurbishment of existing pools or the provision of a new pool, subject in both cases to the total grant not exceeding 80% of the eligible cost of the project or, in the case of projects located in designated disadvantaged areas, 90% of the eligible cost. Support is available towards the cost of the swimming pool, toddler pool, sauna and steam room.

Under present programme, my Department is committed to supporting 55 local authority swimming pool projects throughout the country. Delivery of this programme is well underway with a total €43 million paid out in the period 2000 to 2004 with 14 projects completed, eight under construction and the remaining 33 projects at various stages. Other municipal projects earmarked for Government support include the provision of



[Mr. O'Donoghue.]

gymnasia and synthetic floodlit playing pitches funded in part under my Department's sports capital programme.

The Government decision earlier this year to support the re-development of a 50,000 all-seated stadium at Lansdowne Road in association with the IRFU and FAI along with a sporting campus at Abbotstown is further progress towards bringing our national sporting infrastructure. The Department has been working with Campus and Stadium Ireland Development Limited to secure a developmental plan for a campus of sports facilities at Abbotstown. This work is now nearing completion and it is expected that proposals will be presented to me in late autumn, which will be basis for a Government decision on the future of the sports campus project.

The Government is committed to completing a national audit of local sports facilities and to putting in place a long-term strategic plan to ensure the development of such necessary facilities throughout the country. The first step towards developing such a strategy, a review of the existing sports capital programme under the Department's expenditure review programme, is being finalised. The outcome of this review will help identify the level of facilities that have been put in place in recent years with the assistance of national lottery funding and produce recommendations on priorities for future funding.

Following this it is my intention to establish an inter-agency steering group to commence work immediately on developing a long-term strategic plan for the provision of sports facilities. In addition to overseeing the commencement of the audit of sports facilities, this group will determine a framework for establishing priorities for future sports facility provision.

### Employment Support Services.

230. **Mr. Hayes** asked the Minister for Enterprise, Trade and Employment when his Department will make places available for over 55s in community employment schemes. [25621/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** Community employment, CE, provides work experience and training opportunities for the long-term unemployed and other disadvantaged groups with the aim of progressing participants to a job in the open labour market. Approximately 16% of participants are currently aged between 55 and 65 years of age, which amounts to 3,316 participants, and these people are working in CE projects countrywide.

### Departmental Priorities.

231. **Mr. O'Connor** asked the Minister for Enterprise, Trade and Employment the priorities of his Department following the recent Cabinet changes; the programme being followed; and if he will make a statement on the matter. [25723/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The ambitious commitments set out in the programme for Government have not been affected by the recent Cabinet changes. The responses to these commitments, insofar as they relate to my Department, are set out in the Department's statement of strategy 2003-05. Under Section 4 of the Public Service Management Act 1997, Secretaries General and heads of office are obliged to submit statements of strategy to Ministers within six months of the Minister coming into office. I am in discussion with my officials on our existing strategy, which gives effect to the programme for Government, to see whether any part of the strategy needs to be revisited in the light of our significant achievements in meeting our programme for Government commitments to date. I shall be instructing the Secretary General of my Department in this regard once I have completed my assessment.

### Social Welfare Benefits.

232. **Ms Burton** asked the Minister for Social and Family Affairs the reason the carer's allowance is now being included for the purposes of rent assessment by local authorities; if it is the policy of his Department that the carer's allowance be included for the purposes of rent assessment; and if he will make a statement on the matter. [25591/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The manner in which local authority tenants are assessed for rent is a matter for the various local authorities and my Department has no function in that regard.

My Department has a role regarding certain private sector tenants. The supplementary welfare allowance scheme, which is administered on behalf of my Department by the health boards, provides for the payment of rent supplement to eligible people residing in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available from any other source.

The regulations governing rent supplement stipulate that, in addition to a minimum contribution, currently €13, each recipient is required to contribute towards his or her rent any additional assessable means he or she has over and above the appropriate basic supplementary welfare allowance rate. The means test provides for a disregard of a portion of carer's allowance when assessing entitlement to rent supplement. In the case of a couple, where either spouse or partner is in receipt of carer's allowance, the amount disregarded is the rate of carer's allowance in payment less the adult dependant rate of supplementary welfare allowance. In the case of a single person or a lone parent the amount disregarded is the rate of carer's allowance in payment less the personal rate of supplementary welfare allowance.

### Grant Payments.

233. **Mr. O'Shea** asked the Minister for Social and Family Affairs his proposals to extend the bereavement grant to uninsured persons (details supplied); and if he will make a statement on the matter. [25592/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The bereavement grant is a payment based on PRSI contributions, designed to assist families in dealing with death and funeral expenses. The grant is payable on the death of an insured person or a family member, including a child under age 18, or under age 22 if in full time education.

In the case of persons over these ages, the grant is paid on the basis of their own PRSI contributions. Where there are insufficient PRSI contributions, assistance may be available under the supplementary welfare allowance scheme. Under this scheme, a health board may make a single payment to help meet once-off exceptional expenditure, for example, for funeral expenses, which a family could not reasonably be expected to meet out of their income. Any change to the bereavement grant scheme would have to be considered in a budgetary context.

### Social Welfare Code.

234. **Mr. O'Shea** asked the Minister for Social and Family Affairs his views on whether disability allowance should be granted with associate benefits to a person in their own right in order that when a person is receiving disability allowance and who married a person who is working there be no risk of losing disability allowance and benefit; and if he will make a statement on the matter. [25593/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Social assistance payments, such as disability allowance are payable subject to a means test to people who are not qualified for insurance-based payments under the social welfare system.

In assessing means, account is taken of the claimant's own means and, in the case of a couple, the means of the couple are assessed. In addition, the value of any capital is also assessed. In this regard, claimants of disability allowance are treated under the social welfare code in the same way as people who experience other contingencies such as unemployment, old age or widowhood. To depart from current arrangements, in this regard, would have major implications in terms of the cost and financing of the system. There are no plans at present for a change on these lines.

### Social Welfare Benefits.

235. **Mr. Ring** asked the Minister for Social and Family Affairs the reason the disability allowance of a person (details supplied) in County Mayo was reduced from €134. [25612/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The person concerned has been in receipt of disability allowance since June 1998. Under the legislative provisions that apply to disability allowance all income, which the claimant and his or her spouse or partner have, is assessable for means purposes.

Following a review, the person concerned was assessed with means derived from his partner's employment. Accordingly, his means have been assessed at €61.37 per week and his weekly rate of disability allowance has been reduced to €74.80 plus €33.60 for dependent children, making a total of €108.40. The revised level of payment was effective from 29 September 2004.

He was notified on 15 September 2004 of his revised entitlement, the reason for it and of his right of appeal to the social welfare appeals office. He lodged an appeal on 4 October 2004. This is being processed and he will be notified directly of the outcome. As part of this process the case will be reviewed by a deciding officer before being referred to an appeals officer for consideration. If there are grounds for an assessment that is more favourable to the person concerned then the decision will be revised to reflect this.

Under social welfare legislation, decisions on claims must, be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

### Departmental Priorities.

236. **Mr. O'Connor** asked the Minister for Social and Family Affairs the priorities of his Department following the recent Cabinet changes; the programme being followed; and if he will make a statement on the matter. [25675/04]

239. **Mr. Stanton** asked the Minister for Social and Family Affairs his main priorities objectives and targets over the next 12 months; and if he will make a statement on the matter. [25797/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 236 and 239 together.

My priority for the year ahead is to make significant progress in delivering on the social welfare commitments contained in the programme for Government, Sustaining Progress and the national anti-poverty strategy. Resources will be targeted on helping those most in need in order, not alone to raise their standard of living, but to ensure that everyone is a valued citizen who can make his or own individual contribution to society regardless of his or her particular circumstances.

This will include initiatives relating to: older people who were central to the building of the new Ireland and who want to spend their later years in security; children who, given the right chances, will provide a strong and vigorous basis for this country's future; the thousands of carers

[Mr. Brennan.] throughout the country who selflessly sacrifice so much of their lives to look after loved ones; widows and widowers who have had to face many difficulties; people with disabilities who struggle against great personal odds and are an example to all; and all those others who experience a range of contingencies and who require income and other supports at various difficult stages of their lives.

Throughout my career in public life, my goal has been clear. I have fought to sustain economic progress so that we could do something positive with it for all in society. That is the purpose of economic growth. I will do my utmost, in my new role, to make a difference to the lives of the people around the country who depend on our social welfare system.

### **Social Welfare Code.**

237. **Mr. Wall** asked the Minister for Social and Family Affairs the position in regard to the ongoing dispute between community welfare officers and social welfare area offices regarding the officer from whom an award should issue to a person when an application is in dispute; and if he will make a statement on the matter. [25677/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Where a person is awaiting a decision on an application for assistance from my Department, or where such an application is in dispute, and that person finds that he or she has insufficient means with which to provide for his or her basic needs, it is open to that person to apply for assistance under the supplementary welfare allowance scheme, which is administered on behalf of my Department by the health boards.

There is no automatic entitlement to supplementary welfare allowance. An assessment of a person's means and needs is carried out and where there is a shortfall in a person's income, a payment may be made to bring it up to the appropriate supplementary welfare allowance rate.

The decision to pay supplementary welfare allowance is a matter for the appropriate health board and would have regard to the particular circumstances involved in individual cases with due regard to any hardship factors. This is not related to any dispute but is an operational policy decision taken by the relevant boards.

### **Legislative Programme.**

238. **Mr. Stanton** asked the Minister for Social and Family Affairs his legislative plans for 2005; and if he will make a statement on the matter. [25796/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The legislative plans for my Department in 2005 entail the introduction of three Bills. These are the social welfare (miscellaneous provisions) Bill 2005, the social welfare

(consolidation) Bill 2005 and the social welfare Bill 2005.

The social welfare (miscellaneous provisions) Bill will provide for any amendments to the social welfare schemes consequent on the budget 2005 which are not provided for in the Social Welfare Act 2004 to be introduced immediately following the budget and any additional measures requiring a basis in legislation. This Bill is provisionally scheduled for publication early in 2005.

To improve accessibility to the existing body of social welfare legislation, it is intended that a social welfare consolidation Bill, will be introduced. This Bill will bring together, in a single document, the Social Welfare (Consolidation) Act 1993 and the amending legislation enacted in the intervening years, thereby facilitating easier access to the social welfare code.

Immediately following the Budget Statement by the Minister for Finance in December 2004, a social welfare Bill that will provide for the implementation of budget increases in social welfare payments and any other changes, which would normally be scheduled to take effect from January 2005.

It is intended that the Comhairle (Amendment) Bill 2004, which was published in September last, will be progressed in conjunction with the Disability Bill. Progression to enactment is likely to continue into 2005.

*Question No. 239 answered with Question No. 236.*

### **Departmental Agencies.**

240. **Mr. Stanton** asked the Minister for Social and Family Affairs the agencies that operate under the aegis of his Department; the areas of responsibility of each such agency; and if he will make a statement on the matter. [25799/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Six agencies operate under the aegis of my Department, namely, the Pensions Board, the Pensions Ombudsman, the Combat Poverty Agency, Comhairle, the Family Support Agency and the Social Welfare Tribunal.

The remit of the Pensions Board, which was established on 21 December 1990, is to monitor and supervise the operation of the Pensions Act, and pensions developments generally.

The remit of the Pensions Ombudsman, established in September 2003, is to investigate and decide on complaints and disputes involving occupational pension schemes and personal retirement savings accounts, PRSAs.

The Combat Poverty Agency has an advisory, research and public information role regarding poverty issues and a role in initiating and evaluating programmes in this area. Its role is set out in the Combat Poverty Agency Act 1986. Comhairle, which was established on 12 June 2000, is the national agency responsible for supporting the provision of information, advice and advocacy services to members of the public on a wide range



of social and other services. Comhairle has a statutory commitment to assist and support people, particularly those with disabilities, in understanding their needs and options and in accessing their entitlements to social and other services. Comhairle provides financial and other supports to the network of 85 independent citizens information centres, CICs, and in addition, operates the citizen's information phone service. Comhairle has also developed *oasis.gov.ie* as a web-based source of information on public services.

The Family Support Agency has responsibilities for family mediation services, marriage and relationship counselling, promotion of information, and research and provision of advice on family related issues, and developing a range of family support services, as set out in the Family Support Agency Act 2001.

The remit of the Social Welfare Tribunal, which was established in 1982, is to deal with cases where entitlement to unemployment benefit or assistance is refused due to an involvement in a trade dispute.

#### **Driving Tests.**

241. **Mr. Sargent** asked the Minister for Transport the plans he has to ensure that all drivers on roads here are fully qualified to drive or if unqualified are required to be accompanied by a qualified driver, display "L" plates and observe other road safety criteria for drivers without a full licence. [25596/04]

**Minister for Transport (Mr. Cullen):** Drivers who hold driving licences have passed the requisite tests of their competence to drive. Provisional licence holders are required to be accompanied by and under the supervision of a qualified person at all times, when driving in a public place. The only exception to this is where the driver holds a second provisional licence in respect of category B vehicles, cars, or is the holder of a provisional licence to drive motorcycles, tractors or work vehicles. Generally, the holder of a provisional licence must display an "L" plate front and rear of the vehicle.

Over the years various changes have been made to the regulatory conditions under which provisional licences have effect. I am considering whether further changes are desirable in this regard.

#### **Traffic Corps.**

242. **Mr. Sargent** asked the Minister for Transport when he will be implementing the Government promise to create a traffic corps. [25597/04]

**Minister for Transport (Mr. Cullen):** Implementation of the commitment in the programme for Government relating to the establishment of a dedicated traffic corps is being considered further in the light of the recent Government decision to significantly increase Garda numbers and the recent announcements by my colleague

the Minister for Justice, Equality and Law Reform, following discussions with my predecessor, that increased resources will be made available to the Garda, and that enforcement levels will increase especially at weekends.

#### **Departmental Priorities.**

243. **Mr. O'Connor** asked the Minister for Transport the priorities of his Department following the recent Cabinet changes; the programme being followed; and if he will make a statement on the matter. [25717/04]

**Minister for Transport (Mr. Cullen):** The programme for Government of June 2002 sets out the agreed agenda for this partnership Government over five years. I will continue to deliver on the programme's various transport commitments. My Department's statement of strategy, which will be published in due course, will provide further details on these commitments.

#### **Light Rail Project.**

244. **Mr. O'Connor** asked the Minister for Transport if he will seek assurances from the RPA that an evaluation will be made in respect of the need for lighting along the Luas line in Tallaght and action taken; and if he will make a statement on the matter. [25718/04]

**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 the agency's attention.

#### **Departmental Priorities.**

245. **Mr. O'Connor** asked the Minister for Community, Rural and Gaeltacht Affairs the priorities of his Department following the recent Cabinet changes; the programme being followed; and if he will make a statement on the matter. [25701/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The Deputy will be aware that there have been no changes at ministerial level in my Department. The priorities for my Department reflect the relevant commitments in the Programme for Government.

#### **Departmental Schemes.**

246. **Mr. O'Connor** asked the Minister for Community, Rural and Gaeltacht Affairs if rural Dublin Leader will obtain places on the rural employment scheme; the location of those places; and if he will make a statement on the matter. [25702/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I announced the extension of the rural social scheme to the remaining Leader companies, including Rural Dublin Leader, on 28 September. The allocation of places on the scheme to particular areas, covered

[Éamon Ó Cuív.]

by a Leader company, will depend on the proposals put forward for projects and the availability of participants to work on these projects in that area.

#### Departmental Programmes.

247. **Mr. O'Connor** asked the Minister for Community, Rural and Gaeltacht Affairs the projects in Tallaght, Dublin 24 which have benefited from RAPID funding; and if he will make a statement on the matter. [25703/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** My Department, supported by Area Development Management — ADM — Ltd, co-ordinates the implementation of the RAPID programme. It is a matter for each of the other Departments to report on progress on its implementation of RAPID and details of funding for the proposals that fall within its remit. Reports for all Departments can be accessed on ADM's website at [www.adm.ie](http://www.adm.ie).

My Department has made allocations to the following projects from the Tallaght area implementation team plans:

Project	Funding Stream	Status
Managers/Staff for Community facilities in RAPID areas	Young People's Facilities, Services Fund	Approved
Premises for Addiction Response Project, Killinarden	National Drugs Strategy	Approved

The Deputy will also be aware of a number of co-funded measures introduced by my Department this year. I refer to Question No. 1279 of 29 September 2004 for the details of these projects.

#### Dormant Accounts Fund.

248. **Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs when the Dormant Accounts Fund will be receiving applications for disbursement of its €30 million annual budget. [25728/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** Decisions on the disbursement of funds from dormant accounts are currently a matter for the Dormant Accounts Fund Disbursements Board, an independent body established under the Dormant Accounts Acts. The board has engaged Area Development Management Ltd. to administer the initial round of funding on its behalf.

In June 2004, the Government announced an increase in the overall amount that the Dormant Accounts Fund Disbursements Board may spend from €30 million to €60 million under this initial round of funding. To date the board has approved 133 projects for funding totalling approximately €12.5 million. Over the coming months further allocations will be made by the

board up to a total figure of €60 million. I understand that the board, at its meeting yesterday, considered a large number of further applications recommended for funding.

#### Rural Environment Protection Scheme.

249. **Mr. Hayes** asked the Minister for Agriculture and Food when the payments of area based compensation, REP scheme and other premia will be awarded to a person (details supplied) in County Tipperary. [25604/04]

**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 68.38 hectares of forage land. The person named has lodged no applications to date under the 2004 EU special beef premium scheme. An application for 2004 suckler cow premium in respect of 21 animals was lodged on 24 June 2004. It has been processed for payment and the 60% advance instalment will issue to the herdowner shortly. The person named has submitted an application under the 2004 extensification premium scheme. Payments under this scheme are due to commence in June 2005. The application will be considered in due course.

The person named has had two animals deemed eligible under the 2004 EU slaughter premium scheme. Advance payments of 60% commenced on 16 October 2004 and payment in the amount of €96.00 has issued in respect of these animals. Payment of the 2004 ewe premium was made to the person named on the 19 October 2004. Payment of the supplementary premium and 2004 area based compensatory allowance, which had been withheld pending clearance of the area aid application will be made shortly.

The person named is a REPS participant and payment has issued under the scheme for the period 1 November 2003 to 30 October 2004. The anniversary date of the REPS plan is 1 November and on receipt of an application payment will be processed in accordance with the protocol on direct payments to farmers.

#### Veterinary Inspection Service.

250. **Mr. Timmins** asked the Minister for Agriculture and Food if there is a particular place, office or committee such as in the UK with its BSE-CJD incidents panel at which an experience with SRM could be reported in order that a person may be offered expert medical advice and that the incident be reported; and if she will make a statement on the matter. [25619/04]

**Minister for Agriculture and Food (Mary Coughlan):** In relation the meat sector, the designation of SRM and the controls which are required regarding SRM are set down in EU and national regulations. The controls at meat export plants are overseen by my Department's veterinary inspectorate and those at non-export plants by the local authority veterinary services. Both

my Department and the local authorities operate under a service contract with the Food Safety Authority of Ireland, which also has a statutory role in auditing the procedures and the food safety controls in place throughout the meat industry. The EU food and veterinary office also audit and report on the controls in place at meat plants including those relating to the removal and disposal of SRM.

The various audits on the SRM controls operated by my Department have indicated that they are satisfactory and fully in line with best practice. It the Deputy has a specific incident in mind I will have the matter investigated. Questions relating to human health and medical advice are for the Tánaiste and Minister for Health and Children.

### Departmental Priorities.

251. **Mr. O'Connor** asked the Minister for Agriculture and Food the priorities of her Department following the recent Cabinet changes; the programme being followed; and if she will make a statement on the matter. [25715/04]

**Minister for Agriculture and Food (Mary Coughlan):** My Department's statement of strategy 2003-05 sets out the current goals and strategies of the Department based on the programme for Government. I am currently preparing a new statement of strategy to cover the years 2005 to 2007 which will, while remaining based on the programme for Government, revise these goals and strategies in the light of current and likely future developments.

### Renewable Energy.

252. **Mr. Ferris** asked the Minister for Agriculture and Food her Department's policy regarding the promotion of biomass production and if she will make a statement on the matter. [25729/04]

**Minister for Agriculture and Food (Mary Coughlan):** The Department of Agriculture and Food is aware of the potential of biomass, including wood biomass, in the generation of renewable energy. Biomass production from early forest thinnings offers considerable scope for use in renewable heat and electrical energy production. In this regard, the National Council for Forest Research and Development is closely involved with the work of the bioenergy strategy group, which was established by the Department of Communications, Marine and Natural Resources.

The strategy group's objectives are to examine the potential supply and use of biomass in meeting Ireland's renewable energy targets and to make recommendations to the Government on financial and structural supports and any adjustments to the regulatory environment that will help to realise the potential of biomass. Consultants engaged by Sustainable Energy Ireland are considering options for the implementation of the

EU Biofuels Directive, 2003/30/EC, in Ireland. The consultants' report, which is due to be published near the end of this month, will feed into the bioenergy strategy group's analysis of the sector. The bioenergy strategy group is due to report by the end of the year.

The forestry service has provided funding for a pilot project involving 47 hectares of short rotation willow coppice for biomass production. A number of biomass energy projects, supported under Sustainable Energy Ireland's research, development and demonstration programme, are up and running. The projects include a combined heat and power plant at Enniskeane in County Cork, a district heating system at Jerpoint in County Kilkenny and the new Coillte Teoranta offices at Newtownmountkennedy in County Wicklow.

The Department of Agriculture and Food introduced an energy crops scheme in March 2004 under the conditions laid down in Title IV, Chapter 5 of Council Regulation No. 1782 of 2003. Under the scheme, aid of €45 per hectare is granted for areas sown under energy crops and used for the production of biofuels and/or electrical and thermal energy produced from biomass. The aid is granted only in respect of areas whose production is covered by a contract between the farmer and a processor, except in the case of processing undertaken by the farmer on his or her holding. Any agricultural raw material with the exception of sugar beet may be grown under the energy crops scheme provided that it is intended primarily for use in the production of energy products derived from biofuels or biomass.

### Grant Payments.

253. **Mr. Connaughton** asked the Minister for Agriculture and Food the outcome of an application under *force majeure* in the name of a person (details supplied) in County Galway; if her attention has been drawn to the fact that this person inherited their farm in 1998 and did not have sufficient time to build up numbers to their present level. [25789/04]

**Minister for Agriculture and Food (Mary Coughlan):** The Department of Agriculture and Food contacted the person in question because there was no record of a *force majeure* application in his name on the single payment database. The person required a copy of his provisional entitlement statement, which had been mislaid, to submit a *force majeure* application by the closing date of 29 October 2004. Arrangements have been made to issue a duplicate of the provisional entitlement statement to the person in question.

254. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Galway only received single payment entitlements of €2,100; and if she will make a statement on the matter. [25791/04]



**Minister for Agriculture and Food (Mary Coughlan):** The single payment entitlement is calculated using the average number of animals and hectares on which direct payments were made during the reference period of 2000, 2001 and 2002. The single payment provisional entitlement statement which issued to the person in question is reflective of the average direct payments made during the reference years to that person and has been calculated in accordance with the criteria laid down in the EU regulations underpinning the single payment scheme. If the person in question wishes to have any aspect of the provisional entitlement statement reviewed, he may seek such a review by completing a single payment scheme review form which is available from the Department of Agriculture and Food.

255. **Mr. Connaughton** asked the Minister for Agriculture and Food the position regarding the single payment for a person (details supplied) in County Galway; and if she will make a statement on the matter. [25792/04]

**Minister for Agriculture and Food (Mary Coughlan):** A statement of provisional entitlements under the single payment scheme was posted to the person in question on 7 October 2004. As it seems that the person has not received his statement to date, arrangements have been made to issue a further copy of it as soon as possible.

#### Departmental Schemes.

256. **Mr. Durkan** asked the Minister for Agriculture and Food, further to Parliamentary Question No. 89 of 13 October 2004, the manner and method of disposal of the carcasses of the remaining 52,860 animals not accounted for; if such carcasses are still in storage or have otherwise been disposed of; and if she will make a statement on the matter. [25824/04]

**Minister for Agriculture and Food (Mary Coughlan):** Apart from hides, the carcasses of all animals slaughtered under both the purchase for destruction and special purchase schemes in 2001 were rendered and incinerated. The combined total of animals destroyed under the two schemes was 492,860.

#### Registration of Title.

257. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when an application made on a folio with the Land Registry Office for a person (details supplied) in County Mayo will be complete. [25602/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by, the Registrar of Titles that the applications referred to by the Deputy are as follows. An application for transfer of part was lodged on 7 October 2002. Dealing number D2002SM008857H refers. An application for transfer of part was lodged on 14 February

2003. Dealing number D2003SM001425J refers. An application for release was lodged on 2 October 2003. Dealing number D2003SM008231J refers.

I am further informed that those applications are receiving attention in the Land Registry and, subject to no queries arising, will be completed within the next few weeks.

#### Citizenship Applications.

258. **Mr. Hayes** asked the Minister for Justice, Equality and Law Reform when citizenship details will be determined for a person (details supplied). [25603/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am pleased to inform the Deputy that a certificate of Irish citizenship for the person referred to was issued on 6 September 2004 by the citizenship section of my Department.

As the declaration was lodged originally at the Irish Embassy in The Hague, the certificate was forwarded to the Department of Foreign Affairs in Dublin for transmission to officials at the embassy, who, if they have not already done so, will forward the certificate to the person concerned.

#### Visa Applications.

259. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform if the visa appeal by a person (details supplied) will be expedited; and if he will make a statement on the matter. [25608/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I can confirm that the visa application in question was approved on appeal on 18 October 2004.

260. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) in County Louth will be granted a visa extension; and if he will make a statement on the matter. [25609/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question applied for a C visit visa in December 2003 to visit her son and grandchildren who were residing in the State. The visa application was refused as the deciding officer was not satisfied that the applicant would adhere to the conditions of the visa and return to China after her visit. In January 2004 an appeal against the refusal was received which included a statement that the applicant was not seeking an extension to the visa and would accept an endorsement on the visa to that effect. The visa appeals officer considered the application in the light of this new information and the applicant was granted a C visit visa on the 29 January 2004.

The applicant entered the State on 9 April 2004 and was granted permission to remain until 8 July 2004. As an exceptional measure, permission to

remain for a further three months was granted to the person concerned by her local immigration officer. In light of the fact that the visa was granted on the understanding that the applicant would not seek to stay beyond the period of time for which she had applied, the immigration division of my Department is not prepared to grant any further extension of permission to remain in this case. It is open to the person concerned to re-apply from outside the State should she wish to return. She should include in her new visa application information outlining the purpose and duration of her intended stay.

### **Citizenship Applications.**

261. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform the position in relation to an application for a certificate of naturalisation by a person (details supplied); and if he will make a statement on the matter. [25620/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by officials in the citizenship section of my Department that the application for naturalisation by the person in question is now in the final stages of processing and that it will be forwarded to me for a decision in the near future. I will inform the Deputy and the person concerned as soon as I have reached a decision in this case.

### **Garda Deployment.**

262. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 1165 of 30 September 2004, if the issues raised by the persons concerned will be comprehensively reviewed. [25686/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy is aware, I have no role in the investigation of criminal complaints or the allocation of Garda resources. These are a matter for local management within the Garda Síochána. I understand that the issues raised by the person concerned will be kept under review by the Garda authorities.

### **Departmental Priorities.**

263. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform the priorities of his Department following the recent Cabinet changes; the programme being followed; and if he will make a statement on the matter. [25687/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The priorities for my Department have not changed following the recent Cabinet changes and these continue to relate to the implementation of An Agreed Programme for Government and Sustaining Progress commitments for which my Department is responsible.

My Department is responsible, in a lead role, for the implementation of in excess of 80 of the 477 total commitments contained in An Agreed programme for Government and a number of

important commitments in the Sustaining Progress social partnership agreement. Significant progress has been achieved on many of these commitments to date and further progress is expected on other commitments.

Specific priorities for my Department over the next 12 months include recruitment of additional gardaí. The Government at its meeting on 12 October 2004 approved my proposals for increasing the strength of the Garda Síochána to 14,000 in line with a key commitment in the programme for Government. These additional gardaí will be targeted at those areas of greatest need, especially areas experiencing a significant drugs problem and a large number of public order offences.

The Garda Síochána Bill 2004 contains the most comprehensive and important proposals on policing since the foundation of the State. It will also replace the Garda Síochána Complaints Board with a new fully independent Garda Ombudsman Commission. The Bill is awaiting Committee Stage in the Seanad.

Regarding penalty points and the traffic corps, the Garda Síochána is to increase its enforcement activities with the focus on high risk locations and times. Discussions are underway, in the context of an increase in Garda resources, on the establishment of a dedicated traffic corps. A new internal youth justice task force has been established in my Department with the strategic objective of examining and developing the scope for rationalising and restructuring the State's services in the important area of youth justice.

A significant number of judges will be appointed within the next month or so. These additional judges will, *inter alia*, help reduce delays and improve the efficiency of the handling of cases. My Department will continue to focus on modernisation and reform of the Prison Service and probation and welfare service. Talks with the Prison Officers Association with regard to the introduction of the proposed annualised hours system and elimination of overtime working have almost been finalised. A Prison Bill, providing for various reforms such as the contracting out of prisoner escort services and the video-conferencing of certain pre-trial hearings, has been drafted. Work has also advanced on the selection of a suitable site for a new Mountjoy complex.

My Department will continue to focus on the processing of applications by non-nationals to remain in the State on foot of being parents to an Irish-born child and improving the processing timescales for asylum applications. The Irish Nationality and Citizenship Bill 2004, which implements the decision of the people in last June's citizenship referendum is due to have its second reading in the Dáil next week.

My Department will continue to play an active role in advancing the implementation of the Good Friday Agreement, with particular emphasis on those areas for which my Department is responsible.

[Mr. McDowell.]

The Disability Bill 2004 is a key element of the national disability strategy launched by the Taoiseach on 21 September 2004. Second and Subsequent stages of the Bill will be taken as soon as Dáil time can be arranged.

My Department continues to support the creation of centre-based child care places through funding provided under the equal opportunities childcare programme 2000-2006. Over 20,500 of the programme target of 28,500 new places have already been created, while 20,600 existing places also benefit from the fund.

A wide range of other legislative proposals is also being progressed by my Department. These include the Criminal Justice Bill 2004; Proceeds of Crime (Amendment) Bill 1999; Criminal Law (Insanity) Bill 2002; Criminal Justice (Terrorist Offences) Bill 2002; Criminal Justice (International Co-operation) Bill; Immigration and Residence Bill; Intoxicating Liquor Bill 2004; Judicial Council Bill; Adoptive Leave Bill 2004 and Parental Leave Bill.

#### **Prison Accommodation.**

264. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the plans his Department has for the vacated Curragh Prison; and if he will make a statement on the matter. [25688/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** No decision has been taken in regard to the future of the Curragh Place of Detention pending the outcome of the current negotiations with the Prison Officers' Association on new working arrangements. The negotiations are nearing conclusion and I am hopeful of agreement being finalised in the near future.

#### **Garda Strength.**

265. **Ms B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform the number of gardaí assigned to each Garda station in County Kerry; if he will list those stations and the number of gardaí at each; the number of gardaí assigned to each Garda station in County Kerry as at 1 January 1997; and if he will provide this information in tabular form. [25713/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities responsible for the detailed allocation of resources, including personnel, that the personnel strength of the Kerry division as at 18 October 2004 was 264, all ranks. The personnel strength of the Kerry division as at 31 January 1997 was 231, all ranks.

I am further informed that Garda statistics regarding the personnel level in every Garda station within each Garda division only refers back to 31 January 1997. Accordingly, the strength of each Garda station within the Kerry division as at 31 January 1997 and 18 October 2004 is as set out hereunder:

Station	31/01/97	18/10/04
Abbeydorney	1	1
Annascaul	2	1
Ardfert	2	2
Ballinskelligs	1	1
Ballybunion	8	6
Ballyduff	1	3
Ballyferriter	1	1
Ballyheigue	2	2
Ballylongford	1	1
Barraduff	2	1
Beaufort	2	1
Brosna	2	1
Caherciveen	17	23
Camp	1	1
Castlegregory	2	2
Castleisland	8	10
Castlemaine	3	1
Clochan	1	1
Dingle	7	9
Farranfore	2	2
Fenit	1	1
Glenbeigh	2	2
Kenmare	6	8
Kilgarvan	1	1
Killarney	37	46
Killorglin	5	10
Knocknagoshall	1	1
Lauragh	1	1
Listowel	23	30
Lixnaw	2	1
Moyvane	1	1
Portmagee	1	1
Sneem	2	2
Tarbert	3	2
Tralee	75	84
Valentia Island	2	1
Waterville	2	2
Total	231	264

#### **Prison Service.**

266. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the reason the Government has reneged on its promise made in 2000 to expand the successful CONNECT prisoner rehabilitation project piloted in Mountjoy Prison into all prisons by 2006 with a budget of €58 million, when a 2001 review of the pilot found that participants were ten times less likely to re-offend on release than other prisoners; the further reason most of the €58 million allocated for CONNECT was officially withdrawn; and his plans for the future roll-out of this project, including budgetary allocations for 2005 and the timescale. [25726/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The CONNECT project was



launched in 2000 as a part of the Prison Service training and development programme, with funding amounting to €58 million allocated under the national development plan. There is no separate budget for this programme. The funding involved is provided annually by the exchequer as part of the prisons Vote. Expenditure since 2000 has gone mainly to funding salary and incidental costs incurred in providing vocational training in the prisons, as well as meeting the cost of some capitals works and materials used in the manufacture of products in prison workshops for the Special Olympics in 2003.

The CONNECT projects at Mountjoy Prison, the Dóchas centre and the training unit were established with the support of the National Training and Development Institute, NTDI, and are now capable of independent operation. A process of internal review during 2002 prompted a refocusing of the project prior to its roll-out to further institutions. In particular, the review identified the need for new management structures so as to better support the project's sentence management processes in the delivering institutions. Following this internal review, roll-out of the project commenced at Limerick Prison but was subsequently put on hold against the background of the current industrial relations and attendant financial difficulties. The intention is, however, that the roll-out will resume with renewed NTDI support when there is a successful outcome to the current negotiations with the Prison Officers' Association. The CONNECT projects in Mountjoy Prison, the Dóchas centre and the training unit, which are similarly affected by the current industrial relations and financial difficulties, will also resume full operations at that point.

#### **Garda Recruitment.**

267. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if there are plans to introduce a programme or campaign of targeted recruitment of ethnic minorities to the ranks of the Garda Síochána; if not, his views on whether such a programme would be appropriate and beneficial to Ireland's increasingly diverse and multicultural society; and if he will raise this matter with the Garda Commissioner. [25727/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Entry to the Garda Síochána is governed by the provisions of the Garda Síochána (Admissions and Appointments) Regulations 1988, as amended.

In connection with my recent announcement of the Government's intention to increase the strength of the Garda Síochána to 14,000 and as part of the preparation for the upcoming recruitment campaign, I have taken the opportunity to ask the Garda Commissioner to review the eligibility criteria for entry to the Garda Síochána. This is an opportune moment to ensure that the criteria for entry meet the needs of the Garda Síochána and the society they serve. One particu-

lar aspect which I know the commissioner has already studied is the maximum age of entry but there may be other criteria which would benefit from review. It is right, for example, that future intakes of recruits to the Garda Síochána should, as far as possible, reflect the composition of Irish society and I am anxious to see if there are any possible changes to the existing criteria which might facilitate recruitment from different ethnic backgrounds in our community.

#### **Departmental Funding.**

268. **Mr. Connaughton** asked the Minister for Justice, Equality and Law Reform when an EOCP grant will be awarded to a play school (details supplied) in County Galway; and if he will make a statement on the matter. [25811/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy may be aware the equal opportunities child care programme provides grant assistance towards the staffing costs of community-not-for-profit based child care services which have a clear focus on disadvantage. I have been informed by the child care directorate of my Department that the project referred to by the Deputy was awarded such a grant, totalling €24,000, over two years. I understand this grant has been fully drawn down and that, up to this point, no application has been received from the group in question for funding for a third year.

Should such an application be received, it will be assessed by ADM Limited on behalf of my Department in the usual manner. The application and appraisal will be considered by the programme appraisal committee which will make a recommendation to me before I make my final decision on the application.

#### **Departmental Schemes.**

269. **Mr. Ó Fearghaíl** asked the Minister for Education and Science the number of primary schools that provide a breakfast club for their students; and if her Department has considered the introduction of a universal meal system. [25586/04]

**Minister for Education and Science (Ms Hanafin):** Meal provision is an integral element of the school completion programme, SCP, which is my Department's main programme for tackling early school leaving. There are currently 82 SCP "clusters", encompassing 299 primary and 111 post-primary schools. The majority of these clusters operate some level of breakfast support-meal provision.

My colleague, the Minister for Social and Family Affairs, administers the school meals scheme which aims to supplement the nutritional intake of pupils from disadvantaged backgrounds in order to allow them to fulfil their potential within the educational system and also to reduce the risk of early school leaving. Under this scheme in 2003, school meals were provided in 729 primary

[Ms Hanafin.]

and post-primary schools, encompassing approximately 76,000 pupils, at a cost of €3.3 million. Increased provision of €6 million is being made available to support the school meals scheme in 2004. Officials in my Department are co-operating with the Department of Social and Family Affairs, on an ongoing basis, with a view to further expanding the number of schools participating in the scheme, as well as ensuring that available resources are targeted at those pupils most in need.

#### **Special Educational Needs.**

270. **Mr. Crawford** asked the Minister for Education and Science when a person (details supplied) in County Monaghan can expect to have a resource teacher; and if she will make a statement on the matter. [25587/04]

**Minister for Education and Science (Ms Hanafin):** I am pleased to inform the Deputy that my Department sanctioned four hours resource teaching support per week for the pupil in question. A letter to this effect issued to the school authorities on 23 September 2004.

#### **College Closure.**

271. **Ms Burton** asked the Minister for Education and Science if she intends to reconsider the proposal to close a college (details supplied) in County Dublin; and if she will make a statement on the matter. [25588/04]

**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 of the college. Following discussions between the trustees and my Department, it was agreed that a consultant would be appointed who would meet 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, my predecessor, the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, 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 col-

lege 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 the trustees and 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.

#### **Site Acquisitions.**

272. **Ms Burton** asked the Minister for Education and Science if her attention has been drawn to the fact that children are being bussed from Ongar and Castaheany, Clonee, Dublin 15, to Lucan; and the action she proposes to take to ensure that the reserved primary school sites in the area are fully acquired by her Department to provide primary school places to facilitate children from the many thousands of new homes occupied and under construction in the Castaheany and Ongar area of Dublin 15. [25589/04]

**Minister for Education and Science (Ms Hanafin):** The school planning section of my Department is aware of the rate and pace of housing developments in the Castaheany-Ongar Road area and is constantly keeping the situation under review. With regard to the provision of long-term accommodation for Castaheany Educate Together national school, my Department is actively working with the school authority in exploring all options to cater for its needs. Any decisions on capital investment for the school will be reflected in the multi-annual programme, which I intend to publish later this year.

#### **College Closure.**

273. **Mr. Crowe** asked the Minister for Education and Science the amount estimated will be saved by her Department by the closure and transfer of training from a college (details supplied) in County Dublin to a college in County Sligo; and if she will make a statement on the matter. [25590/04]

**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 of the college. 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 con-

sidered 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 former Minister, Deputy Noel Dempsey, 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.

My Department expects that, arising from operational efficiencies and economies of scale, some level of savings in current expenditure will be achieved as a result of the decision to concentrate the future of home economics teacher training in St. Angela's College, Sligo. The Deputy will be aware that the closure of the college and the transfer of home economics education to St. Angela's College, Sligo, means that this process is essentially in a transitional phase at present. As such, it is difficult to estimate accurately at this stage what those savings will be.

In the context of capital expenditure, the position is different. If my Department pursued any of the options as discussed in the consultancy study in regard to maintaining the college in Dublin, it would have involved a significant capital outlay. It is difficult to estimate accurately the level of capital costs involved, particularly in view of the level of negotiations required to agree a price for the purchase of property in the Dublin region, combined with the length of time which has lapsed since the completion of the report in question.

#### **Special Educational Needs.**

274. **Mr. Ring** asked the Minister for Education and Science the reason a person (details supplied) in County Mayo has not been provided with the educational support they need; and when they will be provided with a special needs assistant following their assessment in 2003. [25601/04]

**Minister for Education and Science (Ms Hanafin):** I can confirm that my Department received an application from the school to establish a special class for autism. Such a class may cater for the educational needs of the pupil in question. The application is currently being considered and the special education section of my Department is liaising with my Department's National Educational Psychological Service, NEPS, and building unit as part of this process. My officials will be making early contact with the school concerning the child's needs.

#### **College Closure.**

275. **Mr. Sargent** asked the Minister for Education and Science her plans to address the large degree of protest regarding the imminent closure of a college (details supplied) in County Dublin; and if she will rescind the decision, particularly in view of the importance of life skill education and

the need to address the growing problems of diet related illness such as diabetes and obesity. [25625/04]

**Minister for Education and Science (Ms Hanafin):** I assure the Deputy that the overall net annual output of home economics teachers will not be affected by the decision to close the college in question and concentrate the future of home economics teacher training in St. Angela's College, Sligo.

The issue of the future of the college 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 of the college. 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 former Minister, Deputy Noel Dempsey, 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 the trustees and management authorities of the college to discuss the necessary practical arrangements, including arrangements regarding the position of the staff of the college. I have no plans to reconsider the decision to close the college.

With regard to the output of home economics teachers, I will ensure the position is kept under review to ensure there are no shortfalls of teachers, given the increasing importance of diet and related issues in schools as well as in society generally.

#### **Special Educational Needs.**

276. **Mr. Fleming** asked the Minister for Education and Science when a special needs assistant will be appointed for a person (details supplied) in County Laois; when the review in relation to a special needs assistant and overall special education will be completed; and when her Depart-



[Mr. Fleming.]  
ment will be in a position to sanction this and other appointments. [25630/04]

**Minister for Education and Science (Ms Hanafin):** I can confirm that my Department has received an application for a special needs assistant, SNA, for the pupil in question. The Deputy may be aware that my Department has established a team to review SNA support in mainstream schools generally. The team commenced its task recently. The team is assessing the levels and deployment of such support to ensure that the needs of children are being met in the context of new applications for resources for the school. I am endeavouring to ensure that the review and the notification of schools regarding outstanding applications for SNA support are completed in the earliest possible timeframe.

### Psychological Service.

277. **Mr. O'Shea** asked the Minister for Education and Science the number of psychologists that will be required by the National Educational Psychological Service, NEPS, to cover all the first level and second level schools in County Waterford; the number of psychologists currently employed in County Waterford by the NEPS; when the remaining posts in County Waterford will be filled; and if she will make a statement on the matter. [25631/04]

**Minister for Education and Science (Ms Hanafin):** The National Educational Psychological Service development plan for the south eastern region estimates that five educational psychologists will be needed in order to provide a service to all primary and post-primary schools in County Waterford. At present, three NEPS psychologists are assigned to the county. Government policy on public service numbers and budgetary provisions in 2005 and subsequent years will determine the rate of further recruitment of psychologists to NEPS and when the target staffing level for County Waterford area will be attained.

### Departmental Reports.

278. **Mr. S. Ryan** asked the Minister for Education and Science the status of a report (details supplied); and when she proposes to implement the recommendations of the report. [25632/04]

**Minister for Education and Science (Ms Hanafin):** The post leaving certificate review was commissioned by my Department to examine the sector and make recommendations as necessary regarding the organisational, support, development, technical and administrative structures and resources required in schools and colleges with large scale post leaving certificate, PLC, provision, having regard to good practice in related areas across the system and in other countries. The final report was completed in April 2003.

The report contains 21 over-arching recommendations, incorporating over 90 sub-recommendations. The recommendations of the report are wide-ranging and encompass proposals that extend beyond PLC provision. There are issues which impact on the shaping of structures for the delivery of further and adult education into the future and may have implications for other sectors which require consideration at an inter-departmental level. There are significant cost implications in the report's recommendations which must be measured against needs across the education system, as well as substantial industrial relations issues which will have to be processed through the normal industrial relations channels. PLC provision is only one aspect of the Department's provision in the further and adult education area.

Developments in recent years in adult literacy and community education, the introduction of part-time options in further education for priority target groups under the back to education initiative and programmes for young early school leavers, as well as the range of self-financed courses run by VECs and schools, are all part of the strategy to offer wider choices and options for further and second chance education. VEC outreach programmes in prisons and other institutions, as well as co-operative ventures with other training providers, for example, FÁS and Fáilte Ireland, are also important in the overall mix of provision.

The rapid expansion of activity in this area in recent years makes it imperative that the overall structures for the delivery of further and adult education are reviewed with a view to establishing a robust, co-ordinated and coherent system into the future. These structures should encompass all opportunities for further and adult education and training and vocational education and training within the context of overall national and EU policies relating to lifelong learning. The options for greater integration and coherence in the organisation and management of this total provision need to be fully explored. My Department acknowledges that the further education colleges will have a key role in advancing this aim and the research which informed the McIver report, together with the report's recommendations, will assist in the development of an overall framework.

Arising from my Department's discussions with management and trade union representatives with regard to the recommendations of the McIver report, each of these organisations has indicated what their priorities are in relation to the implementation of the recommendations. As the principal representative body for the management of further and adult education, the IVEA has submitted a document to my Department which outlines its view of the way forward in the prioritisation of the report's recommendations. This document places the recommendations of the McIver report in the wider context of the

structures required to support the development of further and adult education into the future. My Department is currently engaged in more intensive discussions with the IVEA with regard to their proposals, and will embark on further discussions with the staff interests when the structural and financial details of the IVEA proposals have been clarified.

### Departmental Priorities.

279. **Mr. O'Connor** asked the Minister for Education and Science the priorities of her Department following the recent Cabinet changes; the programme being followed; and if she will make a statement on the matter. [25689/04]

**Minister for Education and Science (Ms Hanafin):** The priorities of my Department are informed by the programme for Government and are reflected in the statement of strategy. As the Deputy will be aware, there is a statutory requirement that a new statement of strategy be prepared within six months of a Minister assuming office. In that context, the areas of capital projects, special education needs, advancement towards a knowledge economy and response to related skills needs, together with the area of educational disadvantage, are amongst those which I believe must receive attention. I would also emphasise that expenditure decisions must be fair and balanced in dealing with the wide range of demands across the education sector.

### Special Educational Needs.

280. **Mr. Howlin** asked the Minister for Education and Science the number of applications received from primary schools in County Wexford for special needs assistants in the school year September 2003 to August 2004; the number of special needs assistants appointed to primary schools in County Wexford to date in 2004; and if she will make a statement on the matter. [25690/04]

**Minister for Education and Science (Ms Hanafin):** The information requested by the Deputy is not readily available. My officials will make arrangements to have the available information compiled and forwarded directly to the Deputy.

### Teachers' Life Expectancy.

281. **Ms Enright** asked the Minister for Education and Science the average life expectancy of secondary teachers retiring under the secondary teachers superannuation scheme; and if she will make a statement on the matter. [25691/04]

**Minister for Education and Science (Ms Hanafin):** The specific information sought by the Deputy on average life expectancy of secondary teachers retiring is not available since my Department has not undertaken such a study. The Commission on Public Service Pensions, in its final report in November 2000, considered the issue of

life expectancy generally. The commission noted that no public service mortality tables were available and considered standard tables of mortality published by the Institute of Actuaries and the Faculty of Actuaries and projections on life expectancy carried out by the Central Statistics Office.

The CSO projections showed that in 1996 the life expectancy of women aged 65 was 17.3 years whereas the life expectancy of men was 13.5 years. Life expectancy generally is increasing and the corresponding life expectancy in 2006 for a 65 year old was projected to be 18.3 years for women and 14.2 years for men.

In projecting the future costs of public service pensions, the commission assumed life expectancy at age 65 of 20.3 years for women and 16.5 years for men.

### Departmental Expenditure.

282. **Ms Enright** asked the Minister for Education and Science the reason the *per capita* expenditure on second level pupils here is significantly below the OECD average; if she has plans to bring facilities, resources and staffing up to best practice in the OECD; and if she will make a statement on the matter. [25692/04]

**Minister for Education and Science (Ms Hanafin):** Expenditure per student at second level has increased significantly over the past decade. In 2001 — the latest year for which internationally comparable data are available — the figure stood at US\$5,245 compared to an OECD average of US\$6,510 in the same year. However, in 1997 spending was US\$3,864 per second level student in Ireland compared to a comparable figure of US\$5,273 internationally, as published by the OECD. The gap has therefore narrowed from being 27% below the OECD average in 1997, when we entered Government, to 19% in 2001.

According to data provided by my Department, per pupil expenditure, in Ireland, at second level has increased by 22% from €5,172 in 2001 to €6,308 in 2003. Although no internationally comparable data are currently available for years later than 2001, the gap between expenditure here and across the OECD is likely to have narrowed further.

Historically, expenditure at first and second level in Ireland has lagged behind other countries due to larger classes. In addition, relatively less goes on spending other than teaching staff salaries. For example, 23% of total current expenditure in 2001 went on spending other than teacher salaries compared to 36% on average across the OECD.

However, increased national income and public expenditure has enabled us to reduce average class size over time as well as increase expenditure on salaries and other areas of current expenditure. In the case of the student-teacher ratio, the figure for Ireland at second level has fallen from 17.1 in 1991-92 to 14.3 in 2001-02 leaving us

[Ms Hanafin.]  
only slightly above the international average of 13.6 in 2001-02.

Since the financial year referred to in the OECD report of 2001, second level schools have benefited from substantial increases in funding. The standard capitation grant which is the main source of funding towards the running costs of secondary schools now stands at €274 per pupil from 1 January last. In the case of disadvantaged schools, an additional *per capita* grant of €38 is paid, bringing the total *per capita* grant to €312.

Introduced with effect from the 2000-01 school year, the *per capita* grant paid under the school services support initiative for secondary schools now stands at €131 per pupil from January last. This *per capita* grant is in addition to a range of equalisation grants of up to some €15,500 per school per annum that were also approved for voluntary secondary schools. For a secondary school with 500 pupils, this amounts to additional support services funding of some €80,000 annually.

It is my intention to improve further the financial position of schools in the light of available resources and continuing priority to the disadvantaged.

#### **Pupil-Teacher Ratio.**

283. **Ms Enright** asked the Minister for Education and Science the average class size for classes in English in the junior cycle of second level schools; and if she will make a statement on the matter. [25693/04]

284. **Ms Enright** asked the Minister for Education and Science the average class size for classes in Irish in the junior cycle of second levels schools; and if she will make a statement on the matter. [25694/04]

285. **Ms Enright** asked the Minister for Education and Science the average class size for classes in mathematics in the junior cycle of second level schools; and if she will make a statement on the matter. [25695/04]

286. **Ms Enright** asked the Minister for Education and Science the average class size for classes in history in the junior cycle of second level schools; and if she will make a statement on the matter. [25696/04]

287. **Ms Enright** asked the Minister for Education and Science the average class size for classes in geography in the junior cycle of second level schools; and if she will make a statement on the matter. [25697/04]

288. **Ms Enright** asked the Minister for Education and Science the average class size for classes in French in the junior cycle of second level schools; and if she will make a statement on the matter. [25698/04]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 283 to 288, inclusive, together.

To assist the work of the Expert Group on the Allocation of Teachers to Second Level Schools, my Department undertook a detailed analysis of class sizes at second level. In doing so, it drew on school returns and its internal databases. The analysis is replicated in the report of the expert group which was published in October 2001.

This report noted that subject provision, subject choice and class sizes are influenced by a combination of factors such as school size, time tabling decisions, teacher allocation, subject expertise and the length of the school day, in addition to decisions made at individual school level on the basis of enrolments, ability levels of the pupils and programmes offered. The report also indicated that class sizes were generally higher for junior cycle subjects.

In practice schools are accorded a considerable local discretion in the way in which they organise matters of subject choice, teacher allocation and class size.

The analysis disclosed a significant variation of class sizes between schools and between subject areas and for this reason averages have to be treated with caution. By way of example, while the average class size for English at junior cycle was 22.6, the following range of class sizes applied:

Class size	Percentage of classes
14 or less	14.1
15- 19 pupils	11.4
20- 24 pupils	25.7
25- 29 pupils	30.9
More than 30	17.9

In relation to the specific subjects referred to by the Deputy the report indicated average class size for the 1999-2000 school year was as follows:

English	22.6
Irish	23.3
Mathematics	22.6
History	24.2
Geography	24.2
French	23.8

The Deputy will be aware that further improvements have occurred in the pupil-teacher ratio in recent years. Since the report was compiled, the ratio fell from 15.1:1 in the 1999-00 school year to 13.48:1 in the 2003-2004 school year.

#### **Higher Education Grants.**

289. **Mr. McGinley** asked the Minister for Education and Science if a higher education grant will be approved for a person (details supplied) in County Donegal. [25699/04]



**Minister for Education and Science (Ms Hanafin):** Under the terms of my Department's higher education grants scheme, a student is not eligible for grant assistance in respect of a second period of study at the same level, irrespective of whether or not a grant was paid previously. The scheme also provides that grants may not be paid to candidates who already hold a postgraduate qualification and are pursuing a second postgraduate qualification.

Notwithstanding this condition, candidates who already hold a postgraduate qualification and are progressing to a further postgraduate course at a higher level, which represents progression from the level at which the previous postgraduate qualification or qualifications was attained, may be deemed eligible for grant aid.

In the case cited by the Deputy, the student support unit of my Department has contacted the relevant awarding authority and has requested a copy of all documentation submitted in respect of the student's grant application. My Department will be in a position to consider the case fully upon receipt of this information and will notify the Deputy directly of the decision.

#### **Special Educational Needs.**

290. **Mr. McGinley** asked the Minister for Education and Science when a full-time classroom assistant will be approved for a person (details supplied) County Donegal. [25700/04]

**Minister for Education and Science (Ms Hanafin):** I confirm that my Department received an application for special needs assistant support for the pupil referred to by the Deputy. My officials are considering the application in consultation with the departmental inspectorate. Contact will be made with the school authorities as soon as this process has been completed.

#### **Weight of Schoolbags.**

291. **Mr. O'Shea** asked the Minister for Education and Science her proposals to meet the concerns of a person (details supplied) in County Waterford regarding the weight of a student's schoolbag; and if she will make a statement on the matter. [25714/04]

**Minister for Education and Science (Ms Hanafin):** As the Deputy is aware, a working group was set up in autumn 1997 to examine the potential problems caused by the weight of heavy school bags. The group presented its report in July 1998 in which it formulated proposals to alleviate problems associated with the weight of schoolbags. The report acknowledged that many of the solutions belong at local school level and one of the main recommendations related to the need to heighten the awareness of the potential health hazards posed by excessively heavy schoolbags.

In this regard, my Department, at primary and post-primary levels, initiated an awareness raising campaign by disseminating the report, with an accompanying circular, to all primary and post-primary schools. Furthermore, information leaflets and posters were distributed to all schools, highlighting the potential health hazard of heavy schoolbags and outlining a range of local measures that could be adopted in order to alleviate the problem. It is a matter for each school to choose those measures that would be most suited to its individual needs.

Positive action has, been taken by many schools. At second level, actions taken by some schools consist of a range of measures, including the provision of lockers, the arrangement of the timetable into double class periods, active liaison with parents and the co-ordination of homework by subject teachers.

If a parent is concerned at ongoing problems with regard to the weight of his or her children's schoolbags, this should be taken up in the first instance with the management authorities of the school concerned. In exceptional cases, where issues remain unresolved and all local avenues of appeal have been exhausted, my Department may, on receipt of the written authorisation of a pupil's parents, refer a complaint to the management authority of a school. Following consideration of the school's response, the case may be referred to my Department's inspectorate for the purpose of making local inquiries. The outcome of my Department's investigations, when completed, is communicated to the parents.

#### **Defence Forces Regulations.**

292. **Mr. Timmins** asked the Minister for Defence the way in which a member of the Defence Forces can be discharged on conduct grounds with respect to criminal or civil convictions; and if he will make a statement on the matter. [25617/04]

**Minister for Defence (Mr. O'Dea):** Defence Forces regulations provide for the discharge of an enlisted person as a result of conviction by the civil power and on conviction by the Special Criminal Court. The discharge may be carried out on the application of the individual's commanding officer, but where an appeal is pending no decision is taken on discharge until the appeal has been determined.

#### **Departmental Priorities.**

293. **Mr. O'Connor** asked the Minister for Defence the priorities of his Department following the recent Cabinet changes; the programme being followed; and if he will make a statement on the matter. [25724/04]

**Minister for Defence (Mr. O'Dea):** My priorities are set out in the White Paper on Defence

[Mr. O'Dea.]  
and in An Agreed Programme for Government. I intend to follow through on the implementation of the White Paper on Defence and the other commitments we have made to the ongoing modernisation and reform process and to ensure that the Defence Forces are equipped to meet challenges at home and overseas.

### **Housing Grants.**

294. **Mr. Ó Fearghaíl** asked the Minister for the Environment, Heritage and Local Government if his Department has completed its review of the disabled persons grant scheme and the essential repairs grant scheme; if it is envisaged that these schemes will be 100% funded by his Department; and if he will make a statement on the matter. [25606/04]

295. **Mr. Ó Fearghaíl** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that there is currently a huge disparity between the levels of provision at county council level for disabled persons and essential repairs grants; if he will encourage local authorities that are making inadequate provision to meet their locally identified need; and if he will make a statement on the matter. [25607/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I propose to take Questions Nos. 294 and 295 together.

A review of the disabled persons grant scheme is currently being finalised in my Department. On its completion, it will be possible to determine the changes, if any, required to the regulations governing the scheme to ensure that the funding available is directed at those persons in greatest need of such assistance.

The administration of the disabled persons and essential repairs grant schemes is a matter for individual local authorities. The framework for the operation of the schemes is laid down in statutory regulations and, as far as practicable, is designed to give an appropriate degree of flexibility to local authorities with regard to their administration. It is a matter for the authorities to decide on the level of funding to be provided for the schemes in their areas from within the allocations notified to them for this purpose by the Department and to manage the operation of the schemes within these allocations.

The Department recoups to local authorities two thirds of their expenditure on the payment of individual grants and it is the responsibility of the authorities to fund their one third contribution from their own resources from amounts provided for that purpose in their annual estimates of expenditure. The provision of adequate amounts from their own estimates to meet their one third

contribution is entirely a matter for the local authorities and one in which my Department has no direct function.

Capital allocations totalling €65 million for expenditure in 2004 on the disabled persons and essential repairs grants were notified to local authorities on 20 May. They were advised to notify my Department if their allocation was either inadequate or surplus to their requirements, in order to facilitate the reallocation of funds to obtain optimum effectiveness from the funding available. Additional allocations totalling some €5.9 million were made to a number of local authorities on 9 September on foot of requests for increased allocations received from the authorities involved.

While it is open to a local authority to seek a higher allocation in the event of increased demand, an increased capital allocation would not, of itself, allow increased expenditure without a corresponding revision of the authority's own provision for expenditure on the scheme.

### **Local Authority Housing.**

296. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government if a revised estimate was submitted by Kilkenny Borough Council for the refurbishment scheme at Ossory Park, Kilkenny; the amount drawn down by the KBC to date for this scheme; the number of houses now being completed; the expected finish date for the remaining houses in the scheme; and if he will make a statement on the matter. [25618/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** The pilot phase of the refurbishment of Ossory Park involves work to a total of 16 houses. My Department understands that work to 13 houses has been completed to date and the contractor is scheduled to complete work on the remaining three houses by the end of 2004. The amount of Exchequer funding recouped to Kilkenny Borough Council to date is €1.003 million. In the light of experience gained from the pilot phase of refurbishment it is understood that Kilkenny Borough Council is considering revised proposals for the next phase of the scheme which may involve the demolition of some houses and their replacement with new houses. The assessment of these revised proposals is taking place in consultation with the residents in the estate and detailed plans and costings are expected from the council in due course.

297. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government his proposals to put structures in place to link the information on residential services requirements recorded on the national intellectual disability database with local authority housing waiting lists

(details supplied); and if he will make a statement on the matter. [25633/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Local authorities will be undertaking the next statutory assessment of housing needs in March 2005. My Department will issue detailed guidelines to local authorities in relation to this assessment by end 2004 and consideration will be given in this context to the recommendation referred to in the NAMHI budget 2005 submission to the Government.

#### **Social and Affordable Housing.**

298. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the number of applications for the shared ownership loan submitted to Kildare County Council in each of the past three years; the number accepted and drawn down; and if he will make a statement on the matter. [25709/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Activity under the shared ownership scheme for each local authority is published in my Department's housing statistics bulletins, copies of which are available in the Oireachtas Library.

299. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the plans to investigate the interest rates of the shared ownership loans as operated by local authorities in view of present bank interest rates; and if he will make a statement on the matter. [25710/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** The current variable interest rate to local authority borrowers is 2.95%, which represents a competitive rate of lending. A fixed interest rate is not available for shared ownership loans. The interest rate on local authority housing loans, including shared ownership mortgage loans, is determined by the Housing Finance Agency by reference to mortgage rates prevailing in the financial market. Local authority loan rates compare favourably with the equivalent rates charged by commercial lending agencies.

It is not proposed to change these current arrangements. These were revised, with effect from 1 January 2003, so that loans to repay the local authority equity in shared ownership transactions would be provided from variable interest rate loan finance instead of index linked finance.

#### **Departmental Priorities.**

300. **Mr. O'Connor** asked the Minister for the Environment, Heritage and Local Government

the priorities of his Department following the recent Cabinet changes; the programme being followed; and if he will make a statement on the matter. [25721/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** My Department's priorities are formally set out in its statement of strategy 2003-2005 which is available in the Oireachtas Library. Following my appointment as Minister, this strategy is being reviewed in the light of the objectives of the programme for Government and progress since 2003 with a view to the publication of a revised strategy early in 2005.

#### **Water Charges.**

301. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the position on water charges for national schools in view of the fact that many schools are struggling to raise funding from parents and friends; if this charge can be dropped from schools; and if he will make a statement on the matter. [25740/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The national water pricing policy framework provides, in accordance with the EU Water Framework Directive, for recovery by local authorities of the cost of providing water services from the users of these services, with the exception of households using the services for domestic purposes.

The policy framework also envisages the metering of all non-domestic users by 2006. This move to universal metering of non-domestic users, including schools, is intended to ensure that charges more fairly reflect actual usage.

#### **Water and Sewerage Schemes. –**

302. **Mr. O'Donovan** asked the Minister for the Environment, Heritage and Local Government the position regarding the Inishannon regional water scheme and the extension of same to the areas of Ballinspittle, Garretstown and Kilbritton; and if he will make a statement on the matter. [25802/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I refer the Deputy to the reply to Question No. 453 of 5 October 2004.

303. **Mr. O'Donovan** asked the Minister for the Environment, Heritage and Local Government the position regarding the Castletownbere sewerage scheme; when grant aid will be allocated for this project; and if he will make a statement on the matter. [25803/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Castle-



[Mr. Roche.]

townbere sewerage scheme has been approved for funding in my Department's water services investment programme 2004-06 under the rural towns and villages initiative, at an estimated cost of €4.95 million. Further progress with the

scheme is contingent on the outcome of ongoing discussions between Cork County Council and the Department of Communications, Marine and Natural Resources to determine the most appropriate location for the wastewater treatment plant.