



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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# DÁIL ÉIREANN

*Déardaoin, 21 Deireadh Fómhair 2004.  
Thursday, 21 October 2004.*

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

*Paidir.  
Prayer.*

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

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

**Mr. Neville:** I seek the adjournment of Dáil Éireann under Standing Order 31 to debate an issue of urgent national importance, namely, the report of the Health Development Agency and the Institute of Public Health in Ireland which highlighted that suicide accounts for 30% of deaths in the 15 to 24 year age group.

**Dr. Cowley:** I seek the adjournment of the Dáil under Standing Order 31 to allow a debate take place on a matter of major national importance, namely, the failure of the Department of Agriculture and Food to adequately compensate the farmers of Pullathomas who suffered so badly in the terrible landslides one year ago.

**Mr. Crawford:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the serious and unacceptable situation with the Cavan-Monaghan Hospital Group. Monaghan General Hospital is still off call since July 2002 and Cavan is unable to cope with all the non-urgent patient cases, leading to serious pressure on patients and families.

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

## Order of Business.

**The Tánaiste:** It is proposed to take No. 2, Council of Europe Development Bank Bill 2004 — Order for Second Stage and Second Stage; and No. 3, Grangegorman Development Agency Bill 2004 — Order for Second Stage and Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil, on its rising today, shall adjourn until 2.30 p.m. on Wednesday, 27 October 2004.

**An Ceann Comhairle:** Is the proposal for dealing with the adjournment of the Dáil today agreed? Agreed.

**Mr. R. Bruton:** Before I raise my point on the Order of Business, I wish to inquire from the Tánaiste whether there is an update on the case of Mrs. Hassan, on which the House yesterday was pleased to have the opportunity to pass a unanimous resolution. I am sure the House would be interested to hear any update before it rises today. If the Tánaiste has information I would like to give her an opportunity to outline it.

**The Tánaiste:** There is no update on yesterday's debate. The House did excellent work yesterday, which was acknowledged by a friend of Margaret Hassan this morning. The Minister for Foreign Affairs tells me if there is an update, he will bring it to the attention of the House later.

**Mr. R. Bruton:** The Tánaiste will be aware that yesterday two eminent judges drew the public's attention to the alarming increase in violent assault and public disorder. That is borne out by the statistics. Violent assault is seven times higher now than it was five years ago.

**An Ceann Comhairle:** Do you have a question appropriate to the Order of Business?

**Mr. R. Bruton:** Yes. What is happening to the criminal justice legislative programme? When the House rose for the summer recess, of the three Bills promised by the Minister for Justice, Equality and Law Reform, not one of them was published. In April of this year, the Minister listed six Bills that were to be published in 2004 — the coroner's Bill, the criminal justice miscellaneous provisions Bill, the fines Bill, the judicial conduct and ethics Bill, the parental leave Bill and the prisons Bill. We are now told, according to the latest legislative programme, that none of those Bills will be published in 2004 for debate in this House — they are not expected to be published until 2005. In addition, the Minister has no idea when other key criminal law Bills — the drug offenders Bill, the crimes Bill and the DPP Bill, to allow the DPP appeal against District Court sentences — will be brought before the House.

I know the Minister is preoccupied with other matters and that he is closeted with two senior counsel—

**An Ceann Comhairle:** Deputy, please confine your question to the legislation.

**Mr. R. Bruton:** I would like to know what is happening to this legislative programme. Where is the priority for criminal justice matters? For

[Mr. R. Bruton.]  
example, the Government recruited 60,000 people to the public service, but 1,000 extra gardaí could not be found to deal with these violent assaults.

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

**Mr. R. Bruton:** The legislative programme is in a cul-de-sac and the Minister is absent.

**An Ceann Comhairle:** Deputy, allow the Tánaiste to answer your questions on the legislation.

**The Tánaiste:** We have strong legislation in this area but it is clear it needs updating. The Criminal Justice Bill 2004 has been published and is awaiting Second Stage in this House, which I hope will take place soon. The Deputy is aware that the other Bills will not be published until next year. The criminal justice international co-operation Bill will be dealt with in this session.

**Mr. R. Bruton:** All the Bills I mentioned were promised this year but none of them is appearing.

**An Ceann Comhairle:** You have made your point, Deputy. You are being repetitive.

**The Tánaiste:** We have the Criminal Justice Bill.

**Mr. R. Bruton:** It is important to make the point. I know the Minister for Justice, Equality and Law Reform is sensitive and that he threatened to resign over a criticism by the then Lord Mayor of Dublin, but he has a duty to this House and he is not fulfilling it.

**Mr. Rabbitte:** That could not possibly be true, could it? Does the Tánaiste recall the commitment made by her predecessor in July 2002 to provide 850 additional beds in community nursing units in this region and in the southern region?

**An Ceann Comhairle:** That issue does not arise. Does the Deputy have a question on the Order of Business to do with legislation?

**Mr. Rabbitte:** Is that being obstructed for reasons of legislative finessing of the arrangements for PPPs or does the Tánaiste hold out any hope in terms of the current—

**An Ceann Comhairle:** Sorry, Deputy, that issue does not arise. Do you have a question on legislation? There is no provision for Leaders' Questions this morning, Deputy.

**Mr. Rabbitte:** I do, Sir. Will the Tánaiste indicate when the nursing amendment Bill will be brought before the House and whether an alleviation is in prospect given the crisis in accident and

emergency services, especially, but not only, in this city?

**The Tánaiste:** The nursing Bill will be published next year but we do not need new legislation to recruit more nurses. As I have said in this House on many occasions in the past two weeks, we have more nurses *per capita* than any other country in the developed world. We have the HSE—

**Ms McManus:** Not in our accident and emergency departments.

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

**The Tánaiste:** Yes, we have more nurses than anywhere in the world—

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

**The Tánaiste:** —and substantially more than in the United Kingdom.

**Ms McManus:** Not in our accident and emergency departments.

**Mr. Sargent:** I have just come from an energy conference across the road at which approximately five Deputies were present to hear about the lack of an energy policy. Promised legislation includes the Electricity Bill, the Energy (Miscellaneous Provisions) Bill and the National Oil Reserves Agency Bill, all of which entail removing democratic accountability from the area of energy. Will the National Oil Reserves Agency Bill be amended to deal with the need for a gas reserve agency too because gas from Russia is becoming the primary fuel on which we depend?

**Mr. Cullen:** There is no gas on the Opposition benches.

**Mr. Sargent:** In terms of fuel security, climate change and basic economic good sense is the Tánaiste or the Minister for Communications, Marine and Natural Resources going to address the need for an energy policy before these Bills are introduced?

**An Ceann Comhairle:** That question does not arise. I suggest the Deputy submit a question to the Minister.

**The Tánaiste:** We have a very energetic Minister with responsibility for this area and he has promised several Bills, namely, the Electricity Bill and the Bord Gáis Éireann Bill. Early next year he will introduce the Energy (Miscellaneous Provisions) Bill and so on.

**Mr. Cullen:** He has plenty of energy.

**Mr. Boyle:** So on and so forth.

**Mr. Sargent:** There is no energy policy.

**The Tánaiste:** The Deputy should see if he can agree an energy policy with Fine Gael.

**Mr. Sargent:** It is more likely.

**Mr. Crawford:** In light of the ongoing trauma in the medical services area, and the need for medical cards will the following three Bills be before the House soon: the Medical Practitioners Bill, the Health Bill, and the medical complaints Bill? Will the Tánaiste explain when moves will begin to issue more medical cards so that primary health care can become a priority?

**The Tánaiste:** The health complaints Bill will be amalgamated with the Health and Social Care Professionals Bill and will come to the House before Christmas. The Medical Practitioners Bill will start shortly in the other House. The Government has cleared it and there will be several other Bills in the medical area in the next few months.

**Mr. Howlin:** This question refers to the Tánaiste's previous area of responsibility. Subsequent to the enactment of the Nice treaty we wisely and properly had no barriers to workers from the accession states coming here. Following the announcement by Irish Ferries that it will "yellow pack" its own employment on one of its sea routes, will we take legislative measures to ensure the conditions of service and pay are not undermined by making Irish people unemployed and employing people from the new member states at low and unfavourable rates?

**The Tánaiste:** No. That does not come under work permits legislation. We have laws on the employment of individuals with minimum rates of pay and so on. They apply to everybody but there is no new legislation promised.

**Mr. Howlin:** Does the Tánaiste think there should be legislation?

**The Tánaiste:** No. Companies have to compete. The Deputy knows that.

**Caoimhghín Ó Caoláin:** We are facing into another bank holiday weekend when, tragically, road traffic accidents can be more frequent. This will add to the chaos in our accident and emergency departments. The Minister for Health and Children said that chaos cannot and will not continue. Will she make a statement on her intent in that regard before the Dáil today, or in the coming week, and does she plan to have a Supplementary Estimate or some other such address to give effect to what she has said?

**The Tánaiste:** There is no Supplementary Estimate.

**Caoimhghín Ó Caoláin:** How does the Minister propose to fulfil her promise?

**The Tánaiste:** Everything does not require more money.

**Caoimhghín Ó Caoláin:** Everything does require more money.

**Mr. Durkan:** The continental shelf Bill has been on the shelf for some time. Will the Tánaiste engage with the energetic Minister for Communications, Marine and Natural Resources, with a view to deciding when the Government will decide on the heads of the Bill and when it will be before the House on Second Stage?

**Mr. Hayes:** The Minister never got such praise before.

**The Tánaiste:** The Deputy will be pleased to hear the continental shelf Bill is not on the shelf. It will be brought before the House next year.

**Mr. Durkan:** He does not look very energetic this morning.

**Ms O'Sullivan:** The most recent figures for student grants indicate that PAYE workers' families are under-represented. Will the Government speed up the introduction of the third level student support Bill which will centralise the assessment system and take it from the local authorities and the VEC? The last time I asked the Taoiseach about this it was very much in the distance.

**The Tánaiste:** I am sure the Minister will expedite that but I do not have a date for its publication. It is still involved in a consultative process.

**Mr. J. Higgins:** When will the Minister for Health and Children legislate for comprehensive health services for all and rescue us from the obscene spectacle of health insurers jockeying for position? Does the Tánaiste's Boston vision mean that vulnerable people and the sick are called a "market" and health care is called a "product" to be flogged for profit? Will we have comprehensive health services for all our people?

**Mr. O'Dowd:** In view of the Minister for Health and Children's commitment to change the way accident and emergency services operate will she bring her plan before the House? Five plans have already been announced.

**An Ceann Comhairle:** Those questions should be submitted to the Minister for Health and Children.

**Mr. O'Dowd:** The Minister wants to answer.

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

**Mr. R. Bruton:** The plan ought to be brought before the House.

**An Ceann Comhairle:** The Deputy is absolutely right but it should be brought in the proper fashion.

**Ms McManus:** I intend to try to be in order. The Minister for Health and Children has announced that she intends to bring in measures to deal with the accident and emergency crisis. In view of this promise will there be legislation coming forward? Yesterday the Taoiseach refused to countenance a Supplementary Estimate to pay for these measures——

**An Ceann Comhairle:** That matter was dealt with yesterday and today.

**Ms McManus:** Does the Tánaiste agree with this approach and does she accept there will be no additional money this year to pay for the measures she is promising to people who are under pressure and whose relatives are lying on trolleys? Does she accept that there will be no additional money?

**An Ceann Comhairle:** This matter has been discussed on Leader's Questions and on the Adjournment debate this week. It is not appropriate to the Order of Business. I ask the Deputy to resume her seat and allow the Tánaiste answer on legislation.

**Ms McManus:** What about a Supplementary Estimate to pay for the promises she is now making?

**An Ceann Comhairle:** That has already been answered this morning.

**Ms O'Sullivan:** That is in order.

**Ms McManus:** It is in order to ask the Tánaiste that.

**The Tánaiste:** I have already said there will be no Supplementary Estimate this year.

**Mr. Boyle:** The adoption Bill has been on a very long finger in the Department of Health and Children. The recent Cabinet reshuffle should not have affected it because the previous Minister of State continues to have responsibility for this area. Will the Minister for Health and Children give this Bill particular priority?

**The Tánaiste:** The Minister of State, Deputy Brian Lenihan is handling that matter. I have already discussed it with him and it is a priority for him.

**Mr. R. Bruton:** The Minister for Justice, Equality and Law Reform promised legislation on fireworks and explosives which is very timely as Hallowe'en approaches. I was surprised, however, not to find it named in the Government programme. Was this announcement made for

media purposes or does the Government intend to introduce this and what is the timescale for it?

**The Tánaiste:** The announcements of the Minister for Justice, Equality and Law Reform cause upset sometimes. People are very sensitive to them. I am not aware of any particular legislation on fireworks.

**Mr. Rabbitte:** The Minister says he knows where he can get them.

**Mr. Durkan:** An explosive situation is promised.

**Mr. Kehoe:** The Minister for Defence had better not blow himself up.

**Ms O. Mitchell:** He promised it to me.

**Mr. Rabbitte:** I hope he will not have to use fireworks in Roscommon to get rid of his house.

**Mr. Broughan:** Did the Tánaiste perhaps mislead Deputy Howlin in her reply to his question on the yellow-packing of seafarers and of Irish seafaring workers given that the International Transport Federation has long held——

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

**Mr. Broughan:** Did the Tánaiste mislead the House, even inadvertently? The ITF has held that the Cork-Swansea ferry workers, most of whom are from eastern Europe have not received our minimum wage or any other.

**An Ceann Comhairle:** That question should be directly addressed to the relevant Minister. It is not a question for the Order of Business.

**Mr. Broughan:** I want to ask another question——

**An Ceann Comhairle:** On legislation.

**Mr. Broughan:** ——on proposed legislation from the new Minister for Enterprise, Trade and Employment. We have heard that Fianna Fáil backbenchers have been very active in beating a track to the door of the new Minister, which they could not do with the former Minister.

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

**Mr. Broughan:** There are thousands of job initiative and community employment workers being let go——

**An Ceann Comhairle:** Sorry, but we are moving on.

**Mr. Broughan:** Is the new Minister making plans that we do not know about?



**Consumer Rights Enforcer Bill 2004: First Stage.**

**Mr. Hogan:** I move:

That leave be granted to introduce a Bill entitled an Act to establish the consumer rights enforcer, to provide a mechanism for independent appointment, to confer more extensive and effective powers, to provide for the imposition of administrative fines, to increase the fines payable for an offence, and for those purposes to amend the Consumer Information Act 1978 and the Prices Act 1958.

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

**Minister of State at the Department of Foreign Affairs (Mr. Treacy):** No.

Question put and agreed to.

**An Ceann Comhairle:** Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

**Mr. Hogan:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

**Council of Europe Development Bank Bill 2004: Order for Second Stage.**

Bill entitled an Act to provide for the approval of the terms of Agreement for the Council of Europe Development Bank and to provide for matters (including payments) related to that Agreement.

**Minister of State at the Department of Foreign Affairs (Mr. Treacy):** I move: "That Second Stage be taken now."

Question put and agreed to.

**Council of Europe Development Bank Bill 2004: Second Stage.**

**Minister of State at the Department of Foreign Affairs (Mr. Treacy):** I move: "That the Bill be now read a Second Time."

Is onóir mór dom an Bille um Banc Forbairthe Chomhairle na hEorpa a chur faoi bhráid na Dála, agus tá mé ag súil leis an díospóireacht anseo inniu.

This Bill provides for Ireland's membership of the Council of Europe Development Bank. The Council of Europe Development Bank, CEB, is the oldest international financial institution in Europe and the only one with an exclusively social vocation. Its activities are targeted to emergency projects and to strengthening social cohesion in Europe. The CEB is the financial instrument of the policy of solidarity developed by the Council of Europe. We view the Council of Europe Development Bank as a valuable expression of that solidarity and of social

cohesion in a wider Europe. Although Europe is one of the most developed regions of the world, there are still large pockets of poverty. This is where the Council of Europe Development Bank assists in development. It acts first and foremost in favour of the most vulnerable and fosters balanced social development in the fields of health, education, social housing and employment. The bank is valued in EU member states, in particular by the countries of central and eastern Europe, as an important source of lending for social projects. Ireland's accession to the bank will be viewed positively by these states as a reflection of our commitment to wider European solidarity.

The Bank is a multilateral development institution, placed under the supreme authority of the Council of Europe. It nevertheless has its own full legal status and financial autonomy. By granting loans, the bank participates in the financing of social projects, responds to emergency situations and thus contributes to improving living conditions and social cohesion in the less advantaged regions of Europe. The question of Ireland joining this bank has been under consideration for some time. It is an appropriate time for this Bill to come into this House as it gives a further signal that Ireland welcomes the accession of the new member states into the EU and displays our willingness to play our part fully in the new Europe.

The current subscribed capital of the bank is just over €3 billion, but only 11% is paid in. The balance is designated as callable capital, but it is most unlikely that this will ever be called on. Ireland would provide subscribed capital of €30.515 million. The paid in capital contribution for Ireland would be €3.369 million. In joining, we must also pay a contribution to the bank's accumulated reserves of €9.764 million. Our full contribution paid in capital and contribution to the reserves, amounting to €13.1 million, will be paid in four annual equal instalments of €3.283 million each. Provision for these costs is being made in the Bill before us here today.

Set up in 1956 and originally named the Council of Europe Resettlement Fund for National Refugees and Over-Population in Europe, it started out with eight members. A number of EU member states joined over the next 25 years. However, with the change in the political landscape in Europe in the early 1990s, the influx of new members over the next ten years reflected the growing interest in the bank. The new member states of the EU and former members of the Soviet Union brought the membership up to 37 different countries. In 1999, the name was changed to the Council of Europe Development Bank.

The primary purpose of the bank is to help in solving the social problems with which European countries are or may be faced with as a result of the presence of refugees, displaced persons or migrants, consequent upon forced movements of populations, as a result of natural or ecological disasters. However, in recent years the bank has expanded its operations to support projects relat-

[Mr. Treacy.]

ing to social housing, health, education, rural modernisation, support for SMEs and the improvement of the quality of life in disadvantaged urban areas and the protection and rehabilitation of historic heritage. It is the only European development bank with a social purpose. Its activities are targeted primarily to emergency projects and to programmes directed at strengthening social cohesion throughout Europe.

The Bank provides loans and guarantees, not subsidies, to its member states, to local authorities and to financial institutions. Its loans are intended for the implementation of social projects, which thus enjoy the benefit of favourable financial conditions. Since the bank receives no annual contributions from its members, its financial activity is based on its paid up capital and reserves and the resources which it raises on the financial markets. The bank's capital has been increased regularly since its inception back in 1956 to sustain the development of its activity, while at the same time preserving its financial soundness. The latest capital increase, the fifth, was approved in November 1999 and closed in September 2001. As a result, the subscribed capital increased from €1.401 billion to €3.004 billion. On 31 December 2001, the bank had reserves totalling €814 million and a fund for general banking risks, set up in 1993, amounting to €144 million.

Following implementation of the fifth capital increase, the bank's own funds stand at €4 billion, including available owned funds amounting to €1.3 billion. The bank does not receive any other aid, subsidy or budgetary contribution from the member states to finance its activities. The necessary resources are therefore raised on the international capital markets in the form of borrowings. For its borrowing activity, the bank has been rated by Moodys since 1988, by Standard and Poors since 1989 and by Fitch Ratings since 1996. It enjoys the maximum AAA rating with all three agencies on its principal long-term debt. To ensure that it maintains access to the funds needed to pursue its activities, the bank continues to have recourse both to large scale borrowings in major currencies, aimed at a broad range of institutional investors, and to issues in given currencies or with specific structures.

A total of 78% of the funds raised in 2001 came from the American US dollar market. The euro market came in second position with 13% of the funds raised denominated in euro. The average maturity of issues launched in 2001 is of eight years and four months. The member states submit projects for the administrative council to approve their financing according to the fields of action defined in the articles of agreement and administrative council. To finance these projects, the CEB borrows on the international money markets by means both of public issues and private investments. The quality of its financial structure guarantees the quality of its rating and enables it to raise resources on the capital markets on the

best possible terms. This in turn enables the bank's own borrowers to significantly lower the cost of their resources for the financing of social projects.

In order to obtain CEB financing, the projects presented must meet the following general criteria: compliance with Council of Europe conventions, respect for the environment on the basis of international conventions and compliance with standards of quality, participation in the financing of projects may not exceed 50% of the total eligible cost; the balance may be co-financed by other international institutions, and compliance with bidding procedures in accordance with national and international directives.

Since 1994, the bank's circle of member states has widened to include a large number of new states, including EU member states and former members of the Soviet Union. Some

11 o'clock 14 states have joined since 1994. The policy developed by the bank is aimed at strengthening its activities in the new member states by contributing to their economic and social development and reducing inequality. It has introduced innovative instruments to meet the specific needs of each country. Some €1.804 billion has been lent to the new member countries since 1995, spread over 66 projects in 14 countries. The loans are issued on favourable terms, with a deferred repayment period being carried on long-term loans, for example.

The sectoral breakdown of approved projects illustrates the bank's capacity for action, not only in its statutory priority sectors, but also in health and education infrastructure, employment, vocational training and employment in small and medium enterprises and the Roma community. The bank has adjusted the eligibility criteria as a consequence of the strategy for supporting the social housing sector which has particular characteristics in the new member countries. The total of disbursements made in favour of the new member countries in 2000 was higher than the total made during the previous five years.

The bank has signalled its intention to become the reference financial institution for the Balkans on the question of refugees and migrants. It has become heavily involved in the work of the stability pact for south-eastern Europe. One of the pact's priorities concerns refugees, and specific attention is being paid to the Roma community. For example, the bank approved a €30 million project in 2000 for the construction of housing in Croatia aimed at facilitating the return and integration of refugees there.

Strengthening social cohesion means contributing to solving the unemployment problem in the first instance. The Council of Europe Development Bank has adopted two lines of action to that end. It promotes the creation and preservation of jobs and supports investment in SMEs, which are the principal source of new jobs and vocational training. Action in favour of employment is one of the bank's new priorities. It has financed several projects aimed at the preservation and

creation of jobs in small and medium-sized firms in many countries.

The governing board sets out the general orientation of the bank's activity, lays down conditions for membership and decides on capital increases. It approves the bank's annual report, accounts and general balance sheet. The board consists of a chairman and one representative from each of the bank's member countries. The administrative council exercises the powers delegated to it by the governing body, establishes and supervises operational policies and approves investment projects submitted by Governments. It votes on the bank's operating budget. The governing board elects the chairman.

The governor, who is the bank's legal representative, heads up its operational services. He is responsible for the bank's staff, under the general supervision of the administrative council. He conducts the bank's financial policy in line with the administrative council's guidelines and represents it in its transactions. He examines the technical and financial aspects of requests for financing to the bank. The auditing board consists of three members who are appointed by the governing board. It checks the accuracy of the annual accounts which will also be examined by an external auditor.

I reiterate the Government's view that the Council of Europe Development Bank is an important part of the operations of the Council of Europe. It plays a vital role in the new and expanded Europe. Ireland's membership of the bank at this time is a valuable expression of its solidarity with the new and expanded Europe at an exciting and historic period for the growing European Union. I commend the Bill to the House.

**Mr. R. Bruton:** I welcome this Bill which deserves the support of all parties in the House. It is right that Ireland, which is the second wealthiest country in Europe per head of population in gross domestic product terms, should take much more seriously its commitments to assisting development within Europe and the developing world. Ireland has been a significant beneficiary of assistance from development banks and development aid, in particular that provided by the EU. Substantial increases in development aid from the EU were not the least significant of the many factors which contributed to the development of the Celtic tiger economy. The funds received from the EU allowed us to tackle many serious infrastructural and social issues which we would not otherwise have been able to address.

A feature of Ireland's dealings with development donors has been its astuteness in the use of moneys received from them. Many other countries have admired the good systems of prioritisation and programme delivery developed by Ireland, with the assistance of the EU, in its formative years. It is sad that the good procedures we developed have been allowed to rust in the past four to five years. Our capacity to deliver

programmes has been called into question as a consequence of huge overruns in many development budgets, especially the roads programme. The costs of many road projects were grossly inflated as a result of an incorrect initial estimation. The virtues we learnt in the leaner years have been disregarded in recent years, especially by the Government. There have been appalling examples of virtues such as sound financial procedures and project evaluation being ignored by the Government in its decisions.

We can learn lessons that will help us to correct our ways, most topically in the context of the Bill before the House. We must examine our development aid programme to ensure that the approach to the use of development funds which was so successful in Ireland becomes a hallmark of the development assistance we distribute elsewhere. Ireland is providing just €13 million, which is a drop in the ocean in terms of overall development aid. One of the advantages of providing funds through an established body like the Council of Europe Development Bank is that we can be confident that the money will be used in a prudent manner because it has strong criteria. I am confident that funds will be put to good use in the many projects to which the Minister of State referred because sound procedures will be put in place to support them. That is an important aspect of Ireland's development aid strategy.

We cannot allow this debate to pass without raising again the Government's apparent withdrawal from the clear commitment it made to increasing its level of overseas development aid. The Taoiseach stated categorically at the UN Millennium Summit that Ireland would achieve its development aid targets of 0.45% of gross national product by 2002 and 0.7% of GNP by 2007. Ireland dismally failed to achieve the 2002 target scarcely 12 months after the Taoiseach made his commitment. Our development aid budget was one of the victims of the cutbacks which were made immediately after the 2002 general election. The budget was reduced by €40 million as part of the Government's attempt to correct the excesses it had entered into its pre-election campaign. Some of the poorest people in the world became victims of the Government's poor management of the economy.

I am disappointed that the incoming Minister of State at the Department of Foreign Affairs has described the promise to contribute development aid of 0.7% of GNP by 2007 as a declaration of intent rather than a firm commitment. It has been watered down. It is not acceptable that a promise made solemnly by the Taoiseach on behalf of the Irish people at a UN summit in the run-up to the poll on Ireland's application for a position on the UN Security Council was forgotten after that election was finished. We have already seen that the Government's promise has not been matched by a commitment. Ministers are trying to wriggle out of their 2007 commitments.



[Mr. R. Bruton.]

I wish to state bluntly the nature of the commitment the Government has made in respect of 2007. Economists forecast that Ireland's GNP will increase by 26% by that year. If we are even to mark time with our development aid, we must increase it by 26%. If we are to take the proportion from 0.4% to 0.7%, we must increase it by 75%. That is the scale of the commitment that has been made. The time lost to date means that it will be more difficult for the Government to fulfil it. It is not acceptable for Ministers to start talking in terms of multi-annual programmes. Those are weasel words which suggest that we are backing out of the commitment but in such a way that it does not appear obvious. No doubt the Minister will produce some figure in the 2005 Estimates and say that we will fund a certain amount. We will increase it in the next two years, ignoring the fact that gross national product will rise and that the target is moving. The Taoiseach's commitment on behalf of the people boils down to a commitment that our development aid budget will go from €480 million today to €1.1 billion in 2007. That is more than double. To achieve that target, we must see €195 million extra each year committed to the development aid budget. The test of the Government's commitment in this area will be to see whether that extra €195 million is made available in the Estimates in 2005.

I was interested to hear the comments of John O'Shea, a man for whom I have great respect and who has spent his life working in support of development aid. He made the point, which struck home, that we are inadvertently supporting some very corrupt regimes with some of our development aid. There are serious questions about the extent to which elements of our development aid are getting through, and they are being raised by someone whose bona fides in the area is beyond question. The Minister must come to the House and put in place the sort of review that will underpin that to ensure that we do not make such errors. We must also move steadily towards using agencies whose criteria and procedures we can stand by. It is important that we use those voluntary agencies and non-governmental organisations working in the field, and development banks whose procedures we can stand by more than at present. One of the points that John O'Shea made and which we must consider is that, if one expands budgets very rapidly without heeding who is getting the funds, one can waste some of that money. However, that should not be used as an excuse for pulling back from our commitments.

I therefore suggest that, if the Government lacks confidence in the agencies using the money, the Minister and Taoiseach should, in much the same way as has happened with the pensions fund, put the money into a fund to be held and used when suitable projects become available. In that way, there would be a fund to call upon when an important project came our way that deserved

to draw down money from it. Just because we have moved rapidly to double our overseas development assistance budget over the next three years, we should not become indiscriminate in how we spend it. By holding moneys in a capital account and putting in the work to identify projects that will yield real benefit, we can both achieve high quality results in the use of our money and fulfil our commitment regarding development aid.

One important element of Government strategy has been the support for dealing with the debt problems of many developing countries. It is alarming to see the sheer scale of the commitments being made, especially by countries in sub-Saharan Africa, to pay interest on existing debt. I suppose that the hard-headed will ask what the debt incurred was used for and whether the projects have yielded results. However, those hard-headed people who ask such questions cannot ignore the fact that, in many of those countries, the standards of health care and education are at a deplorably low level. To see so much money used to pay interest at a time when they are having to scrimp on budgets for basic human needs is not acceptable.

However, the Government's good case for a much stronger programme of wiping out debt is undermined if it does not commit itself to its development aid targets. Ultimately, if banks lend, someone must pay. If the banks have savers who have put money into accounts, someone must take the hit when one cancels debt. If the governments of the world are not living up to their commitments on development aid, there will not be the resources to ensure that, when the debt is wiped out, the burden does not fall on people who do not deserve to shoulder it. That must be done by governments across the globe. There is an obligation on the Irish Government to show in the most practical way possible that it believes in dealing with the debt programme of developing countries by living up to its commitment on development aid.

I would like to turn briefly to the Council of Europe development budget. Like all of us in recent years, I have had the opportunity through the opening up of central and eastern Europe to visit countries that for a long time were a closed book for most people on this side of the world. I have had the privilege of visiting quite a number, including in the former Soviet Union. It is depressing to see people of such enormous talent and commitment burdened with the great difficulties which confront them. They are trying to change systems that have suffered from sclerosis for more than 50 years so that they can deliver. They are trying to move to a more market economy and upgrade their education system to deal with the needs of modern technology. They are trying to address health issues that have become much more complex owing to the rise of new illnesses. Those countries are extraordinarily full of potential yet face extraordinary obstacles.

They are very much like Ireland in the 1950s and 1960s — full of potential and with a population exhibiting great energy, commitment and zeal for reform but hopelessly obstructed by the inheritance of the previous 50 or 60 years. I am pleased that Ireland is, perhaps belatedly, becoming involved. The work of the bank can make a significant contribution. I would like to see us not only fulfilling our mandate in providing moneys to the bank but also trying to breathe life into its entire operation in central and eastern European countries, many of which now look to us as a shining example of success. We have much that we can deliver to those countries in advice, but unfortunately a great deal of that advice is probably now being bought at quite phenomenal expense through consultancies.

Ireland has the opportunity to consider not only contributing financially to the development of central and eastern Europe through the Council of Europe Development Bank but also putting together teams of advisers to use the knowledge that we have applied successfully in industrial and technological development and the emergence of the institutes of technology, which are an important education band. Even the great Michael Porter says that they are one of Ireland's significant successes. The Government must examine the possibility of capturing the experience and knowledge that we have developed here and making it available to developing countries in central and eastern Europe, not through paying the highest price to consultants but by Government support for people who are willing, perhaps in their later years, to give their time to those countries. That would be a useful supplement to the financial commitments that we are making and also be valuable in the *realpolitik* of building up good relationships with the emerging countries of central and eastern Europe which will be so important in the long term to Ireland's ongoing economic and social success. I welcome the Bill. The activities of the bank with regard to refugees, floods, vocational training, various crises and long-term development are worthy of our financial support and of greater commitment by government to non-financial support. That can often be equally important as it can ensure that the financial support is used to good effect.

The Taoiseach has made a solid commitment before the UN on behalf of the Irish people and it is not now acceptable to hear Ministers using weasel words in an effort to weave about and back out of the commitments. The only way to silence those who have become sceptical about the Government commitment is by means of an increase in the order of €200 million in the 2005 Estimates, to be repeated in 2006.

**An Ceann Comhairle:** That is outside the scope of this Bill, though a passing reference is in order. This is a very technical and limited Bill.

**Mr. R. Bruton:** It is from those funds that we will be contributing.

**An Ceann Comhairle:** I accept that and a passing reference is quite acceptable.

**Ms Burton:** I wish to share my time with Deputy Howlin.

The proposal in this Bill relating to Ireland's membership of the Council of Europe Development Bank is welcome. It is a pity it has taken the Government approximately two years to introduce the Bill. I doubt if anyone could disagree with the work of the development bank. Basically it promotes notions and activities relating to social solidarity, particularly with regard to eastern European countries.

Among other tasks, the bank deals with the Balkans and with some aspects of the aftermath of the wars there, in particular the measures to assist refugees to resettle in their home countries, such as Croatia and other parts of the Balkans. That is very welcome. From an Irish perspective and that of most western European countries it is sensible because while people are often distressed by the arrival of numerous refugees in western Europe, the measures to be taken must include building up the economies of poor countries so that people there can have a decent life for themselves and their children.

We know about emigration from Ireland after the Famine, but many Irish people on the emigrant boats going to America or Liverpool would have greatly preferred to stay in Ireland and bring up their families here. They had no alternative. Similarly, the phenomenon of refugees and economic migrants throughout Europe, largely caused by the extremes of poverty, would be reversible if economic conditions in the refugees' countries of origin improved to the point where people could offer themselves and their children a decent life.

During the various heated debates, particularly on the most recent referendum, instead of looking at what causes economic migration and refugee problems we were promising action when the problems had already arisen rather than working on them at their inception in terms of promoting solidarity and social cohesion. I welcome the moves by the Council of Europe Development Bank to address migration and refugee problems, in particular the difficult question of refugees returning to their countries of origin once some form of peace has descended. We have had a large Bosnian community in Ireland for some 12 years. Most of those people still cannot return home because of ethnic cleansing. Many of them were injured during the war in places like Sarajevo or were ethnically cleansed from their original home area. That is the reality of war. Something similar is now happening in Iraq, which in effect is splitting into three separate camps, with population movements resulting.

I welcome the Bill's specific reference to the Roma people, regarding whom there are lessons to be learned in this country. We saw the recent Garda activity on Dunsink Lane. What happened there is the result of a problem brewing for some

[Ms Burton.]

20 years yet when the Garda finally acted they did so in an extreme fashion. There are Roma communities in a number of eastern European countries. In Ireland, some Roma people in recent years have engaged in a great deal of begging, while their children get no opportunity to attend primary school. All of this greatly distresses Irish people who must try to decide if it is better to assist a child who is begging or contribute money to charity. These are personal decisions.

I have visited Roma communities, particularly in northern Greece, and their size and poverty levels can be compared only to some of the poorer townships in South Africa. This is how the Roma people live in various states in eastern Europe, so any programme which seeks to integrate them into a wider network of educational and economic opportunity and which would also allow them to live in their traditional places of residence must be welcomed. Those two aspects of the programme are particularly welcome.

There are a number of banks which operate as clearing houses for money involved in development projects or which grant aid or loan-aid various developments at specific rates. Because poor countries cannot borrow at cheap rates on the international market, a development bank organises the aid for them. There must be accountability for the type of projects which development banks operate and such projects must take into account the environmental as well as the social fabric of the country or community where the projects are operating. There is a long history in development banks of projects which turn out to be white elephants. These have included over-expensive airports and dams which seriously damaged the environment of the country or area in which they were situated. I hope the Council of Europe and the parliamentarians who participate in it will ensure there is a transparent system of accountability for the many projects which the Council of Europe Development Bank will undertake.

We are aware that the World Bank, which oversees such projects not only in poorer parts of Europe but also in developing countries and Africa, has been hidebound by the strictures laid down by the International Monetary Fund. The IMF basically says to poor countries "Here is the medicine, take it and reduce investment in education, health and housing". If we are establishing a development bank to do the laudable things set out in the Bill in respect of housing and social infrastructure, we must ensure the World Bank and the IMF are not standing two steps higher on the stairs and saying that something is a good idea but that it does not fit in with economic orthodoxy and cannot be allowed, except in connection with small demonstration projects.

The recipe the World Bank and the IMF put in place, which arose out of the doctrines followed by Mrs. Thatcher and Ronald Reagan when they were in power, has, by and large, done a great

deal of harm to many tens of millions of people throughout the world. Wiser economic understanding is beginning to prevail. People recognise that as well as promoting economic development, the welfare of human beings, families and children must also be promoted. The World Bank has embarked on a systematic programme of policy reform. Some of those reforms are welcome but the bank has some way to go.

Deputy Richard Bruton referred to the critique John O'Shea of GOAL made of certain countries. I wish that people making critiques of countries such as Uganda would also criticise what the IMF did to that country when it drove down the price of coffee upon which poor farmers there relied to pay their children's school fees. A similar situation would be where Ireland might opt not to be independent and might instead be run by a series of charitable organisations, all well intentioned but operating out of London. In such circumstances, the country might be at a higher stage of development. However, the reality is that African countries wish, like Ireland, to be independent. Are their governments flawed? The answer is "Yes". Are our Governments perfect and has Ireland remained free of corruption? The answer is "Absolutely not". Is that, however, a reason to gainsay our having an independent Irish State and Government?

This is an extremely difficult argument but we must be realistic and recognise that people have a desire to be independent within their own countries. We have identified a series of measures to promote anti-corruption, governance, a genuine participatory democracy, a free press and a free judiciary. These are the minimum hallmarks of a functioning democratic government. When we make arguments about states, we need to consider the entire picture. I did not hear a condemnation of the notion of independent governments which also included questions about the responsibility the IMF bears for the plight in which many such governments have found themselves. The IMF forced medicine on its patients and, in many cases, killed them off.

I wish to refer briefly to the target for development aid. I was employed as a development aid worker in Tanzania for three years. I worked there when the IMF economists, who were all men at that time, arrived with their suitcases and gold pens and wrote out a recipe to reduce investment in education by 50% and in rural health by 50% or 60%. If that recipe had been applied in this country, not only would there have been an economic collapse but there would also have been an economic revolution.

We must consider what has happened in Africa and the developing world during the past 20 or 30 years. That is why the Irish commitment to development aid is vital. Not only is it important in terms of our history as a country and the effect it can have in developing countries, it is also important because we set a trend in 1992 when the then Taoiseach, Albert Reynolds, agreed to increase development aid — this was one of the



Labour Party's demands on entering Government with Fianna Fáil — to the UN requested standard. One of the results of this was to place Ireland where it is now, namely, in the upper ten. However, it also encouraged other countries to reconsider their spending on development aid and increase their commitments in that regard. Prior to that point, many countries had simply walked away.

The amount of money we invest in and our commitment to development aid is important for Ireland as a country and also in terms of what it says to other countries. Our level of commitment and aid has begun to set a trend. I hope the Taoiseach was serious in reiterating the solemn commitments he made in respect of this matter. I also hope that the remarks made by the Minister of State, Deputy Conor Lenihan, were simply reflective of the kerfuffle that accompany one's first days in office and that he will now act as a defender of the commitments made in respect of development aid.

**Mr. Howlin:** I welcome the opportunity to contribute to the debate on this important measure. I do not believe it will attract many headlines but it is one of the more important items of legislation we will debate in the House in the coming weeks.

I have the pleasure and privilege of representing the House in the Parliamentary Assembly of the Council of Europe and I am familiar with the work of the development bank. There is a certain irony in the fact that the bank was established in 1956 and that Ireland is only now getting around to applying for membership. That is an indication of our mindset during the years in question. Ireland was itself a developing country and did not want to make capital available for use elsewhere. It is a signal that we have arrived and that we are embracing our new responsibilities that we want to be involved with the development bank and that we see our role expanding in respect of a changing and developing Europe. That we have a much stronger situation at home is also a factor.

I wish to refer briefly to the Council of Europe, which is a little known organisation in this country. When one refers to the council, people often confuse it with the European Council. This is due to the fact that the EU uses the same anthem and flag as the Council of Europe, both of which it borrowed from the much older institution. There is confusion about the role of the Council of Europe in general. It was created in the immediate aftermath of the Second World War to bring the strands of European identity together, based on the fundamental principle of human rights. The bedrock institution of the Council of Europe is the European Court of Human Rights. The European Convention on Human Rights is the most important legal instrument that binds together the countries of the Union. It was again an irony that it was only 50 years after the promulgation of the European Convention on Human

Rights that Ireland transposed it into domestic law. That just shows that we are slow to catch up. However, there were those who argued that our constitutional law offered even greater human rights protection than the convention.

The role of the Council of Europe is still extremely relevant. There are those who would argue that because of the development of the European Union, its role has been somewhat diminished. Since the fall of the Berlin Wall in 1990, however, there is a swathe of new emerging democracies in central and eastern Europe, including some from the former Soviet Union, which want to measure up, and which have signed up, to the democratic principles and human rights accords of the Council of Europe. It is a job to ensure there is proper monitoring of those standards. That is something for which this country will have to take responsibility.

The Minister of State described the development bank as an institution with an exclusively social vocation. Few of us would ever describe any bank as having such a vocation. Such an entity is welcome and worthy of salute. If one looks at its role, limited as it is by its restricted access to capital, the bank can play an important part in dealing with the vital issues of social cohesion outlined by my colleague, Deputy Burton.

I wish to address the general conditions for obtaining finance from the bank outlined by the Minister of State. The projects to be supported include social housing, health, education, rural modernisation and small enterprise in addition to those within the bank's original remit of dealing with refugees, displaced persons and migrants, together with hunger the pre-eminent issues in post-war Europe.

A considerable amount of social work remains to be done. I will briefly explore the eligibility criteria laid down for receiving support which strike me as important. How will they be validated given that the resources of the Council of Europe Development Bank are such that it will be able to monitor the position to ensure all conditions are fully met? Some of the criteria, for example, compliance with Council of Europe conventions, are extremely important. Even within the Council of Europe, however, it is very difficult to ensure that all member states, particularly more recent members, comply with conventions and the need for a gradualist approach is acknowledged.

I digress briefly to concur with Deputy Burton's important comment on Deputy Richard Bruton's intervention. Deputy Bruton referred to giving development aid to corrupt regimes. We can be precious in this regard. A little trot up to Dublin Castle would indicate that Ireland would not qualify for a place high on the list of countries with a pristine record on corruption. As a developed country with a free press and so forth, we have had considerable corruption. Developing countries such as Uganda, for example, which suffered Milton Obote's robbery and viciousness,



[Mr. Howlin.]

followed by Idi Amin's savagery and cannibalism, are trying to emerge from their past and need to be supported. Uganda has achieved remarkable successes in terms of the incidence of AIDS and is beginning to make remarkable progress on literacy.

We should not be entirely critical. If we demand that countries measure up to criteria on corruption based on the European model, we will not be able to support any country in Africa. They do not need a superior, colonial attitude by which we dictate that they must live up to certain criteria or receive nothing.

The mechanisms operating in Africa are the New Partnership for Africa's Development, NEPAD, and the Pan-African Parliament. Progressive, moderate, democratic thinkers are introducing their own standards in these forums and have developed the African peer review mechanism by which progress can be measured by Africans. Having economically raped African countries, former colonial powers must not set the standards by which African countries must measure up before being allowed development aid support. I make this aside because realism is required regarding the measurement yardsticks we place on projects, even in the wider Europe where countries in the former Soviet Union have poor economies and fragile democracies. We need to bed down democratic institutions in a supportive way.

As a former Minister for the Environment I am wedded to the notion of respecting the environment on the basis of international conventions and adopting compliance with quality standards as a criterion. There is a danger that support will be provided to economic projects which will create environmental degradation and have long-term negative consequences. It is important, therefore, to apply criteria. I remain unconvinced, however, that sufficient mechanisms are in place to carry out the requisite level of evaluation. Will the Minister outline specifically the monitoring mechanisms in place to monitor investments from the bank? Will he also indicate the reporting role and structures in place as well as the interplay between the bank and the committees of the Parliamentary Assembly of the Council of Europe and the assembly proper?

Real issues arise in Europe from which we cannot escape. It is timely, therefore, to become involved in sharing the burden of ensuring that social cohesion is realised across Europe. This is not entirely an altruistic perspective because it is in our interests to establish a band of economically healthy states with social and economic cohesion well beyond the borders of the member states of the European Union.

Migration, as we observed during the recent referendum, is a major issue. Unless and until the standards of living in countries bordering the EU are raised to a sufficient standard, we will endure the pressure of people seeking a decent standard of living arriving on our doorstep. We all recog-

nise that many of the people claiming political asylum are economic migrants.

It is to our great shame that we do not have a separate structure to deal with economic migrants. We have been promised a work permits Bill to introduce a green card system and remove, as it were, the notion of the employer as master and the employee from non-EEA countries as the bonded servant of the permit holder. We have all dealt with horror stories of people who have been told that if they do not like their working hours or living conditions, they can go home. This is not an economic option for many migrant workers. We must live up to our responsibilities in this regard and the legislation in question must be introduced at an early date to ensure that those with work permits who can find alternative employment have a right to move employment.

Rational, structured approaches to this issue are available, as developed countries such as Canada and Australia have proven. Economic forecasts indicate that we need new migrants to secure development and growth in future but still have no structured way to address the matter. The shortages of nurses are an example of our approach. It was ridiculous to scour the world for nurses while remaining reluctant to allow their spouses to enter the country. What professionals will come here if they are told they may work until such time as we can train sufficient numbers of Irish people, after which they will be turfed out, and that they may not bring their family in the interim? They are likely to go to a regime which is family friendly and allows them to establish roots and a future for themselves and their families. We have still not grappled with this issue in a satisfactory manner.

Other issues, including one I raised on the Order of Business, also arise. We need to be alert to the changing migration system. Today, Irish Ferries announced 150 jobs will be lost on the Rosslare-France route. The Irish seafarers working the route will be made redundant and the ferry in question will be manned on an agency basis by other EU workers when it begins operations again in the new season. If that goes unanswered, there will not be an Irish seafarer left on any route. They will all be downgraded.

If there is a perception that nationals of the east European new member states will undercut Irish jobs, it will lead to racial tension. We should and can avoid this by insisting that wages and conditions for all workers, from whatever part of the Union, are of equal standard. The unions are fighting hard for this but the Government must state that it will not allow migration to be used to undercut the standards of living and wages and the quality of jobs that the unions and workers of this country have built up over decades. It is an extremely important issue and is relevant in the context of this Bill.

Ireland has a responsibility to build the type of cohesion throughout Europe that it has begun to establish in this country. I welcome the fact that we are belatedly joining the Council of Europe

Development Bank and I believe we can play a good, strong and unique role in it. The Netherlands is strong and pre-eminent not only in membership of organisations such as this but also in the development of policies in these areas. There is no reason that Ireland should not also be at the cutting edge of policy formation in international institutions such as this. Europe, and ultimately the world, would benefit greatly from that input.

**Ms Harkin:** I wish to share time with Deputies Boyle and Ó Caoláin. Like the other Deputies who have spoken, I welcome this Bill. According to the Department of Finance press release about the Bill, it is a response to the recommendations of the Ireland Aid review.

While I welcome the Bill, it is interesting to read the preface to the Ireland Aid review in which the then Minister of State, Deputy O'Donnell, stated:

In September 2000 the Fianna Fáil/Progressive Democrat Partnership Government decided that Ireland would reach the UN target of 0.7% of GNP for expenditure on Overseas Development Assistance by the end of 2007 . . . Though long committed to achieving the UN target, this is the first Government to publicly pledge to meet it within a specific time-frame. It involves a major increase to almost €1 billion annually by 2007 . . . I take great pride in this historic decision. It is my priority as the responsible Minister to achieve the UN target within a stated time-frame. Crucial support from the Taoiseach, the Tánaiste, the Minister for Foreign Affairs and the Minister for Finance ensured that the aid budget has been placed on a secure financial footing for the future, liberated from the vagaries of the annual Estimates process.

Deputy Howlin echoed her words when he said that we need to build the type of cohesion across the EU that we have built in Ireland.

However, in recent days we have heard that the Government will be unable to keep that commitment. If we cannot reach that target when we have the fastest growing economy in the EU, when can we hope to reach it? Ireland, it appears, is out-performing all the countries in the EU. It is expected that growth will be 4.5% this year and 5% next year. That is nearly twice the average anticipated growth for the EU. Our gross domestic product is second only to Switzerland's. Now is the time to meet our commitment. The Government has its priorities but, as a country that exported emigrants to all four corners of the world where they made new lives and as a country that is now enjoying new prosperity, I doubt there will ever be a better time to keep the promise Deputy O'Donnell made. Will the Minister consider that?

The report of the Ireland Aid review suggested that Ireland should join the African and Asian development banks. Although I might have missed it, I did not see a recommendation to join the

Council of Europe Development Bank. However, membership of this bank is the right step. This Bill is important legislation and the Government can be proud of it. Our membership of the bank will allow Ireland to contribute to the development of eastern Europe and parts of central Europe.

A number of Members spoke about how Ireland benefited from its membership of the EU. It receives the highest level of aid *per capita* and, despite our high GDP and phenomenal growth rate, it still receives more money from the EU than it donates to it. This is due to the Common Agricultural Policy and regional funds. Although those moneys are tapering off, Ireland still benefits substantially from European money. Becoming a member of this bank is the right step to take and conveys the correct message to the new member states of the EU.

I wish to comment on development aid. According to the Ireland Aid review, our aid programme must be underpinned by a number of key principles. These include effectiveness, value for money, transparency and accountability. One of the critical issues is that the development aid reaches those who need it most. However, I am concerned about a worrying trend at European level whereby development aid is being subsumed and there will no longer be an identifiable EU development policy. I am concerned that development co-operation will not be seen as a policy area in its own right. According to a Dóchas document on EU development policy:

The regulation on development co-operation and economic co-operation has a global coverage, including OECD countries, and therefore has no specific relevance or application towards developing countries. The new regulation mixes a variety of policy objectives, and therefore can, and will, no longer guarantee a place for development policy.

Within the next 12 or 18 months, this country will vote on the new EU constitution. I believe the lack of a specific focus on development aid will contravene the principles in the EU constitutional treaty. That treaty confirms that development co-operation is an autonomous policy area and that poverty eradication must be its overarching objective. The EU is committed to the millennium development goals but to achieve those goals we must maintain a specific focus on them. I urge the Minister to bear this in mind.

With the war on terror since 11 September 2001, there could be a tendency to mix up or bring together development aid and what could be called securitisation. I can give an example. Let us say the Irish Army is to go abroad on a mission but beforehand the personnel must train in the Curragh for their security or conflict prevention tasks. It is critical that money earmarked for development aid is not spent on that securitisation but goes to the people who need it most. Our development aid policy must, in the final analysis, ensure an eradication of poverty. I want

[Ms Harkin.]

to be sure this country will draw a definite line between development aid and securitisation.

**Mr. Boyle:** The Council of Europe is a forgotten institution. This House interacts with it frequently through the participation of several Members, as well as some Seanad Members, in the Parliamentary Assembly, yet there is little interaction with other Members of this House as to the nature, quality and importance of that work. Subsequently, there is little opportunity for the House to impart the value of that work from this Chamber to the public. There is little knowledge of the existence or importance of the Council of Europe, which is a more embracing organisation than the European Union. Practically every nation of Europe is a member of the Council of Europe and it has a different focus in that it seeks to drive a social and human rights agenda whereas the European Union seems more concerned with matters economic, though this is a matter of debate and, unfortunately, with policy aims that seek to advance economic aims such as a common foreign policy and defence and security policy. Therefore, we should welcome Ireland's belated participation in the Council of Europe Development Bank.

Perhaps this is a recognition that we in Ireland are finally losing our victim status and have something to contribute. We have been a poor country for most of our history. Nonetheless, it is sad that when we achieved independence in the early 1920s our gross national product was similar to that of many of the Scandinavian countries. In terms of economic development, we did not make the most of economic opportunities but, rather, we stagnated. There was little economic development or, perhaps, reverse economic development. The Minister, as a member of a party that has been in government for 50 to 55 years of the history of the State, might care to ponder this when we consider the plight of the many other countries in Europe which would benefit from the existence of the European Development Bank and the loans it can offer.

When the bank was originally established in 1956, the social problems in Europe centred around the questions of resettlement of refugees and mass migration throughout the continent caused by the Second World War. It is a sad irony that many of the projects being funded by the bank relate to similar issues, for example, the results of migration from the Balkan conflicts, the need to rebuild urban settlements and the need to resettle people in the communities from where they once came. However, a further irony is that many of the countries contributing to the bank and the fund have in their trade arrangements, particularly in regard to the arms trade, helped provide the weapons of destruction which wreaked havoc on many other countries. Ireland could play a role in this regard. Although we are becoming a member of the bank late in the day,

we should maintain a moral authority in terms of an independent foreign policy on issues of neutrality, the use of force and the obscenity of the arms trade, which is considered part of an overall economic programme and may even be defined as economic progress.

Other speakers referred to the difficulties concerning development banks as they exist in other forms. The World Bank is an obvious example, and the damage it has caused, particularly in the developing world, has been acknowledged not only in this but in other debates. There are European banks which style themselves as development banks, for example, the European Bank for Reconstruction and Development. Again, few seem to know of this bank and, as a Member of this House, I get no reports on the nature of its work. As it is an arm of the European Union, I suspect it is doing work related more to economic than social development goals.

A mindset exists that the economy is the key issue. Not only is it the prevailing philosophy of the Government but it has affected our permanent government. This morning I attended a presentation on renewable energy. One of the speakers indicated that he or she had recently attended a lobbying session in the Department of Finance, where a senior official stated that the Department did not believe in the environment and did not believe that the Kyoto protocol would ever be ratified. This mindset believes that the economy is the thing — an end in itself rather than a means to achieving all other ends in a society. Until we overcome this mindset within our Government and parliamentary and decision making processes, and international decision making processes which we can, as a small nation, try to influence, the fear must exist that this will be the dominant attitude rather than a belief in real social justice and real development throughout the world.

The money being given to the development bank, which has a specific geographic application in terms of the countries of the Balkans and former USSR that will benefit from the fund, cannot be divorced from our overall policy or seeming lack of policy on the question of overseas development aid. Many confused signals have emanated from Government in this regard in recent weeks. A Government commitment that was believed to exist no longer does and is certainly no longer an obligation. It is now stated that the Government will make every effort, as a policy goal, to achieve it but if it does not, at least it tried.

For many on this side of the House and those involved in developmental work throughout the world, this is not good enough. Specific targets were laid out that the Government has an obligation to meet. If we are to achieve the target of 0.7% of GNP for overseas development aid, we must do so by having a target of 0.5% for 2005, 0.6% in 2006 and 0.7% in 2007. The confidence no longer exists that the Government is prepared to deliver on that commitment. It will require a

12 o'clock



change of Government or, possibly, specific legislation as is before us today. It may be argued that is the responsibility of the Department of Foreign Affairs. However, we are today entering into an international commitment on legislation introduced by the Department of Finance. If the Government wants to restore the willingness of the country to achieve the 0.7% target and the confidence in our ability to do so, this can only be achieved by bringing a money Bill before the House at the earliest opportunity to show how the target will be reached.

The Bill outlines how we will pay the overall commitment to the Council of Europe Development Bank in stage payments over a number of years. There is no reason similar legislation cannot be introduced on overseas development aid which would outline how we would get to 0.5% next year, 0.6% the following year and the ultimate target of 0.7%.

Many believe that the UN target is one we should seek to surpass, whether we are within the top ten of current donor nations in this regard. We have much to give in this area, including moral authority. This has been compromised by the Government's efforts in other areas, which were intended to ensure we are seen to be a partner of many countries the policies of which, trade and foreign, have brought about many of the problems in the developing world. However, we still maintain the distance that gives us the moral authority to allow such legislation to reach the Statute Book and have effect. On those grounds, the Minister should use the vehicle of the Bill to consider how we are addressing the overall question of overseas development aid and to properly address the concerns that exist.

I hope we can have a better explanation in regard to compliance with environmental safeguards. I have confidence this can be better achieved through this bank than through EU institutions. Very often, as experienced in regard to regional programmes in Ireland, money is given on the basis of regional and economic development which has opposite environmental consequences.

That argument could be made in the context of national roads programmes as opposed to investment in public transport. If that is what is happening here, is it not likely that developing countries within the rest of Europe, in eastern Europe and the Balkans, will be subject to similar policies through money being available through funding from institutions such as the Council of Europe Development Bank?

We need to achieve the type of balance that allows not only for environmental protection but for environmental sustainability into the future, that allows for economic progress that is not measured in terms of the length of concrete a country has but has more to do with how people can live and exist in the situations in which they find themselves. It is those kinds of criteria that are lacking in terms of assessing how institutions such as the development bank can be effective

and how effective they are in making moneys available to people.

On those grounds, despite the general welcome for our belated involvement in this institution, I hope we can use our membership to ask relevant questions, to seek better criteria and ensure this institution can be the most effective it can be in this area.

**Caoimhghín Ó Caoláin:** I welcome this Bill which finally provides for the overdue accession of this State to the Council of Europe Development Bank. This Bill was promised by the Minister for Foreign Affairs for 2002. Why has it taken so long to get to this stage as, clearly, it is not very complicated legislation?

The bank's stated aim is to help address the social problems with which European countries may be faced as a result of the presence of refugees, which includes displaced persons and migrants, including those who have been forced to move by natural disasters.

The Council of Europe and the Council of Europe Development Bank were established in the wake of the Second World War when there were movements of vast numbers of refugees within Europe. It was a period of reconstruction but also of division as Europe was split into what can only be viewed as two hostile camps. The face of the Continent has changed hugely in the period since that time. The end of the Soviet Union, the fall of Stalinism in eastern Europe, and the expansion of the European Union have created new political, economic and social conditions in Europe.

In the same period Europe's relationship with the rest of the world has also changed. Tragically, however, the economic gap between the wealthier countries of Europe and the poorer countries of Africa, Asia and Latin America has grown wider. A direct consequence of this widening gap is the movement of migrants into Europe on a large scale in search of the employment and security which they have been denied in their home countries. The issues which must be dealt with now mainly concern the new arrivals to Europe, immigrants from outside the Continent rather than migrants within.

This State has failed those people. We are debating this Bill in the wake of the citizenship referendum, at the result of which I have repeatedly expressed my regret. It has enshrined inequality in the Constitution. Many people in future will regret the powers they have given to Government to determine who can be an Irish citizen. Despite the Government's protestations to the contrary, the referendum most definitely reinforced what I regard as myths and prejudices about asylum seekers and refugees in our country. It has fed racism as has been shown by the very regrettable increase in racially motivated attacks on members of the public.

In light of the ruling of the European Court of Justice in favour of the Chen family earlier this week, the Minister for Justice, Equality and Law



[Caoimhghín Ó Caoláin.]

Reform needs to take immediate action in line with that judgment to allow the non-national parents of approximately 11,000 Irish children to remain in this State, given the numbers of people involved and the harrowing reality they have had to face as a result of this decision. I have met parents and children among this number. What they are going through, the suffering they are facing, the limbo in which they live both physically and psychologically, is very distressing.

The Council of Europe states that its work in the field of migration focuses on the reasons for migratory movements, migrants' legal status and on integrating migrant and refugee populations. The Council states that its policies lay stress on improving community relations, encouraging tolerance and guaranteeing migrants' social rights. These are policies that should inform the work of the development bank. The difficulty is that the work now takes place in the context of "fortress Europe".

It is not the Council of Europe but the European Union which determines immigration policy in Europe, regrettably increasingly so. The European Council on Refugees and Exiles, which represents 76 refugee assisting organisations throughout Europe, Amnesty International and Human Rights Watch have all expressed their deep concern at the agreement last April by the EU Justice and Home Affairs Council of several asylum measures that would allow the denial of protections for refugees in the European Union and are in breach of international law. The draft directive on asylum procedures is in breach of the commitments of the European Union as set out in the Charter of Fundamental Rights of the European Union and violates individual member states' legal obligations under international refugee and human rights law.

This is the context in which the Council of Europe Development Bank will work. Any expansion of its role to address the social and economic consequences of inward migration will happen within the Fortress Europe reality and all that entails. The European Anti Poverty Network points out that there are some 68 million people on the Continent of Europe who are experiencing poverty. The work of the development bank will address only a very small fraction of the needs of that number.

The eradication of poverty must be at the heart of the European Union. That is not the case at present. The interests of multinational capital have been placed ahead of social need. There are two types of project for which the bank will provide loans. They are, first, building low-cost housing and, second, providing social infrastructures in the fields of health, education, environmental protection — sewage and refuse treatment plants and so on — rural modernisation and the protection and rehabilitation of the historic heritage. These two points should definitely interest communities in this country, given the failure of this Government to provide adequately to meet the

demand for local authority housing, and its inadequate provision for social infrastructure and health and environmental protection. I hope this and future Governments will be presented for their endorsement with applications to the bank for grants to support housing, health, educational and environmental projects. I would say without question that I look forward to seeing those applications going forward and, it is hoped, receiving every assistance.

The work of the Council of Europe on behalf of the Continent's Roma, Gypsy and Traveller people should be acknowledged. The Council states:

It is helping member states to improve the situation of Europe's Roma/Gypsy minorities. It emphasises two essentials — the need for comprehensive national and local policies and the need to involve the Roma/Gypsy communities in drafting them and putting them into action.

The council should be invited to Ireland, in the first instance to speak to the decent and deserving Traveller community at Dunsink Lane in the wake of the disgraceful and illegal blockade of that community. It echoes the worst ravages visited on the Traveller community throughout Europe. This country's record is not one of which we should be proud. There is much to be ashamed of, as has been demonstrated in the recent past. I support the Bill and urge its speedy implementation.

**Mr. Hogan:** I congratulate and wish Deputy Treacy well on his appointment as Minister of State at the Department of the Taoiseach and the Department of Foreign Affairs. This uncontentioned Bill, supported by the Fine Gael Party, seeks the approval of the Oireachtas for the terms and conditions of Ireland's membership of the Council of Europe Development Bank. It is part of the Government's strategy to join a number of development banks, as recommended in the 2002 report of the Ireland Aid review committee. The Council of Europe Development Bank was established in 1956 but only now has received publicity in Ireland. Membership will allow it to grant financial aid to various social and vocational projects in this jurisdiction. It is a multilateral development bank under the supreme authority of the Council of Europe, with its own legal status and financial autonomy.

The Bill allows us to reflect on the objectives of the bank. Its first objective is to strengthen social cohesion and integration. In doing so, it has provided financial assistance for refugees, migrants and displaced populations. It has also given assistance to social housing measures, job creation, disadvantaged urban areas and rural modernisation and the preservation of small businesses through assistance towards vocational training.

Social cohesion is a serious issue in Ireland. Recent policy changes have widened the gap between rich and poor and removed policy instru-

ments that were of considerable assistance to community groups contributing to the economy at local and national level. The Minister must take on board the effects of the changes to the community employment scheme. These schemes offered vocational opportunities to many people who would not normally have been able to enter the mainstream workforce. In turn, those people contributed to health and resource centres, local community committees and environmental protection and enhancement. The Minister of State, Deputy Treacy, is aware of the representations made to Members on this matter. I hope the new Minister for Enterprise, Trade and Employment will not follow his predecessor in setting up another investigating group on the matter. We are past the stage of internal review and the external review conducted by FÁS. Changes must be made to allow communities to benefit from the good work of these schemes. The schemes have done much for social cohesion at community level. Policy changes at political level are now needed to ensure the continuation of this work.

I do not understand the cuts made in the back to work, back to employment and supplementary welfare allowances. The latter has changed so much that it is near impossible to qualify for it in housing assistance. To waste six months on the housing list until one gets the necessary qualification for supplementary welfare allowance is nonsensical. It costs the State more money to provide a house for individuals such as single parents who, through the previous supplementary welfare allowance, were able to benefit from housing in the private market. This money-saving cut in the Department of Social and Family Affairs is a retrograde step. The Ministers for Social and Family Affairs and Finance must redress this retrograde decision in the forthcoming budget. These changes to policy instruments are not contributing to strengthening social integration.

When modernising an economy, it is not about where the money comes from but how it is spent. Ireland has been fortunate to be the beneficiary of an enormous level of transfers from the EU not only in terms of agriculture, infrastructural development and social funds, but also human capital, education, environment, health care and social integration. The Fine Gael Party, as a strong supporter of European co-operation and cohesion, has always supported drawing down these funds. However, accountability in how the moneys were spent, particularly the infrastructure funds, could have been better. The transnational networks in the infrastructure programmes were to allow greater access for Ireland to the European mainland. However, the implementation of the national development plan in establishing these networks has been delayed and subject to budgetary overruns, leaving much to be desired. Controls on the expenditure of this money to ensure best value for money are required. The EU transfers to Irish agriculture, institutes of technology and infrastructure have greatly contributed to our economic growth. However, the

EU cannot be blamed for the manner in which some of the funds have been misspent.

The European Bank of Reconstruction has also played a significant part in the development of the economy. A former Member, Mr. Des O'Malley, is now an eminent member of the bank's board. He follows in the footsteps of Tony Brown and Brian Hillery, both of whom contributed towards developing this banking institution for European development.

The Minister of State gave examples of how moneys were spent in various countries. I noted that €11 million was approved in financing projects for restructuring the health sector in Bulgaria. While there is enough money in the Irish health sector, it is how it is spent that matters. If there is a need for additional resources, funds are available from the bank for restructuring accident and emergency departments. Examples of the bank's focus on human capital include the elimination of unemployment blackspots in Germany, the reconstruction of areas in Hungary, Lithuania, Poland and Slovenia after natural disasters, the renovation of schools in Spain and the provision of aid to Turkey after the 1999 earthquake.

Another area in which the bank made a major contribution was in providing aid to Turkey following its disastrous earthquake in 1999. That was an important step. Whatever we think about the ultimate accession of Turkey into the modern democratic European framework, its strategic location is an important factor. In addition to the political structures of a country, these funds contribute towards ensuring greater co-operation between the various civilisations and between the member states of the European Union and their neighbours.

The recent statement by the Minister of State at the Department of Foreign Affairs, Deputy Conor Lenihan, to Deputy Michael D. Higgins and others at the Joint Committee on Foreign Affairs is indicative of the manner in which the country has drifted in its responsibilities on overseas development aid. I pay particular tribute to my colleague, the former Minister, Deputy Michael D. Higgins, who is present in the House, who has continued to highlight this matter. Ministers of State at the Department of Foreign Affairs have increased the overseas development aid fund over the years. By making such an admission, practically within a week of being in office, the Minister of State, Deputy Conor Lenihan, has considerably set back the position and allowed the mandarins in the Department of Finance in Merrion Street to have an open goal, so to speak, in terms of not meeting our objective of 0.7% of gross national product by 2007. It is bad strategy from a line Department to inform the Department of Finance this near to the budget and Estimates process that there is no need to give it any more money as it will not meet the target. It was a political mistake and I hope the Taoiseach, Minister for Finance, and Minister of State, Deputy Treacy, who is present, will ensure our target is met, as the Taoiseach promised

[Mr. Hogan.]

when he campaigned for a seat on the Security Council of the United Nations.

It is a major embarrassment for the Government and the country to have the Minister of State, Deputy Conor Lenihan, make such a serious error of judgment so soon in his term of office. He needs to be corralled to a greater degree in future to prevent him from further damaging the reputation of this country. At a time of great wealth, there is a moral imperative to help people throughout the world who are less well off, especially in debt issues in the developing world.

The Bill will impact on Ireland's development and national competitiveness in terms of the funding it may draw down from the bank. The National Competitiveness Council's recent statement on prices and costs confirm what my party and I have been saying for some time, that the real culprit in rip-off Ireland is the Government. It was responsible for 44% of consumer price inflation between 1999 and 2004.

In a recent newspaper article, the eminent economist, Mr. Brendan Keenan, of the *Irish Independent*, who is regarded by himself and others as the doyen of economic commentators, argued that this price was worth paying because the choice was between stealth taxes and taxes on labour and the latter led to unemployment. He also argued that the rise in prices does not appear to have affected competitiveness in the economy which was enjoying growth rates which were the envy of Europe. Mr. Keenan is one of the most astute economic analysts in the country but I think he has got it wrong on this one.

According to the recent enterprise strategy report, which was the Government's think tank document on industrial policy, public sector expenditure in the five years up to 2003 rose by a staggering 90% to €36.7 billion, including net pay costs of €12.5 billion for 335,800 staff employed in 572 departments and agencies. The bulk of this growth occurred in the two years prior to the previous general election as the Government bought the election not once but twice because of the outbreak of foot and mouth disease. I might have missed something but I cannot see that public services are 90% better off as a result of this expenditure. There has been some improvement but not nearly enough to match the growth in expenditure.

I do not agree with Mr. Keenan that one can have a trade-off between employment and stealth taxes. We are pricing ourselves out of the market in many respects. We are rapidly sliding down the world competitiveness league and are one of the most expensive countries in the European Union. We cannot allow that situation to continue. If we draw down money from a source such as the Council of Europe Development Bank, we must ensure our prices and costs are in line with our competitors and that we get better value for money.

I wish the former Minister for Finance, Deputy McCreevy, all the best in his new job as Commissioner for the Internal Market and services. He has an important contribution to make to consumer issues. We will not be true Europeans in economic terms unless we have a single European Union market. The new Commissioner can implement internal market policies that can transcend frontiers so that Irish consumers can benefit from market opportunities and product prices throughout the European Union. That would allow for greater competition for many products and services in this country, which is the only way. We are a small country with a population equivalent to Manchester, so we will not be able to do it ourselves. We will need the market support and policy instrument support from the Internal Market and services Commissioner to achieve the consumer choice and opportunities that are essential.

I welcome the Bill and the Fine Gael Party supports it. As legislation goes, it is not earth shattering but I hope it will provide for opportunities through this bank to give greater benefit to people and countries that need our support more than ever. It will also benefit co-operation within Europe and between Europe and the developing world. The Government has missed a great opportunity to meet our objectives politically and financially to assist developing neighbours to a greater extent at a time of great wealth. We must never forget those who are less well off than us.

**Dr. Twomey:** Fine Gael fully supports the Bill that will see Ireland gain membership of the Council of Europe Development Bank. The bank describes itself as having an exclusively social function. It participates in the financing of social projects, responding to emergency situations and, I hope, improving the lives, living conditions and social cohesion in less advantaged regions throughout Europe.

A previous speaker alluded to the fact that we are only now seeking membership of the bank, which may relate to the fact that we were underdeveloped ourselves. It is a recognition of how far we have come that we are now prepared to make some contribution to a bank that wants to help others throughout Europe and further afield.

The legislation may not be very interesting or exciting in some respects, but a great deal can be learned from it. We could learn some lessons ourselves in regard to what we are doing and how we intend to move forward. The lessons can be learned not alone by the new accession countries which are more socially deprived than the countries of old Europe, but also by the wealthiest European countries which, although they are more industrialised and probably have greater social inclusion, still have a significant degree of disadvantage.

The bank operates under three main headings as defined in its articles of agreement and the resolution of the administrative council. These are strengthening social integration, managing the



environment, and developing human capital. We should apply these goals to ourselves. Under the sub-headings on strengthening social integration, there is a reference to aid to refugees, migrants and displaced populations. We now make a contribution to a bank in Europe that seeks to assist refugees in crisis, migrant workers and displaced populations. However, this is something which we have yet to address properly.

Our attitude towards migrant workers certainly needs to be changed. Policy needs to be much clearer on how to deal with migrant workers, especially since they will be in the mainstream of the economy in years to come.

I tabled a question to the Minister for Justice, Equality and Law Reform concerning a family in County Wexford I have been asked to deal with. It is a rather strange case but it illustrates where we are going. A Bulgarian man and his wife and child came to Ireland in December 1999. If he had been fortunate enough to have arrived in July 1999, he would have been eligible to get a work permit by now and could have worked as a truck driver, the occupation he had in Bulgaria. Instead, he has been kept on social welfare for the past five years, because of the rules and regulations. In the meantime, his boy has gone through the school system in this country. That child is now 11 years old, speaks fluent English and probably finds it difficult to speak Bulgarian. The family also has an 18 month old girl who is an Irish citizen. They have been issued with a deportation order for 14 November. They appealed a previous deportation order, but this is the final one. Despite this, Bulgaria will be part of the EU within two years, so this family could return quite legitimately. We are spending large resources to deport people who could return legitimately within a short period. This type of situation also occurred prior to the ten new countries joining the EU. However, what is significant in this case is the degree of disruption involved for this family, especially the 11 year old boy, whose life will be destroyed. He has no idea what it is like to live in Bulgaria. He has forgotten what it is like, yet he will have to return to this country at the expense of the State and then, perhaps, return again in two years' time.

We need to tidy this up. There has been a change in the Constitution in the past six months which we have not followed up regarding where we are going on the question of refugees, migrant workers and displaced populations. Let us examine ourselves now that we have this opportunity to see what is happening. Another aspect to strengthening social integration is social housing, job creation and preservation in small and medium-sized industries and vocational training. Some movement has taken place in terms of social housing, but it is still not good enough. Although figures are being thrown out all the time about 80,000 houses being built etc., it is always the total figure that is given. We never get the figure pertaining to the Government's role in

the provision of social housing. There is a long way to go in this regard.

Vocational training and small and medium-sized industries are sectors that feel neglected. They do not believe their voices are being heard. Even though there is an Oireachtas Joint Committee on Enterprise and Small Business, many of these organisations do not feel they get the assistance from Government they deserve. Neither do they feel the Government listens to their views or that it is overly committed to indigenous industries. We appear to have got carried away with the bright lights of multinationalism and focus all our attention on the transnational companies that come into this country. They have made a fantastic contribution to the economy, but I believe we should focus more on the small and medium industries, let their voices be heard and do something to relieve their concerns. That is not happening.

The final section on strengthening social integration, as discussed by this bank, is disadvantaged urban areas and rural modernisation. Whatever we may say about the other categories, in this respect we have totally failed. Disadvantaged urban areas, which are supposed to be covered by the RAPID programme, have simply not worked. Much work remains to be done. The lack of investment in this regard is enormous. The idea of RAPID was not just to create jobs, but also review the health and education services and everything to do with people's lives. No Minister, no matter how good he or she is, can defend the neglect that has occurred in the RAPID regions. A great amount of work remains to be done on all aspects of this programme. We really have failed in this area and it is indefensible.

The next section relates to management of the environment. Whereas the bank looks at natural and ecological disasters and preventative action, these are events that occur over which we may not have much control. There are reasons for flash flooding, perhaps to do with global warming or whatever, but such events happen. There are matters over which we have control, however, and steps that may be taken to protect the environment, for example the preservation of the historical and cultural heritage of the country. In our quest to move forward, this is, perhaps, an area we have forgotten. Sometimes we have disregarded important aspects of our heritage. I refer not just to bypasses through old historical sites, but the deliberate destruction of parts of our heritage. We have demolished old buildings and castles, and allowed planning to take place next to an historical building which has utterly destroyed its character. We seem to have ridden roughshod over this area for many years. We no longer appear to have a feel for our cultural heritage.

The protection of the environment and our heritage can go hand in hand with economic development. I want to stop the destruction of our culture for the sake of making an extra few



[Dr. Twomey.]

euro for some developer or speculator. There are many examples where people have been allowed to destroy the heritage of the next generation purely for short-term gain and so that someone might make millions of euro on speculation and development.

The final sector asserts that the most important aspect of the bank's work is the development of human capital. That is a lesson we could learn in this country because this looks at education and health. What made this country the Celtic tiger were the developments in health and education over the past 30 years. Mine was the first generation of my family to receive a third level education. Many other families were in a similar situation. There was an aggressive move to make secondary education free and to make Ireland educationally aware. It took 15 to 20 years for the fruits of that initiative to mature. We had a large young well educated population which was able to tap into the economic changes that were taking place. That is what made this country great and led to its development. This was planned years before and when it came to fruition, we were able to work to best advantage.

I do not believe, however, the Government can deny that in the process of getting rich, it has a policy merely of lowering taxes and giving people money. In the process, it has neglected and forgotten what made the country great in the first place. If we curtail investment in education now, we will reap fruits of that mistake in 15 years' time. It is already happening. We are currently having meetings with regard to one of the community schools, at Gorey in north County Wexford which now has 1,600 pupils, although it was designed for 900. A number of local national schools feed into this school. There is one other major second level school in that part of north County Wexford in Kilmuckridge. They have been promised a new building for seven or eight years. As meetings take place and deputations seek extra space, more classrooms etc. in respect of the Gorey school, at this stage what will be required is a new national school. Nothing has happened. Everybody is referred back to the schools list. National schools in the area are concerned because they are being told their pupils might not be allowed to register at the community school because of quotas and other restrictions. This is something that has just been allowed to happen. In some respects the same could be said about the accident and emergency crisis in hospitals.

There is no great science behind the accident and emergency crisis. It has come about because people are drifting into accident and emergency departments and patients cannot get out of them. When primary care is let run down, public health nurses are not taken care of and the numbers of general practitioners per patient in deprived areas is not monitored, there is an inevitable drift to the accident and emergency departments. It is a question of access. If people who cannot get

access to a general practitioner want to see a doctor, they will go to the accident and emergency department. In allowing primary care to fall apart, so to speak, we now have a crisis in accident and emergency departments.

The other aspect of the accident and emergency problem is getting sick people from accident and emergency departments into hospital wards. Over the past 20 years, approximately 3,000 beds were closed in our hospital system. Beds were removed and wards closed for financial and economic reasons, but when our economy returned to its wealthy state, we were very slow in making these investments. The health strategy was published in 2001. The Minister said he would provide for 3,000 beds to be put back into the system over a number of years. On Tuesday, the Taoiseach mentioned figures of 500, 700 and 900, but figures are being picked out of the air. The capacity of the hospitals cannot cope with the number of patients requiring treatment.

One of the solutions proposed to deal with this crisis was to transfer all those patients who need convalescence and step-down facilities. They should have been taken into facilities other than hospitals. The point was made that a bed in an acute hospital costs €5,000 per week to maintain. A nursing home bed costs approximately €600 to €900, depending on the area, but the health boards appear to take the view that there is little point paying €900 a week for a bed for someone when they still have to pay €5,000. That is why we have a crisis in accident and emergency. Despite all the solutions the Government came up with, including moving long-stay patients into facilities built under public private partnerships, not one bed has been delivered.

That process was meant to provide approximately 600 or 700 beds, which would make a significant difference when one considers that the overrun in terms of patients on trolleys we see constantly now, not just in winter, varies between 150 and 250 per day. We could make a difference, therefore, and not just in terms of those 150 beds but of all the elective procedures that are not being done. Surgery is being cancelled at the last minute. That is wrong and it is something of which the Members of this House should be ashamed. Most of us have probably been lucky enough not to require an operation, but there are people who have prepared themselves mentally for their operation, perhaps even taking medication to prepare, particularly if it is a bowel operation, only to get a telephone call the morning of the procedure to say it has been postponed. They might have to go through that two, three or four times before their procedure is eventually carried out.

The fact that this House has allowed such a situation develop over the past ten years is a disgrace. That should be the mantra of this bank and of any progressive Government. It is not just about money. The people of Ireland will pay the price, regardless of who we are talking about. Sometimes people talk about the vulnerable

people in society who always suffer. Some people talk about the middle classes while others talk about the very wealthy. It does not matter who we are talking about. Everybody will suffer because they cannot get proper schools for their children. We cannot keep teachers in the classrooms because the pupils are out of control. That is an area we have neglected. We shrug our shoulders and do not discuss it.

The same argument applies to hospitals. There is a crisis in Crumlin hospital. Nurses come here from other countries to work in our hospitals, some of whom work in Crumlin hospital. Crumlin hospital is described as a tertiary referral centre, in other words, it deals with all the serious operations for the entire country. A nurse who was used to working in a tertiary hospital in another country would think he or she was coming into a state-of-the-art centre. We have seen Irish doctors come back from America and intensive care nurses return from the United Kingdom and Australia, but they think they have come to the wrong place when they arrive in Crumlin.

Doctors in our intensive care unit in Crumlin have to pull the child's cot out from the wall into the middle of the floor to allow the health care team treating that patient access to the cot. The place is so overcrowded the equipment is bunched in between the cots. This is supposed to be a first world country yet this is what we have allowed happen to our health and education services. We should be ashamed of that. Giving lame excuses about what we will do will no longer wash with the people because this problem has been developing slowly over the past six to seven years, the same period the Government has been in power.

I do not agree with the nonsense I have heard since the last reshuffle about how change will come about because the same Cabinet went to Ballymascanlon in 2001, led by the Taoiseach. He walked out of that meeting and said that the health services were well resourced and well funded. He was followed by the then Minister for Finance who said that putting money into health was like pouring money down a black hole. That was the ideology of that Cabinet. Regardless of what the then Minister, Deputy Martin, tried to do, he got no extra funding. In some respects that Minister cannot be exonerated either because he participated in this fooling of the people. He misled the people.

That Cabinet meeting was held in May of that year following which the Government said it had no intention of providing extra funding to the health service yet the health strategy was published in December 2001. The then Minister, Deputy Martin, said at that time that the health services would get an extra €1 billion a year for the next ten years even though the then Minister for Finance, Deputy McCreevy, told him not to publish that report because he would not give extra funding. When the report was published, it became Fianna Fáil health policy for the general election.

The Bill is good for the people of Europe and the five areas which will benefit from it, but we should reflect on what this bank stands for and apply it to ourselves because we have let down the people we are supposed to look after in this regard.

**Mr. M. Higgins:** I welcome the opportunity of speaking on this Bill. It is perhaps understandable that the reference to the social terms of reference of the bank would encourage people to reflect on social inadequacies and divisions at home.

In responding to the Minister's contribution, the bank, founded in 1956, raises a very interesting question. The bank was founded at a time when the prevailing economic doctrine in Europe was Keynesianism. It is interesting to think of the moment of the foundation of the bank and to reflect on the circumstances that led, for example, to the founding of the Bretton Woods institutions just a decade earlier.

The International Monetary Fund, the World Bank and other institutions were originally development banks that were accountable to the economic and social committee of the United Nations. It is interesting that we are joining this bank in 2004, nearly 50 years after its foundation, but we should use the opportunity to contrast what has happened to the other institutions, that is, the Bretton Woods institutions. In the case of the IMF, it has been completely distorted from any development agenda. Indeed, the poverty reduction strategy was insisted upon by that bank. The World Bank, in a way, had related strategies but there is a significant difference between the IMF and the World Bank. These major United Nations institutions, however, which I emphasise were originally accountable to the Secretary General of the United Nations through the economic and social committee, were development banks with the task of reconstruction and social equity. The IMF, for example, has, in case after case, become oppressive.

I will give an example of that, before turning to the main purpose of the Bill, to set it in context. In the case of Zambia, which is often mentioned and which Members of the Oireachtas visited recently, in 1999, a year for which we have totally acceptable figures, it paid \$438.5 million in debt service, which was 13% of gross domestic product. At the same time that 13% of everything produced in the country exceeded what was spent on health and education. The Bretton Woods institutions have moved to a point where they find it perfectly acceptable to require a country to spend more on debt service than it spends on combined health and education expenditure. Put more practically, for every 1% that could have been spent in Zambia on health and education, child mortality would have been reduced by 24%. There is a real human consequence to the economic ideology imposed by a particular international bank.

The relevance of this to the Council of Europe Development Bank is that it has a specifically

[Mr. M. Higgins.]

social set of criteria. I recall this being debated when I was a member of the Parliamentary Assembly of the Council of Europe reflecting the circumstances in which it was founded in 1956. The prevailing view on development and reconstruction in Europe at the time was coloured by what might be called the 40 glorious years of Keynesianism which led to the reconstruction and development of Europe. The years since the 1980s and the assertion of the neo-liberal classical model, with its very narrow focus and no social agenda, are the horrific 20 years, characterised by a version of the disembodied economy.

I congratulate the Minister of State on his appointment and wish him well. Many Europeans, and his colleagues looking through European glasses, accept that the rest of the developing world should not benefit from the 40 years of Keynesianism they experienced. The poverty reduction strategies on which the International Monetary Fund has insisted for a long time are deadly, narrow-minded and based on poorly informed economic thinking. I strongly advise the Minister of State to rely on the United Nations Economic Commission for Europe in Geneva, rather than on many of the other sources of economic data that will be provided to him in his European mission, and in relations between Europe and the rest of the world.

As an example of the latter's unreliability, the IMF subsidised and brought into existence the Russian mafia. It wasted world resources in propping up Yeltsin. On the evidence of the documents covering that inglorious period it would have spent anything to keep its particular person in power. That was one of its worst days. People should not accept my view, they can read the view of Joseph Stiglitz, a former executive at the World Bank and Nobel economics laureate. At the same time the IMF was imposing restrictions on other loans.

The United Nations Economic Commission for Europe, through its Geneva office, did the best work on the Russian transition but it was excluded from the thinking of many people advising European governments. It was rarely used, and rarely quoted by any minister in Europe and neglected at great cost. The work was undertaken by impeccable economists whereas the work that was accepted as an alternative was shallow and not submitted to international academic refereeing in most cases, as the UN work is. When I began my career as a university teacher we were free to speak about alternative economic models of development. The difference between the 1970s and the present is that we are in the grip of a tyranny which imposes a single economic model on the poorest of the poor. This brings the human consequences I have mentioned in the case of Zambia where life expectancy in 2000 was 33 years, having fallen from 43 years, mainly due to the impact of HIV-AIDS.

We are called morally to account on our commitment to the millennium development goals, the Monterrey goals, repeated in Johannesburg, and in successive documents. The world millennium development goals are far off track, as many international experts have pointed out when looking at the present figures. We are approximately 40% short on the HIV-AIDS package of €2.5 billion. We are in the last decade for the most urgent goals which are to be achieved by 2015. This is interesting in the general context of the deadly philosophy that informs the IMF, in particular in the case of the least developed countries. In some of those countries to which a market model has been suggested, followed up usually by good governance and all the other criteria, the average *per capita* income is 72 cents, of which private consumption is 54 cents, leaving 18 cents *per capita* for people who are functioning according to a neo-liberal economic model. It is outrageous to persist with this thinking.

This Bill is very important. It may seem inconsequential or peripheral to some people who might not want to contribute, thinking that it is perfunctory because in practical terms it will cost us just under €4 million and a contribution to reserves. It is important for the social criteria behind its purposes because they remind us how far the Bretton Woods institutions have drifted from their original role as development banks. In terms of the overall Government strategy of joining the other regional and development banks in Africa and Asia it is important to apply a philosophy that will enable the new restructured debt requirement of a country to be calculated, separate from and after, it has met its health education budget. This is not a left-right divide. If one did the calculations for the African countries with which I am dealing one would arrive at different figures.

After 50 years of development assistance and 30 years of the partnership concept half of the world's 6 billion people continue to live on less than \$2 a day, and approximately 1.2 billion on less than a dollar a day. While I want to stay close to the text of this Bill I must reflect on recent years and the recovery of military spending. I cannot recall off the top of my head the actual figure for military spending but the latest calculation shows that the United States, the largest economy in the world, spends 20 times as much on military and defence expenditure as it does on development. This reflects a philosophy that security is to be defined and achieved in terms of military prowess rather than through the elimination of poverty.

I recall a debate in the assembly of the Council of Europe at which we discussed the relationship between this bank and Europe, particularly eastern and central Europe, and for example, the balance that might be struck between the AAA rating of the bank, and its reputation as one of the oldest banking institutions in Europe. How is that retained and at the same time how can there



be the flexibility referred to in the Minister's speech? This is where the bank moves from new projects such as the direct care of migrants and people who are moved for natural disaster and so on. How can the rating be accommodated with flexibility? It is interesting that the bank has discussed this, as is the geographical spread of the projects that have been approved. Some people have raised the question as to whether the capacity to prepare an application and draw down the money is responsible for the over-representation of projects in some countries rather than others. Some of the newer countries preparing applications have made this point.

The Minister also referred in his speech to the care of refugees, migrants and migrant labour. It is time we became clear on a number of fundamentals. Is the migrant worker, the refugee or someone who arrives in this country, entitled to the full range of rights that we accord any other person by virtue of the fact that they are alive, or is there a mitigated set of rights? I have had a long correspondence over the past couple of years with the Department of Justice, Equality and Law Reform on the full implementation of those rights which the Council of Europe has accorded migrant workers. I asked questions on where precisely these rights were to be vindicated in Irish law.

I feel morally required to say that I am deeply saddened by what is said of us in the recent referendum, when on the basis of 230 babies born in Dublin hospitals, the Constitution of Ireland had to be changed to change the principles of citizenship. I accepted the results of the people in the referendum, but I feel ashamed by it. It contradicts much of the rhetoric about universalism, human rights, workers and the whole question of the changed nature of the inter-cultural society which will be created.

There was misery associated with it that is not dissociated from the same miserable, narrow model of the economy. The model of the economy that is being prosecuted is one which I call the disembodied economy, where we are regularly invited to be loyal to the economy rather than to society. We have replaced concepts of citizenship, with its related entitlements of universal provision, by consumerism. By that I mean that we should come clean on social inclusion and so forth.

I wish the Minister well. I have some hopes on what he will do regarding the contradiction that is at the heart of the Lisbon accord. That contradiction is structured as follows. The Lisbon accord refers to creating one of the most competitive, economic entities in the global economy. At the same time, it makes the case for social cohesion, the elimination of inequality and achieving full participation. It is the latter that is important because social cohesion, which is at the heart of the terms of reference of this measure today, is entirely damaged by what is accepted as the prevailing economic model. Is it not an aspiration to which all Europeans might subscribe,

that every child has the right to development and education?

Education, contrary to the assertion of the OECD, is not a commodity to be purchased. The global report of the OECD on education has a great phrase in it, quoting someone who stated that education is the next big thing for private investment. In its previous publication, it stated that water was the biggest new commodity globally. Thus, poor black South Africans and poor blacks in California share the same water provision by a private French company. That is social exclusion and that is the imposition of the model with which I began, the notion that the economy is separate from people, that one version of the economy, the neo-liberal market driven economy, which makes a private return to an ever-increasing horde of private shareholders, is the notion with which we must live. That will be disastrous for Europe. It will create and deepen social divisions so that people will define security privately in gated communities. They will look for more people to protect them on the streets through restricted public order legislation. They will exclude thousands of people.

When we turn to where this bank began and look at its projects across eastern and central Europe and in Italy, no one has any difficulty about the speed with which people should respond to the disaster. I find it really difficult to note the cultural differences that arise in the ability to respond. How many in Parliaments in Europe debated the condition in Haiti? Was it a case that somehow the people on that small island are lesser and out of control and therefore nothing could be done? It is very important to be able to respond to disasters. In the case of natural disasters, this bank has responded and everyone welcomes that.

Is it not extraordinary that we will all give speeches on social housing and how housing shortages might be met, when less than 100 social housing units were completed last year? We live in a society where the notion of ever having a house has evolved into mortgage slavery, in which we have conscripted both partners into the economy and have begun suggesting to people that they must not retire short of 70 or they are guilty of being disloyal to the economy. We have not delivered what was promised by the Government in local authority housing, suggesting that we all exist to be a kind of fodder for a speculative roll in housing. I hope that many communities which are facing what has been visited upon them regarding shelter will write directly to the bank, begin preparing their own projects and apply for long-term socially based loans which are possible.

I am delighted to have had this opportunity to speak on this matter. We will not make progress in this House until we have consistency between what is pledged regarding matters such as contributing 0.7% of GNP in ODA by 2007 and until we have full accountability in here about what is said in our name at the IMF and the World Bank and in the different international agencies.



**Dr. Cowley:** I welcome this Bill as it is a step in the direction that we would help any area to develop. As a country that did so well with EU investment, it is extremely important that we ensure that development takes place. We are all here to do what we can on a national basis and for our own areas. If we are accused of being parochial, it is because these are the areas that we came from and these are the issues that we must address. No one can feel anyone else's pain, but one experiences these problems and is given a strong mandate to represent those issues which have not been represented by the political parties over the years, and that is why there are Independents. It is the people's agenda rather than the parties' agenda.

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

**Mr. Connaughton:** Dream on.

**Dr. Cowley:** This Bill is part of what this is all about, which is to help the people. The good works done by the development bank are very important. Who would argue against improvements in health care facilities in Bulgaria or the key role in vocational training and the fight against unemployment in Germany, reconstruction after floods in Hungary or aid for refugees and migrants in Lithuania? These are projects that have been helped by this bank.

I would like to inquire about the money we received under the national development plan, which is supposed to ensure balanced regional development. I hope the moneys allocated from all sources are spent on those areas which need it most.

There is no way of knowing where money goes. We do not know how the money given to the new EU member states will be spent, for example. When they were applying to join the EU, we were told that there would be less money for Ireland. We have received money from the EU, but now we have to give it to other countries. I hope the new member states fare better than Ireland as they try to ensure that regional development is balanced.

Like my fellow Independent Deputies, particularly those from the west, I represent a neglected area. There are figures to prove that the north west of County Mayo, west of a line between Killala and Newport, is the most neglected part of Ireland. According to demographic statistics, the population of the area has decreased by thousands of people and will decrease by thousands more. If current trends continue, very few people will be living in the locality by the end of the century. Things are much better in the eastern part of County Mayo.

It behoves those involved in the distribution of funding to ensure that it is allocated where it is most needed. The INDECON mid-term review of the national development plan stated that the BMW region has suffered from the unbalanced distribution of funds. Money has been spent on

projects in the east and south of the country, but major spending deficits are found in the west. That lack of balance is a central issue of great concern because balanced regional development is needed. Many ideas are contained in plans such as the national development plan and the national spatial strategy, but the reality is that money has been retained centrally. The centralised political party system has failed because it has ensured that money is spent on the east coast, where the power rests. More Independents will be elected to this House because they represent the people's issues.

**Mr. Treacy:** The Independent group is shrinking.

**Dr. Cowley:** The population of my local region is decreasing all the time. More than half of the graduates in the locality will have to go to the Dublin area to look for jobs. Further difficulties will ensue if the population of the Dublin area continues to increase. Alarm bells are ringing in the CSO and other bodies because things are wrong. If Ireland was floating, it would be sinking into the Irish Sea because the Dublin region is so over-populated. When one tries to get in and out of Dublin, one can see that it is chock-a-block with people.

It would make sense for the Government to pursue a policy of balanced regional development. Terrible problems, such as traffic congestion, which are caused by over-population would be solved by such an approach. One cannot get in or out of our capital city because there are so many cars. There is a proposal to build a second terminal at Dublin Airport because there is so much congestion there, but I think it would lead to even more congestion. The necessary infrastructure is not in place to help people to get in and out of Dublin Airport. We have gone backwards to the last century instead of making progress because of a lack of balanced regional development. The fact that traffic in Dublin moves at the pace of the ass and cart is a demonstration of that.

It is time for the Government to adopt a sensible approach and to realise that money needs to be invested in balanced regional development. There is a need for a change of emphasis. I accept there is a similar need for investment in inner city areas, as my Independent colleague, Deputy Finian McGrath, will attest. We all agree that resources need to be targeted at those areas where deficiencies are found. A great deal of money is being invested in transport infrastructure, which is certainly needed by those living in areas of large population. Would it not be better, however, to look towards the future and consider the need for balanced regional development? Such development could ensure that the people of the west, who would prefer to stay in the west in any event, do not have to move to Dublin to congest it even further.

I am in favour of decentralisation policy. I welcome the decentralisation of a Department to Knock Airport. The effect of that measure will be much smaller, however, than would have been the effect of the moneys which were promised under the national development plan if they had been provided as they should have been. Everything seems to radiate into the capital city, which is the ultimate parasite because it draws everything into it. It feeds into the national funds and ensures that the west continues to decline. I am very concerned about such issues.

Knock Airport is supposed to be an international airport, but it is treated as a regional airport. Although approximately 400,000 people pass through the airport each year, just €5 million has been allocated for its development. A sum of €400 million would have been given to the airport if it was classified as an international airport. Some 20 million pass through Cork and Dublin Airports, which are deemed to be international airports, each year, compared to 400,000 people at Knock Airport. Is it any wonder there is congestion at Dublin Airport and that a second terminal is needed there? Would it not make more sense to continue to support Knock Airport in a much more fundamental way? The money it is being given at present is peanuts compared to what it should receive if we are to provide for balanced regional development.

I favour anything that will help those in the new EU member states who need our help, but it is said that charity begins at home. Ireland would be much more efficient and effective as a nation and its people would have a much better quality of life if people did not have to travel to and from work at the pace of an ass and cart. A monotonous conveyor belt of people who live to work can be seen on the road before the sun rises each day. They endure terrible traffic congestion and sit for hours in traffic on jam-packed highways to get to their offices. They then have to try to get out of work as early as they can to avoid the terrible rush hour in the evenings. It does not make sense.

I appreciate that the Council of Europe Development Bank has been very helpful. I would like to speak about flooding in Pulla-thomas in the west, however. The Department of Agriculture and Food has not provided the funding which was needed to ensure that the communities which were decimated were given the compensation they deserved. The idea of balanced regional development is important for the future of this nation. This legislation will be seen as very positive if it can help that process in any way.

The development bank plays an important role in the promotion of social housing. Everybody acknowledges that we have a lack of such housing. Although social housing targets are set, the amount of money provided is insufficient to meet them, which does not make sense. Social housing is a wonderful way of allowing the community to be part of the process. Too much lip service is

paid to the role of communities, which can do things very well. Housing is provided by organisations such as local authorities and voluntary housing associations. There can be great jealousy in some local authorities, but not in all local authorities as some of them are very proactive. It is totally ridiculous and utterly unacceptable that some jealous local authorities are engaging in competition for building land. A scheme has been established to help community housing associations to borrow from the National Building Agency, but the associations do not yet have the means to do so because a way of overcoming EU competition rules has to be worked out. Such schemes make a substantial difference.

As we discuss the help given by the Council of Europe Development Bank to the new EU member states, we should consider further important steps that need to be taken. Sorting out the NBA to allow it to lend to voluntary housing associations would make a major difference, as would supporting older people in their own communities. Voluntary housing has a major role to play, including sheltered housing for people who wish to stay in their own areas. No one wants to leave, but they must do so because there is nothing for them. People must go to hospitals and non-community nursing homes. There is nothing wrong with those essential services, but in the absence of something in the community, people do not have the choice of remaining. A certain percentage of people in nursing homes would not have to be there if there were something for them in their communities, such as sheltered housing.

Being able to borrow from the NBA would be a means of ensuring that communities could care for older people in this way. It would be important and of major benefit to the community, something that we have proven in St. Brendan's village in Mulranny, which is the largest local employer. That can also extend to higher supports so that there is a guarantee that, no matter how old or disabled someone is, he or she may stay in the community. There is no earthly reason for that not to happen. The support is in place for profit-driven, non-community nursing homes, and that is only right in the absence of anything else. However, there should be the alternative of support in the community.

There must be solidarity with Europe through such banks which can certainly assist our new neighbours in the EU. If we are good for ourselves, we can be good for everyone else. The wealth of this country is substantial. The Minister said that we are the second-richest country in Europe in gross domestic product terms. Ireland has enjoyed significant benefits from the EU, but the west has not had that and the proof exists for it. I do not moan about it but offer solutions and say how matters might be improved. It is not too late to address the balance in whatever way that can be done. The bank has refugees and asylum seekers. Under the Rome agreement, people are being taken back to the UK if they made an original application in Britain. That situation causes

[Dr. Cowley.]

terrible human hardship. I know that the bank will examine the assistance of refugees and programmes that can benefit them.

However, here is another example of charity beginning at home. A Burundian Hutu lady was deported in July, having come from England, stayed here for several months and been integrated into the community. She was deported back to the UK in darkness by the immigration unit. They were certainly within the law to do so, but the way they did it was to give her one hour's notice to pack her bags. They arrived to bundle her and her two children, aged five and seven, off to the UK. They were taken with strangers on a journey to Dublin lasting four and a half hours. Then she was taken on a flight in the middle of the night to land in the anonymous and lonely Heathrow Airport where she was questioned and processed.

These cases involve people. We can discuss the wonderful things we can do for people in the Third World, and there is no reason for us not to do them. We should definitely do them for the accession countries. However, we must not forget our people and what happens in this country. Sometimes we can be blind to such matters. When the money is in place, we must ensure that we know where it is spent. Where has the money we received from Europe been spent and what value has resulted from it? Has it simply perpetuated a problem of congestion in one part of the country and the depopulation of another area? That it does not make sense is obvious to a blind man, and it is time to rectify that.

We could do a great deal for ourselves if we examined how our programmes operate, and this is a key example. We are also the only country in Europe that does not have a helicopter emergency medical service. Back in April, a report was published. There is great North-South co-operation now, and yesterday we played host to Dr. Kieran Deeny, the Northern MLA, who spoke to the Independents in the Dáil about working on a North-South basis. The Independents are the only group North and South except for Sinn Féin with a North-South president and who actively work to improve the working relationship in future. As an alliance or coalition of Independents, we would be able to bring the people's agenda to the fore North and South.

The helicopter emergency medical service is a good example. I have met successive Ministers for Health of Children going back to Deputy Noonan. I met the former Minister, Deputy Martin, and the Northern Minister of Health, Social Services and Public Safety, Bairbre de Brún, at a meeting of the North-South emergency care body in Newry, which recommended to the North-South Ministerial Council that a study be done. That was completed in 2002 but not published until 2004. Since April, there has been no movement on it, even though the helicopter emergency medical service is essential. Unsafe practices are current regarding the transfer of people between

hospitals. That should and need not happen since it costs lives and causes people to end up in wheelchairs. As a general practitioner, I know of people through colleagues who are disabled for life and are now in wheelchairs because of the lack of such a service.

It is obvious that things happen that are not right. Even in the accident and emergency departments of hospitals there has been mismanagement of funds. There is no black hole in health and there never was. Saying that the money invested in health care was unnecessary is a smokescreen. It is only now that we are achieving the spending levels seen in other countries. There is no black hole and we must continue the investment in health. It was because of the lack of investment and 3,000 beds being removed from the system that we are in the current mess in accident and emergency departments.

The way to solve this is to put beds back into the system. Some 1,000 should be put back immediately, thus putting some capacity back into the system. We are all in favour of money being spent properly. Many reports have been written on how matters should be reformed, but it should not be at the expense of local services, as seems to have been proposed. It was interesting to listen to Dr. Kieran Deeny, the Northern MLA, who spoke about the same centralising agenda. He spoke of the Hayes report while we are speaking of the Hanly report in the South. They are two sides of the same coin. There is an agenda to force people into the unbalanced development of this country which will create a situation where everything must happen at the centre while the periphery suffers as a result. We cannot tolerate that.

**Mr. Treacy:** What about the working time directive?

**Dr. Cowley:** The Minister has missed the deadline on that directive. The 58-hour limit by July has already passed. The Government has already failed on the Hanly report and should admit that it is, as I said on day one, a dead duck that should long ago have been confined to the dustbin, something that I hope will yet happen. I am all for more consultants being part of the service, but the Hanly report is a step too far and will not be tolerated.

I support the Bill and hope that there will be more balanced regional development, because charity begins at home.

**Mr. Connaughton:** I welcome my parliamentary colleague. I have no doubt that he will do extremely well in his new brief. We regret that he will be often absent from the constituency and hope he will try to call back on the odd occasion. The Minister of State has an important position, and I wish him well.

This is an important Bill. There has been a great deal of repetition in the debate. For many reasons, it appears a unanimous choice that the



House pass this Bill. It is doubtful if one will find a political party in any parliament as pro-European as Fine Gael. We are certainly delighted that we have more representation in the European Parliament than any other party.

**Mr. Treacy:** At present.

**Mr. Connaughton:** At present and for the first time. No one would deny the achievement. Even the Minister of State will agree it was a great achievement.

**Mr. Treacy:** It was.

**Mr. Connaughton:** There are five Fine Gael MEPs. That is a long way from two, but good luck to them too.

**An Leas-Cheann Comhairle:** Yes, and a long way from the Bill.

**Mr. Connaughton:** It has to do with European development.

It is important that we are associated with this type of development. As the Minister of State is aware, not all development in Europe over the past 25 years has been as good as we would have liked. I have always believed in the concept of European integration as a means of ensuring that everyone in the European zone is treated with dignity and respect. Unfortunately, with all great movements there are glitches along the way. Anything to do with money, finance, investment and so on eventually impinges positively or negatively on the lives of all concerned. That is why this Bill, though not a major one, is important. It is important that the social vocation, the system of ensuring that the European economy is driven not solely by hard economics, is built in, particularly to a bank.

I have been as involved as anyone else in this House in regional development over the years, inside and outside politics. Though this has nothing to do with any particular shade of government, I sometimes find that the greatest enemy of regional development projects is national government. Because of the pressures on government, the situation is often like that of feeding the child who cries loudest. It is a fact of life that one tends to get the greatest investment in areas of greatest population, but as has been said many times in this House it is important that there is balance. We have not been particularly good at this and there are opportunities for a more caring and balanced approach to the investment programmes in many areas. That is why I am pleased to see the aims and objectives of this bank. I might not often agree with Senator Michael D. Higgins, but while the International Monetary Fund has come to the aid of many ailing countries it is true that countries are sometimes left poorer than they were before the involvement of the IMF. There are other aspects which we do not have time to deal with today.

As far as Ireland is concerned, I hope we will play our part in the development of Europe and in the developing countries. Many speakers referred to overseas development aid. The Minister of State will be aware of a message which he and I got this morning from an ordinary constituent of ours in Galway East. It is likely that many people share this lady's views, but they do not all go to the trouble that she went to in contacting all her public representatives in Galway East. A commitment has been given that we would reach a contribution figure of 0.7% of GNP by 2007. This very intelligent housewife said that it appeared that in 2002 the figure was 0.043%, and that in 2003 it was 0.04%, indicating a reduction. I intend to put down a parliamentary question tomorrow to find out the exact figures because if what this lady says is true, the position is worse than I thought.

**Mr. Treacy:** That question will be answered on Tuesday.

**Mr. Connaughton:** I would like to get a copy of the answer. If those figures are correct I will be very disappointed. As the figures stand, we have only gone 60% of the way towards the promised contribution.

When the Taoiseach went on his worldwide tour to ensure Ireland got a seat on the UN Security Council, he quoted the overseas aid contribution figure of 0.7% of GNP because he knew the people of Ireland would be behind him. It is very important that when we give a commitment on a world scale, we stick to it. This is one of the big hurdles which the Minister of State will have to jump.

An important aspect of this Bill, to which the Minister of State might refer in his summary, is the direct relationship between the Government and every other government involved as a contributor to the bank. Is the disbursement of funds from the bank by way of all the various activities to be done on a government to bank basis, an individual to bank basis or on a regional development basis? Many people listening to this debate will want to know the position regarding social housing, for example, on which this Government has a particularly bad record. One only has to look at the numbers of people on housing lists, which have never been higher, at a time when we are better off than ever. Will the funds be drawn down by local authorities, individuals, housing co-ops, or will they be allotted on a national government basis? If it is left to national government, the same carry-on will continue.

Since Ireland's accession to what was then the EEC in 1973, the difference has widened between the prosperous areas as they then were at the heart of Europe and the peripheral areas. The evidence can be seen in graphs. The richer areas seem to be getting richer and the poorer areas poorer.

The Objective One status region will be a matter of great concern for the Minister of State,



[Mr. Connaughton.]

for myself, for Deputy Cowley and everyone else in the west. That status has been very important for the west and it would be disastrous if we were to lose it because if one has it, one is eligible in other ways. The same holds true for the Council of Europe Development Bank in terms of the technical aspects. The matter of a natural disaster occurring is referred to in the Bill. Will this be evaluated by the national government or can the people who have suffered most in such a disaster apply directly for help to such a bank? Many people want to know the answers to such questions. If this is another funding system with applications accepted only through governments or state departments it will be seen as important in its own way, but ordinary people will feel very far removed from it. I hope the Minister of State will refer to this in his reply.

I return to the question of social housing and disadvantage. If my understanding of the Bill is correct, I expect that peripheral areas, irrespective of whether they are located in the heart of Dublin, Cork, Newbridge, or Gorteen in County Galway——

**Mr. Treacy:** Lovely places.

**Mr. Connaughton:** The Minister of State and I have found nothing wrong with them.

**Mr. F. McGrath:** The Deputy should not forget Tuam.

**Mr. Treacy:** Tuam is also a great place.

**Mr. Connaughton:** I recently had the opportunity to speak to the principal of a large urban national school. Considering what happens in small towns such as that to which I refer gives one an opportunity to look through a small window at Irish society and see those who come from disadvantaged homes, those with major disabilities etc. One could argue that in a country as well off as Ireland, all national schools should have its full quota of resource teachers and there should be adequate numbers of duly qualified people to cater for those with disabilities whose parents want them to attend mainstream national schools. However, that is not the case. As the Minister of State is aware, there have been cut-backs in many of these services. I do not know why that is the case. I am sure the Minister of State has received as many representations as me in respect of this matter.

What will the Council of Europe Development Bank Bill and the social strategy which is attached to it mean for Ireland? We sincerely hope that the bank will work extremely well not only throughout Europe but also around the world. Many former Soviet states are becoming members of the bank. I assume many of the countries which are not currently member states of the European Union but which may aspire to membership in the future view the help they will

receive from the bank as a forerunner of the assistance they will receive if they join the European Union.

In the light of the state of health of the Exchequer, the annual instalment of €3.283 million is not huge. When we rub shoulders with everyone at this level in Europe and across the world, I hope that we will obtain benefits as well as bestowing them on others.

The Minister of State referred to refugees, migrants etc. I presume that funding will be provided and that this will be targeted at the welfare and well-being of refugees. I also presume that this funding will be specific in nature and will be capable of being drawn down. As stated, I am not sure who will draw down the funding.

The Minister of State also referred to the forced movement of populations. One of the great things about the Treaty of Rome is that it laid down that the countries of Europe would never go to war with each other, and thankfully that has been the case. The difficulty now, however, is that ethnic groups within particular countries have gone to war with each other. It is similar to a family falling out. Such conflicts are much more difficult to resolve than those involving one country fighting with another. I presume the development bank will be hugely influential in resolving such difficulties.

When the Bill has been enacted, Ireland will become a full member of the development bank and will play its part, as it has always done, in the development of Europe and the world. Now that the country is richer, it will be able to do that little bit more. It is vital that the lines of communication with the communities in this country and others which believe that their Governments are letting them down will be kept open. If these communities believe that their national Governments are blocking their making progress, the existing problems will not be resolved. I wish the Bill well in its passage.

**Mr. F. McGrath:** I congratulate the Minister of State, Deputy Treacy, on his recent promotion in the reshuffle and wish him well for the future.

I welcome this important debate on the Council of Europe Development Bank Bill 2004. The Bill is relevant in terms of the issues that have arisen in recent days. I refer here to the debate on the provision of assistance for poorer countries and the kidnapping of Margaret Hassan. The Bill gives us an opportunity to consider the issues of development aid, refugees, housing, poverty and education. It gives us a further opportunity to look at ourselves as a member of the European Union.

Before dealing with the detail of the legislation, it is appropriate to urge member states of the European Union with bad track records in respect of the way they dealt with poorer countries in Africa and the Third World to apologise for their past activities. Those directly involved in colonialism and the exploitation of poorer

African countries should apologise before we proceed.

The Bill also provides an opportunity to consider the financial supports for poorer countries and Ireland's obligation, as a wealthy nation, to those countries. There is no excuse for Ireland, with its massive wealth, not to play its part on the international stage and provide assistance to poorer countries. I urge the Minister of State to be proactive in the debate on the target for overseas development aid of 0.7% of GNP and to ensure that this is reached by 2007. I encourage the Minister of State to support the reaching of this target because it is important and people's lives depend on it.

It is important to thank and commend Irish aid workers who are spread across the globe in many poverty stricken countries providing assistance to people. Ireland has a strong track record at United Nations level and at voluntary level in this area. The people to whom I refer have struggled alongside the poor of the world and have helped them at risk to their own lives. Many have made the ultimate sacrifice. It is appropriate at this stage to pay tribute to Irish soldiers who have died serving the United Nations abroad. These are the kinds of people who have made Ireland a positive and proactive country on the international stage.

Margaret Hassan, who was sadly kidnapped in recent days, is involved with CARE International, an excellent organisation which deals with the issues we are discussing, namely, development aid, investment and providing assistance for poor people. All parties and Members united during yesterday's debate to demand Margaret Hassan's release, for which I commend them. CARE International, with its 9,000 workers, has made a massive contribution in Iraq. It has also helped 30 million people in other poor countries. These matters are relevant to the debate on the legislation.

The Bill provides for Ireland's membership of the Council of Europe Development Bank. The bank helps in solving the social problems with which European countries are or may be faced with as a result of the presence of refugees, including displaced persons or migrants among movements of refugees or other forced movements of populations as a result of natural or ecological disasters.

Following up on the recommendation of the second summit of the Council of Europe which took place in October 1997, the bank regards the strengthening of social cohesion as a new priority in the development of its actions. Over and above specific operations in favour of employment, promoting social cohesion in Europe means supporting vocational training, social housing, health care, rural modernisation programmes, improvement of the quality of life in disadvantaged urban areas and the protection and rehabilitation of Europe's historical heritage. The issue of apologising to people in the Third World, especially

Africa, should be considered in the context of rehabilitating Europe's historical heritage.

According to the terms of membership agreed initially by the governing board of the bank, Ireland's subscription to the capital of the bank will amount to approximately €30 million, of which €3 million will be paid as capital and the remainder will be available to the bank in the form of callable capital. Ireland will also be required to make a contribution of approximately €9 million to the bank's reserve. Our total cash contribution will amount to €13,132,680 to be paid in equal instalments of more than €3 million over a four year period. These are the nuts and bolts of the legislation.

I wish to focus on a related issue, namely, the debate about refugees. We urgently need a public education programme, both here and in other European Union countries, to tackle some of the myths about refugees, asylum seekers and migrant workers. I regularly hear amazing myths in my constituency, one of which is that the country is flooded with asylum seekers. As the figures show, asylum seekers constitute a relatively small proportion of total inward migration. From 1995 to 2000, half of new arrivals were returning Irish emigrants. Last year, 50,000 work permits were issued, while the number of asylum seekers was approximately 7,900. At least 50,000 migrants — the figure has probably increased in the past three months — work here and make a major contribution to the State. These figures bury the myth that we are flooded with asylum seekers.

A second myth is that asylum seekers receive money for cars, mobile telephones and drink. This is untrue and off the wall. Apart from receiving board and accommodation while their applications are being processed, precisely the same social welfare entitlements are available to them as to Irish people. I must sell this message to people because the stories making the rounds are appalling.

Another myth is that asylum seekers do not want to work and have come here to steal our jobs. The European Union has a role to play in addressing this issue. The reality is that asylum seekers are barred from working while their cases are examined, although many work voluntarily in the community, including in refugee projects. I commend those doing such work, many of whom I have met in recent years.

I also wish to bury the myth that asylum seekers are bogus and have no legitimate right to be here. While I accept that some applicants are found to be ineligible for asylum, I will not take the high moral ground on the issue given that I know many people living illegally in the United States. Although some refugees are found ineligible under the Geneva Convention, this ignores the fact that most of them are forced to leave their homes due to dire economic, political and social circumstance. We urgently need a public education programme to address this issue.

I urge the Council of Europe Development Bank to work on issues such as poverty and dis-

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advantage, which are included in its remit as established in the legislation. Before we tackle such issues at home, I encourage the European Union to deal with the HIV-AIDS crisis, the greatest health crisis facing the world. In two decades, HIV-AIDS has claimed 30 million lives. Of the estimated €40 million people living with the disease, 95% live in developing countries and a further 14,000 people are infected every day. These figures are astonishing and must be tackled at EU and international level.

HIV-AIDS is destroying families and communities and sapping the economic vitality from countries. The loss of teachers through AIDS, for example, contributes to illiteracy and a lack of skills. The decimation of civil servants weakens core government functions, thus threatening security. The burden of HIV-AIDS, including the death toll among health workers, is pushing health systems towards the brink of collapse. In the most severely affected regions, the impact of disease and death is undermining the economic, social and political gains of the past half century and crushing hopes for a better future.

A cure for HIV infection is years away but the development of life-saving drugs has brought new hope, which is welcome. In high income countries, particularly in the west, therapy has extended and improved life for large numbers of people living with HIV-AIDS and transformed perceptions of it from a fatal disease to a manageable chronic illness. In the poorest parts of the world, the regions in which HIV-AIDS has spread most rapidly, this transformation has not yet taken place. The lack of change in poorer countries is relevant in terms of assisting poorer countries.

On the issue of dealing with refugees, as outlined in the legislation, let us look at the reality and consider those who have come to European Union countries and made a massive contribution. They have come to new states, including Ireland, settled and served their host countries. I recently encountered a sad case involving a Kurdish family who were granted refugee status and have happily settled in my constituency. Sadly, six more members of the family are stuck in a refugee camp in Iraq which is experiencing major problems, including violence, attacks on women and anti-social behaviour. The family has pleaded with me to help them. I am trying to persuade the Minister for Justice, Equality and Law Reform to intervene to relocate the family members from the refugee camp to reunite them with their family in Marino. Members of the family are learning information technology and making a major contribution. We all have an obligation to ensure that the Kurdish family in question is reunited. I cite this case because assisting refugees, especially those in European countries, is part of the purpose of the Council of Europe Development Bank. Sadly, the Minister rejected the application to reunify the family. I urge him and other legislators to be a little more open and proactive.

The legislation includes a section on education. Education and skills are important in dealing with disadvantage while language is important in dealing with non-nationals learning the language of their host country. We must also respect their language and culture.

I worked in a small north inner-city school with children of 11 nationalities. The children had no problems although many of the adults appeared to have problems in terms of racism and discrimination. I have seen children from 11 different countries learn together from the age of four years onwards. They respected and accommodated difference and got on with their lives. I have also seen the positive side of having three or four different nationalities on a football team for children under 13 years proudly working together in the interests of their community and school.

These issues are covered in the Bill and must be addressed through education programmes. As part of the refugee programme, we must have a solid campaign against racism, by which I do not mean using silly slogans such as "Say No to Racism". Instead, well thought-out programmes are required and children must be educated about accommodating and enjoying difference, respecting diversity and working together. We cannot let racism become established. Until now, we have had a good record, although there are some signs of it. They are not particularly large but they must be nipped in the bud to prevent their expansion. Racism, like sectarianism, cannot be allowed to grow.

A section of the Bill deals with vocational training. This is the key to social inclusion. There is much talk in this Chamber about social inclusion but training, particularly vocational training, is most important. It is the key to success and personal development, especially for people from non-EU countries who arrive in the European Union. In the process of trying to get a job and becoming involved in the economic development of their host country, education and vocational training are important.

There is also a section in the Bill dealing with health care. This is another important strategy and more investment is needed to assist people who have health problems. We have heard the debate in the past few weeks about our health service. We are aware of the need to adopt change and to reform the health service. There is also a need for investment in the health service. This section is part of the legislation dealing with social cohesion.

Another section of the Bill deals with social housing. Local authorities, the Minister for the Environment, Heritage and Local Government and other Ministers dealing with housing need to be clear and imaginative when planning social and local authority housing and move away from the concept of building ghettos. Many mistakes were made. There was bad planning in the 1970s when many bad projects were built. Putting all



disadvantaged people in one place is a disastrous policy. It is not the progressive way forward.

I urge people to face reality and learn from the mistakes of the past about inclusion, mixed housing and breaking down the barriers between private and local authority housing estates. It is a national scandal that one can be living in massive poverty in one part of Dublin yet walk 500 m down the road and be in an affluent area. This type of apartheid cannot be allowed in our country. We cannot go around the world lecturing other countries if we do not take a proactive role ourselves. That is most important when discussing the parts of this legislation that deal with social housing. People in other countries, such as England and America, have also made mistakes.

We need to get away from the concept of ghettos. We have read about these in recent reports but I do not like to name areas because people need a lift and should be supported rather than being regularly analysed and discussed in reports. We know the problems. We know the way out of disadvantage is education, a job and a decent home. Another 25 years can be spent conducting research, making reports and holding constant seminars on poverty but the bottom line is education, a job and a house. Only then will children be able to break out of disadvantage.

When looking at these reports it should be borne in mind that the vast majority of the junior infant children who go to school each morning are three, and sometimes four, years behind the child from the average middle income family in this country. That is where the disadvantage starts. If one does not intervene fast in the pre-school and early education years, the damage is done. One is losing the battle or trying to catch up for the next seven or eight years in the primary school sector. That is the reason many children are dropping out of the system.

These are important elements of this debate. Economic development is part of the strategy to deal with these issues. Rural modernisation is mentioned in the Bill. People should be reminded of the rights of migrant workers who come to this State. Many of them are providing an expert service but, sadly, some of them are being exploited. Exploitation should never be part of any social, political or economic agenda. Families should be allowed into this country to work. They should be treated well and with respect. We should not discriminate against them. I challenge people to stand up for them. The bottom line is that we need them, they need us and together we can work as a unit.

There are approximately 50,000 migrant workers in the State. Many of us know some of them. They work in our pubs, shops, hotels and hospitals. Those services could not be run without them and we should remind people of that fact. Many people, particularly in political life, are ducking and diving on this issue. Migrant workers are doing an excellent job. In fact, the main complaint I have heard recently is that we are losing the friendly Irish smile and warm Irish attitude

because we are so busy in this Celtic tiger economy that we do not how to look after the customer in the local bar, club or hotel. A smile does not cost much. This is one of the basic things I have learned from many non-nationals who have arrived in this State. I see the proactive way they deal with people and the compliments they receive from managers in the catering trade.

These are important issues. This is important legislation because it contains strategies for tackling poverty and for dealing with housing, education and development aid generally. It is important that all Members of the House support it.

**Mr. Coveney:** I ask the Minister of State, Deputy Brian Lenihan, to convey my good wishes to his younger brother, Deputy Conor Lenihan, who has been appointed Minister of State at the Department of Foreign Affairs. The development aid budget is significant and, hopefully, will become more significant. Therefore, I wish him well in managing it.

This is an uncontentious Bill which Fine Gael supports. It allows Ireland to join the Council of Europe Development Bank and make a contribution to it. Under the terms of membership agreed by the governing board of the bank, Ireland's subscription to the bank's capital will be €30 million. A sum of €3 million will be paid in capital and the remainder will be available to the bank in the form of callable capital. Ireland will also be required to make a contribution to the bank's reserves. It is not before time that Ireland joined the bank.

The bank's history is interesting. Following the Second World War, Europe had to deal with a considerable flux of displaced people and refugees for whom no provision had been made and for whom no support mechanism had been put in place. To alleviate the situation, the Council of Europe decided to create what it called a social bank, whose aim would be to borrow in order that it could lend to member states' governments or legal entities guaranteed by them. In 1956, therefore, the CEB was born. Although perhaps not the most widely known, it is the oldest international financial institution in Europe.

It is fundamentally different from other banks in that it has an exclusively social vocation. The bank provides long-term loans for its member state governments, local authorities and public and private financial institutions to finance social progress. Thirty seven of the 46 member states of the Council of Europe are members of the bank. Of the 25 EU member states, all except Austria, the United Kingdom and Ireland are already members of the bank. It is time Ireland decided to become a member.

The *raison d'être* of the Council of Europe Development Bank is consistent with all that is positive about the European Union and the great European project over the past 50 years. The EU ideals are consistent with the bank's. They are to give support from stronger countries to weaker



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ones to ensure a common standard develops across the Continent and to promote democracy, freedom of speech and opinion, a common marketplace and human rights. Most importantly for the bank is the ideal of supporting projects that help to alleviate poverty and despair in European countries.

As the European Union continues to grow and develop positively with its neighbours, the bank continues to play an important role in assisting with the development of countries that need assistance to improve the lives of their citizens.

The Council of Europe Development Bank provides loans or guarantees in three main areas or spheres of activity. The first relates to social integration, promoting projects of urban and rural reintegration, social housing, support for small and medium-sized enterprises, vocational training, in particular in disadvantaged areas, and assisting the settlement of refugees and migrant workers, for example, by providing language classes. In all these areas, Ireland still has work to do.

The Bill provides an opportunity for us to make some comments on such areas of social integration. Immigration policy is an area which has resulted in political cowardice. It is unacceptable that despite the clear problems with our immigration and, in particular, asylum policy, there has been no significant change of direction or policy. It is unacceptable that it takes up to three years to decide on whether an asylum application is valid. In that period, despite that the persons involved may be willing and able to work, they are unable to do so. In the end, a decision is taken which may not have any consequence on whether a person will be sent home. As Deputy Howlin stated, the unfortunate situation exists whereby the vast majority of asylum seekers who come to Ireland are economic migrants. However, because we have no system to deal with economic migrants who want to come here—

**Mr. B. Lenihan:** We do. We have a work visa system.

**Mr. Coveney:** We have a work visa system based purely on the needs of employers who must apply for a work permit for a person to come here. This makes it impossible for people from many countries even to aspire to coming here because they have no way of accessing information on work or convincing an employer to employ them. This is the reality. Instead, they pay somebody to put them on a plane or ship and they come here to claim asylum although they are coming to work. They stay for perhaps three years going through the asylum process.

The system is inefficient and should be capable of making a decision much more quickly. The Government should set itself a target to decide on asylum applications within six months. If after six months it is not capable of making a decision on an asylum application, some facility to allow

the person to work should be introduced because this is how he or she will properly integrate into society while a decision is being made on his or her application.

The bank's role on job creation is important, in particular in regard to small and medium-sized enterprises and particularly in central and eastern Europe. Some countries emerging from the darkness of Communism suddenly have the capacity to grow and develop small and medium-sized businesses but need assistance to do this. Ireland is a good example in that it has experienced rapid economic development. There have been some social consequences but, by and large, it has been a hugely positive experience. The new member states of the European Union look to Ireland as a template for economic development and change. The Council of Europe Development Bank has a vital role in supporting small and medium-sized businesses, vocational training and the kind of business expertise and development required for rapid progress to be made in the small and medium-sized business sector in central and eastern European countries. Ireland should be supportive of this process.

The second sphere of activity supported by the CEDB is the development of human capital, in particular in the health and education sectors. However, as this area has been dealt with by other speakers, I will move on. The third sphere relates to the responsible management of the environment. In recent years, the CEDB has increased levels of support for projects of an environmental nature, such as for the development of clean, renewable energies and innovative projects for the treatment of waste. As the European Union has enlarged and as a more transparent and open Europe develops eastward, there is potential for significant environmental concern, in particular in the area of energy generation. The bank should consider this in a positive way to promote necessary change in eastern European countries which have difficulties with outdated technologies and fuel sources for energy creation. There has also been strong support in the case of environmental disasters such as earthquakes in Slovenia and Turkey and flooding in Poland, Bulgaria and elsewhere in Europe.

With regard to EU enlargement, the Council of Europe Development Bank makes a significant contribution to preparing countries for accession, helps to progress countries which have recently joined the Union and promotes the building of common standards across the Continent. Bulgaria, Romania and Turkey are involved in accession negotiations and Bulgaria and Romania should, I hope, join in 2007.

Many Europeans are rethinking their approach to Turkey and I wish to make my position clear. I welcome the European Commission's recommendation that accession negotiations begin with Turkey. Without Turkey's aspiration to join the European Union, it would not have made progress on human rights and the move towards a normalised democracy, the rule of law and free-

dom of speech. The reform process would not have happened at the pace it has had Turkey not had the end goal of European Union membership.

Some would advocate cutting Turkey off and saying to the Turks that for historical and geographical reasons, they are not part of Europe and not welcome to join the Union at any stage. This would set the reform process in Turkey back by many years. At present, the ace card for reformers and positive, pro-democracy politicians and people in Turkey is that some day they will lead their country to EU membership and the benefits this will bring for its 70 million people, which may perhaps be 80 million in a decade. The European Union must not send out the message that it is a Christian club which is frightened and unwilling to go through the necessary accession negotiation process with Turkey.

I wish to quickly dispel another myth. Some talk about accession negotiations with Turkey as if Turkey was to join the European Union next week or next year.

The reality is that the optimists within the Turkish Government say it will take ten or 15 years for Turkey to reach the standards set under the Copenhagen criteria and is willing and able to join the European Union.

**An Ceann Comhairle:** I am reluctant to intervene but we are well outside the scope of the Bill.

**Mr. Coveney:** We are not, if the Chair listened to the first part of what I had to say, which is that one of the main roles of the Council of Europe Development Bank is to prepare countries for accession to the European Union.

**An Ceann Comhairle:** I accept that.

**Mr. Coveney:** It has already done that regarding Turkey.

**An Ceann Comhairle:** It is in order to make a passing reference to the accession of Turkey, but we cannot have a wide-ranging debate on it.

**Mr. Coveney:** I have been speaking for 20 minutes, three or four of them on Turkey, but I will not spend any more time on it.

**An Ceann Comhairle:** I have brought the same point to the attention of other Members this morning and I want to be consistent.

**Mr. Coveney:** I accept the Chair's ruling on that. I will make one final point on Turkey. We must continue to invest in Turkey to support and promote the reform process. The one hugely positive contribution Europe can make in the next ten years to the 70 to 80 million people in Turkey is to continue to encourage them in the most positive way towards a continuing reform process. To do that we must offer them the carrot of membership in the future.

Ireland's contribution to development aid in the developing world is also relevant to this Bill and many other speakers have referred to it. The main issue is whether Ireland will fulfil its commitments to the UN, made on the international stage on numerous occasions, to clearly and unambiguously provide 0.7% of our gross national product, GNP, by 2007 towards development aid overseas. This is by far the biggest issue facing the new Minister of State, Deputy Conor Lenihan, in the coming years. His credibility will be on the line if he cannot achieve this target, which will not be easy. However, he will have the support of this side of the House, certainly of Fine Gael, in trying to achieve that. I hope he will also have the support of the Taoiseach.

This is an issue on which Ireland's credibility internationally is on the line. Ireland does not contribute significant resources towards military activity and common security and defence within Europe or in the world, although our armed forces make a valuable contribution towards peacekeeping. This is an area where we can make a significant difference, where we have credibility and non-governmental organisations, NGOs, making a contribution throughout the world. The Irish people will accept what will in effect be close to €700 million by 2007 if GNP continues to grow as is anticipated and we meet our target of 0.7% of GNP within the next three years.

Unfortunately, in the past two years we have been going in the wrong direction. In 2002 we contributed 0.41% of GNP towards development aid. In 2003 we contributed 0.40%. The Government argues that in net terms the amount of money going towards development aid has increased from €422 million to €445 million. That is true, but the percentage of GNP, which is a more accurate measurement of Ireland's sacrifice towards the developing world — it should not be called a sacrifice, it is our obligation towards the developing world — is moving in the wrong direction. We need to turn that around and increase our contribution from 0.4% of GNP to 0.7% in two to three years. That will be a significant feat. However, even though we need to spend money on social projects here also, if the value of such a contribution and where it is being spent is properly explained and it can be shown that it is being spent in a transparent and measurable way, people will accept it.

Given the projects that Development Co-operation Aid, formerly Ireland Aid, is supporting, particularly in our programme countries in east Africa, it is clear that money is being spent in a hugely positive way. Anybody who has been privileged to travel to Africa, to any of the programme countries where Development Co-operation Aid operates, will see the same kinds of people one can see anywhere in the world, but they are living on a different planet compared to the world in which we live. The criticisms made regarding reluctance to support countries that have corrupt Governments need to be clarified. If we are too critical of Governments it will be

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almost impossible to invest in any country in Africa. We must make a leap of faith and take a calculated risk in supporting departments of health and education in countries across the continent of Africa. It is a risk we must take because not only are we supporting people there, we are also supporting the development of a more transparent governance process within those countries, and the best way to do that is to invest and insist on getting, on an annual basis, transparent details regarding where that money has been spent.

I look forward to Ireland's development aid contributions continuing to increase over the next two to three years under the stewardship of the Minister of State, Deputy Conor Lenihan.

**Mr. Crawford:** This is an important Bill. As a nation we have benefited greatly from our membership of the EU over the past 30-odd years. It is time for us to enter into the spirit of what the EU is all about. That includes contributing to the development of difficult areas. I cannot help going back in history because, between the famine and other difficulties through the years, Ireland has many stories to tell. One of the greatest stories, particularly as far as County Monaghan is concerned, is that today is the centenary of the birth of the great Patrick Kavanagh. He came from the stony grey soil of Ireland and recorded many of the difficulties experienced by people in such areas before Ireland reached its present stage of development. The Ceann Comhairle and I had the honour of attending the world launch of the stage adaptation of his book *The Green Fool* and it was extremely interesting to see its portrayal of the way we dealt with our history and our problems.

Ireland's commitment to development aid has been a contentious issue over the past few weeks. It is frightening that the newly appointed Minister openly states that we will not reach the target of 0.7% of GNP, on which the Taoiseach made a solemn commitment. I am aware that few other countries have met the target. However, it is not good enough, considering our nation's history of famine and emigration, to row back from the commitment given by the Taoiseach when seeking a seat on an international body. He admitted that we gained the seat because of the commitment and we must, therefore, be seen to meet it.

Ireland has a proud record in supporting overseas development. Missionaries from all churches and none have created a strong image of Ireland in all those countries that needed support and aid. While missionaries were involved in programmes, there were also back-up workers. The Government must send a clear message that Ireland is committed to the 0.7% figure now that the finance is available. I appreciate the House's call for the return of Mrs. Margaret Hassan to her family. She is proof of the commitment many Irish people have given to those in need, wherever they may be.

The EU has played a role in developing the new Ireland of today. I am old enough to remember what it was like before EEC membership.

**Mr. S. Power:** The Deputy is too young to remember as far back as then.

**Mr. Crawford:** Our entry into the EEC was a major step into what many felt was the unknown. My predecessor, the late, great Mr. James Dillon, first proposed EEC membership and the Fine Gael Party has always been strongly pro-European, whether in government or otherwise. Our support is not given blindly as we are involved in the largest political grouping in the European Parliament, ensuring EU programmes are to Ireland's benefit. As chairman of the European committee on beef and veal, I had the pleasure of chairing meetings with members from the United Kingdom, Germany and France. The peoples of these countries had fought in two world wars and had every reason to have tremendous hatred for each other. However, after the Second World War, they realised a better way by sitting down and discussing economic and social issues. By doing so, we have come to where we are today without a third world war in Europe.

The EU, with the US, has played an important role in Ireland's peace initiative, of which we must be proud. The Border region was hard hit with 30 years of the Troubles. However, over the years it has benefited from the International Fund for Ireland, set up by the Anglo-Irish Agreement negotiated by the then Taoiseach, Dr. Garret FitzGerald. It also benefited from the PEACE I fund, negotiated at the time of the ceasefire by the then Taoiseach, Mr. Albert Reynolds, and PEACE II, a result of the Good Friday Agreement under the Taoiseach, Deputy Bertie Ahern. Other EU funding has been available under the INTERREG programme. All these programmes have helped in meeting the needs of the Border region. However, Government commitment has not matched these. The funds are often used to replace moneys rather than the opposite.

This non-contentious and long overdue Bill providing for Ireland's membership of the Council of Europe Development Bank is supported by the Fine Gael Party. Membership will commit Ireland in capital subscription to approximately €3.4 million each year for the next four years. This fades into insignificance when compared with the moneys spent on the Punchestown Equestrian Centre or on electronic voting, on which €52 million was wasted. Ireland is not, therefore, entering into a major commitment. The bank is geared to strengthening aid to refugees, migrants and displaced populations. As a country that has suffered from migration in the past, it will be a great honour to participate in the bank's work.

Until 1987 many Irish people were forced to emigrate to the USA, Australia, the UK and elsewhere. While it can be argued that they worked



hard in these countries, it must also be remembered they were allowed to work. Many did the work that those in their adopted countries were happy to see us do. Recently, I travelled with a colleague on the motorway between London and Wales. He was amazed at its size as it was his first time on the motorway. I reminded him that our sons and daughters worked on the building of that structure and that is why the UK has the infrastructure it has now.

Those seeking refugee status in Ireland are often criticised. However, families of Irish migrants are in desperation due to the new US immigration controls. Their desperation brings the vast number of Irish illegals in the USA to our attention. I ask the Minister for Foreign Affairs to raise this as a matter of urgency. Arrangements introduced after the events of 11 September 2001 have made entry into the USA more difficult. While US immigration officials cannot be blamed for stricter entry rules, the onus is on the Taoiseach and the Minister for Foreign Affairs to use our good relationship with the USA to resolve the issue.

The bank has a role to play in the provision of social housing. When one walks the streets of Dublin or meets constituents who cannot get rent allowance, one knows we need more social housing. I thank God job creation is not the major problem it was many years ago in the most parts of Ireland. I make no apology for saying the Border region has not been given its fair share of high-tech and highly paid industries. We hope that can be rectified with the appointment of a Minister for Foreign Affairs from the Border region.

We know a great deal about urban and rural disadvantage and regeneration. The situation here has improved in recent years but there is still room for improvement. We should certainly be involved in anything we can do to help in other parts of Europe. The bank has been deeply involved in supporting countries at times of natural or other disasters and in assisting them in preventative action measures. It was involved in reconstruction in Hungary after floods there. It also gave aid to refugees and migrants in Lithuania. Another project in which it was involved was reconstruction following flooding in Poland and flood prevention measures there. These are only a few of the projects in which the bank has been involved. When one sees on television the devastation that has been wreaked in poorer countries in eastern Europe, it is evident they could not afford to pay for reconstruction without aid and I support the giving of such aid wholeheartedly.

Protection of the environment is another important aspect of the bank's work, as is the preservation of historical and cultural heritage. Sometimes countries cannot afford to do this for themselves and support at a crucial time can be vital. Two other aspects of the bank's role that are of particular interest because of our current situation relate to the development of human

capital in terms of education and health. Education is very important but even here children leave school without a proper understanding of the three Rs. While I support development in this area elsewhere, we must put our own house in order first.

The role of the bank in improving health care is an important one. I have tried to raise this matter in several ways in the House. Members may be aware of what I have said previously about supporting other European countries while ignoring the problem in the Border region where people do not have access to hospitals. People must travel to Sligo, Enniskillen and elsewhere. I would be less than responsible in my duty if I did not highlight this matter. If we are to be taken seriously in the structure of the Council of Europe Development Bank and in other areas of development, we must put our own house in order. We must ensure we have the administration and structures that will give an adequate health service and sustain lives in our country. That is all I ask. It is vital that we show others we have the ability to manage significant resources and deliver a health service at least equal to what we were able to provide 30 years ago.

The bank has provided €11 million for health care improvement projects in Bulgaria. That kind of initiative is to be encouraged and supported. As a member of the British-Irish Inter-Parliamentary Body I visited areas in Scotland, Wales and the Isle of Man. I saw how peripheral areas were being dealt with, which convinced me of the need for proper primary care. It is important for us to be involved in such projects through the bank but we must not forget the situation at home. We need to create an environment where people can have medical cards and get access to primary care.

**An Ceann Comhairle:** Like his colleague before him, Deputy Crawford is going well outside the scope of the Bill.

**Mr. Crawford:** Unless we can show we can do it ourselves, it is difficult to tell others how to do it, but I accept the Ceann Comhairle's point.

**An Ceann Comhairle:** Even a passing reference to the matters raised would not be in order on the Bill.

**Mr. Crawford:** I will return to development aid and how we can help. The money we give through the bank can make an important contribution but we must examine other ways to support those in need.

A great hero of mine and a man for whom I had tremendous respect is the late T.J. Maher. He was not only a farm organisation leader but also a member of the European Parliament. One of the things he did in a quiet way was to encourage people to subscribe towards funding various projects. It was not a case of handing out money to people to feed them for the day. He organised



[Mr. Crawford.]

the export of in-calf Friesian heifers from this country to parts of Africa. He also organised projects for sinking wells. He showed how major dividends could be realised from little money and that is something which we must look at in our involvement in the Council of Europe Development Bank. We must use our presence to ensure that it is not just a case of money being provided where it is needed but also that retired or other expertise available to us would be encouraged to help in such areas.

I hope the Ceann Comhairle will not rule me out of order on this point. In my home parish of Aghabog the late Hugh McKearney was made parish agent in the 1960s and a small amount of funding was provided in grant aid. Through his expertise he was able to advise and encourage the small farmers of that area to better utilise what they had. This helped to revolutionise the area and brought it back from what might have been a forest to a living rural community. That is the type of action from which we must learn.

**An Ceann Comhairle:** The Deputy is not only outside the scope of the Bill, his time is concluded.

**Mr. S. Power:** He did not even get his second wind.

**Mr. Crawford:** We must encourage that kind of endeavour. In the interests of the Ceann Comhairle I will conclude. I support and encourage the Government not only to implement the legislation but also to ensure it meets the commitments given by the Taoiseach towards overseas development aid.

**Mr. Healy:** I wish to share time with Deputy Connolly.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Mr. Healy:** The Bill in part arises from the Ireland Aid review committee which reported in 2002. The Bill has been slow in coming to the House. The review gave rise to other issues which should be dealt with in the legislation, such as debt cancellation, overseas development aid and membership of the African and Asian development banks. The Bill should be amended in at least those two significant respects. I call on the International Monetary Fund and the World Bank to cancel Third World debt. The Council of Europe Development Bank claims to fight poverty but both it and the International Monetary Fund are draining the life blood out of the poorest countries by insisting on debt repayments. The biggest creditors are the poorest countries in the world. The bank claims it cannot cancel the debt repayments. However, the World Bank and the International Monetary Fund are among the world's most prosperous financial institutions. The IMF has one of the world's largest holdings of gold reserves, so it is quite in order for cancel-

lation of debt to be on the agenda. If the poorest countries are to prioritise the needs of their peoples, then cancellation of debt is vitally important.

Debt cancellation was a millennium goal. At the start of the new millennium, the international community laid down a number of goals that were to be met by 2015. The aim was to improve the lives of millions of people by tackling poverty. The goals included matters such as the halving of extreme poverty, achieving primary education for all and reducing child mortality by two thirds. They were minimal goals, but four years later we find that even these are not going to be met and debt repayments are a major obstacle to their achievement. According to the UN, many countries will need 100% debt cancellation to help achieve the goals. For instance, countries such as Senegal are spending twice as much on debt repayment as on their health services. Zambia, Malawi, Niger and Gambia are spending more on debt than on education. Debt cancellation is a major issue and should be dealt with in this Bill by way of amendment on Committee Stage.

A second area that should be dealt with in the Bill and which is not is the question of overseas development aid. The confusion that has arisen in regard to this in recent weeks serves to underline the argument that the Bill should deal with this issue. Ireland is supposedly committed to paying 0.7% of gross domestic product, GDP, by 2007. There is now a serious indication that this will not happen. Ireland is one of the wealthiest countries in the world and it is a disgrace that there should be a question mark over overseas development aid. The only way to resolve this problem is by statutory initiative to ensure there is a legal obligation on the Government of the day to meet these goals.

**Mr. Connolly:** I congratulate Deputy Power on his appointment as Minister of State at the Department of Health and Children and invite him to visit my constituency of Cavan-Monaghan where I will show him around.

I welcome the opportunity to speak on the Bill, which I support. It arises from the 2002 report of the Ireland Aid review committee which recommended a strategy for Ireland to join a number of development banks, including the Council of Europe Development Bank. In this regard, I pay tribute to the dedicated and admirable work of a former Minister of State in charge of overseas development, Deputy Tom Kitt, for his proactive role and pioneering work in this area. His predecessor, Deputy O'Donnell, also deserves commendation for her great commitment to the resolution of the problems of displacement of peoples in the Balkans, in particular those in Bosnia Herzegovina.

The Council of Europe Development Bank has as its primary purpose the resolution of the social problems which many European countries have or may be faced with, namely, the displacement

of refugees, displaced persons or migrants. Many of these persons are economic migrants or arrive in this country as a result of being displaced because of war or, perhaps, natural disaster. Europe has just witnessed a war of savage dimensions and unparalleled since the end of the Second World War. Carnage and atrocities on a massive scale were commonplace, initially in Slovenia and subsequently in Croatia, both of which had declared their independence from the former Yugoslavia, and latterly Bosnia Herzegovina.

The war in Slovenia was over in a matter of weeks and the question of displaced persons did not arise as the Yugoslav national army had suffered a setback in seeking to bring Slovenia to heel. It preferred to concentrate its military might on both Croatia and Bosnia Herzegovina where a war of unmitigated savagery was carried out for the next four years, with both the EU and UN apparently impotent in brokering a solution. The ghastly practice of ethnic cleansing then entered the vernacular, with the forced transfer of entire ethnic groups from areas where they had lived for countless generations and the requisitioning of their homes by the so-called victors. A total of 2.3 million people were removed from their homes in this way and expelled from their native areas with no thought for their re-housing or resettlement.

Banja Luka in the putative Republika Srpska in north-eastern Bosnia was one of the areas that suffered most from this hideous practice. Three-quarters of the non-Serb population were forcibly expelled and anyone who resisted was summarily executed. Those being expelled suffered the added indignity of being forced to pay the sum of 100 deutschmarks each, equivalent at the time to approximately €50, for the privilege of being allowed to stay alive. These refugees were expelled to make way for large numbers of Serb nationals who were refugees from other municipalities affected by the war. Areas that were forcibly occupied and cleansed, to use the abhorrent expression, have not been resettled and the onus remains on the authorities to agree a programme of refugee resettlement between the various ethnic groups.

Responsibility devolves to the Council of Europe Development Bank to facilitate such a process by contributing to various projects that will facilitate and expedite such a resettlement programme. There is no prospect of Bosnia Herzegovina attaining EU membership in the foreseeable future while issues of refugee resettlement are unresolved. The concept of creating the bank came from the Council of Europe. After the Second World War, no measures had been taken in support of the so-called national refugees, in particular East German refugees in West Germany. The Council of Europe entrusted Mr. Pierre Schneider, President of the French National Assembly and the Council's special representative for national refugees and over-population, with the task of finding a solution to the plight of these national refugees. He opted for a flexible system, namely, the creation by the

members of the Council of Europe of a social bank whose aim would be to borrow to lend the amounts borrowed to member states of the Council. The purpose of these loans was to finance projects, create new jobs and target the resettling of national refugees and the management of excess populations in Europe. The so-called Council of Europe resettlement fund for national refugees and over-population in Europe was created. This was later to become the Council of Europe Social Development Bank. Over the years it evolved into the Council of Europe Development Bank, which came into being on 1 November 1999 with the objectives unchanged.

This name gives a clearer understanding of the institution's activity, which is that of a development bank. The clearer understanding also serves to promote the social objectives which are the reason for the bank's existence. It is the oldest multilateral financial institution in Europe and its originality stems from the nature of its projects and its broad geographical shareholder spectrum. It seeks to foster balanced social development through its actions in the fields of health, education, social housing and employment for victims of natural disasters as well as fragile population groups. It also provides loans for housing for low income groups in the form of social flats and infrastructure in the social area. Other projects catered for include the creation of social infrastructure and the building of primary schools as well as health care and environmental protection. It also promotes projects for the creation of jobs in small and medium-sized industries. With its new structural orientations, the Council of Europe Development Bank has over the years affirmed its specificity within the community of supranational institutions.

The bank has two particular characteristics. First, it is the only European development bank with a purely social vocation and its activities include projects to combat extreme poverty and social exclusion. Our banks should send their people on in-service training courses or projects to some of these banks. They might find a new way of doing business and come back with a more community oriented ethos, which would be welcome.

Second, it directs its financing exclusively to banks or public entities. That characteristic makes it truly complementary to other supranational institutions. The bank grants loans and guarantees, not subsidies. In exceptional circumstances, however, it has granted donations to certain countries in response to situations of extreme urgency, to Bosnia and Kosovo during the refugee crisis and Romania in the case of the orphans.

The accession of ten new states to the European Union on 1 May 2004, including eight central and eastern European countries, was designed to ensure the demographic stability and prosperity of a continent united around common values. At the same time this enlargement process, which should continue in the coming years, will lead the EU to face serious disparities that

[Mr. Connolly.]

are likely to worsen unless appropriate measures are taken. That will constitute a major challenge for the bank as well as an opportunity to strengthen its contribution to social development.

Ireland's total cash contribution to the Council of Europe Development Bank will amount to €13 million to be paid over a four year period. I hope we will meet that objective, although I am aware there are doubts about our meeting the 0.7% of gross national product, GNP, target announced recently because we are a nation well known for our humanity and our work on the world stage in improving the lot of others. The first instalment will fall due within 30 days of the bank's receipt of Ireland's declaration of accession to membership and it is important that Ireland is seen to be playing a proactive role in the bank's continued development. I welcome the Bill.

**An Ceann Comhairle:** Did the Deputy intend to share time with Deputy Cuffe?

**Mr. Connolly:** Yes.

**Mr. Cuffe:** Like the previous speaker, I welcome the Bill before the House. It shows that we are developing our prosperity. We are joining the illustrious company of states such as the Holy See, Liechtenstein, San Marino and others. In essence, we are joining a very rich club and that is testimony to the development of Ireland within the past ten years. With that wealth comes a moral responsibility to reach out to the developing countries of Europe, some of which have joined the Union as members over the past ten years.

I welcome the type of projects the bank supports. Most of it does not make the headlines but one particular project, the restoration of the Mostar bridge, is worthy of support. I am pleased that a body such as the Holy See has contributed to the restoration of a very physical link between two parts of the town of Mostar, an important bridge between east and west and between different religions and faiths. That symbolises in many ways the importance of the bank and its contribution to the development of Europe, particularly looking towards eastern Europe.

It was of interest to examine the distribution of the bank's financial resources. I note in its last annual report it spent approximately one quarter of its funding on aid to migrants and victims of natural disasters. It spent a considerable amount of money on improving living conditions in disadvantaged urban areas. There is a certain irony in that the fields of action of the Council of Europe Development Bank should perhaps echo the fields of action on which this Government should be spending money. The fields of action are health, education and vocational training, social housing for people on low incomes, rural modernisation, improving living conditions in run-down urban areas, protection of the environment, creating viable jobs in disadvantaged

areas and protecting and rehabilitating the historical and cultural heritage.

The Government could benefit from examining those eight fields of action in detail. In drafting the budget, perhaps it will concentrate on those eight fields because they address, in a detailed and specific way, the needs of the less well off in society and in Europe. We need a significant investment in housing for those on lower incomes and in health and education for the less well off. Given that the Minister for Education and Science is in the Chamber, I hope she takes note of and reflects on the principles and the fields of action of the bank in terms of bringing her own input to the Cabinet table shortly. There is an authority that the Council of Europe Development Bank brings to bear on developing countries and it is, curiously, a moral authority given the fields of endeavour and investment of the bank from which we could learn. I hope we shall learn from that.

The broad fields of action are worthy. The operating principles, from my cursory reading of the literature available, appear to be well thought out and detailed. There is a strong and careful attempt to comply with Council of Europe conventions and the various legislation in place in each of the countries to which aid is supplied. From the one or two brief trips I have made to eastern Europe, I am aware that enormous investment is required to provide the assistance needed for the victims of natural and man-made disasters. Whatever about the killing fields of the former Yugoslavia, the bank has invested heavily in restoring properties badly affected by floods in Germany and to the east last year. That should make us reflect for a moment on what is contributing to these disasters, and they are not just man made.

It is becoming more apparent that some of the extremes of weather that have characterised the past few years are probably a result of acts of man as much as acts of God. Institutions, whether they be Governments or banks that act on a transnational basis, must also reflect on the reality of climate change the, difficulties of untrammelled development and the problems it may create. It is worth reflecting that much of the aid and assistance this bank has brought to eastern Europe was intended to address the problems man has wrought on this Continent. I wish the Bill well and I pledge my party's support.

**Mr. Murphy:** Fine Gael welcomes the Bill as it will further the objectives of European unity. We welcome it particularly because it is a European institution dedicated to improving the lives of the less well off citizens of Europe.

Not long ago a Bill came before this House the purpose of which was to authorise €50 million for the World Bank. While there was general acceptance of it at the time, I have certain reservations about increasing our contribution to the World Bank while at the same time falling behind in our overseas aid commitments.



There are many questions to be asked about the World Bank intervention in some countries and, if anything, these questions loom larger than ever because of recent United States and British actions in the Middle East. There is a constant fear that such loans are conditional on recipient countries responding to the wishes of ultra-conservative right wing elements in the more powerful western countries. Interventions and conditions can on occasion do more harm than good when imposed on the poorest of countries.

I do not, however, have the same concerns about the Council of Europe Development Bank. Set up in 1956 to provide solutions to the problems of refugees, it has since adapted well to changes in social priorities in Europe. With a mission to contribute to social cohesion in Europe, it is a multilateral development bank and a key instrument in solidarity policy in Europe. While many European states, including Ireland, are relatively prosperous, the less developed eastern European countries have significant needs. As a member of the CEDB, Ireland will be able to contribute to the bank's capital with an initial contribution of approximately €13 million.

The bank's functions were particularly important in the run-up to the latest EU expansion. Living standards in many countries such as Latvia, Lithuania and Estonia have declined since the fall of the Berlin Wall, yet the citizens are willing to put up with these difficulties so that all their citizens may soon live the European dream, with the help of institutions such as this bank. The bank is even more important for countries aspiring to join the European Union, including Albania, Macedonia, Romania, Bulgaria and, to a lesser extent, Croatia. The enlargement process which will continue in the coming years will force the European Union to face serious social disparities. Financial institutions in Europe must rethink their strategy. The CEDB, with its special vocation to foster social convergence by prioritising social projects and responding to emergencies, will benefit the most vulnerable populations and the least advantaged countries. Nobody can argue with the bank's main objectives and priorities.

When considering the bona fides of the bank, it is important to examine what political powers influence its policies. Under its articles of agreement, the bank is attached to, and administered by, the authority of the Council of Europe, 36 of whose 45 member states are members of the bank. It conducts its business in accordance with the overall objectives of the assembly, with particular emphasis on human rights, pluralistic democracy and the rule of law. It is nevertheless legally and financially independent and is not financed by taxes but by its capital and reserves as well as resources raised in the financial markets.

Its procedures for guaranteeing or giving loans are well linked to the political system. The nation where the application originates must approve of its objectives. The application is then sent to the

Council of Europe for political approval and to the governor of the CEDB for technical and financial approval. This robust and well-tested system ensures adherence to the aims of the Council of Europe. The bank's priorities are the strengthening of social integration by giving aid to refugees and migrants and displaced populations. There are many examples of flood relief, educational and housing projects financed by the bank over recent years, all extremely worthwhile. We in Fine Gael welcome this Bill which will add to the concept of European unity and integration and, as the strongest pro-EU party in the House, we are pleased to support it.

**Mr. Kehoe:** It is important that Ireland joins the Council of Europe Development Bank to make its contribution to the developing countries. By granting loans the CEDB helps to finance social projects. It will strengthen social integration by providing aid to refugees, migrants and displaced populations. It will also support social housing which is important here for the less well-off and will be all the more so for those in developing countries. This week a group of Irish construction workers went out to some poor countries to build houses, schools and accommodation for the less well off. I compliment them on this work. It is good to see such action because Ireland has provided a service to poor countries for many years, whether through fundraising projects or whatever. Deputy Crawford said other countries helped Ireland when we were in need, for example, all those who went to America and are illegally based there. We are repaying what was done for us.

Strengthening social integration includes job creation, preservation of SMEs and vocational training. Job creation and vocational training will prepare these people for the future. This work will focus on disadvantaged urban areas and rural modernisation. The bank also has a policy to manage and protect the environment. It is very sad to see pictures on television of disasters in these countries and that is why protecting their environments is very important. Together with this, it is important to preserve the historic and cultural heritage. We pump thousands and sometimes millions of euro into protecting our heritage and it is important for these other countries to protect their heritage. The CEDB will help fund this work.

The Bill covers developing human capital under the headings of education and health. The people who receive this money will appreciate all that is done for them. They are not very well educated and really appreciate access to education. People who come here from less developed countries and see our educational system — even if it is not up to scratch — recognise what they are unable to get in their own countries and know what they are missing. I spoke to a family who came in here in 1999 and whom the authorities are trying to deport back to Bulgaria. They have seen the opportunities available here for their



[Mr. Kehoe.] children since their arrival in 1999. They have seen the education that they have got and they appreciate that. It is important that these people are well educated for their future.

Debate adjourned.

## Ceisteanna — Questions.

### Priority Questions.

#### Telecommunications Services.

1. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the circumstances surrounding the recent discontinuation of television and telecommunications services to thousands of homes in the Dublin area; if the health and safety factors have been identified which brought about this situation; if similar technology is being used in other households; the extent to which he has been in touch with ComReg on this issue; and if he will make a statement on the matter. [25929/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Before I start, I offer my congratulations to the Deputy on his promotion to Opposition spokesperson in this area. I look forward to working with him into the future.

I have no function in the matter raised by the Deputy. This is a matter for the Commission for Communications Regulations, ComReg. ComReg has statutory independence in the exercise of its functions. Responsibility for the protection and promotion of consumer interests for electronic communications networks and services and the integrity of the network rests with ComReg under the European Communities (Electronic Communications Networks and Services) (Universal Service and Users Rights) Regulation, SI 308 of 2003. ComReg is mandated to ensure a high level of protection for consumers in their dealings with suppliers and to investigate complaints from consumers regarding the supply of, and access to, electronic communications services, networks and associated facilities. ComReg understands that the company is concerned that the equipment which it installed in customers' homes may, in certain circumstances, constitute a potential safety hazard through overheating.

The manufacturers of the equipment issued a press release stating that, based on the evidence available to it, the probable cause of these incidents was the improper installation of the equipment. The company is required to protect its consumers and it must immediately offer an alternative provider and without exposing them to additional costs associated with such a transfer. I understand that ComReg has met the company and instructed it to take immediate steps to minimise the impact of the interruption of its cus-

tomers' telephone service, in addition to considering issues concerning the equipment.

Specific issues which ComReg has immediately required of the company include establishing a dedicated freefone telephone number so that affected customers can obtain information on the issue and be provided with advice and assistance in restoring telephone service; discussing with other telephone service providers the possibility of similar facilities for affected customers; establishing call forwarding or call divert facilities so that customers can continue to receive incoming calls made using the existing number; and meeting the direct costs of the above which customers would otherwise have to pay. I understand that ComReg will continue to closely monitor the situation to ensure that the company in question complies with its obligations.

**Mr. Durkan:** I thank the Minister for his good wishes. I return them to him and extend them to his colleague, the Minister for State, Deputy Gallagher. It is the first time we have faced each other in this position across the floor. We would not want to get along too well together, however.

I feel that there is an inadequacy in the Minister's answers and I ask him to address the following questions. There is a health and safety issue that has not been adequately addressed because there is no reference to the possibility that similar equipment has been installed in other houses. This may well present a health or fire hazard. What does the Minister propose to do about that? Does he intend to give instructions to ComReg or anyone else in the matter?

What was the degree to which the hazard became known and what action was taken? Was immediate action taken, or was there a delay? What recompense has been made to the consumers? I recognise what the Minister has said about ComReg having full responsibility for the consumer, but that is a delegated responsibility from this House. To what extent have consumers' concerns been addressed in terms of inconvenience and discomfort, as well as the health, safety and fire issues?

**An Ceann Comhairle:** The Chair is reluctant to intervene on Priority Questions, but I point out to the House that the Chair ruled out a number of questions that were specifically the responsibility of ComReg. It would be inappropriate for the Chair to then allow those questions as supplementaries to this question. The first question raised by the Deputy was in order.

**Mr. N. Dempsey:** One of the questions was on how quickly the action was taken. The action was taken almost immediately by ComReg. I am sure the Deputy has heard this from people directly involved, but the initial notification by the company of this problem was not a classic example of good customer relations. It is not satisfactory just to send a letter of notification out to state that there is a problem and that the service is being

withdrawn due to possible health and safety issues. I hope that the company will have learned from that. When ComReg became aware of this, it moved very quickly and issued directions to the company on what it needed to do. I listed them all and I will not repeat them because of time constraints.

There is a dispute on whether this is a health and safety issue. NTL states that there is, but the company that provides the equipment states that it is the way it is installed. The company has taken the view that it is not taking any chances and we should commend it for that, even if it did not go about it in a very good way. ComReg has made known its views on compensation to the company itself. In the end, customers will have recourse either to ComReg or to a legal route if they are not satisfied with compensation or with the response they get.

**An Ceann Comhairle:** I will accept a very brief supplementary from the Deputy.

**Mr. Durkan:** The Ceann Comhairle knows me of old, and I am very brief. Does the Minister wish to have a report on the actual circumstances surrounding the cessation of service to find out if it was a health and safety issue or some other issue? Will he be in the position to get clarification? Notwithstanding the responsibilities that ComReg has in this matter, this is a delegated responsibility given by this House and by legislation. The responsibility does not rest entirely with ComReg, there is a need for the Minister to report fully to the House on the matter when he has that information available.

**Mr. N. Dempsey:** It is a delegated function and I do not intend to take back delegated functions every time something happens. However, in deference to what the Deputy said, we have been kept informed and we can make inquiries from ComReg on this. If the Deputy wants us to get a report, I am sure we can do that, or I am sure that ComReg will be willing to provide a report directly to the House. I will request that in this instance.

2. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources if he will request a full investigation and early report by ComReg into the scandal of spilt or paired lines and network performance issues on the national telecommunications landline network; his views on the performance of Eircom in discharging its role as universal service provider, especially on the provision of land lines and broadband to new residential estates; and if he will make a statement on the matter. [25837/04]

**Mr. N. Dempsey:** I am responsible for policy on the telecommunications sector. The responsibility for regulation of the sector rests with the Commission for Communications Regulations, ComReg. Responsibility for the quality of telecommunications networks is a matter in the first

instance for the network operators. The detailed operation and planning of telecommunication networks is also a matter for each operator. ComReg monitors the service level agreements that are put in place between operators and customers. I engage with and request information from Departments, ComReg and operators in the sector on an ongoing basis in discharging my policy role regarding these issues.

The provision of a telephone connection is a matter in the first instance for Eircom as the designated universal service provider operating in a fully liberalised market. There is no obligation, however, on Eircom, as designated USO provider, to supply broadband services. The regulations provide for functional Internet access only. Eircom needs to improve the transparency of the process it uses in answering requests for the provision of telephone and Internet access.

As the regulator in this area, the Commission for Communications Regulation recently concluded discussions with Eircom on the matter and on what constitutes functional Internet access. The discussions will be followed by a public consultation on the proposed revision of the conditions to be imposed by the commission on Eircom as the universal service provider, with particular regard to what constitutes reasonable access and the definition of functional Internet access. Any such proposed conditions will require my consent as Minister.

**Mr. Broughan:** I join Deputy Durkan in congratulating the Minister for Communications, Marine and Natural Resources on his appointment. I wish him well. I also congratulate the Minister of State, Deputy Gallagher, who responded to a matter I raised on the Adjournment last night. I also congratulate my old sparring partner from the Committee of Public Accounts, Deputy Durkan, who will join me again in trying to invigilate a Fianna Fáil Government.

Is it not the case that the Minister, Deputy Noel Dempsey, was dropped in it by the Taoiseach during the recent reshuffle? The problems with broadband roll-out probably constitute the single greatest scandal in Irish economic life. The Minister informed the Telecommunications and Internet Federation this morning that he has a target of 400,000 domestic broadband lines. If he is to achieve his target or to reach the European broadband average, as was the intention of the previous Minister, Deputy Dermot Ahern, Esat, Eircom and the third company will have to enrol people at a rate of between 6,000 and 10,000 each week. I understand that approximately 2,000 new customers come forward each week. Our current level of broadband development will not come close to meeting the target set by the Minister.

There is grave disquiet about the quality test indicators. Does the Minister accept that at least 30% of households will never get broadband because their telephone lines cannot be enabled?

[Mr. Broughan.]

When the stakes were originally erected, the lines were placed on splitters or paired lines. The Government's broadband drive is pretty hopeless for that reason. A significant proportion of households and businesses will find it difficult to become broadband-enabled. Our colleagues in the Gallery reported on the famous Pittsburgh project some months ago. The project involved Dr. Anthony O'Reilly and his colleagues taking over the Eircom company.

**An Ceann Comhairle:** Does the Deputy have a question? The Minister may not have time to reply.

**Mr. Broughan:** Does the Minister accept the reports which were given to the financial interests behind the takeover of Eircom as part of the Pittsburgh project? The reports indicated that this country's telecommunications network is a shambles because it is decaying desperately.

**An Ceann Comhairle:** The Deputy is taking up all the time available for this question by making a statement.

**Mr. Broughan:** They suggested that investment is not possible.

**An Ceann Comhairle:** I call the Minister.

**Mr. Broughan:** May I make a final point?

**An Ceann Comhairle:** There is no time for a final point. Six minutes have been allocated for this question but just 50 seconds are remaining.

**Mr. Broughan:** I will make the point in my follow-up question.

**An Ceann Comhairle:** There will not be a follow-up question during the time for this question.

**Mr. Broughan:** I will be brief.

**An Ceann Comhairle:** No.

**Mr. N. Dempsey:** I am delighted that the Taoiseach dropped me into the Department of Communications, Marine and Natural Resources. I do not have a difficulty with it. One will face various challenges in all Departments. I am pleased to accept this challenge, just as I was pleased when I was appointed to my previous ministerial positions.

I do not agree with Deputy Broughan's assertion that we will never reach the targeted level of broadband penetration because of the use of splitters and carriers in our system. Approximately 128,000 telephone lines in this country, or 8% of the total, are splitters or carriers. I do not accept the contention that we cannot reach the target figure.

**Mr. Broughan:** Where did the Minister get his figures?

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

**Mr. N. Dempsey:** I accept that it is a challenging target. I based the figures I cited this morning on the intention of two telecommunications operators to have 100,000 broadband customers each, as well as on other work which has been done, such as the Government's metropolitan area networks project and the group broadband network which is being rolled out. The Government's target is not only feasible, it is also achievable. I have asked the industry to aim for a higher figure of 500,000.

**Mr. Broughan:** By when?

**Mr. N. Dempsey:** I have asked the industry to enrol 500,000 customers by 2007.

**Mr. Broughan:** I would like to ask a tiny final question.

**An Ceann Comhairle:** We have dealt with just two questions in 15 minutes.

**Mr. Broughan:** I want to ask the Minister a single brief follow-up question.

**An Ceann Comhairle:** Sorry, Deputy, not one question.

**Mr. Broughan:** I will ask him later.

### Energy Resources.

3. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the analysis the Government has undertaken to investigate when global oil production is likely to peak; and the implications of such a peak for future energy prices. [25915/04]

**Mr. N. Dempsey:** I have been asked when global oil production may peak against the background of the conventional notion of what is meant by "peak oil". The determination of the date and impact of the peak and decline of the world's oil production is a matter of worldwide concern. It is the focus of many, often conflicting, research studies, views and opinions. While I have not undertaken specific analysis of world oil production, I support and have access to such research because Ireland is a member of the European Union and the International Energy Agency. I understand that the agency will publish the 2004 edition of its World Energy Outlook on 26 October next. The implications of global "peak oil", whenever it occurs, on prevailing energy costs will be determined to a significant extent by the energy mix on the global demand side at the time.

In Ireland, as in other economies, the magnitude of the direct effect of a given oil price



increase will depend on the degree of dependence of the various sectors of the economy on imported oil, the ability of end users to reduce consumption, the ability to switch away from oil and the impact of world oil prices on the cost to businesses and consumers of imported goods and raw materials. Reliance on oil must be eliminated over time, however, if global economic development and living standards are to be sustained. While there may be new oil finds and improvements in extraction technologies, the environmental impact and the finite nature of fossil fuels such as oil are key drivers of research into sustainable and renewable energy sources.

**Mr. Eamon Ryan:** I wish the Minister well in his new and challenging position. He said in his response that the Government follows the advice of the International Energy Agency and that there are many conflicting views in this regard. Is he familiar with the views of an expert on this matter, Dr. Colin Campbell, a former geologist with some of the major companies, who is based in west Cork? He believes that the International Energy Agency has not done its job properly because it has failed to conduct detailed field-by-field analysis of the remaining oil stocks. He argues that the markets reflect the increasing international concern that we may have reached peak oil production and may be moving towards a position of decline. Does the Minister believe that recent price increases were caused by the occurrence of such a peak in oil production or the prevailing geopolitical environment?

There is no obvious alternative to the significant use of oil in sectors such as agriculture and transport because cars will not run on biodiesel or hydrogen for the next two to three decades at least. How high will oil prices have to rise before the Government starts to review public policy in such areas? Will the price have to reach \$70 or \$100 per barrel? If the price of oil continues to increase, at what point will a change in Government policy be triggered?

**Mr. N. Dempsey:** The Deputy and I agree that there is a great deal of conflicting evidence in this regard. When I read the information in my notes and scanned the Internet quickly to learn more about this subject, it struck me that there are as many opinions as there are experts. I am familiar with the work of Dr. Campbell who is not regarded as the only expert in this area. He has a particular point of view which may be valid. I do not think it is generally accepted that we have reached a peak in oil production.

The Government's overall energy policy obviously involves trying to ensure that we have security and diversity of energy sources. We depend largely on oil and gas at present, obviously. We obviously have gas. Our current target is for 13% of energy to come from alternative sources and that will be constantly reviewed. In the event of arriving at a situation where there is consensus that we are at peak oil use, that

would obviously galvanise everyone into examining alternatives. At present, we are reviewing it continually and part of my job over the next three years will be to ensure that we continue to support alternative energy sources to make sure that we are not dependent on any single source of energy.

**Mr. Eamon Ryan:** It is only after the fact that we will know when the peak has occurred and that may be too late. We know for certain that it will be in the next five or ten years. It is a small point whether it is now or in ten years time. Is the Minister concerned at the comment of the OPEC president this summer when reacting to the price crisis when he said the problem was that there was no more supply? If OPEC is saying there is no more supply and the demand will continue to increase next year—

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

**Mr. Eamon Ryan:** —does that not raise concerns in the Minister's mind?

**Mr. N. Dempsey:** I would be concerned were that borne out, but we are awaiting the world energy outlook report, which will be published on 26 October. However, the conventional wisdom at this stage is that resources of conventional crude oil are adequate to meet demands until 2030. There is obviously a different view on that point.

**Mr. Eamon Ryan:** Is that the Government's view?

#### **Fisheries Protection.**

4. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the way in which his Department first had its attention drawn to alleged commercial fishing irregularities at Killybegs or other locations; the action or actions taken on foot of the information; and if he will make a statement on the matter. [25930/04]

**Mr. N. Dempsey:** The matter referred to was first brought to the attention of the Department by an individual who first wrote to the Department on 26 July 2004, stating that illegal fishing was taking place. The Department received that letter on 28 July and responded on 29 July seeking documentation and offering to meet the complainant.

Meetings were held with the complainant on 2 September and 9 September by departmental officials. The officials examined the matter and the issues arising and brought it to my attention on 1 October 2004. The complainant sent a letter to the Department dated 4 October, which was received on 11 October and which indicated that the complainant had also written on the matter to 12 European fisheries Ministers, the European Commission and the European Court of Justice

[Mr. N. Dempsey.]

in early October. The allegations made were considered to be very serious. I agreed with the Secretary General of the Department that he raise the issues with the Garda Síochána and he wrote to it advising it of the matter and requesting it to investigate it. He also offered to make all information on the matter in the Department's possession available to the Garda Síochána. The European Commission has also been formally advised of the matter and of the action taken.

I assure the Deputy that I take matters relating to illegal activity of any kind very seriously. The allegations in the letter are regarded as very serious concerning the responsibilities of fishermen regarding fisheries law, the Department regarding fisheries control and the legal obligations of Ireland regarding control under the EU Common Fisheries Policy. I understand the Garda Síochána is investigating the matter and the Deputy will appreciate that it would not be appropriate for me to give further details of the complaint for fear that it might prejudice any investigation taking place.

**Mr. Durkan:** Perhaps the Minister might provide further clarification. In his reply he said that the Department was contacted on 26 July and again on 4 October. With whom in the Department was contact made on 26 July, what discussion or debate took place and what action was taken following that debate? Did the subsequent letter on 4 October contain a reference to the fact that little or no action had taken place since 26 July?

**Mr. N. Dempsey:** I do not have the letters with me. However, from memory and from having looked at the file, the answer is "No". I believe the letter of 4 October appeared in one of the newspapers. To my recollection, it did not make any reference to the fact that no action had been taken. The gentleman concerned wrote the letter on 26 July. It arrived in the Department on 28 July.

**Mr. Durkan:** To whom was it addressed?

**Mr. N. Dempsey:** It was addressed to the Department and replied to by Mr. Kinneen, the sea fisheries control manager in the Department. The response on 29 July stated that the Department would view the allegations extremely seriously and that, whatever way the complainant wanted to — I presume that I may use the gentleman's name, since it has appeared in the newspapers?

**An Ceann Comhairle:** If it has appeared in the newspapers, that is all right.

**Mr. N. Dempsey:** It is Mr. Cannon. The Department replied saying that it viewed the allegations very seriously and offered to meet him or make some arrangement whereby he might send information to it by post. At the end of that letter

of 29 July, it was stated that Mr. Kinneen would be going on holiday and that, if a letter arrived in the meantime, it would be dealt with immediately upon his return. The next document in the file, for 2 September, is a note of a meeting between Mr. Cannon and the Department, contact having obviously been made some time in August. A further meeting was arranged on 9 September. That meeting finished on the understanding that the Department needed documentary evidence and that, as soon as that was available, it would act.

The next contact was on 4 October, stating that a letter had already gone to the various Ministries in Europe and to the Commission. There was nothing after the meeting of 9 September. No further information was provided to the Department — no files, copies or anything else. Mr. Cannon refused to hand over the file. Although he allowed some information to be noted from it at the meetings, he would not allow any photocopies to be made. He wanted to hold onto it and said that it was his bargaining chip and that he would not hand it over. The Department had no documentary evidence of the allegations other than Mr. Cannon's word up until 4 October, when he said that he was sending the information to Europe.

**Mr. Durkan:** We all appreciate the need to preserve the good name and integrity of the fishing industry. That naturally entails early investigation of any complaint that might do anything to damage it. Is the Minister aware that it is alleged that, when Mr. Cannon first made his complaints to the Department, little or nothing was done and that it was in frustration that he subsequently made his complaints to another office, namely, the European Commission? Perhaps the Minister might also confirm whether, immediately after receiving the complaint, officials from his Department or anyone representing his office went to meet the complainant given the serious nature of the allegations being made. If not, why not? In the meantime, has the Minister, an official or anyone representing his Department made contact with the bodies, agencies or individuals involved? If so, to what extent?

**Mr. N. Dempsey:** It is exactly as I described to the Deputy. The gentleman contacted the Department by letter on 26 July. The letter was received by the Department on 28 July. A letter dated 29 July was immediately dispatched to Mr. Cannon. At no stage have I received a letter, nor am I aware of anyone except Mr. Cannon contacting anyone in the Department to say that the letter of 1 October would be sent to the Commission because the Department had not done anything for him. That is the first that I have heard of that allegation. If the Deputy has anything to back that up, I will certainly investigate it, but that was not the complaint made. Meetings were held with Mr. Cannon on 2 September. He wanted to raise other personal matters. This was

the second reason he gave for raising the matter with officials in the Department. A further meeting was arranged for 9 September and that meeting finished on the basis that the Department needed some documentary evidence to investigate this. It was left open to Mr. Cannon to return to the Department but he did not do so. He wrote directly to the commission.

**Mr. Durkan:** Did the Minister or his Department seek corroborative evidence when the Minister first became aware of the allegations?

**Mr. N. Dempsey:** I became aware of the allegations on 1 October in a written report made to me. I put a note on it to say that I presumed the matter was being followed up. On 11 October we got the word that the file was gone to Brussels. In the absence of documentary evidence it was very difficult to start an investigation. That was part of the difficulty.

### Postal Services.

5. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the position with regard to restructuring An Post in view of the company's recent announcement that it recorded operating losses of €43 million in 2003; and if he will make a statement on the matter. [25838/04]

**Mr. N. Dempsey:** Deputies will be aware of the precarious financial situation my predecessor outlined in some detail to the House on 23 March with regard to An Post. On top of losses in 2001, the company lost approximately €60 million between 2002 and 2003 and has forecast further losses this year.

Losses on this scale and of this duration are simply unsustainable. It is not in the interests of the company, its employees or customers that the situation remains unchecked. If the company is to return to profitability, it needs to be restructured. If this is to be a success, it is crucial that all stakeholders play a constructive part in this process.

The current industrial relations issues in An Post have been simmering for some time. The problems there are long-standing and deep-seated and it is clear that the solution to the current issues must put the company on a long-term sustainable financial and operational footing. The full scale of the financial problems facing An Post became clear to my Department during the second half of 2002 and to the then management of An Post some time later.

It is important that all stakeholders fully recognise the seriousness of the financial position and the threat this represents to the future of the company. Once the scale of the financial difficulties became clear during 2003 a recovery strategy was approved by the board and presented to my Department. The strategy sets out a roadmap to return An Post to profitability by 2005. It includes significant restructuring and almost 1,700 job

losses. However, buy-in from the unions is crucial to agreement and implementation. This has not been an easy process. Change is never easy.

Following the industrial dispute last March, the Labour Relations Commission put forward a framework to resolve the differences between management and unions. Both parties have been engaged in protracted negotiations under the auspices of the Labour Relations Commission. It is expected that these talks will conclude shortly in the Labour Relations Commission and that outstanding issues will be referred to the Labour Court for determination.

It is important that a company such as An Post continues to be a strong player in the Irish postal market and provides quality services to customers. The recovery strategy approved by the board of An Post sets out the basis on which the company, in partnership with the trade unions, can move forward. While my Department is more than willing to assist in any way possible to facilitate an agreement, the responsibility for agreeing and implementing the recovery strategy rests primarily with the board, the management and unions in An Post.

**Mr. Broughan:** In responding to Question No. 2, the Minister referred to a figure of 8% of paired lines or splitters. I would be grateful if he would investigate that and ask ComReg for the facts. I believe it has them but has not published them.

Does the Minister still receive monthly reports on the progress of An Post? The Minister's predecessor came into this House very startled a few years ago, having discovered the ongoing losses. He initiated a process of receiving monthly board reports and a process of director training. Has the Minister any input into that?

Does the Minister consider it outrageous that An Post's 11,000 employees and its 8,000 pensioners have not got a penny of their increases due under Sustaining Progress? They did not get the 3% increase on 1 November 2003 nor the 2% rise on 1 August 2004. Up to now there is no indication that they will get the 2% increase next December. If not, in terms of increases they will be a cumulative 7% behind the Minister and myself, who get those increases. Is it outrageous that workers on very modest incomes are treated in this manner by the management of An Post and, perhaps worse, that pensioners who have given up to 40 years of service, former civil servants, are being treated in the same way?

The Minister delivered a brief report on the current discussions. I understand that the national implementation body under the good auspices of Peter Cassells is involved in carrying through consultation between management and the workforce to develop a final transformation through partnership. Does the Minister expect a positive and early result from that so that what most people regard as an era of confrontation imposed by the current management of An Post will end and that recognising the problems in the area,



[Mr. Broughan.]  
with technology changes, deregulation and so on, we can move towards having a modern postal service?

**Mr. N. Dempsey:** I share the Deputy's view of what we need in terms of the future of An Post, namely, a modern postal service. That is achievable on a partnership basis by management and workers working together and on the basis that all meet the commitments they make, which is important. I do not want to delve into the discussions taking place on the basis that certain elements which were supposed to be delivered were not delivered. Sustaining Progress is about delivering change and about payments being made to workers on the basis of that change being delivered, as I know from my previous ministerial job. I hope that both sides will live up to their commitments with regard to those agreements. The Labour Relations Commission talks should finish shortly. If there are matters that must then be referred to the Labour Court I believe they will be taken there quickly.

The Minister of State has laid out the position regarding An Post pensioners. I have great sympathy with the pensioners who are out of the system and are not involved with this dispute, yet suffering as a result of it. With goodwill on all sides, that matter could be resolved quickly.

I also share the Deputy's view that it is time to get rid of some of the out-dated and out-moded practices in An Post. We need a company where management and unions work in partnership to provide the best possible service. That is achievable and when we reach the end of the latest round of talks, some of the old practices and attitudes on both sides will have gone and we can move forward.

## Other Questions.

### Alternative Energy Projects.

6. **Mr. Stanton** asked the Minister for Communications, Marine and Natural Resources his further plans to support the development of the renewable energy sector; the details of the most recent developments in this regard; and if he will make a statement on the matter. [25751/04]

13. **Mr. McCormack** asked the Minister for Communications, Marine and Natural Resources his plans to provide alternative energy at a competitive price; and if he will make a statement on the matter. [25821/04]

**Mr. N. Dempsey:** I propose to take Questions Nos. 6 and 13 together.

The promotion of renewable energy technologies is a key priority of this Government. The Green Paper on Sustainable Energy, published in 1999, established a target to add 500 MW of new renewable energy based electricity generating

plant to the electricity network by 2005. Further proposals in the course of the most recent support programme, AER VI, are being implemented to support the construction of a further 140 MW generally, an additional 50 MW in an offshore wind category and an additional 28 MW specific to biomass powered combined heat and power, CHP, plants. This represents an increase of more than 40% on the original target and is evidence of the growing importance the Government places on renewable energy technologies.

AER VI brings to a close an initial programme to add renewable energy technologies to the electricity network at a level which does not raise serious technical issues. However, planning for future programmes at increased penetration levels raises significant technical issues which must be addressed to maintain system security for electricity customers. This plan may in turn require a revision of the current support programme to embrace changes required to allow higher levels of wind energy penetration in particular.

At the end of last year a consultation document, Options for Future Renewable Energy Policy, Targets and Programmes, was published. The document and its supporting annexes, which examine in detail support mechanisms and renewable energy policies in Ireland as well as in other European countries, were published on my Department's website and examined key challenges in the future, including policy, future green energy markets, how to overcome barriers to the deployment of renewable energy, and future options for market support mechanisms.

In May of this year, a renewable energy development group, chaired by my Department, was established. The group comprises relevant experts from the administrative and scientific sector and it will advise on future options on policies, targets, programmes and support measures to develop the increased use of renewable energy in the electricity market to 2010 and beyond. The group's report, which is due before the end of this year, will form the basis of my future policy proposals to Government.

The AER VI programme is primarily about supporting renewable energy in the electricity market. Biofuels are also renewable fuels which can be used as alternatives for fossil fuels in vehicles. Earlier this year, my Department secured an amendment to the Finance Act 1999 which allows the Minister for Finance to apply a relief from mineral oil tax for biofuels essential to a pilot project to produce biofuel or to research aspects of biofuel production and usage as a motor fuel. My Department is in discussions with the Department of Finance about the final design of a proposed scheme under the measure and expects to be in a position to announce details of a scheme under the Finance Act provision shortly.

In tandem with these programmes, Sustainable Energy Ireland, the independent non-commercial State body focused exclusively on sustainable use of energy, including deployment of renewable

energy sources, has commenced a challenging work programme to increase energy efficiency and to promote renewable energy technologies. In the renewable energy field specifically, SEI has opened a research, development and demonstration programme for renewable energy technologies. This programme is open to a wide range of proposals, including policy studies, field research, feasibility studies and technology research and development.

**Mr. Stanton:** I wish the Minister well with his new brief and thank him for his interesting and comprehensive reply. He stated that 500 MW are due to be in place by the end of 2005. What will be the position at the end of this year and will the target be met by the end of 2005? What percentage of our overall energy needs will be met by renewable energy sources by that date? I welcome that he is involved in discussions with the Department of Finance but has he had discussions with the Department of Agriculture and Food or people in the agriculture sector who are interested in growing crops for bio-energy use? He stated that, at present, this represents 40% of the target. What will be the position at the end of the year? Has he considered other sources such as tidal and wave energy and what progress is being made in that area?

**Mr. N. Dempsey:** I hope that the programme we have put in place with Sustainable Energy Ireland will lead to an increase in research in the various types of alternatives, such as tidal and wave energy, biofuels etc.

I have not yet had discussions with the Department of Agriculture and Food or anyone in the sector in respect of biofuels. In the current context, however, there is a great opportunity for us to engage in joined-up thinking with the Department of Agriculture and Food in respect of this matter. I will certainly take action in this area.

The Deputy inquired as to what will be the figure for the end of 2005. I do not have that in my possession. He will be aware that the target for the use of alternative energy sources to be reached by 2012 is 13.2%. The indications are that we will achieve this. In the context of some of the research being carried out, I would favour looking at ways of trying to increase that figure in the coming years. We have made great progress but there are technical difficulties with almost all these alternative sources, especially wind energy. However, I am of the opinion that these can be overcome. We should aim to use much higher levels of sustainable alternatives.

**Mr. Coveney:** I wish the Minister well with his new brief which I am sure he will find interesting. Unfortunately, I will not be present to offer my tuppence worth. I will, however, try to do so from time to time.

Is the Minister in a position to indicate, if he has the figures in his possession, the number of megawatts being produced into the national elec-

tricity grid from contracts awarded under AER VI? The major criticism of AER schemes up to now is that contracts have been awarded but that nothing has been delivered. Is it possible to provide a figure regarding the number of megawatts being produced by those who have already been awarded contracts? In some instances, nothing has been done about those contracts since they were handed out under AER VI. There is a long list of substitutes who are waiting to obtain contracts and who believe that they could produce electricity in a short period if they were awarded those contracts.

The Minister stated that he is anxious to see research being carried out in the area of biomass technology. We will not be obliged to reinvent the wheel in this regard. Most European countries, specifically those located on the north of the Continent, have active biomass programmes — especially those involving the use of wood biomass — in operation as part of their renewable energy plans. I appeal to the Minister to get things moving in Ireland in that regard. We have the best weather conditions in Europe to produce fast-growing plantations.

**An Leas-Cheann Comhairle:** Supplementary questions are limited to one minute.

**Mr. Coveney:** I urge the Minister to work with the Department of Agriculture and Food to move quickly in terms of replacing peat, which is a very dirty fuel source, with wood biomass, which is carbon neutral and which will make a significant impact in respect of reducing carbon emissions, over a phased period.

**Mr. N. Dempsey:** The Deputy asked about the number of megawatts produced under contracts awarded under AER VI — and even AER V — but I do not have that information in my possession. I am aware, from meetings with officials in my Department, of the problem the Deputy highlighted.

**Mr. Eamon Ryan:** Zero megawatts have been produced.

**Mr. N. Dempsey:** I do not know if that is true but I will accept the Deputy's word.

There has been a problem with the megawatts produced under contracts awarded under AER V and VI and their transfer into the system. Approvals and planning permissions have been issued to certain contractors but operations have not commenced. Some who received approvals——

**Mr. Coveney:** They have contracts and are ready to proceed.

**Mr. N. Dempsey:** A problem exists but there is not a great deal I can do about it at present because of the terms of the contracts that are available. However, I will take current difficulties into consideration if there is an AER VII pro-

[Mr. N. Dempsey.]  
gramme and I will ensure that start-up dates are included.

To date, a total of 43 non-wind renewable energy projects have been supported covering biomass, hydro, ocean energy, heat pumps and geothermal technologies. This is all done through SEI. I accept the Deputy's point that biomass is well developed in some countries. While I do not intend to reinvent the wheel, we must try to establish a regime which will encourage the use of alternative energies. The Department will not do this on its own but must work with the Departments of Agriculture and Food and Finance to encourage the process.

**Mr. Crawford:** Deputy Coveney already asked a question I intended to put to the Minister regarding the volume of renewable energy. What is the position regarding those whose applications to provide wind energy failed? Many farm-related, small groups were aggrieved that they were not able to obtain a licence during the previous round of the licensing process. I understand they received a promise that the matter would be reviewed. The Minister partially addressed the matter. Will he provide a timeframe for dealing with the people in question?

We have gone to enormous cost to export meat and bonemeal which is used as a major energy source on the Continent. Have alternatives to exporting this product been considered? Is it possible to use it as an energy source rather than incurring considerable cost?

**Mr. N. Dempsey:** That is a matter for private industry or other interested parties. I am aware that the idea was floated on several occasions, even in the Deputy's constituency, although it related to waste from poultry. The use of meat and bonemeal or similar products for these purposes does not generally meet with favour in local communities. It is a logical course of action, however, given that it costs approximately €60 million per annum to deal with it, including for export. A number of facilities could burn it and generate energy but we have not yet proceeded to that stage.

Deputy Crawford's first question referred to the AER VI programme and the additional 110 MW made available under my predecessor. I hope to make decisions in this regard soon. The reason bids were not accepted was not that they were inadequate. I understand the system entailed ranking the applications on the basis of how good they were. The 500 MW was then distributed from the top of the list. The additional 110 MW will be allocated in a similar manner and I hope the decision on the matter will be made soon.

**Mr. Broughan:** Is the Minister considering the possibility of issuing policy directives to the Commission on Energy Regulation, CER, on market

support and market trading mechanisms as they do not appear to have worked to date?

**Mr. Eamon Ryan:** Why did the Minister state wind energy creates problems when it creates solutions? The technical issues to which he referred arise at the point at which around 3,000 MW of renewable energy is being generated, rather than 200 MW as is currently the case. What are the problems the Minister has indicated?

Why has the reduction in mineral tax for biofuels approved a year ago not been finalised? Does the Minister agree that in the context of cost implications of billions of euro arising from the near doubling of oil prices in the past three years, a budget of €7 million to investigate alternatives such as tidal power and biomass is on the small side?

**Mr. N. Dempsey:** I have not formed any view on whether I will issue further directions to the energy regulator on this area, as it would be premature to do so. Nevertheless, that mechanism is open to me.

Discussions with the Department of Finance on biofuels have been ongoing since the budget and I understand they are nearing completion.

**Mr. Eamon Ryan:** When does the Minister expect the reduction in mineral tax to be finalised?

**Mr. N. Dempsey:** I hope it will be finalised in the next few weeks.

**Mr. Eamon Ryan:** Is he satisfied with the length of time required to reach agreement with the Department of Finance on such a minor issue?

**Mr. N. Dempsey:** Having been described as an impatient Minister, I would never be satisfied if it took so long to reach a solution.

**Mr. Eamon Ryan:** I also asked a question on the €7 million research budget.

**Mr. N. Dempsey:** The size of that budget is a matter for the Estimates. The figure in question was procured last year and the Department will have to work within that budget. Other research is also being done in this area.

### Energy Resources.

7. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which he can ensure the availability of adequate electricity and other energy sources; and if he will make a statement on the matter.  
[25748/04]

99. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources the degree to which electricity, gas, oil or other energy reserves are sufficient to meet industrial



and domestic requirements; and if he will make a statement on the matter. [25817/04]

**Mr. N. Dempsey:** I propose to take Questions Nos. 7 and 99 together.

The Commission for Energy Regulation, CER, monitors the security of electricity supply. Demand for electricity is forecast to grow at an annual rate of between 2.9% and 4.3% over the period 2004 to 2010, necessitating additional generating capacity. The CER has initiated positive actions to redress postulated generation capacity shortfalls as forecast in the generation adequacy report by ESB National Grid. Short-term measures put in place for this winter include the implementation by ESB National Grid of a demand side management programme, increased imports of 167 MW of electricity from Northern Ireland contracted on a priority basis and 208 MW of additional peaking capacity. In response to the medium to long-term capacity deficit, two new independent plants successful in the CER's Capacity 2005 competition which will generate up to 500 MW are due to be commissioned by December 2005 and February 2006, and two new peat plants with a combined capacity of 250 MW are due to be commissioned by December 2004 and February 2005.

An ESB plant productivity programme is in place to enhance its availability from 76% in 2003 to a target of 82% during 2004. To ensure that the programme delivers, the CER will impose penalties for failure to deliver on a progressive basis. ESB is also undertaking a significant networks investment programme of some €4 billion up to 2007. This is aimed at bringing the transmission and distribution systems up to required international standards and to meet projected capacity demand requirements. The programme is being delivered within the planned timeframe and budget.

Further increments of capacity will be required by 2007. In this connection, Viridian Group plc has recently announced its plans to construct a second 400 MW gas fired power plant at Huntstown, County Dublin. In addition, the Government has given approval to proceed with the development of two 500 MW interconnectors between Ireland and Wales which, when operational, will further enhance security of supply. The feasibility of increased interconnection between North and South is being investigated.

On the gas sector, under section 19 of the Gas (Interim) (Regulation) Act 2002, the Commission for Energy Regulation, CER, is required to prepare and publish an annual forecast of capacity, flows and customer demand on Ireland's natural gas system over a seven-year period. The 2004 capacity statement will be published within the next week. It outlines a range of possible scenarios that are designed to test the adequacy of the current natural gas infrastructure. The scenarios incorporate various levels of demand, based on forecasts for the domestic, industrial, commercial and power generation sectors, while also con-

sidering potential timeframes for new indigenous supply.

The indication from the draft gas capacity statement is that our infrastructure is sufficiently robust to cater for the majority of scenarios modelled. Only in the case of the highest demand forecast, in tandem with delays to the coming on stream of indigenous supply sources, would reinforcements to the infrastructure be envisaged. The CER is working with Bord Gáis, as the transmission system operator, to investigate the requirements for reinforcing the onshore Scotland system, should the need arise.

This reflects the investments Ireland has made in recent years to develop a high standard of security of gas supply through robust interconnection with the UK, to ensure sufficient importation capacity from external sources. We now have two gas interconnectors, bringing Ireland's security of supply status on a par with countries such as France, Italy, Sweden and Denmark, all of whom have duplicated sub-sea pipelines to ensure the availability of alternative routes of natural gas supply.

The Kinsale field continues to provide Ireland with an indigenous supply of gas and with potential supplies coming from the Corrib and Seven Heads fields, Ireland's import demands may be reduced in the coming years.

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

Ireland continues to monitor developments in the UK market closely and this will inform the further development of security of supply policy.

I wish to address the issue of oil. Over the years oil markets have been severely tested by geopolitical developments in oil producing regions of the world. This is particularly true of recent times with geopolitical tensions in the Middle East, the ongoing conflict in Iraq and tensions in Venezuela and Nigeria. Notwithstanding these scenarios, however, there has been no disruption to oil supplies since late 1990 and early 1991, during the Iraqi invasion of Kuwait, and global production continues to keep ahead of demand. Indeed, in response to concerns in the oil markets, OPEC ministers have made a number of decisions in recent months to increase production, the most recent being a commitment on 15 September 2004 to further increase production to a volume of 27 million barrels a day of crude oil with effect from 1 November 2004.

Ireland, as a member of both the European Union and the International Energy Agency, is required to hold levels of strategic oil stocks. Currently, the EU requires the holding of 90 days' stocks based on previous year consumption, while the IEA requires 90 days stocks based on previous year's net imports of oil. On 1 August 2004, Ireland held 2,171,000 tonnes of oil, which is equivalent to 109 days of net imports using the IEA methodology.

There is no question of Ireland or any other oil consuming country attempting to deal on its own

[Mr. N. Dempsey.]

with a major interruption in world oil supplies. If such a crisis were to occur, the response, including the release of emergency stocks and the identification of alternative sources of supply, would take place at international level, primarily within the framework of the formal emergency regime developed and maintained by the International Energy Agency.

**Mr. Coveney:** That was a lengthy response. However, it was a lengthy question.

**Mr. N. Dempsey:** I only got two thirds of the way through it.

**Mr. Coveney:** Yes. I wish to focus on something which the former Minister, Deputy Dermot Ahern, launched with great fanfare, that is, his approval of an interconnector between Wexford and Wales. It was to consist of two 500 MW interconnectors between Ireland and Britain. This is one way of ensuring security of supply in the future. The Minister insisted at the time that the State would not pay for it and that he would invite tenders from private companies to build the interconnector. What is the current position with this? Have tenders been received and, if so, from whom? What is the likely time scale for this interconnector project? Were the comments of the then Minister, Deputy Dermot Ahern, last year purely fiction?

**Mr. N. Dempsey:** I do not have a note on this so I am open to correction but I understand that expressions of interest from the private sector were sought at the time. There was a less than enthusiastic response. If memory serves, I believe the CER is in the process of preparing tender documentation for the provision of the interconnectors, which will probably be built by the State rather than the private sector. I beg the Deputy's indulgence on this but I am speaking from memory. I believe that is the situation but if I am wrong, I will correct it.

**Mr. Broughan:** Does the Minister accept that the issue of energy security is strongly linked to the market failure in energy in this country, particularly in gas and electricity? The Minister referred to a number of deadlines for different things to happen. I assume the ESB is going through the usual process of hiring standby generators and so forth, which it has gone through in recent times, because the new energy has not come forward. Given that this is the case, is the Minister concerned about the savage increases of over 30% in electricity prices for consumers and the recent swingeing increases of 9% and 16% in gas prices?

Is it the case that the Government was named and shamed the other day by the European Commission with 17 other countries for failing to implement the gas and electricity deregulation directives? Is the Minister being taken to the

European Court of Justice with regard to these directives? It was expected that there would be full market liberalisation by next February and that there would be serious competition and, consequently, a decline in prices for consumers. The opposite is the case. We find that the Government is not prepared to implement the two major directives from Europe on this issue. I understand that the Minister has three months to reply to the Commission or it will take legal action against him and the Government.

**Mr. N. Dempsey:** Although I am only two weeks in the job, this comes as a bit of a surprise to me.

**Mr. Broughan:** The previous Minister did not tell the Minister.

**Mr. N. Dempsey:** The briefing I have received so far indicates——

**Mr. Broughan:** There is trouble everywhere.

**Mr. N. Dempsey:** There is. That is part of the joys and challenges of being a Minister. It is great. I would sooner be here than on the Opposition benches trying to tackle somebody else about this. I am not being smart in saying that this is a surprise. The briefings I have been given indicate that Ireland will have deregulated the market prior to the deadline of 2007.

**Mr. Eamon Ryan:** The Minister has been badly briefed.

**Mr. N. Dempsey:** Perhaps the memory is not as good as it should be. The ESB is the dominant player in the market. What appears to be a desire among the unions, and possibly management, to keep the ESB as a vertically integrated unit to be sold and privatised at a later stage certainly is not helping matters.

**Mr. Broughan:** Who wants to privatise it?

**Mr. N. Dempsey:** The Deputy should talk to some of his friends in the unions, some of whom appear to be keen to get their hands on 15% of a privatised ESB, although some are not. Despite my brief stint so far in the Department, I can confirm that it will not be privatised as a vertically integrated unit. In the next two or three years I hope we will be able to generate a great deal more competition. The EirGrid needs to be operational in a real sense so people can see it is a separate entity.

The price increases mentioned by the Deputy are a matter for the CER. We appoint these people to do certain jobs for us. The information available to me is that the 9% increase is due exclusively to the oil price increases we have experienced. That again points to the need for diversification and refers back to the earlier discussion we had about alternatives and so forth. It demonstrates the need to go as far and as fast as

possible in moving away from our overall dependence on fossil fuels.

**Mr. Durkan:** I thank the Minister for his extensive reply. I have been tabling questions about the adequacy of energy sources to meet requirements for many years but I was only given information on the situation in recent times. Will the Minister confirm that on foot of the links with interconnectors and the plans in place there will be adequate supplies for the foreseeable future, particularly for peak demand, and that we will not experience power failures over the next 12 months?

**Mr. N. Dempsey:** I am due to meet the ESB tomorrow or early next week. The information I and the previous Minister received is that there will certainly be sufficient capacity for 2004 and 2005. Some of the measures to which I referred are designed to make sure there is even more capacity in 2006 to 2007.

**Mr. Durkan:** What is the surplus at peak times?

**Mr. N. Dempsey:** It is approximately 500 MW at peak times so there is some leverage. However, mechanisms exist, some mentioned by Deputy Broughan, in regard to generators etc. Arrangements are in place to generate more capacity and for some people to come off the system if necessary or in the event of a particular crisis. I will inform the Deputy if this information changes when I meet the ESB. However, there is sufficient capacity to meet all normal peak demand, although we cannot predict what might happen.

**Mr. Eamon Ryan:** I appreciate the Minister's position in that it has taken me two and a half years to come to grips with this issue. While he will have the best advice, it will take him some time to settle into the brief.

Is the Minister aware of the comments of Mr. Kieran O'Brien, the outgoing head of ESB National Grid, who stated publicly on several occasions, including at Oireachtas committees, that the management of electricity generation is an inefficient oligopoly which is the halfway house of deregulation and not fully deregulated? I stated that the Minister was badly briefed because I presume Mr. O'Brien, as head of the grid company, knows what is happening. He stated that we were in a limbo land and that nothing was happening in this regard. In those circumstances, he has expressed fears that we will not have sufficient power. Is the Minister aware of Mr. O'Brien's comments?

One of reasons I was disappointed with the previous Minister was that he did not tackle this issue. For fear of the upcoming reshuffle and because of political sensitivities, he decided it was best to leave well alone, although he was told by Mr. O'Brien and others that the situation was inefficient and improper. Will the Minister be able to address this issue if he remains two and

half years in office? Will he set out a policy for the ESB? While I asked a parliamentary question on this issue and look forward to the response, I have no idea, despite spending two and a half years trying to find out, what Government policy is with regard to the ESB? Will the Minister enlighten the House and the public within the next two years?

**Mr. N. Dempsey:** I guarantee the Deputy I will be able to tell him and the public the exact Government position within the next two and a half years. The Deputy will appreciate that there are industrial relations difficulties and sensitivities in regard to the ESB which have caused further difficulties. They need to be moved out of the way. We need more than just a policy statement in regard to the ESB, a number of which have already been made. Instead, we need to review and publish a full-scale general energy policy. However, the first step in this process is to deal with the current situation at the ESB before moving to a broader picture of the energy situation. Over the next two to two and a half years, I hope we will be able to do that.

*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 Healy — the urgent need to commence the Clonmel flood alleviation scheme as announced by the Minister of State at the Department of Finance, Deputy Parlon, earlier this year; (2) Deputy Gregory — the crisis in the accident and emergency department in the Mater Hospital, Dublin 7; (3) Deputies Pat Breen and James Breen — to ask the Minister why a CAT scanner has not been installed in Ennis General Hospital when the funding has been provided for same; (4) Deputy Eamon Ryan — if the Minister will outline the maximum level of central Government funding that could be made available for the rebuilding of a swimming pool (details supplied) which closed on 15 July last; (5) Deputy Durkan — 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; (6) Deputy Crowe — that a debate be held 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; (7) Deputy Costello — the need for the Minister to provide paid legal representation for a family (details supplied) at the Morris tribunal; (8) Deputy Mulcahy — the need for the Minister to make funding available for new windows at a school (details supplied); (9) Deputy Gilmore — the proposed relocation



[An Leas-Cheann Comhairle.]

of Bord Iascaigh Mhara from Dún Laoghaire to Clonakilty, County Cork; (10) Deputy Neville — the report of the inspector of mental hospitals for the year ending 31 December 2003; (11) Deputy Crawford — to ask the Minister for Health and Children the urgent steps she is prepared to take to deal with the serious and unacceptable situation involving the Cavan-Monaghan hospital group in which Monaghan General Hospital is still off call since July 2002 and Cavan is not able to cope with all the unnecessary patients leading to serious pressure on patients and family; (12) Deputy O'Dowd — to discuss the report issued today by the EPA's office of environmental enforcement with particular reference to the scandal of large scale illegal dumping; (13) Deputy Ó Caoláin — the need for the Minister to take action to address the serious situation in Cavan General Hospital where up to 16 patients at a time have been on trolleys in the accident and emergency ward awaiting beds; where elective surgery has been postponed for the rest of this week; and where the situation is compounded by suspected cases of the winter vomiting bug; (14) Deputy Upton — that the Minister provide a voucher system to allow public clients of the health service obtain speech therapy, occupational therapy and physiotherapy services as the current health centre-led provision has ceased to function; (15) Deputy Sargent — that the Minister outline his policy in regard to the need for Exchequer funding for signalling work to facilitate more trains per hour on the northern suburban rail and DART services given that approval for expenditure is awaited by Iarnród Éireann from Government and to facilitate a badly needed capacity increase on this line, which needs additional rolling stock and especially double-decker carriages to serve the fast growing population in Fingal.

The matters raised by Deputies Neville, Durkan, Sargent and Mulcahy have been selected for discussion.

### Adjournment Debate.

#### Mobile Telephony.

**Mr. Durkan:** I thank the Leas-Cheann Comhairle, for affording me the opportunity to raise an issue which came to light in recent days regarding a promise made by the Taoiseach last June, a sensitive time for Members on the opposite side of the House. The issue concerns the indication that all mobile telephones would be subject to registration and in particular to ensure that prepaid mobile telephones were included in this. This was to ensure that such networks were not used to encourage child pornography or to send unwanted, unwanted or offensive images using such telephones. I was disappointed in recent days when the Minister, or somebody on his behalf,

indicated that the Government proposed to renege on this promise and that it had been decided not to go ahead with registration.

Approximately 85% of all mobile telephones are registered but the other 15% are not. Information from the trade suggests that because there is no identity card system in Ireland and because sufficient information would not be available to ensure the authenticity or traceability of the registration, it cannot proceed. However, that was not the view of the Taoiseach when he indicated in June last that it was desirable to combat child pornography and the abuse of children through the transmission of images to various countries in a demeaning, illegal, dangerous and thoroughly offensive way.

The Minister should reassure the public in regard to the undertaking given by the Taoiseach on the registration of all mobile telephones. If 85% can be registered, there is no reason the remaining 15% cannot be. The issue involved, that of combating child pornography, is sufficiently important to convince the industry to deal with the situation and to comply with registration in whatever way it can. I hope the Minister will tell the House this is likely to be the case. I do not accept it cannot be done. It can and must be done. With the advent of 3G telephone systems, this will become even more important.

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I thank the Deputy for raising the matter and for the opportunity to clarify the situation. I understand the concern of the Deputy and many others in this regard. However, in addition to measures I may put in place, legislation already exists to tackle this problem and will apply to the latest mobile phone technology, including 3G services. It is an offence under section 13 of the Post Office (Amendment) Act 1951, as amended by the Postal and Telecommunications Services Act 1983, to send by phone any message or other matter which is grossly offensive, or of an indecent, obscene or menacing character. It is also an offence under section 10 of the Non-Fatal Offences Against the Person Act 1997 to harass a person by use of a telephone.

Anyone who has information in regard to such matters should bring it immediately to the attention of the Garda Síochána for criminal investigation because such offences are not the responsibility of ComReg. The Minister for Justice, Equality and Law Reform is responsible for policy in regard to the protection of children from the transmission of pornographic images by phones and other media. The Government, in consultation with ComReg and other interested parties, and the industry are taking every necessary precaution to guarantee maximum safety and enjoyment of new technologies by all consumers. Officials in my Department have had discussions with the Irish Cellular Industry Association, ICIA, which represents mobile telephone

operators and manufacturers, and ComReg on the feasibility of introducing a registration system for pre-paid mobile telephone services. The principal aim of any such approach would be to enhance the traceability of origin of inappropriate content transmitted to vulnerable users. Consideration of the legal and technical issues surrounding this proposal will continue in consultation with all the interested parties.

Post-paid customers are billed by their operators and therefore their contact details are already known. That is the 15% to which the Deputy referred. The introduction of a registration system for pre-paid mobile telephone services will provide a robust protective mechanism whereby the perpetrator of a contravention of the legislation to which I have referred is traceable to a register.

While fully supportive of the principle of protecting vulnerable users, the ICIA has indicated its preference for an alternative mechanism to deal with this problem and has agreed to revert to officials in my Department in this regard. I remain convinced of the merits of introducing a registration system and I would be willing to consider any such proposal only if it could be guaranteed to provide an equally robust solution.

In addition, the ICIA has voluntarily undertaken a series of measures to enhance the protection of minors, of which they keep me abreast. These include the development of content-filtering software and the establishment of an industry code of practice and a parental guide. The code of practice establishes the standards that mobile telephone operators will adhere to on the issues of parental controls for minors' access to mobile telephone services, malicious or offensive person to person communications, unsolicited commercial communications or spam, as it is known, Internet access, and premium rate services. The parental guide advises parents on gaining dual control of their child's mobile telephone phone, recommends action that may be taken to prevent, or best protect their child from abuse of available services and details existing legislative protection.

I fully support any such voluntary measures by the industry that seek to protect consumers, especially the young and vulnerable, and the industry has assured me that protection of young and vulnerable users is a mutual priority. The situation remains as outlined during the summer. Unless and until the industry comes up with something that we are satisfied would be effective, it is our intention to introduce the registration system.

**An Leas-Cheann Comhairle:** The next matter is in the name of Deputy Dan Neville. I understand the reply to this is not available at the moment. Does the Deputy wish to proceed or wait to see whether the reply arrives?

**Mr. Neville:** I will wait.

**An Ceann Comhairle:** Deputy Sargent may put his matter.

**Ms Hanafin:** I am dealing with the education matter being raised by Deputy Mulcahy.

**An Leas-Cheann Comhairle:** This is most unsatisfactory. I call Deputy Mulcahy.

### **Schools Refurbishment.**

**Mr. Mulcahy:** I thank the Chair for giving me the opportunity to raise this motion on the Adjournment. I also thank the Minister for coming to the Chamber to reply to this debate.

The motion relates to the need for the Minister for Education and Science to make funding available for new windows at Our Lady of Good Counsel primary schools, Mourne Road, Drimnagh, Dublin 12, comprising an infants' school, a boys' senior school and a girls' senior school which cater for some 620 pupils, given that the windows in these schools are in an extremely dilapidated and dangerous condition and need urgent replacing. This is a series of four schools. There is also a secondary school on the same premises. My concern is with the three primary schools which are on the same campus. Mourne Road school in Drimnagh is a famous school and a very fine building. It was built at the same time as the Drimnagh estate in the 1940s and 1950s. Many famous people have graduated from the school and have gone on to have successful careers, and the school plays a vital part in the community.

There is an essential need for the total replacement of the windows in the school. The windows in question were inserted in 1943. An application was made recently to the Department. In 2000 the Department of Education and Science commissioned and funded a surveyor's report on the state of the windows at a cost of approximately €30,000. The report concluded that the windows were defective and warranted immediate replacement. The conclusions of the report were accepted by the Department and the project was advanced to tender stage. However, the project was put on hold in early 2001 owing to financial constraints.

I accept that there are not unlimited resources. I also acknowledge that last year a significant increase in funding of this type was available under the summer works programme. I understand that last year there was a sum of approximately €31 million for this programme. In that context €900,000 is a lot of money. However, three schools are involved and I understand that they would be prepared to phase the project over two years. Effectively each school would need an allocation of approximately €150,000 per school per summer.

I speak for all my colleagues from Dublin South-Central on this. Recently there was an on-site meeting with the parents' council at which we inspected the state of the windows. They are in a shocking state of disrepair. They are old steel

[Mr. Mulcahy.] windows and are decrepit. The wooden frames around the windows are rotten and there are unsightly steel grids at ground floor level. Last year, there was a significant increase in Government funding for the primary school building programme. I understand that many other schools are applying under this programme, but given the size of this school, which caters for 620 pupils, and the urgent need for new windows, will the Minister give special consideration to the three Mourne Road primary schools?

**Minister for Education and Science (Ms Hanafin):** I thank Deputy Mulcahy for raising this issue in the House. He has already raised with me separately, as have his colleagues, the importance of this project in this school. Mourne Road school is well-known. There are three schools on one campus. The Deputy very kindly outlined the money that had been spent in recent years on projects and these three schools alone received more than €1 million for a variety of projects.

The Deputy referred to a figure of €150,000 per school for three years. That amounts to €1.3 million which, if one says it quickly, might not sound like too much. However, it is a substantial amount of money to be included in the school building programme.

The works now referred to by the Deputy could be considered under the summer works scheme. However, the amount of money being sought is substantial and might more appropriately be provided under the general building improvement scheme and the major capital programmes. However, given that there is a substantial amount of money available under the summer works scheme, I suggest that the schools should apply for that this year. This year, 292 primary schools and 150 post-primary schools will benefit under that scheme which has been of great benefit to schools. Even though they were unsuccessful in the past, they could apply again now. Applications must be in by 5 November and will be closely examined.

The option to be included in the building programme is also open. It will be considered in both contexts. If the school encounters any difficulties with the applications for the summer works scheme, a dedicated free-phone service is in operation to assist the process. My Department will be happy to work with Deputy Mulcahy, the school and public representatives to progress their application.

### **Mental Hospitals Report.**

**Mr. Neville:** I welcome the opportunity to raise this issue on the Adjournment. The report of the inspector of mental hospitals for the year ending 31 December 2003 highlights the Government's lack of attention and interest in the psychiatric services. The report is distressing reading and is a catalogue of failure on the part of the Minister

for Health and Children to deal with issues raised over the years by the inspectorate.

The inspector expressed his concerns over the contrasting conditions between private and public accommodation. He pointed to the sharp contrast between private hospitals and, for example, the Victorian realities of ward one at St. Brigid's Hospital, Ballinasloe. He stated that the contrast between the new admission ward at St. Patrick's Hospital and the acute admission ward in St. Brendan's Hospital a few yards across the River Liffey could hardly have been more striking and highlighted current inequalities in the provisions for different social groups. The inspector highlighted the reduction in non-capital funding for psychiatric services from 13% in 1988 to under 7% in 2003. He also contrasted this with 1960-61 when 21.8% of the total health budget was allocated to the psychiatric services.

This outlines the failure of the health service to apply the moneys which were made available from the reduction of numbers in psychiatric hospitals to community psychiatric services and the absorption of budgets previously applied to the health services into the Government coffers for other uses. This is one of the biggest scandals with regard to the apportioning of moneys over the years. I would be grateful if the Minister were to address the inspector's views regarding the unacceptable care and treatment of patients because of unsatisfactory conditions in the following hospitals: most of the Central Mental Hospital, St. Brendan's Hospital, the old buildings at St. Brigid's Hospital, Ballinasloe, long stay wards in St. Finnan's Hospital, Killarney, St. Enda's and the current female admission ward in St. Loman's, Mullingar, the admission wards of St. Ita's Hospital, Portrane, the female admission ward to St. Senan's Hospital, Enniscorthy, Vergemount Clinic, Dublin, consulting care wards in St. Luke's Hospital, Clonmel, and wards in St. Joseph's Hospital, Limerick. The failure to provide safe observation facilities at St. James's Hospital, Dublin, and Limerick Regional Hospital was recently raised. An independent study recently found that this was linked to the death of a student by suicide in 2002.

The inspector raised the stopgap arrangements put in place in St. Loman's Hospital, Mullingar, with the refurbishment at considerable cost of the admission unit when the appropriate response would have been to provide the admission unit in Mullingar General Hospital. The inspectorate was struck by how little rehabilitation took place in community residence and how management was orientated towards continuing rather than decreasing dependency.

Each year the issue of the intellectually disabled in psychiatric hospitals arises. The inspector pointed out that intellectual disabled persons still remain in St. Senan's Hospital, Enniscorthy, St. Luke's Hospital, Clonmel, and St. Brigid's



Hospital, Ballinasloe. In some cases such persons were mixed indiscriminately with functionally psychotic patients, some newly admitted. The virtual absence of inpatient residential places for children and adolescents is a serious national shortcoming. The consequences are serious not alone for the services, but they also impinged on adult services as in the case of the acute general adult unit in Limerick Regional Hospital.

In 2003, 19 sudden or unexplained deaths of inpatients occurred in hospital premises or while on leave. All were reported to the coroner and the subject of post mortems. Of the 19 deaths, 15 were deemed on clinical grounds to be suicide or suspected suicide, eight were males on leave, four without permission and one on accompanied leave visiting an external hospital. Three inpatients died from causes that may have been drug related. One of these was associated with gastrointestinal effects from one of the newly atypical anti-psychotic drugs and the remaining two from sudden cardiac deaths, deemed by the pathologist to have been from cardiac arrhythmia, possibly related to current medication.

The inspectorate was of the view that the use of closed circuit television to monitor patients was a serious invasion of personal privacy and dignity. Will the Minister reflect on this issue as it highlights the difference in approach to those in hospital from general medical conditions and those in hospital from a psychiatric condition? On a number of the inspector's visits patients were observed sitting in lounges or in dormitory areas with little activity. When interviewed they often complained of being bored, especially at weekends when there was nothing to do except smoke and watch television. This should not be allowed to happen in 2004.

**Minister of State at the Department of Transport (Mr. Callely):** I am replying on behalf of the Tánaiste and Minister for Health and Children. I thank Deputy Neville for raising this matter on the Adjournment. I know of his deep interest in the mental hospital and health services. The report of the inspector of mental hospitals for the year ending 31 December 2003 was laid before both Houses of the Oireachtas in accordance with legislation. I welcome the publication of the report and acknowledge the important role the inspector has played in providing an accurate and detailed account of services in the mental health sector.

The Minister of State at the Department of Health with special responsibility for mental health services, Deputy Tim O'Malley, recently met the inspector to discuss his report and to elicit his views about the areas of the mental health services that have improved and those that require further improvement. While the inspector acknowledged the significant progress that has been made in the provision of acute units in gen-

eral hospitals, community mental health centres, day hospitals and community residential facilities for persons with mental health disorders, he stressed that the rate of progress needs to accelerate.

In his 2003 report, the inspector of mental hospitals noted the continuing decline in the number of patients in psychiatric inpatient facilities, from 3,966 at the end of 2002 to 3,701 at the end of 2003. There were 23,234 admissions to these facilities in 2003. The number of involuntary admissions at 2,349 remained constant at approximately 10%.

The inspector welcomed the ongoing replacement of old institutional mental hospitals with acute psychiatric units attached to general hospitals. During 2003, two new acute psychiatric units opened at St. Luke's General Hospital, Kilkenny, and at Mayo General Hospital, Castlebar. This year a new 50 bed acute psychiatric unit opened at the Midland Regional Hospital, Portlaoise. Additional funding was recently allocated to facilitate a new 56 bed acute psychiatric unit at James Connolly Memorial Hospital in Blanchardstown. It is expected that this unit will open shortly.

The inspector referred to the changing models of service delivery, indicating that only a small number of services have evolved towards an up-to-date model of out-reach and home-based care provision with the majority still operating from community models. It is clear, however, that hospitalised prevalence of serious psychiatric illness has declined greatly in recent years. Patients are increasingly being cared for in settings other than inpatient care with less disruption to their daily lives.

The inspector noted other developments in 2003, in particular, the establishment of the expert group on mental health policy in August 2003. The group is preparing a new national policy framework for mental health services. It is widely acknowledged that a new policy framework is needed to take account of recent legislative reform, innovative developments in the care and treatment of mental illness and the views of those who use the services, as well as those who work within them. It is envisaged that the expert group will examine, *inter alia*, models of care, the respective roles of medication and complementary therapies, measures to reduce stigma and psychiatric services for specialised groups such as the homeless, prisoners, children and adolescents and those attending learning disability services. The group has undertaken an extensive consultation process with interested parties and is expected to report in 2005.

Deputy Neville has touched on a number of individual locations.

**Mr. Neville:** They are in the report.

**Mr. Callely:** He should speak to my colleague, the Minister of State, Deputy Tim O'Malley, who has met the inspector to see what progress can be made on those specific cases.

This is the final report of the inspector of mental hospitals. The Office of the Inspector of Mental Hospitals has now been replaced by that of the Inspector of Mental Health Services who is employed by the Mental Health Commission. I know those of us who are familiar with the work of Dr. Dermot Walsh, and his colleagues, Dr. Liam Hanniffy and Mr. Michael Hughes, would like to join in a tribute to them for their tireless efforts to improve standards and conditions in the country's psychiatric services. They have done Trojan work in the inspection of mental health services in recent years and their excellent reports have had significant influence on the development of our mental health services. It is the intention to facilitate the service providers in bringing about the improvements and developments identified by the inspector as quickly as possible.

**Mr. Neville:** I wish to be associated with the tributes to Dr. Dermot Walsh, and his colleagues, Dr. Liam Hanniffy and Mr. Michael Hughes.

#### Rail Services.

**Mr. Sargent:** Cé a bheidh ag freagairt na ceiste?

**An Leas-Cheann Comhairle:** An tAire Stáit.

**Mr. Sargent:** Beidh an tAire Stáit sa Roinn Sláinte agus Leanaí ag freagairt ceist faoin gcóras taistil. The Minister of State, Deputy Callely, is now answering on behalf of the Minister for Transport, Deputy Cullen.

**Mr. Callely:** I am in that Department.

**Mr. Sargent:** That is fine. We have a multi-skilled Minister of State present who will, I hope, be able to speak *ex cathedra*.

**An Leas-Cheann Comhairle:** The Deputy should proceed. His time is being used up.

**Mr. Sargent:** Ba mhaith liom buíochas a ghabháil leis an Leas-Cheann Comhairle as ucht cead a thabhairt dom an cheist seo a ardú agus don Aire Stáit as ucht teacht isteach. I speak not only as a representative of the Dublin North constituency but as an almost daily rail and bus passenger and as leader of the Green Party. In terms of capital funding, public transport is the poor relation when compared with the National Roads Authority programme. The ratio is 4:1 in favour of the roads programme. The serious need for funding is borne out by the difficulties in public transport, even though there has been investment. I am sure the CIE group would love the type of funding received by the NRA. However,

it does not have it and it is in discussions with community groups about trying to do the best it can with the resources available. I compliment the Skerries community association for engaging with Iarnród Éireann in order that the priorities of the community are addressed.

I anticipate that the Minister of State will inform me about the DART enhancement programme. In terms of phase one, it will provide limited improvement by 2005. It is already dealing with a peak capacity situation. I seek assurance that funding will be provided for phase two from 2005 to 2007 so that there will be continuity in improvements and that the expectation that they will happen will not be disappointed.

Phase one provides an extra evening train for the northern suburban line but the real crisis occurs in the morning. I invite the Minister to accompany me some morning to see exactly what people face. The trains are very packed. Much of the increase in capacity is accounted for by people having to leave home earlier to travel outside peak hours. We know from census returns that the communities that rely most on the train service are in my constituency. Some 27% of people in Skerries use the train, in Portmarnock the figure is 24%, it is 23% in Malahide and 21% in Balbriggan. The next highest area for train usage is Bray at 20%. These communities are highly dependent on public transport. The national average is 8% to 9%. People are not flocking to the trains because there is loads of space, it is because they do not have any choice. It is the only way to get to and from Dublin where they go for work, study or other reasons.

An extension to the DART is badly needed, especially for a community such as Donabate which is not included in these statistics simply because people in Donabate cannot get on the train as it is full by the time it reaches them. The train then proceeds into town, sometimes also bypassing Malahide. Not only can people in Donabate not get on the train, they are cut off from Malahide which was their natural hinterland for so many needs, particularly schooling.

The Minister needs to look at the longer-term picture. With all the talk about decentralisation, the reality is that Fingal is an area that is under great pressure from population increase. There is a sense of despair—

**An Leas-Cheann Comhairle:** The Deputy should conclude.

**Mr. Sargent:** —that the Government is taking a piece-meal approach to public transport funding. It is not providing funding over a continuous period for double-decker carriages and there is no additional rolling stock. As a result, people are abandoning public transport and going back to their cars.

**An Leas-Cheann Comhairle:** I call on the Minister of State to reply.

**Mr. Sargent:** We need to look at the provision of multi-annual funding, in addition to planning issues to examine why people are required to commute such long distances.

**Mr. Callely:** I thank the leader of the Green Party, Deputy Sargent, for his comments. I can certainly relate to some of what he said. He began by referring to my multi-talented ability to give replies to Adjournment matters on both health and transport.

**Mr. Sargent:** I live in hope.

**Mr. Callely:** As I have recently been appointed to the Department of Transport, I hope he will see those talents prove beneficial to the people we both serve, namely, the public.

Deputy Sargent raised a number of issues and I will not be able to respond to them all. Multi-annual budgeting was one of the points raised. I am delighted to say the former Minister for Finance, Deputy McCreevy, had the foresight, before any of his predecessors, to give multi-annual budgeting to the Department of Transport.

**Mr. Sargent:** For the roads programme.

**Mr. Callely:** That was the first ever allocation of multi-annual funding, which should be a welcome development.

**Mr. Sargent:** I am looking for multi-annual funding for the CIE group.

**Mr. Callely:** I concur with Deputy Sargent's view. We had a great man who did a great job. He did what the Deputy asked by providing multi-annual funding.

**Mr. Sargent:** Only for the roads programme.

**Mr. Callely:** Credit must be given where it is due. The Government has invested more in public transport than any Government in the history of the State.

**Mr. Sargent:** It also reduced the train service.

**Mr. Callely:** Under the national development plan, €2.5 billion has been committed to public transport capital projects which have already delivered impressive capacity increases in both bus and rail transport. In fairness, this should be acknowledged.

Since 2000, when the national development plan, NDP, was launched, Iarnród Éireann has almost doubled the capacity of its network around Dublin. The Government and the EU

have provided funding for the purchase of 100 additional diesel rail cars to bring the current fleet to 144, most of which operate on suburban services in the greater Dublin area. Twenty of these were assigned to the Maynooth line alone and they provided a 100% increase in capacity followed by a subsequent increase of another 24% last December. Following the completion of the delivery of these rail cars, since the end of last year, as the Deputy mentioned, capacity increases of 43% on the Dundalk route, 30% on the Gorey-Arklow route and 160% on the Kildare route have been provided. I have suburban rail and DART running through my constituency and concur with the Deputy's views as regards capacity problems.

However, Iarnród Éireann has almost doubled the number of DART cars in use since 2000, from an original fleet of 80 to 154 cars at present. That is not bad, since 2000, in fairness to Iarnród Éireann and to DART officials. I congratulate them and encourage them to keep up the momentum. These new trains have enabled Iarnród Éireann to extend DART trains to a maximum of six cars on busy peak hour services. Indeed, I was the one who pushed for that move.

At present Iarnród Éireann is mid-way through an upgrade of the entire DART system from Greystones to Malahide and Howth. Known as the DART Upgrade Project Phase 1, it involves the purchase of 40 new cars, the provision of longer platforms, improved access facilities and the upgrading of the power supply to enable eight car DART trains to run on the network, which the Deputy and I will both welcome because of the increased capacity. This project is costing €176 million. The Deputy may be familiar with the new car now in service.

Phase one is due for completion in late 2005 or early 2006. It will provide an immediate increase in the carrying capacity for the network of 33%. Construction work is at present taking place at Connolly Station to lengthen platforms and any additional train paths available into the station as a result of this infrastructure work will, in the main, be allocated to outer suburban services, such as those from Maynooth and Dundalk. The company has informed me that some increases in capacity will start to come on stream from December this year when the new timetable is launched.

It is planned that, immediately upon the completion of phase 1 of the DART upgrade, phase two will commence. This phase will cost a further €75 million and will involve re-signalling the city centre area around Connolly and Pearse Stations and will increase train paths through this bottleneck from the current 12 trains per hour per direction to 16. I understand that many of these additional train paths will also be allocated to



[Mr. Callely.]  
outer suburban services from Maynooth and  
Dundalk.

I am relatively new to this portfolio, but the  
Deputy will be pleased to hear that I met a  
number of the stakeholders involved in the deliv-

ery of service, including CIE, as recently as today.  
I will continue to drive this as best I can.

The Dáil adjourned at 5.25 p.m. until 2.30 p.m.  
on Wednesday, 27 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 7, inclusive, answered orally.*

### Postal Services.

8. **Mr. M. Higgins** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the severe difficulties created for pensioners of An Post by the decision of the company to freeze increases due to them under national pay agreements; if he has raised this matter with the management of An Post; the action he intends to take to ensure that pensioners receive the increases to which they are entitled; and if he will make a statement on the matter. [25640/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I am very much aware of the situation for An Post pensioners as a result of the company's decision not to pay awards due under Sustaining Progress to existing employees given the financial position of the company.

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. I am also informed that 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.

As the Deputy is aware, the company is currently involved in detailed negotiations with its unions under the auspices of the Labour Relations Commission, in order to reach agreement on necessary restructuring with a view to returning to financial stability.

These negotiations have impacted on consideration of increases for An Post pensioners. I am aware that An Post pensioners have naturally become concerned about the payment issue. Having regard to these concerns, I understand that the An Post board and management are reviewing this situation. In light of this review, I feel that it would not be appropriate to comment further at this stage.

### Mobile Telephony.

9. **Ms B. Moynihan-Cronin** asked the Minister for Communications, Marine and Natural Resources the proposals he has for the blocking of mobile phones in various public buildings where phone usage can cause a nuisance; and if

he will make a statement on the matter. [25650/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I have no function in the matter raised by the Deputy. This is a spectrum management issue for the independent Commission for Communications Regulation, ComReg. I am aware that the ubiquitous nature, and the often inappropriate use of mobile phones, has resulted in calls for restricted use in particular areas such as cinemas, theatres, hospitals. This has resulted in some cases of jammers which are prohibited under EU and Irish legislation, being installed illegally. By emitting electro-magnetic radiation, these devices interfere with the signal from the mobile phone and thus block all communications, including emergency calls.

Interceptors, on the other hand, do not prohibit the operation of mobile devices by means of emission of electro-magnetic radiation, but permit restricted use of mobile phones for emergency services and are not illegal. ComReg is seeking views on proposals for the use of such interceptors in Ireland. A response to this consultation will be published shortly.

### Marine Safety.

10. **Mr. Deasy** asked the Minister for Communications, Marine and Natural Resources if he is fully satisfied regarding the sea worthiness of all fishing boats; and if he will make a statement on the matter. [25793/04]

64. **Mr. Crawford** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself that adequate safety regulations are effectively applied throughout the fishing industry; and if he will make a statement on the matter. [25790/04]

141. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself regarding the application of health and safety standards throughout the fishing industry; and if he will make a statement on the matter. [25966/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** I propose to take Questions 10, 64 and 141 together.

The Department has an ongoing safety programme involving an appropriate combination of statutory regulation, enforcement and safety awareness promotion with the aim of achieving the highest level of safety at sea, particularly on fishing vessels. There is a requirement, under the Sea Fisheries Amendment Act 2003, that all fishing vessels are in a safe and seaworthy condition before a sea fishing vessel licence is issued.

The maritime safety directorate of the Department has commenced a comprehensive regulatory framework for fishing vessels which should ensure a higher level of safety over a period of time. This programme is based on an approach

[Mr. Gallagher.]

which separates the fleet into three categories as follows: less than 15 m in length; 15 to 24 m in length; and over 24 m.

With regard to fishing vessels less than 15 m in length the Department has published a new code of practice for these vessels earlier this year. This code sets minimum standards of safety for the vessel to protect all persons on board. It covers vessel design, construction, machinery, safety equipment and stability issues. A panel of surveyors has also been established by the Department to ensure that fishing vessels comply with the requirements of the code. To obtain a fishing vessel licence a declaration must be signed by one of the surveyors on the panel signifying that the vessel is compliant with the code. This declaration remains valid for four years subject to the owner's bi-annual declaration.

Prior to the introduction of the code, the Department undertook an extensive consultation process with fishing industry representatives and BIM. In promoting the application of the new code of practice my overall concern is to enhance safety at sea. Compliance with this new safety regime is the best way to ensure the safety of fishing vessels and their crew.

All fishing vessels between 15 and 24 m in length are required to comply with the relevant safety, fire-fighting and radio installation regulations prior to receiving its licence. The Department is also considering additional safety requirements for this category of vessels covering vessel design and construction in particular.

Fishing boats over 24 m in length are required to carry a certificate of compliance, CoC, in respect of the vessel and this CoC is issued following a survey undertaken by the Department. The crew are also required to hold certificates of competency.

In addition to the safety of the vessel, there are regulations governing the safety of the crew and the working environment on board the vessels. The Fishing Vessel (Personal Floatation Devices) Regulations, SI No. 586 of 2001, came into effect on 1 March 2002. This introduced the mandatory wearing of suitable personal floatation devices by commercial fishermen while on the deck of fishing vessels. New fishing vessels over 15 m and existing vessels over 18 m must comply with the requirements of the Safety, Health and Welfare at Work (Fishing Vessels) Regulations 1999. These regulations give effect to Council Directive 93/103/EEC on the minimum health and safety requirements applicable to work on board fishing vessels. The regulations view vessel decks as workplaces, recognising the very dangerous nature of work on a fishing vessel deck. They also set out the duties of vessel owners including duties in relation to the provision of information, training, instruction and consultation of workers.

Under the Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 1988 fishing vessels with engine power greater than 750 KW are also obliged to carry

specified numbers of qualified engineer officers depending on the registered power of the vessel. The Fishing Vessels (Basic Safety Training) Regulations 2001 require all crew members, before going to sea for the first time, to obtain basic safety training. Existing serving crewmembers are required to undertake this training on a phased basis between 2003 and 2008. The crewmember must carry a commercial fishing training record book on board to demonstrate that the training has taken place.

The enforcement of all regulations governing the safety of vessels, including fishing vessels, is carried out by the surveying staff attached to the maritime safety directorate of the Department. They inspect vessels to ensure that they are complying with the statutory safety standards laid down. Where a vessel is found to be deficient or the crewmembers to be insufficiently qualified, the vessel is detained until the deficiencies have been rectified. If there is a contravention of regulations, the owner and skipper of a fishing vessel may be guilty of an offence. If skippers and crews are found to be failing to comply with the regulations then prosecutions will take place to ensure compliance in the interests of safety. This new regime is the continuation of a process which should ensure higher standards for fishing vessels and the greater safety of their crew going forward.

#### **Fisheries Protection.**

11. **Mr. Coveney** asked the Minister for Communications, Marine and Natural Resources the alternative income he can offer to fishing families whose livelihoods may be in jeopardy arising from conservation regulations; and if he will make a statement on the matter. [25783/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The critical factor in protecting the livelihoods of fishing families is the provision of a good range of fishing possibilities and this aspect, rather than the provision of alternative income streams, remains my primary focus. The Government is, however, concerned to ensure that the livelihoods of fishermen are protected during periods when they are unable to fish and have very low incomes. For this reason, the fish assist scheme was introduced in 1999. It represents an important element of support for fishermen and their families in the event of difficulties.

However, as I indicated earlier, the best way to maintain and develop the livelihoods of fishing families is to provide them with good fishing possibilities each year. In that regard, I believe that the position for 2004 is worthy of emphasis and represents a broadly favourable position. Ireland's national quotas for 2004 show an overall growth of some 23%, in volume terms, on the equivalent figure for 2003. While this figure includes a generally static position for whitefish



and shellfish quotas this is more than offset by increased pelagic quotas.

While some whitefish stocks in particular require conservation action at the present time, which are causing particular difficulties, fishermen accept that there is a need for effective conservation regulations to provide for sustainable exploitation of fish stocks into the future. Rather than jeopardise the livelihoods of fishing families, I believe that conservation regulations will in fact help to safeguard the future income of Irish fishing families. Fishing possibilities for 2005 will be decided in December and I will work closely with the Irish fishing industry to get the best possible deal consistent with the overriding requirement of ensuring long-term sustainability of fish stocks.

### Marine Accidents.

12. **Mr. Cuffe** asked the Minister for Communications, Marine and Natural Resources when the emergency towing vessel was requested to come to the assistance of the Canadian submarine in the recent incident off the Donegal coast; the length of time it took for the towing vessel to arrive on the scene; and if he will make a statement on the matter. [25756/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The recent incident to which the Deputy refers occurred on Tuesday, 5 October, 100 miles north-north west of Arranmore Island, County Donegal. A Canadian submarine, *HMCS Chicoutimi*, was on route from Faslane, Scotland, to Canada when fire broke out on board. Three crew members suffered smoke inhalation. The fire also caused loss of engine power. Weather and sea conditions were very poor and hampered, but did not prevent both search and rescue and salvage operations.

The incident took place in the UK search and rescue region. At 16.05 local time on Tuesday, 5 October, the UK coastguard emergency towing vessel, *Anglian Prince*, which was then located off the north west coast of Scotland, was tasked by the UK authorities to come to the scene of the incident. It arrived on Wednesday, 6 October at 18.46, taking 26 hours and 41 minutes to arrive on scene.

Although the *HMCS Chicoutimi* was in the Irish pollution responsibility zone, IRPZ, the UK authorities, which were acting on behalf of the Canadian Government, were responsible for providing the salvage response. The UK authorities made salvage proposals which were approved by the Irish Coast Guard.

I wish to record my sadness that one of the three crewmen, who suffered smoke inhalation as a result of the incident, died before arrival at Sligo Hospital to which he was air-lifted. However, with regard to the management of the overall incident, I am satisfied that the Irish Coast Guard, having agreed a joint process with the UK authorities for co-ordination of pollution and salvage matters and for search and rescue oper-

ations, successfully carried out its responsibilities. The coast guard monitored the course of the drifting submarine. At no time did the vessel pose an environmental threat to the Irish coastline. The submarine was salvaged and towed to safety at Faslane in Scotland and no pollution occurred. In all, and given the complexity of the situation which prevailed, I am satisfied that Ireland's responsibilities in respect of this incident were thoroughly and successfully carried out.

*Question No. 13 answered with Question No. 6.*

### Postal Services.

14. **Mr. J. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources his policy in relation to the future of sub post offices in the country; and if he will make a statement on the matter. [25569/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Government and the board of An Post are committed to the objective of securing a viable and sustainable rural post office network as set out in the programme for Government. There is widespread recognition that the strategy to meet this objective is for An Post and its network to continue adapting to its customer needs within the financial constraints in which it now finds itself. By way of examples of this strategy, An Post has secured additional business for the network, including bill pay facilities for the ESB, phone top ups through their Postpoint service and a contract with the AIB under which the bank's customers can access their accounts through the network.

Parallel with these developments and under an agreement between the Irish Postmasters' Union and An Post, the conversion of sub post offices from a fixed contract to an agency basis, whereby payments are linked to transactions, is being implemented on a voluntary basis. The key requirement, that a service is provided locally, is being met by the new agency.

The future of the post office network has been subject to a number of studies and reviews in recent years and many of the recommendations made have been implemented. The post office network at present has a high footfall, a recognised brand name, and a countrywide retail network. The priority for all stakeholders is to maintain and increase the amount of business being done through the network in order to secure its future.

### Port Development.

15. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources his plans for the upgrading of ports and harbours throughout the country; if he has in mind an integrated plan in this regard. [25780/04]

79. **Mr. R. Bruton** asked the Minister for Communications, Marine and Natural Resources

[Mr. R. Bruton.]  
his priorities for the upgrading of ports, harbours or marinas throughout the country; and if he will make a statement on the matter. [25777/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** I propose to take Questions Nos. 15 and 79 together.

The Department has been progressing work on a comprehensive ports policy statement. It is intended that this policy statement will be published soon following approval by the Government. This policy statement has been informed by the conclusions of the high level review of the State commercial ports and by an open consultation process conducted by the Department with industry stakeholders. This process has provided many valuable insights and perspectives into the needs of the sector and the operation of the State port companies.

The policy statement will provide the overall framework for the operation of the State port companies and for the development of the sector into the future as part of the nation's integrated transport system. The policy statement addresses a range of key issues, including seaport capacity and funding, competition, regulation and privatisation. It also seeks to better equip the State port companies for the challenges of the future through clarified commercial remits, enhanced integration of transport policy, and shareholder support for private sector involvement and for mergers of port companies. The central objective of the policy statement is to equip the ports better to address capacity constraints and to open up the possibility of State funding in narrow, closely specified circumstances.

In regard to regional harbours which have little or no commercial shipping traffic, the long-standing policy of the Department is to transfer these harbours to local authority control for reasons of good governance and to enable them to realise their local amenity potential. To this end, the Department is engaged in discussions with the Department of the Environment, Heritage and Local Government with a view to reaching agreement on the modalities for the transfer of these regional harbours to local authority control.

The Department has no direct responsibility for managing or upgrading marinas, which are generally privately owned or, in some cases, supported by local authorities and community development groups. The Department acted as implementing authority for the marine tourism grant scheme, a sub-measure of the main tourism measure, to which €25 million was allocated under the national development plan. This scheme was designed to promote marine tourism by the provision of marine access infrastructure, such as marinas, piers and slipways. However, due to budgetary constraints, the scheme was suspended in December 2002 and no projects were supported under the scheme.

The national development plan sets out the programme objectives for fishery harbour

development. The plan provides €84.35 million for capital investment in fishery harbours infrastructure and facilities over the period 2000-06. Up to the end of 2003, the Department has spent €83.44 million under this programme. The total allocation for 2004 is €17.141 million. Some €9 million has been made available this year to complete the €50 million development at Killybegs fishery harbour centre.

This year's allocation includes funding for various other projects including funds to progress the development of Dinish Wharf extension and Auction Hall at Castletownbere fishery harbour centre; the development of new ferry berths at Rossaveel fishery harbour centre — this development will be jointly funded by the Department and the Department of Community, Rural and Gaeltacht Affairs; the development options at Dunmore East fishery harbour centre; and the upgrading and modernisation of Port Oriel, Clogherhead, which is owned by Louth County Council — the County Council will contribute 25% of the cost of this development. Funding is also approved for 24 projects at smaller harbours and landing places right around the coast to meet the needs of local fishing and aquaculture interests and coastal communities.

#### Marine Accidents.

16. **Ms Shortall** asked the Minister for Communications, Marine and Natural Resources the inquiry that will be held into the loss of the fishing vessel, *St. Oliver*, with the loss of four lives, off the Galway coast in September 2004; and if he will make a statement on the matter. [25664/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** At the outset, I take this opportunity to extend my deepest sympathy to the families on the tragic loss of the four crewmen. The tragic accident involving the *St. Oliver* is currently under investigation by the Marine Casualty Investigation Board, MCIB, which is an independent body established under the Merchant Shipping (Investigation of Marine Casualties) Act 2000. This board was established to provide a new legislative and procedural regime to regulate the area of marine casualty investigation in Ireland replacing a system that had been in place since 1894.

The main purpose of the board's investigation is to establish the cause or causes of a marine casualty with a view to making recommendations to me for the avoidance of similar marine casualties. Investigations carried out by the MCIB do not attribute blame or fault. Under the Act, the board is required to publish a report, within nine months of the incident taking place, of any investigation it undertakes into a marine casualty after having sought and received the observations of parties likely to be adversely affected by publishing the report.

I expect to receive the final report on this incident by the end of June 2005 following legal vetting by the board and the application and finalisation of natural justice procedures. However, if the report is published earlier, the Act also provides for a copy of the final report to be transmitted to me as soon as it is published. Once published, the report will be available on the web and made available free of charge to anyone who requests a copy.

It is most important that the facts of this tragic incident are established. The Deputy will appreciate that it would be inappropriate for me to comment on any aspect of this case while it is still under investigation. However, I want to assure the Deputy that if, in the course of the investigation or arising from any recommendations contained in the final report, additional safety measures are found to be necessary, I shall have them implemented as quickly as possible to improve maritime safety generally.

### **Fisheries Protection.**

17. **Dr. Cowley** asked the Minister for Communications, Marine and Natural Resources the action being taken in connection with the drift and draft net arrangement; when the long overdue and promised agreement for set aside or buy-out of drift and draft net fishermen will occur; and if he will make a statement on the matter. [25571/04]

26. **Mr. Stagg** asked the Minister for Communications, Marine and Natural Resources if he is considering proposals to buy out drift, draft and snap net licences in view of the serious impact that these activities have on salmon stocks; and if he will make a statement on the matter. [25661/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** I propose to take Questions Nos. 17 and 26 together.

It is the Government's strongly held view that our salmon stock is a national asset, which must be conserved and protected, as well as being exploited as a resource, by us all on a sustainable basis. As a result, a delicate balancing exercise is necessary between the needs of the coastal and inland communities who depend on fishing resources for their livelihood and the recreational users, including tourists, who each pursue the salmon for their own end.

The overriding objective of the Government therefore is to preserve the salmon resource in its own right and for the coastal and rural communities that it helps to support. The economic goals for a sustainable commercial salmon fishery, based on quality and value rather than volume, and the development of salmon angling as an important tourism product are both fully compatible with the Government's primary objective.

We are all agreed that over-exploitation of fish stocks is a significant threat to the long-term sustainability of the inland fisheries resource. Since

publication of the salmon management task force report in 1996, the Department has introduced a range of conservation measures which have seen considerable advancements made in salmon policy and in particular the management of the commercial salmon fishery. As part of these measures, the drift net season is now confined to a two month period in June and July on a four day week basis. Fishing is only allowed during daylight hours and is confined to the area within the six mile limit. The Department operates, through the regional fisheries boards, the wild salmon and sea trout tagging scheme regulations which, *inter alia*, limits the total allowable commercial catch of salmon, TAC.

Earlier this year, on the advice of the National Salmon Commission and the National Fisheries Management Executive, my predecessor further reduced the total allowable commercial catch by 11%. This was consistent with the salmon commission's three year strategy aimed at reaching the scientific advice on precautionary catch limits over the period 2003-05. I await the advice of these bodies, based on their analysis including the 2004 season, on the conservation measures, including TAC to be adopted in 2005.

It is the Government's belief that the current strategy of developing a sustainable commercial and recreational salmon fishery through aligning catches on the scientific advice by next year holds out the strong prospect of a recovery of stocks and of a long-term sustainable fishery for both sectors. For this reason, the Government has consistently ruled out buyout as an effective means of achieving the restoration of salmon stocks and instead promoted the application of quotas on commercial fishing and bag limits on angling to achieve catch reductions as the best instrument available to achieve this objective. Moreover, no convincing case has been advanced as to the public good that would be acquired by the State in the context of a publicly funded buyout nor why stakeholders benefiting from increased numbers of salmon entering the rivers should not contribute in whole or in part towards achieving that increase.

As a result, while I have no plans to introduce proposals to purchase commercial salmon fishing licences, I should also make it clear to the Deputy that no formal offers have been made to the Department to meet the cost of a buyout scheme for drift netting licences. I would be prepared, however, to keep the matter under review and would be open to any relevant proposals whereby stakeholders benefiting from any reduction in commercial catch might fund in whole or in part any compensation arising.

### **Mobile Telephony.**

18. **Ms McManus** asked the Minister for Communications, Marine and Natural Resources the action he intends to take arising from the recent preliminary finding of an investigation carried out by the EU Commission, that mobile phone users are being charged excessive roaming



[Ms McManus.]

tariffs by Vodafone and O<sub>2</sub> when travelling to the UK; and if he will make a statement on the matter. [25649/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The matter referred to relates to an investigation taken by the EU Commission into the wholesale rates charged by O<sub>2</sub> and Vodafone to mobile network operators of other countries, to permit roaming on the O<sub>2</sub> and Vodafone networks by mobile phone users who were visiting the UK from other countries. The scale of the wholesale rates naturally impacts on prices charged to retail consumers. This issue would have impacted on mobile phone users of different nationalities visiting the UK, including Irish mobile phone users. The preliminary findings were made in relation to O<sub>2</sub> and Vodafone in the UK by the European Commission in July 2004. The probe is ongoing. I await with interest the outcome of the probe.

However, it is important to understand that the probe relates to rates charged in the UK by UK operators. ComReg or I do not have any jurisdiction in this matter. Any remedies arising from the outcome of the probe would be a matter for the European Commission, Vodafone and O<sub>2</sub>.

#### **Electronic Communications Appeals Panel.**

19. **Mr. Stagg** asked the Minister for Communications, Marine and Natural Resources if he will list those appointed as members of the Electronic Communications Appeals Panel; the rate of remuneration that will apply to members of the panel; if he has satisfied himself that all those appointed have technical, economic, regulatory or other financial experience as set out in the regulations; and if he will make a statement on the matter. [25667/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Electronic Communications Appeals Panel was established on 21 September 2004 under the provisions of SI No. 307 of 2003, the European Communities (Electronic Communications Networks and Services) (Framework Regulations 2003). This statutory instrument provides for the establishment and operation of an independent appeal panel to hear and determine appeals of decisions made by the Commission for Communications Regulation, ComReg.

Four panel members were appointed from whom three can be drawn to serve on and determine each appeal. These include: Mr. Hugh Mohan, Senior Counsel and Chairman of the Bar Council, who was appointed as chairman of the Electronic Communications Appeals Panel; Ms Margaret Heneghan, BL; Mr. Philip O'Brien BL; and Ms Catherine Woods BA.

I am fully satisfied that these appointments more than meet the regulation's requirements that at least one of the panel shall be a practising barrister or solicitor with at least seven years' experience and that the others shall have such

commercial, technical, economic, regulatory or financial experience as I, as Minister, consider appropriate. I am delighted that persons of such high ability are willing to perform this task, as the appeals panel will play an important role in speeding up and simplifying the appeals process, and that this will benefit both the industry and consumers.

A sliding scale of fees for the panel members was agreed with the Department of Finance, which provides for payment of €825 for the first ten days, €650 for the next ten days and €500 for any remaining days.

#### **Mobile Telephony.**

20. **Mr. Rabbitte** asked the Minister for Communications, Marine and Natural Resources if he intends to increase the powers of ComReg to impose fines on operators particularly in view of the number of recent disclosures of cases of overcharging; and if he will make a statement on the matter. [25648/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** In response to the instances of overcharging by telecoms operators during the summer, the then Minister decided to explore the feasibility of introducing measures to increase the enforcement options open to the Commission for Communications Regulation, ComReg, in the event of a recurrence. Draft legislation is, accordingly, under preparation in my Department at present to enhance ComReg's enforcement powers in a number of areas. This legislation, the Electronic Communications (Miscellaneous Provisions) Bill, will specifically address ComReg's power to effectively intervene in an instance of suspected overcharging by an authorised operator. I hope to publish the new Bill early in the new year.

One option would be to model the approach on the measures empowering the Irish Financial Services Regulatory Authority, IFSRA, to investigate overcharging by financial institutions, as introduced under the Central Bank and Financial Services Authority of Ireland Act 2004. In this situation therefore, in future, suspected cases of overcharging by authorised operators, ComReg would have the power to investigate the suspected overcharging. If it finds that the operator in question has overcharged subscribers, ComReg would have the power to direct the operator to cease overcharging and to refund affected customers. ComReg would also be empowered to impose fines on operators guilty of overcharging.

#### **Fishing Industry Development.**

21. **Mr. Sherlock** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the recent report prepared by the BIM and the Marine Institute, suggesting that some 4,500 additional jobs could be created by the development of off-shore fish farms; his response to the report; and

if he will make a statement on the matter. [25663/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The report referred to was jointly commissioned by Bord Iascaigh Mhara, BIM, and the Marine Institute in order to assess the potential for the further development of off-shore farming of finfish in Ireland and internationally. It was produced to coincide with an international conference in Ireland on offshore finfish aquaculture entitled, Farming the Deep Blue, organised by BIM and which I opened.

It is envisaged that largescale offshore farms will be developed in the future in semi-exposed sites. From an Irish perspective, the report concludes that Ireland could potentially increase its current output by 150,000 tonnes with a first sale value of €500 million per annum and supporting approximately 4,500 extra jobs. All of this wealth creation and employment would be located in Ireland's most vulnerable peripheral coastal communities.

The report also concludes that the multifaceted technological challenge of successfully moving finfish farming offshore is too great for any one company or for any one country alone to address. The report recommends that an international body should be formed to form a global community that would operate in a high tech virtual environment.

Following the endorsement of the delegates at the conference, BIM in collaboration with experts from the University of Limerick, the Marine Institute and interested parties is moving to form a new international body for off shore aquaculture development. This body would serve as an international focal point for developing offshore aquaculture and it would seek to accelerate and galvanise the process through the co-ordination and provision of financial and knowledge capital. I consider that Ireland is ideally poised to play a major part in the development of offshore finfish farming and I am fully supportive of this important initiative.

#### **Telecommunications Services.**

22. **Ms O. Mitchell** asked the Minister for Communications, Marine and Natural Resources if state of the art telecommunications technology in this country is keeping pace with similar developments in other European and non-European countries; and if he will make a statement on the matter. [25832/04]

33. **Mr. Gormley** asked the Minister for Communications, Marine and Natural Resources the progress to date of the metropolitan area networks giving indications of the networks which are now open, the numbers of operators and the volume of traffic on each network. [25761/04]

38. **Mr. G. Mitchell** asked the Minister for Communications, Marine and Natural Resources his views on the best means whereby advanced

telecommunications technology can be made available to the business and domestic sector on a countrywide basis; and if he will make a statement on the matter. [25830/04]

61. **Mr. McCormack** asked the Minister for Communications, Marine and Natural Resources the extent to which he can encourage greater use of telephone technology to assist the business sector; and if he will make a statement on the matter. [25823/04]

65. **Mr. Quinn** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the results of a survey carried out by the European Competitive Telecommunications Associations showing that Ireland is near the bottom of a league table measuring the penetration of broadband services; the steps he intends to take to address this situation; and if he will make a statement on the matter. [25657/04]

72. **Mr. G. Mitchell** asked the Minister for Communications, Marine and Natural Resources his priorities for the provision of broadband technology throughout the country with particular reference to industrial requirements; and if he will make a statement on the matter. [25829/04]

73. **Ms O. Mitchell** asked the Minister for Communications, Marine and Natural Resources if he has received requests from the business sector in connection with the provision of urgently required telecommunications services; his plans to respond; and if he will make a statement on the matter. [25831/04]

77. **Mr. Murphy** asked the Minister for Communications, Marine and Natural Resources the extent to which broadband technology is available throughout the country; his timetable for meeting deficiencies therein; and if he will make a statement on the matter. [25833/04]

84. **Mr. O'Dowd** asked the Minister for Communications, Marine and Natural Resources the progress to date in the provision of high quality broadband telecommunications facilities for Gaeltacht areas. [22742/04]

93. **Mr. P. McGrath** asked the Minister for Communications, Marine and Natural Resources his plans to enhance the availability of e-technology to both the business and domestic sector; and if he will make a statement on the matter. [25827/04]

129. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the reason Ireland has fallen behind other European and non-European countries in the provision of broadband and other state of the art methods of modern telecommunications; and if he will make a statement on the matter. [25941/04]

130. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the degree to which full broadband facilities are

[Mr. Durkan.]

available throughout the country; his plans to improve the situation; and if he will make a statement on the matter. [25942/04]

131. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the reason it is that in terms of broadband availability Ireland comes 13 out of 14 in a recently published European league; and if he will make a statement on the matter. [25943/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 22, 33, 38, 61, 65, 72, 73, 77, 84, 93, 129, 130 and 131 together.

The provision of telecommunications services, including broadband, is primarily a matter for companies operating in a fully liberalised market, regulated by ComReg, the Commission for Communications Regulation. The growth in broadband uptake in recent months has been very encouraging. At the beginning of 2004, there were 3,000 broadband users, and the figure is expected to be in excess of 100,000 at the end of the year.

In the New Connections document, published by the Department of the Taoiseach in April 2002, the Government stated its commitment to placing Ireland within the top 10% of OECD countries for broadband connectivity within five years. This target should be achieved by the end of 2007. To drive the delivery of open access broadband infrastructure, an indicative €200 million of Government and ERDF funding was set aside under the National Development Plan 2000-2006.

Phase one of my Department's regional broadband programme, the building of metropolitan area networks, MANs, in 26 towns and cities in association with the local authorities, is now almost completed. The networks are being completed to schedule and within budget, and are being managed for the State on an open-access basis by E-Net, which was awarded the services concession contract during the summer. There is already commercial traffic on the MANs that have been completed.

Phase two of the programme involves the rollout of MANs to over 90 towns with a population of 1,500 and over. Proposals in respect of the next 45 of these towns have already been received and are currently being considered by my Department. It is expected that contracts will be in place by the end of 2004 and construction completed by the end of 2005. The call for the remaining towns will issue early in 2005 and construction is expected to commence later that year.

For smaller towns and rural communities, the group broadband scheme, administered by my Department, offers grant support to communities to come together and pool their requirements, and obtain broadband for their area in association with a broadband provider. Funding assistance of up to 55% is available from my Department. Over 50 applications have been received

under the group broadband scheme to date, and to date five grants have been sanctioned by me. Further announcements will be made shortly regarding approvals under the scheme.

One of the group broadband schemes that has been approved is located in the Gaeltacht area of Dungloe, County Donegal, and one of the first group of MANs is located in Gaoth Dobhair. The CLAR programme, administered by the Department of Community, Rural and Gaeltacht Affairs, has specific responsibility for initiatives in Gaeltacht areas, and my officials are working closely with the CLAR administrators to ensure optimum takeup of funding opportunities for broadband in Gaeltacht areas.

In addition to these initiatives, my Department, in partnership with the Department of Education and Science, and the Telecommunications and Internet Federation, is undertaking a programme of delivering free high speed broadband connectivity to every primary and post-primary school in the State by the end of 2005.

Latest national broadband figures show a 70-fold increase in broadband customers since March 2003, with the number of DSL customers currently over 75,000, and growing by over 30% each quarter. In addition, there are over 6,000 customers who access broadband by cable modem, and over 4,000 using fixed wireless access. These figures place Ireland favourably in the league table for broadband, and indicate that the Government's target should be reached by 2007.

#### **Alternative Energy Protects.**

23. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources when he will issue the contracts for the additional 140 MW of onshore wind power, 50 MW of offshore wind power and 28 MW of biomass combined CHP; and if special conditions will apply to such contracts. [25753/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Green Paper on Sustainable Energy 1999 established a target to add 500 MW of new renewable energy based electricity generating plant to the electricity network by 2005. The initial implementation programme planned to support this target by allocating support contracts under AER V and VI of the alternative energy requirement, AER, support programme. The 500 MW had EU state aids clearance prior to the commencement of AER VI.

At the launch of AER VI additional support was proposed for the construction of two offshore wind energy projects not exceeding 25 MW each and up to 28 MW of biomass powered combined heat and power, CHP, plant, subject to state aids clearance. Subsequently when the first round of offers under AER VI was announced, it was also indicated to the market that support would be offered for an additional 140 MW above the original 500 MW target subject to state aids approval.



This additional capacity was cleared by the EU Commission during August and notified to my Department in September. I will announce shortly the allocations, by category and by applicants, of all remaining unallocated AER VI support.

My Department's role in the AER support programme is to design and administer each AER round and to select the successful applicants. The associated formal contracts, in the form of power purchase agreements, PPAs, are issued by ESB customer service. However, ESB customer service will not be in a position to execute the PPAs until a related order under section 39 of the Electricity Regulation Act 1999 is published. It was not possible to progress a draft order to conclusion in advance of the Commission state aids decision and any special conditions which might arise. The draft order is now at an advanced stage of preparation but I am not in a position to give a publication date at present.

Each successful applicant in AER VI will, therefore, have ongoing obligations to my Department to comply with the published terms and conditions of AER VI and to ESB customer service to comply with the terms and conditions of the formal contracts.

#### **Offshore Exploration.**

24. **Mr. S. Ryan** asked the Minister for Communications, Marine and Natural Resources the latest information available to his Department regarding the proposed development of the Corrib gas field; and if he will make a statement on the matter. [25659/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** All relevant approvals from my Department have issued in respect of the proposed development of the Corrib gas field since 2002. These approvals-consents include: plan of development approval dated 15 May 2002 under the Petroleum and Other Minerals Development Act 1960; consent to construct a pipeline dated 15 May 2002 under the Gas Act 1976 as amended; consent under section 5 of the Continental Shelf Act 1968, as amended, dated 15 May 2002; and foreshore licence approval 17 May 2002 under the Foreshore Act 1933, as amended.

As of now the developers are awaiting a determination from An Bord Pleanála on their planning application under the Planning and Development Act 2000. I understand that An Bord Pleanála proposes to make a determination on the application before the end of October 2004.

#### **Innovation Fund.**

25. **Mr. Deenihan** asked the Minister for Communications, Marine and Natural Resources the reason for the delays in the publication of the application schemes under the BCI innovation fund; if he has satisfied himself that the delays are

reasonable; and if he will make a statement on the matter. [25568/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Broadcasting (Funding) Act 2003 provided for the establishment of a fund to support certain television and radio productions and projects out of an amount of 5% of net receipts of television licence fees. The Act is quite clear that it is a matter for the Broadcasting Commission of Ireland, BCI, to develop a scheme or schemes through which the fund can be accessed. The manner in which it draws up such schemes is a day to day matter for the BCI and one in which I have no role.

I do not think it unreasonable that the BCI should take time to consider the details of a scheme through which very substantial public funds will be disbursed. I also think it both reasonable and desirable that the BCI has consulted widely when preparing a scheme. A key consideration for the BCI has to be that any scheme is likely to require state aid approval from the European Commission. It is important to remember that while the scheme is being developed the fund is still growing. To date €14.3 million has been paid into the fund.

I understand that the BCI has drawn up a draft scheme and recently completed a public consultation on that draft scheme. In accordance with section 2(1) of the Broadcasting (Funding) Act 2003, the BCI must submit the finalised scheme to me for approval following which I will lay the scheme before the Oireachtas. I expect to receive a proposed scheme from the BCI in the next few weeks.

*Question No. 26 answered with Question No. 17.*

#### **Mobile Telephony.**

27. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself that mobile telephone costs in this country are sufficiently competitive to facilitate the needs of industry and the domestic market; and if he will make a statement on the matter. [25835/04]

89. **Mr. Howlin** asked the Minister for Communications, Marine and Natural Resources the position with regard to encouraging competition in the Irish mobile phone market; if he has plans to request ComReg to implement new policies calling for lower prices for mobile and fixed line telephone bills; and if he will make a statement on the matter. [25643/04]

94. **Mr. McGinley** asked the Minister for Communications, Marine and Natural Resources the way in which mobile telephone charges and costs in this country compare with those in other EU and non EU countries; and if he will make a statement on the matter. [25826/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 27, 89 and 94 together.

The regulation of the telecommunications industry is a matter for the Commission for Communications Regulation, ComReg, the independent regulator. I am responsible for policy and legislation for the sector. In March 2003, my predecessor issued policy directions to ComReg, including a direction on competition.

This direction required ComReg to focus on the promotion of competition as a key objective and, where necessary, to implement remedies which counteract or remove barriers to market entry and shall support entry by new players to the market and entry into new sectors by existing players. The direction required ComReg to have a particular focus on: market share of new entrants; ensuring that the applicable margin attributable to a product at the wholesale level is sufficient to promote and sustain competition; price level to the end user; competition in the fixed and mobile markets; and the potential of alternative technology delivery platforms to support competition.

The policy directions also require ComReg, if ComReg's market analysis process finds a lack of competition in the mobile market, to examine mandating the introduction of national roaming. It is true that Ireland's, post-pay mobile phone costs in Ireland remain higher than the EU average, but also true that in August 2004 the OECD found we had the fourth lowest costs for pre-paid mobile phones. It is important in considering the price competitiveness to the end user to make a judgement across telecommunications services. Furthermore, the current penetration rate of mobile phones of 89% indicates that Irish business and consumers have a range of products and pricing options which broadly meet their needs.

On 12 October 2004 ComReg submitted a progress report on the May 2004 policy directions, which my officials are examining. With regard to fixed line pricing, ComReg indicate that total end-user pricing for both the residential and business sectors in Ireland remains competitive. In terms of the business community, prices for the standard basket puts us in sixth place in Europe.

In the residential market Ireland is placed in ninth position. In terms of international calls we are in fourth and sixth place, respectively. This finding is supported by similar benchmarking research by the OECD in relation to international calls which found that Irish international call tariffs to be significantly below the average particularly for off-peak calls. Analysis in the National Competitive Council's report on telecommunications indicates that overall prices have fallen in the past five years by over 9% and these reductions have contributed to a 1% overall reduction in inflation.

I also welcome the fact that in July of this year Meteor reached agreement with O<sub>2</sub> that allows meteor national roaming on O<sub>2</sub>'s network. This should facilitate greater choice and competition

for the consumer and next year we will have more competition with the launch of Hutchinson "3" 3G services.

### Telephony Charges.

28. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources if he has considered issuing political directive in relation to competition and the costs of telephone directory inquiries; and if he will make a statement on the matter. [25669/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** As part of its statutory functions under the Communications Regulation Act 2002 and the European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations, SI 308 of 2003. The Commission for Communications Regulation, ComReg, is required to ensure that transparent and up to date information on applicable prices and tariffs is available to end-users in respect of access to and use of publicly available electronic communications services, including directory inquiry services. I have no function in the matter.

However, the Deputy may be interested to learn that following a survey that indicated a low awareness of the costs of using directory inquiry services among residential consumers in January 2004, ComReg issued a decision notice on access to tariff information on directory inquiry services on 12 August 2004 following a public consultation process. The measures in this decision notice provide for greater transparency and assistance to consumers in exercising informed choices in their use of directory enquiry services. In order to allow for necessary changes to service delivery processes the decision notice came into effect on 1 October 2004.

The decision notice contains three directives which provide as follows: when advertising or promoting its service a directory inquiry service provider shall indicate the applicable charges; the directory inquiry service provider shall make available printed tariff information in response to requests from consumers; and a directory inquiry service provider shall provide tariff information when it offers call completion services.

### Harbours and Piers.

29. **Mr. Stanton** asked the Minister for Communications, Marine and Natural Resources his policy towards the development of marinas in the State; the number of marinas in operation at present; the number and location of marinas that are under construction or are planned; and if he will make a statement on the matter. [25750/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** Since the suspension of the marine tourism grant scheme in December 2002, no funds have been available from the Department to support the development of coastal-estu-

arine marinas in the State, other than the €5.7 million that was committed to a limited number of marine tourism projects outside of the scheme as a budget day adjustment in 2000.

It is unlikely at this stage that the marine tourism grant scheme could be reactivated within the term of the national development plan. Since the scheme has been suspended, the Department has no direct role in marina development, other than its regulatory role under the Foreshore Acts, which licenses such developments on the foreshore. The number of leases being processed at the moment is not necessarily an indicator of the number of marinas that will be constructed or are planned.

While there is no direct funding available at present, the Department supports the activities of the Marine Institute which undertakes a programme of research and development on the marine tourism and leisure sector. The Marine Institute works closely with the sector to disseminate its findings and to give advice and support.

#### Tracing System.

30. **Mr. Boyle** asked the Minister for Communications, Marine and Natural Resources the plans his Department has for the introduction of a tracing system for the sale of fresh seafood, to give the retail customer here details on the fishing vessel involved and the date the fish was caught and landed. [25755/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** Since July 2003, in accordance with the requirements of Council Regulation No. 104/2000(EC), a labelling system giving traceability information in respect of a wide range of seafood and aquaculture products has been in operation in Ireland under the provisions of SI No. 320 of 2003.

Under this legislation, there is a requirement that all fish be labelled in accordance with European legislation — the labelling of Fish and Aquaculture Products according to Council Regulation (EC) No. 104/2000 and Commission Regulation (EC) No. 2065/2001. The provisions do not apply to fish sold by mass caterers such as restaurants and takeaways.

The format requires that the label provides the following information. The commercial designation of the fish — its common name and scientific name. The production method, whether farmed or caught at sea or in fresh water, and the catch area. There are additional requirements of traceability for live bivalve molluscs which provide even more detailed information with regard to the production area and the date of production.

I presume the Deputy's question also refers to further developments in Community legislation in this area which will come into effect in the near future. Regulation (EC)178/2002, which comes into effect on 1 January 2005, provides in broad terms for the introduction of a mandatory trace-

ability system in respect of animal food and feed in general. A further five related regulations and directives, the most relevant of which come into effect on 1 January 2006, set out detailed requirements in this regard.

The precise implications of these new requirements for the various food sectors are currently under examination. My Department is liaising with the Department of Agriculture and Food and the Department of Health and Children so as to ensure that the necessary arrangements in respect of the seafood sector are developed and introduced on a co-ordinated basis within the comprehensive legal and practical framework that will apply to food in general.

#### Fisheries Conservation.

31. **Mr. Boyle** asked the Minister for Communications, Marine and Natural Resources if he will provide details on the recorded commercial wild salmon catch in the summer of 2004; and the reason it was below the allocated quota. [25754/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The Central Fisheries Board is responsible for the publication of an annual fisheries statistics report containing all relevant data relating to the wild salmon and sea trout tagging scheme. I understand that the Central Fisheries Board is currently collating this year's data, including details of the commercial salmon catch, from the regional fisheries boards with a view to finalising the annual report for 2004 as soon as possible.

I await the advice of central and regional fisheries boards and the National Salmon Commission, based on their analysis incorporating the 2004 season, on the conservation measures including the TAC to be adopted in 2005. In the meantime, I have asked the chief executive officer of the board to ensure that the Deputy receives a copy of the 2004 statistics report as soon as it is available.

#### Safety Hazards.

32. **Mr. Crowe** asked the Minister for Communications, Marine and Natural Resources if he will report on the circumstances under which a company (details supplied) is withdrawing its services from many areas of the Dublin South West constituency, including the Templeogue and Tallaght regions. [25579/04]

35. **Mr. Neville** asked the Minister for Communications, Marine and Natural Resources the circumstances surrounding a recent health scare arising from telecommunication and television installations in a number of households; and if he will make a statement on the matter. [25766/04]

41. **Mr. Noonan** asked the Minister for Communications, Marine and Natural Resources if he will report on the circumstances surrounding



[Mr. Noonan.]

the discontinuation of telephone service to a number of subscribers arising from a suspected health issue; if there are wider implications for the industry; and if he will make a statement on the matter. [25768/04]

49. **Mr. Morgan** asked the Minister for Communications, Marine and Natural Resources if a fire which occurred in a Dublin house in August 2004 is suspected to have been caused by a fault in the telephone system of a company (details supplied). [25581/04]

82. **Mr. Rabbitte** asked the Minister for Communications, Marine and Natural Resources if he requested or received report from ComReg on the circumstances in which up to 2,000 households in the Dublin 24 and 6W areas were warned by a company (details supplied) that their phone connections constituted a potential safety hazard and who subsequently had their service withdrawn; and if he will make a statement on the matter. [25647/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 32, 35, 41, 49 and 82 together.

I have no function in the matters raised by the Deputies. These are matters for the Commission for Communications Regulations, ComReg. ComReg has statutory independence in the exercise of its functions.

Responsibility for the protection and promotion of consumer interests for electronic communications networks and services and the integrity of the network rests with ComReg under the European Communities (Electronic Communications Networks and Services) (Universal Service and Users Rights) Regulation, SI 308 of 2003.

ComReg is mandated to ensure a high level of protection for consumers in their dealings with suppliers and to investigate complaints from consumers regarding the supply of, and access to, electronic communications services, networks and associated facilities. ComReg understands that the company is concerned that the equipment which it installed in customers' homes may, in certain circumstances, constitute a potential safety hazard through overheating. The company is required to protect its consumers and it must immediately offer an alternative provider and without exposing them to additional costs associated with such a transfer.

I understand that ComReg has met the company and instructed it to take immediate steps to minimise the impact of the interruption of its customers' telephone service in addition to considering issues concerning the equipment. Specific issues which ComReg has immediately required of the company include: establishing a dedicated freephone telephone number so that affected customers can obtain information on the issue and be provided with advice and assistance in restoring telephone service; discussing with other tele-

phone service providers the possibility of similar facilities for affected customers; establishing call forwarding-call divert facilities so that customers can continue to receive incoming calls made using the existing number; and meeting the direct costs of the above which customers would otherwise have to pay. I understand that ComReg will continue to closely monitor the situation to ensure that the company in question complies with its obligations.

*Question No. 33 answered with Question No. 22.*

### Departmental Funding.

34. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the call contained in the report commissioned by a company (details supplied) and supported by Údarás na Gaeltachta for increased funding for TG4; if it is intended to provide additional funding; and if he will make a statement on the matter. [25653/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Screen Producers Ireland is the representative group for independent producers in Ireland. TG4 commissions the bulk of its Irish language programming from this sector. I am aware of the report recently published by Screen Producers Ireland and its core recommendation for a substantial increase in public funding for TG4. The report recommends that TG4 should then use this extra funding to commission additional programming from independent producers and to pay independent producers higher rates than at present.

Public funding for TG4 is provided for the purpose of ensuring that there is a quality Irish language television service available for the people of Ireland. The public funding of TG4 has had a secondary and positive impact of stimulating growth in the independent production sector. While this is a welcome development, decisions on the future funding of TG4 will primarily be informed by the need for TG4 to fulfil its public service mandate.

*Question No. 35 answered with Question No. 32.*

### North-South Gas Pipeline.

36. **Mr. S. Ryan** asked the Minister for Communications, Marine and Natural Resources the main features of the agreement with the UK for a North-South gas pipeline; if a route for the pipeline has been agreed; when construction is likely to commence; when it is likely to be completed; and if he will make a statement on the matter. [25660/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I assume the Deputy is referring to the agreement signed on 24 September 2004 between Ireland and the UK relating to the transmission of natural gas by

a second gas pipeline interconnector, IC2, between Ireland and the United Kingdom of Great Britain and Northern Ireland and through a connection to the Isle Of Man. A motion approving the signing of this agreement was passed on 8 July 2004.

IC2, while designed to facilitate the pumping of gas between both Britain and Ireland on the second subsea interconnector, also allows for future transmission of gas on a new pipeline between Gormanston, County Meath and Belfast. A further agreement will be concluded with the Northern Ireland authorities in relation to this pipeline as the project develops and in context of my objective of creating an all island energy market.

The route for the proposed North-South pipeline has been selected and detailed route planning is ongoing. Main line construction is scheduled to commence in March 2006 and the pipeline is due to be completed by the end of October 2006.

### Radio Broadcasting.

37. **Mr. Penrose** asked the Minister for Communications, Marine and Natural Resources his response to the recent report on radio licensing in Ireland; the progress made to date in regard to the public consultation process on the report; if he intends to implement the report's recommendations; and if he will make a statement on the matter. [25656/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The first stage of the radio licensing review process was a comprehensive study of radio licensing in Ireland carried out by industry experts OX Consultants. That report was published on 13 July 2004 and contained a significant amount of data along with analysis and conclusions.

The second stage of the review was a public consultation phase. The public consultation was informed by the OX report and by a consultation paper published by my Department. The purpose of the public consultation was to seek the views of stakeholders involved in radio broadcasting in Ireland including station owners, advertisers, content creators, information service providers, public service bodies, individuals and local communities. As part of the public consultation a public seminar was held in Athlone in September. A verbatim report of the seminar is available on my Department's website, [www.dcmnr.ie](http://www.dcmnr.ie).

The public consultation period ran from 7 July to 30 September 2004 and a substantial number of submissions was received. My Department is at present considering those submissions and is preparing a report that will include recommendations on the future licensing of radio in Ireland. I look forward to receiving that report and considering its findings.

*Question No. 38 answered with Question No. 22.*

### Alternative Energy Projects.

39. **Mr. Cuffe** asked the Minister for Communications, Marine and Natural Resources the Government's policy with regard to the promotion of wood as a viable alternative energy source following recently published studies by Sustainable Energy Ireland; his views on the opinion that it would replace overdependence on imported fossil fuels while creating sustainable rural jobs, in addition to its primary purpose of reducing CO<sub>2</sub> emissions. [25757/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Development of biomass energy and, in particular, the promotion of wood as an alternative energy source, offers potential to reduce CO<sub>2</sub> emissions, enhance security of supply and create regional employment. Ireland has an excellent growing climate and an ongoing supply of raw material for wood fuel. Wood residues are already being used to produce heat for sawmills across the country and the wood energy market is poised for growth, with a number of commercial start-ups and a supply chain emerging. Wood residues can be broken down into four categories: pulpwood residues, sawmill residues, forest residues and recycled wood. The wood for energy sector divides into direct biomass — the trees themselves; indirect biomass — processing by-products and residues; and post consumer recovered wood. There is good potential for the development of production of energy from biomass in Ireland.

I am aware that growth in the Irish forestry sector has created a strong supply of wood and wood residues into the coming decades, for which there are finite demand in existing markets. This represents a particular opportunity for bioenergy development based on wood products.

My Department, in association with Sustainable Energy Ireland, SEI, set up a bioenergy strategy group, BSG, in December 2003. The primary objective of the group is to consider the policy options and support mechanisms available to Government to stimulate increased use of biomass for energy conversion, and to make specific recommendations for action to increase the penetration of biomass energy in Ireland. The BSG will produce a report on its findings shortly and this will contain a road map for the development of biomass energy, including wood energy, with the identification of staged, achievable targets and recommendations for future action.

### Fisheries Protection.

40. **Mr. Timmins** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself with the extend to which catch limits are being observed in the context of conservation; and if he will make a statement on the matter. [25782/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The Common Fisheries Policy,

[Mr. Gallagher.]

CFP, which is the legislative framework underpinning fisheries policy in EU member states, provides for the conservation and rational exploitation of fisheries resources through instruments such as total allowable catches, TACs, stock recovery plans and technical conservation measures. It contains provisions for member states to take the inspection and enforcement measures necessary to ensure compliance with its rules, including those relating to fishing within the quotas allocated to member states. It also provides for member states to follow up on infringements and to impose sanctions where appropriate. While the precise penalties to be taken are a matter for national legal jurisdiction, it is prescribed that these must act as a deterrent in respect of the offence in question. Where breaches of the quota provisions are detected these are disposed of through the courts.

In order to ensure effective resource management, the uptake of quotas is closely monitored and the relevant data sent regularly to the commission. Ireland continues to be vigilant in ensuring that measures are taken in time to prevent quota overruns. The commission vigorously pursues instances of failure by member states to ensure that quotas are adhered to.

*Question No. 41 answered with Question No. 32.*

#### **Mobile Telephony.**

42. **Ms Lynch** asked the Minister for Communications, Marine and Natural Resources the position in regard to his plans to reduce roaming charges for mobile phone users in border areas whose phones may stray on to UK networks; if his attention has been drawn to ComReg's response to his recent policy directive on the issue that it can only be dealt with on a pan-European basis; and if he will make a statement on the matter. [25644/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** As Minister for Communications, Marine and Natural Resources, I have responsibility for overall telecoms policy, but the regulation of call roaming charges, comes under ComReg's jurisdiction, as regulator.

Minimising cross-Border roaming costs on the island of Ireland would be beneficial for all Irish mobile phone users, particularly those who live close to the border and I welcome the continuous work being done by ComReg in this area.

The policy direction to which the Deputy refers, issued in March of this year, directed ComReg to work closely with the operators and OfCom, the regulator for Northern Ireland, to encourage and support initiatives that could reduce or eliminate cross-Border roaming charges, and encourage national call charging on an all-island basis. Both Vodafone and O<sub>2</sub> offer

an all Ireland tariff, for an accompanying subscription.

I understand that the issue of inadvertent roaming when mobile users near the Border inadvertently cross on to another network, without actually crossing any border, has been discussed at a number of Ireland-UK bilateral meetings and that ComReg continues to work with OfCom on seeking further progress on this issue. A working group has been established by the two regulators to consider measures on both sides of the Border to ensure competitive services. Also, ComReg has a memorandum of understanding, MoU, with the UK regulator, OfCom on cross-Border co-ordination of GSM and 3G frequencies, and there is also a MoU in place between Irish and UK operators aimed at improving co-operation in the Border region.

Another appropriate mechanism for advancing this issue is the European one. ComReg, as a member of the independent regulators group-European regulators group, is working in a co-ordinated basis with the EU Commission to look at the whole issue of International roaming as part of the market analysis review.

#### **Fisheries Protection.**

43. **Mr. Gogarty** asked the Minister for Communications, Marine and Natural Resources when and the way in which he plans to introduce an independent on-board monitoring system to gauge the level of cetacean bycatch on Irish fishing vessels. [25759/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The framework for the implementation of on-board observer schemes for cetacean bycatch is laid out in the cetacean bycatch Regulation No. 812 of 2004, agreed at the March 2004 Fisheries Council. The processing of this issue was a priority during the Irish Presidency. Article 5 of the regulation specifies the level of experience and skills required of observers, their main duties and the manner in which their reports are to be compiled and submitted. The regulation also lists the areas and fishing gears for which monitoring is to be carried out, with the dates for implementation. In the case of Irish waters, two of the areas listed require observer coverage from the period beginning 1 January 2005. These are pelagic trawls — single and pair — for all Irish waters, and bottom-set gillnet or entangling nets using mesh sizes equal to or greater than 80 mm for waters to the north and west of Ireland and also the Irish Sea.

As there is not sufficient existing data available to design sampling strategies to achieve the statistical precision required for a general observer scheme, it will be necessary to design and implement a pilot observer scheme in the first instance, as laid down in annex III of the regulation, for 2005 and 2006. There has been an increasing level of observer coverage in recent years in certain areas such as the tuna fishery, and



this information is of use in the design of the pilot schemes. Discussions have commenced between the Department and Bord Iascaigh Mhara on the precise methodology to be deployed, and this process will continue during the remainder of the year. The coverage of these schemes will, as required, be based on the level of fishing effort in the relevant fisheries in recent years, and will build on the experience gained from previous observer coverage.

#### **Offshore Exploration.**

44. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources if he will report on recent findings or developments in regard to oil, gas or other mineral explorations on or off shore; and if he will make a statement on the matter. [25812/04]

126. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the outcome in respect of recent oil, gas or other mineral exploration on or off shore; the degree to which commercial viable prospects exist; and if he will make a statement on the matter. [25938/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 44 and 126 together.

With regard to oil and gas exploration, one exploration well was drilled this year by Providence Resources plc on the Blackrock prospect off the south coast. The well did not yield any significant shows of hydrocarbons and the well was plugged and abandoned as a dry hole.

The Dooish exploration well, which was drilled in 2002 by Enterprise Energy Ireland — now Shell E & P Ireland — off the Donegal coast and which discovered a hydrocarbon accumulation, was re-entered and deepened in 2003. Both my Department and Shell E and P are continuing to analyse the well results and integrate them with other data from the area. Further technical work on the prospect will be required before the size of the gas condensate accumulation and the possibility for any commercial development can be accurately assessed.

No new economic deposits of non-petroleum minerals have been discovered in recent years. There have been some encouraging results, however. Exploration adjacent to existing base metal mines at Navan, County Meath, Tara Mines Ltd., and Galmoy, County Kilkenny, Arcon Mines Ltd., has discovered additional resources, which have the potential to extend the life of those mines. A good zinc prospect area near Pallas Green, County Limerick, also has the potential to host an economic deposit and exploration is continuing. The acid test of commerciality with any new discovery is that having made a find, the explorationist is then prepared to invest in planning for mining and so makes the necessary applications for permits to me, to the relevant local authority and to the EPA.

New exploration is continuously undertaken as part of my requirements to holders of prospecting

licences, of which there were 284 current at the end of September 2004.

#### **Mobile Telephony.**

45. **Mr. McGinley** asked the Minister for Communications, Marine and Natural Resources the state of developments in regard to 3G telephone technology; and if he will make a statement on the matter. [25825/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Third generation, or 3G, technology is the next generation of mobile telephony technology. It is being developed to provide broadband mobile data services though it can also be used for voice communications. The new 3G phones will allow consumers to download data file, such as video clips and music files up to seven times faster than on existing phones. This will open up various possibilities for the development of new services.

In July and October 2002, the Commission for Communications Regulation's predecessor, the Office of the Director of Telecommunication Regulations, following a competition, issued three licences for the provision of third generation networks in Ireland.

The successful applicants were Vodafone (Ireland) Ltd., O<sub>2</sub> Communications (Ireland) Limited, and a new entrant to the Irish market — the Hong Kong based Hutchison (3G) Ireland Limited. The 3G licences, which include roll-out and other licensing obligations, are available on the ComReg website for viewing by members of the public, as are various documents relating to the licence competition.

It is expected that the first 3G consumer services in Ireland will be launched before the end of 2004 and all licensees are expected to roll-out 3G services in 2005.

The development of third generation networks worldwide has not been as fast as originally envisaged at the time the licences were awarded. This is due mainly to delays in the appropriate handsets becoming available and in the development of new 3G services. The introduction of 3G services in Ireland will be important, particularly in an economy that has a relatively high mobile penetration rate.

#### **Fisheries Protection.**

46. **Mr. English** asked the Minister for Communications, Marine and Natural Resources the way in which he sees the development of the fishing industry in the future having regard to the need to conserve stocks; and if he will make a statement on the matter. [25798/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** In line with the Government's commitment to setting out a long-term strategy for the sustainable development of the Irish fishing industry, a policy statement on the future directions for the sustainable development of the

[Mr. Gallagher.]

sea fishing industry was made in June. This statement includes a plan to deliver sustainable fishing for the whitefish fleet, an infrastructural development plan, a management plan for sustainable inshore fishing fleet and outlines the priorities for Ireland within the Common Fisheries Policy. I am committed to the early achievement of these objectives.

There is clearly an over-riding EU dimension to fisheries policy and the development of national strategies in this area must have regard for the policy and strategies set out at EU level within the CFP. At EU level, I will be concentrating on two key priorities: the delivery of an effective, even-handed control policy; and, effective conservation programmes that will ensure fish stocks are managed on a sustainable basis. I will focus on rebuilding stocks so that in the medium to long-term, sustainable fishing will support and grow the economies of coastal communities dependent upon fishing.

### Energy Resources.

47. **Mr. Sargent** asked the Minister for Communications, Marine and Natural Resources if he has carried out an analysis of the phenomenon of peak oil and the possible consequences for the economy here following a global reduction in oil production. [25762/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Against the background of the conventional view of what is meant by “peak oil”, the question of determining the date and impact of the peak and decline of the world’s oil — and, indeed, gas — production, is a matter of world wide concern and is the focus of many, often conflicting research studies, views and opinions.

Even if there were no environmental aspects to the burning of fossil fuels, oil — allowing for new finds and improvements in extraction technologies — is a finite resource. Reliance on oil must therefore be substituted over time if world economic development and living standards are to be sustained.

The environmental impacts and the finite nature of fossil fuels are therefore the key drivers in the role of research into sustainable and renewable energy sources.

While I have not commissioned specific analysis into the area of “peak oil” research, Ireland, as a member both of the European Union and of the International Energy Agency, IEA, has access to relevant energy research undertaken within these fora.

### Fisheries Protection.

48. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the main features of the measure announced by his Department on 11 August 2004 to protect wild Irish salmon; if his attention has been drawn to concerns expressed that these measures may have

a negative impact on angling/tourism; and if he will make a statement on the matter. [25634/04]

### Minister of State at the Department of Communications, Marine and Natural Resources

**(Mr. Gallagher):** In late July this year, my predecessor, Deputy Browne, received unequivocal advice from all of the State agencies involved in the management of the wild salmon resource indicating that there was a poor run of salmon in 2004 and that immediate measures were necessary to reduce exploitation for the remainder of the year.

The unanimous scientific and management advice given to the Minister, indicated that the salmon run for the remainder of this year must be considered as important spawning stock necessary to ensure the sustainability of the resource into future years. In this, he was guided by the need to operate on the basis of the precautionary principle in regard to ensuring biological stock safety.

Given the serious concerns over stock levels, the Minister of State refused to extend the commercial salmon fishing season, despite claims by fishermen that they would be unable to catch the full quota allocated under the Wild Salmon and Sea Trout Tagging Scheme Regulations 2004. At the same time, he accepted the advice that immediate measures were necessary to reduce angling exploitation so as to ensure an increased survival level for spawning purposes during the remainder of the year.

In this regard, the Minister approved measures governing the operation of salmon angling for the remainder of the 2004 season, which were based on a recommendation by the National Salmon Commission, and from 1 September, reduced the daily permissible catch limit for anglers from three fish to one fish subject to the existing maximum levels per annum. The Minister of State believed that this proposal by the National Salmon Commission delivered a practical mechanism to effect the protection of salmon stocks while acknowledging the important role angling plays in attracting tourists to Ireland. The recommendation afforded the continuation of the season for tourism angling into September but at the same time minimised the impact on our valuable wild salmon stocks.

*Question No. 49 answered with Question No. 32.*

50. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if he has carried out a study of the effects of fish stocks of large factory ships; and if he will make a statement on the matter. [25776/04]

### Minister of State at the Department of Communications, Marine and Natural Resources

**(Mr. Gallagher):** In Ireland, the assessment and monitoring of fish stocks is carried out by the Marine Institute. In addition to surveys and other studies and biological analyses, this stock assess-

ment work would also typically involve analysis of catches by vessels in the various stocks.

The scientific work carried out by the Marine Institute feeds into the work of other scientific bodies around Europe and these collaborative research efforts provide the necessary data to determine the current status of EU fish stocks.

In so far as the stocks in most difficulty are concerned, there is particular concern about a number of key whitefish stocks of importance to Irish fishermen, in particular cod in the Irish Sea, cod to the west of Scotland and, also, northern hake. These stocks are not, however, fished by factory ships.

### **Alternative Energy Projects.**

51. **Mr. Hayes** asked the Minister for Communications, Marine and Natural Resources the extent to which alternative energy is available at a competitive price; and if he will make a statement on the matter. [25807/04]

85. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources his plans to encourage the provision of alternative energy sources at a competitive price; and if he will make a statement on the matter. [25815/04]

128. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the progress to date in providing competitively priced alternative energy sources; his plans for the future in this regard; and if he will make a statement on the matter. [25940/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 51, 85 and 128 together.

Large-scale hydro powered electricity generating stations can compete with conventional fossil and carbon technologies in an open competitive environment. In addition, some wind-powered electricity generating plant has been developed in Ireland as merchant plant — that is, without support — in recent years. However, these projects depend on a regulatory code that reassures consumers that the electricity they consume is associated with the generation of an equal amount of electricity from alternative energy sources within a 12-month cycle. They are also dependent on the accelerated liberalisation of the electricity market for renewable energy technologies which occurred in February 2000 ahead of full market liberalisation in 2005.

The conventional wisdom is that renewable energy technologies employed in the electricity market will continue to require special support into the medium term in order to compete in an open competitive electricity market. My Department's support mechanism, the alternative energy requirement, AER, programme, has operated to date to increase the contribution from renewable energy technologies in electricity production.

The underlying principle of the alternative energy requirement competitions, as operated to date, is that prospective generators are invited to

make a formal application to build, own and operate newly installed renewable energy based electricity generating plant, and to supply electricity from these to the ESB under a power purchase agreement of up to 15 years.

In May of this year a renewable energy development group, chaired by my Department, was established. The group comprises relevant experts from the administrative and scientific sector which interacts appropriately with key market players. This group will advise on future options on policies, targets, programmes and support measures to develop the increased use of renewable energy to 2010 and beyond. This group's report which is due before the end of this year will form the basis of my future policy proposals to Government.

Bio-fuels are renewable fuels also, which have a significantly lower environmental impact than traditional mineral oils. They are available on the market as pure plant oil, which can only be used in vehicles with modified engines, bio-diesel, which is blended with diesel, and bio-ethanol which is blended with petrol for use in ordinary engines.

Earlier this year, my Department secured an amendment to the Finance Act 1999, which allows the Minister for Finance to apply a relief from mineral oil tax, for biofuels essential to a pilot project to produce biofuel or to research aspects of biofuel production and usage as a motor fuel. My Department is in discussions with the Department of Finance about the final design of a proposed scheme under the measure, and they expect to be in a position to announce details of a scheme, under the Finance Act provision, shortly.

### **Marine Safety.**

52. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources his plans to augment the sea rescue services; and if he will make a statement on the matter. [25769/04]

56. **Mr. O'Dowd** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself regarding the adequacy of the sea rescue services; his plans for the future in this regard; and if he will make a statement on the matter. [25772/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** I propose to take Questions Nos. 52 and 56 together.

The Irish Coast Guard of the Department has responsibility for the provision of the air and sea search and rescue service in this country. The resources available to the coast guard are continually monitored to ensure that they are adequate to enable it to discharge its remit. The service is provided through co-ordination of helicopter operations and of a number of other declared resources.



[Mr. Gallagher.]

The current coast guard air and sea rescue helicopter service is provided by means of contractual arrangements, entered into with a specialist company in this field. It includes 24-hour, all-weather cover at three bases, Dublin, Waterford and Shannon, and a 12-hour service at a fourth base, Sligo. Adequate backup is provided to Sligo from the other three bases, as may be required, thus ensuring complete cover. The coast guard expects that the Sligo base will provide a 24-hour, all-weather cover in early 2005.

Other declared resources operating in search and rescue coverage include: the coast guard's three radio service stations at Dublin, Malin Head and Valentia Island; 54 coast guard coastal units, of which 12 also provide boat coverage and 20 provide a cliff rescue service; nine community inshore rescue service units; and 42 RNLI lifeboat stations. The outdoor lifeguards who provide coverage for beaches, the Civil Defence, the Radiological Protection Institute of Ireland, and Dublin Fire Brigade are also declared resources. The coast guard has liaison agreements with its declared resources and also agreed operational procedures.

Additional resources on which the coast guard can call should the need arise are the Naval Service, Air Corps fixed-wing CASA, for air assistance in search, guidance of helicopters to rescue areas and radio communication relaying when operating far out to sea, harbour tugs and launches. The coast guard has close co-operation with the UK coast guard, both providing and receiving assistance, as the need arises.

### **Electricity Generation.**

53. **Ms Burton** asked the Minister for Communications, Marine and Natural Resources the latest information available to him in relation to the industrial relations situation in the ESB and the threat of industrial action arising from the major deficit in the company's pension fund, especially in view of the danger that it could lead to electricity blackouts; and if he will make a statement on the matter. [25636/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The industrial relations situation in ESB is a matter to be dealt with in accordance with the established industrial relations procedures within the company and is not one in which I have a function. That said, however, I understand that a number of local branches of the TEEU, one of the ESB group of unions, has recently tabled motions for industrial action and that these relate to the question of how the current deficit in the ESB's pension fund should be addressed.

The matter of the pension fund deficit is cited by the Labour Court in its recommendation of 19 July 2004 as one of the issues needing to be addressed in the context of the current industrial relations situation in ESB. I should explain that the intervention of the Labour Court came at the

request of the National Implementation Body in July of this year at a time when strike action was under active consideration by ESB staff.

The pension fund issue, along with pay, employee shareholding and organisation and industry change, is now the subject of the current talks process established under the Labour Court recommendation aimed at resolving this situation.

I understand that the ESB group of unions has since been actively engaged in the Labour Court process and has met with Mr. Peter Cassells, the appointed facilitator, and with ESB management on a number of occasions. The Department of Communications, Marine and Natural Resources, the Department of Finance, and ESB management are also involved in the ongoing process with Mr. Cassells. Because of the sensitive nature of the issues being discussed at these meetings, it would not be appropriate to go into greater detail at this stage.

### **Marine Safety.**

54. **Mr. Wall** asked the Minister for Communications, Marine and Natural Resources if he will rescind the decision to close the Dublin and east coast marine rescue co-ordination centre; and if he will make a statement on the matter. [25672/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The decision to transfer the services of the marine rescue co-ordination centre from Dublin was taken on foot of a study of the coast guard undertaken by independent consultants, Deloitte & Touche. Reflecting advances in modern communications technologies, the consultants recommended that the coast guard should operate two control centres as opposed to the three centres that exist at present. This approach will have the effect of achieving significant cost savings, thus enabling other elements of the coast guard service to be developed, which in turn will lead to further improvements in our marine emergency response services nationally.

The objective is that the remaining two centres at Valentia and Malin Head will be developed to handle all emergencies around our coast, on inland waters and in relation to mountain, cliff and cave rescue. Communications technology today is such that the geographical location of the co-ordination centres is less important now than in the past and, in this context, Government policies on decentralisation from Dublin are also relevant.

The capability of the coast guard to co-ordinate and manage incidents should not be diminished as a result of the closure of the Dublin rather than the Valentia or Malin Head centres, nor will the decision affect the very significant emergency response resources on the ground, which will remain available to the coast guard on a year-round, 24-hour basis.

Coast guard management is continuing to examine all issues relating to the operation of the two centres going forward, including establishing what measures will be necessary to effect a smooth transfer from Dublin to the other two centres while ensuring that full co-ordination capability is maintained at all time.

### **Telecommunications Services.**

55. **Ms Lynch** asked the Minister for Communications, Marine and Natural Resources if ComReg has yet finalised the proposed draft directive to operators relating to a code of practice for tariff presentation, in view of the wide range of tariffs on offer and the confusion that can arise for consumers; and if he will make a statement on the matter. [25645/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The requirements relating to tariff charges and associated information are set out in the Communications Regulation Act 2002 and the European Communities (Electronic Communications Networks and Services) (Universal Services and Users' Rights) Regulations 2003, SI 308 of 2003, USO Regulations.

The Commission for Communications Regulation, ComReg, has responsibility for monitoring compliance by service providers with requirements under these regulations. In accordance with the regulations and following earlier public consultation, ComReg issued a direction to operators relating to a code of practice for tariff presentation on 12 August 2004. The core objective of the code is to ensure end-users have access to accurate, comprehensive and transparent tariff information in relation to publicly available telephone services.

*Question No. 56 answered with Question No. 52.*

### **Energy Resources.**

57. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources the way in which energy costs in this country compare with those prevailing in other EU and non-EU countries; the way in which this affects industrial costs here; and if he will make a statement on the matter. [25814/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Energy costs primarily relate to the market prices of fuels and the capital and operating costs of energy providers, matters in which I have no function. Costs to industry generally are a matter for my colleague, the Minister for Enterprise, Trade and Employment. However, Sustainable Energy Ireland has informed me that it will publish a report within the next two weeks providing analysis on the effect of price changes on industry's cost base.

I understand the report will show that energy costs are less than 4% of direct costs for 92% of all industrial enterprises. These enterprises account for 96% of the value added generated by manufacturing industry while accounting for 96% of industrial employment. About 54 enterprises have an energy bill greater than 10% of their costs and they account for 1.1% of the value added generated by industry.

The following comparisons for the EU-15 countries is based on the most recent data from EUROSTAT, the statistical office of the European Communities. Electricity prices, ex VAT, to industry were 23.7% higher in Ireland than the EU average during the first half of 2004. Fuel oil prices, ex VAT, to industry were 8.3% lower in Ireland than the EU average during the first half of 2003 — latest available data. Gas prices, ex VAT, to industry were 3.1% higher in Ireland than the EU average during the second half of 2003 — latest available data. Automotive diesel prices, all taxes included, were 0.6% lower than the EU average during the first half of 2004. Electricity prices, VAT included, to households were 2.4% higher in Ireland than the EU average during the first half of 2004. Heating oil prices, VAT included, to households were 4.1% lower in Ireland than the EU average during the first half of 2004. Natural gas prices, VAT included, to households were 19.6% lower in Ireland than the EU average during the first half of 2004. Premium unleaded petrol prices, all taxes included, were 10.6% lower in Ireland than the EU average during the first half of 2004 and were 20.1% lower than the UK during the same period.

With regard to non-EU countries, it is not practical or accurate to make comparisons due to the differences in tariffs and the lack of comparable data.

### **Postal Services.**

58. **Mr. Howlin** asked the Minister for Communications, Marine and Natural Resources if it is his view that the postal market may not be able to bear any more price increases in postal charges; his further views on whether further increase in charges are merited; and if he will make a statement on the matter. [25642/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I understand that An Post has applied for a price increase to the Commission for Communications Regulation (ComReg). Under the European Communities (Postal Services) Regulations 2002, ComReg is the designated independent body responsible for pricing policy in the postal sector with regard to the universal service segment of the postal market. I have no function in any consideration of this matter nor on the timing of any decision by ComReg.

### **Fisheries Protection.**

59. **Ms Shortall** asked the Minister for Communications, Marine and Natural Resources

[Ms Shortall.]

the investigation planned into the alleged widespread flouting of fishing laws and regulations by fishermen based at Killybegs, County Donegal; when he expects to have a result of the investigation; and if he will make a statement on the matter. [25665/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I arranged to have this matter formally referred to the Garda Síochána with a request for an investigation. I understand that the Garda is investigating the matter. The timeframe for such investigations is a matter solely for the Garda Síochána.

60. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the estimated fish stocks by species available in the Irish sea and the Atlantic which are available to Irish fishermen exclusively or on a shared basis; and if he will make a statement on the matter. [25774/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** Total allowable catches, TACs, for the various fish stocks are established each December by the Council of Agriculture and Fisheries Ministers, taking account of scientific advice provided by fisheries biologists on the state of the stocks. The 2004 whitefish and pelagic quotas were established during the Council meeting in December 2003. The 2004 deep sea quotas, subject to separate negotiations, were set down in December 2002. Ireland secured national quotas for 2004 that amounted to more than 200,000 tonnes, including deep sea species. Most of these quotas relate to the waters around Ireland.

The Atlantic Ocean, Irish Sea and other areas are divided into fishing zones defined by the International Council for the Exploration of the Sea, ICES, based on scientific data about fish stocks. I will send the Deputy a detailed list of the Irish quotas in these fishing zones together with an associated map.

*Question No. 61 answered with Question No. 22.*

#### Postal Services.

62. **Mr. M. Higgins** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the decision by the board of An Post to close its SDS parcel delivery division; if he has received communication from the General Secretary of the ICTU warning that the closing of SDS would be very damaging to the partnership process; if he has responded to ICTU; if he has raised the matter with the management of An Post; and if he will make a statement on the matter. [25641/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I am fully aware of the decision taken by the board of An

Post to re-integrate SDS, the parcels and courier division of the company, back into An Post.

My Department has been in contact with the management of An Post about this matter. In recent years SDS has been consistently operating on a loss making basis. In 2003, as a result of the worsening financial and commercial circumstances, a fundamental review of the operation was undertaken by management. Subsequent to this review a recovery plan was developed in conjunction with the Communications Workers' Union.

Despite the implementation of changes associated with the recovery plan, which were intended to make SDS competitive by providing it with a more flexible cost base and increased productivity levels, SDS continued to incur serious losses.

Following consideration of the issues, including potential losses of €10 million in 2004, the board decided at its meeting in July on the closure and reintegration of SDS into the mails business. A plan for the closure and reintegration of SDS, which involves the loss of 270 jobs on a voluntary basis, is now being implemented with all stakeholders being consulted on the arrangements to be put in place.

My Department received correspondence from the general secretary of the Irish Congress of Trade Unions in July this year setting out concerns regarding SDS and making reference to the partnership process. In response, my predecessor met with representatives from ICTU and CWU in August this year to discuss their concerns regarding SDS and the reintegration process.

It is my understanding that following a request from the ICTU, the National Implementation Body, NIB, held a hearing to determine whether the company breached the partnership terms of Sustaining Progress in making its decision to reintegrate SDS. The National Implementation Body, as part of its determination proposed that an independent facilitator be agreed to share the financial details and review a process for information sharing. Mr. Peter Cassells has been appointed as facilitator and I understand this process is up and running.

#### Television Licence Fee.

63. **Ms O'Sullivan** asked the Minister for Communications, Marine and Natural Resources when he expects to receive the results of the RTE licence fee adjustment; when he expects to make a decision on the licence fee for 2005; and if he will make a statement on the matter. [25655/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Government decision of December 2002 provided for a mechanism for an annual adjustment in the television licence fee using a consumer price index minus "X" formula. This formula would be used to take account of rising costs but also to reflect performance on execution of



change management agenda and performance against programme commitments.

The Government decision provided that decisions on an annual increase would be informed by an independent evaluation of RTE's performance in the previous year. When established it is the Broadcasting Authority of Ireland, BAI, that will undertake this independent evaluation. As the BAI has not yet been established, my Department has engaged consultants to undertake the independent evaluation this year. PricewaterhouseCoopers, which undertook the first annual review last year, has recently been engaged following a public tender process to undertake this year's review.

I expect to receive the report of the consultants by the end of November and then having considered it will bring my proposals to Government in December.

*Question No. 64 answered with Question No. 10.*

*Question No. 65 answered with Question No. 22.*

#### **Fish Farming.**

66. **Mr. Crawford** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself that fish farming husbandry is in line with best practice and the health status of the industry; and if he will make a statement on the matter. [25787/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** Persons engaged in fish farming are required to conduct their operations in accordance with the specified terms and conditions of their aquaculture licences. In addition, in the case of finfish farming, a series of protocols have been put in place that lay down requirements in respect of matters such as fallowing, benthic monitoring and the monitoring and control of sea lice.

The licence conditions and other requirements are designed to ensure that aquaculture is carried on in accordance with high standards of environmental and ecological protection. It will be a continuing priority for my Department, therefore, to ensure that there are high levels of compliance by fish farmers with their specific obligations and responsibilities.

The salmon farming sector has been significantly affected by the incidence in its stocks of pancreas disease. The Marine Institute is actively engaged with the industry in looking for solutions to this problem.

#### **Post Office Network.**

67. **Mr. R. Bruton** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the fact that pensioners of An Post have been brought into the dispute between An Post management and

unions by the denial of a pension increase due to employees; if he is considering altering the terms under which responsibility for the payment of pensions is delegated to An Post, in view of the fact that pensioners are not in dispute with the company and their award is independently funded; and if he will make a statement on the matter. [25566/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Authority to implement pension increases was delegated to An Post by this 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. I am also informed that 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. I do not intend to change this delegation of authority regarding pensions as it is clearly an operational function for the board and management of An Post.

As the Deputy will be aware, the company is currently involved in detailed negotiations with its unions under the auspices of the Labour Relations Commission, in order to reach agreement on necessary restructuring with a view to returning to financial stability. These negotiations have impacted on consideration of increases for An Post pensioners. However, I understand that the An Post board and management are reviewing this situation. In light of this review, I feel it would not be appropriate to comment further at this stage.

#### **Alternative Energy Projects.**

68. **Mr. Hogan** asked the Minister for Communications, Marine and Natural Resources the extent to which the development of alternative energy sources is being pursued; and if he will make a statement on the matter. [25808/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The promotion of renewable energy technologies is a key priority of this Government. The Green Paper on Sustainable Energy 1999 established a target to add 500 MW of new renewable energy based electricity generating plant to be added to the electricity network by 2005.

In addition, at the launch of AER VI, my predecessor announced support for an additional 50 MW of new generating capacity in an offshore wind category and an additional 28 MW specific to biomass powered CHP plants. Subsequently at the announcement of the initial round of offers in AER VI it was proposed to add a further 140 MW to the original 500 MW target, subject to State aids clearance.

The necessary state aids clearance was received recently and I will announce shortly the allocations, by project, of all the unallocated capacity.

[Mr. N. Dempsey.]

AER VI brings to a close an initial programme to add renewable energy technologies to the network at a level which does not raise serious technical issues. However planning for future programmes at increased penetration levels does cause significant technical issues which must be addressed in order to maintain system security for electricity customers. This plan may in turn require a revision of the current support programme to embrace changes required to allow higher levels of wind energy penetration in particular.

At the end of last year a consultation document entitled, Options for Future Renewable Energy Policy, Targets and Programmes, was published. The consultation document and supporting annexes which examine in detail support mechanisms and renewable energy policies in Ireland as well as in other European countries, were published on my Department's website and looked at key future challenges in the future including policy, future green energy markets, how to overcome barriers to the deployment of renewable energy and future options for market support mechanisms.

In May of this year a renewable energy development group, chaired by my Department, was established. The group comprises relevant experts from the administrative and scientific sector which interacts appropriately with key market players. This group will advise on future options on policies, targets, programmes and support measures to develop the increased use of renewable energy to 2010 and beyond. This group's report which is due before the end of this year will form the basis of my future policy proposals to Government.

In tandem with this work programme administered by my Department, Sustainable Energy Ireland, SEI, the independent non-commercial state body focused exclusively on sustainable use of energy including deployment of renewable energy sources, has commenced a challenging work programme to increase energy efficiency and to promote renewable energy technologies. In the renewable energy field specifically SEI has opened a research, development and demonstration programme for renewable energy technologies. The programme is open to a wide range of proposals, including policy studies, field research, feasibility studies and technology RD&D.

#### Television Licence Fee.

69. **Ms B. Moynihan-Cronin** asked the Minister for Communications, Marine and Natural Resources the proposals he has for the more effective collection of the television licence fee; if it is intended that An Post should continue to carry out the function of collection of the licence fee; and if he will make a statement on the matter. [25651/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** In the area

of licence fee collection my overriding objective is to maximise the number of licence fees collected, in a cost effective manner. Over the past two years a significant number of initiatives have been taken to help achieve this.

My Department chairs a liaison group through which it works with An Post and RTE to plan and oversee the implementation of initiatives and strategies with the objective of increasing sales of television licences. The initiatives taken include: establishment of a 24-hour a day call centre; the introduction of a new lifetime licence for people who are entitled to a free licence paid by the Department of Social and Family Affairs; introduction of a monthly direct debit payment option; sale of licences via the An Post PostPoint Channel, and online; radio and television advertising campaigns; and focused inspection campaigns.

All of the initiatives taken have the aim of making it easier for people to pay for their licence and to reduce the level of evasion. The focus has primarily been on initiatives that would have a positive impact in the short-term. I am also considering longer-term measures. The option of putting the licence fee collection contract out to tender is one of the possible choices being explored.

#### Electricity Generation.

70. **Mr. Costello** asked the Minister for Communications, Marine and Natural Resources if it is planned to proceed with proposals for the construction of two electricity connectors to Wales; when it is likely that construction will commence and when it is expected to be completed; and if he will make a statement on the matter. [25639/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Government has given its approval to the development of two 500 MW East-West-Ireland-Wales electricity interconnectors. The development is being pursued as a priority in order to maximise the contribution to competitiveness, security of supply and integration of Ireland into a wider European energy market.

The Commission for Energy Regulation, CER, has been requested to develop proposals to activate a process exploring all possible options for the development of the two 500 MW electricity interconnectors on a hybrid-regulated basis. The CER is currently engaging external professional advice to assist it in framing a competitive type process to deliver the interconnection at the earliest possible date. I am advised that on 29 September last, the CER invited a shortlist of consultants to submit appropriate tenders.

As regards likely construction, commencement and completion dates, it is not possible at this stage to be definitive on this, but realistically commissioning is not envisaged until 2009-10. The next step is to conduct a detailed sub-sea feasibility study, examining matters such as submarine cable routing, onshore deep reinforcement works on both sides of the Irish Sea as well as a range

of other technical and commercial issues. This is a very highly detailed and complex study, which will effectively provide a project plan ready for construction.

The Government has given approval for a Bill to remove, *inter alia*, a legislative constraint thereby facilitating a regulated interconnector not owned by ESB and to underpin, as needed, any competitive process for regulated interconnection hosted by the CER.

### Energy Resources.

71. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources the plans he has to introduce measures to reduce the demand on energy in the home; and if he will make a statement on the matter. [25572/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Sustainable Energy Ireland, SEI, an independent statutory authority since 2002, which operates under the aegis of the Department of Communications, Marine and Natural Resources, operates a number of programmes aimed at stimulating greater energy efficiency in the residential sector, particularly at individual householder level. These programmes share a number of significant objectives: making consumers aware of the energy they use in their day to day lives; making consumers aware of the environmental impacts of the production, supply and use of fossil fuel based energy; informing consumers of the options they have with respects to their own energy behaviour, including changing poor energy habits in the home and when purchasing to consider energy efficiency and energy implications; and empowering consumers to make better choices with respect to energy use and energy using appliances.

Information campaigns which were run during 2003, and 2004 highlighted the benefits of saving energy to householders and identified suggested ways of reducing overall energy consumption in houses. This plays an important role in our demand side energy management programme and emphasises the positive effects of reduced energy consumption both for individual consumers and for the environment.

Among the initiatives co-ordinated by Sustainable Energy Ireland are energy awareness week, publications about energy awareness issues, the Internet information service, the energy telephone hotline, appliance labelling information, schools energy programmes, home energy rating and the house of tomorrow.

*Questions Nos. 72 and 73 answered with Question No. 22.*

### Consumer Awareness.

74. **Mr. P. McGrath** asked the Minister for Communications, Marine and Natural Resources the extent to which a recently launched website (details supplied) is being used by the public; and

if he will make a statement on the matter. [25828/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I have no function in the matter raised by the Deputy. The website in question was set up by the independent regulator as one of a series of measures to protect and promote consumer interests. ComReg has a statutory obligation under the Communications (Regulation) Act 2002 and the European Communities (Electronic Communications Networks and Services) (Universal Service and Users Rights) SI 308 of 2003 to protect and promote consumer interests.

### Broadcasting Commission of Ireland.

75. **Mr. Deenihan** asked the Minister for Communications, Marine and Natural Resources the date on which applications can be made to the BCI innovation fund; the process by which they will be determined by the BCI; and if he will make a statement on the matter. [25567/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Broadcasting (Funding) Act 2003 provides for the establishment of a fund from which grants may be paid by the Broadcasting Commission of Ireland, BCI, to support certain television and radio programmes. The Act provides that it is a matter for the Broadcasting Commission of Ireland to draw up a scheme or schemes to finance programmes from the fund established by the Act.

The BCI is at present preparing a scheme which I expect will be submitted to me for my approval in the next few weeks. It is likely that any scheme will require State aid approval from the EU Commission. Once a scheme has been approved it will be a matter for the BCI to administer it. Accordingly, issues relating to timing of applications and decision-making processes will be a matter for the BCI.

### Television Licence Fee.

76. **Ms O'Sullivan** asked the Minister for Communications, Marine and Natural Resources the terms of reference of the review of the impact of the RTE licence fee on the advertising market; the person the review will be conducted by; when it is expected to be completed; and if he will make a statement on the matter. [25654/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I recently appointed Europe Economics along with Curtin-Dorgan Associates and PricewaterhouseCoopers to carry out the review. The review will consider the impact on all broadcasters of the licence fee paid to RTE, with particular emphasis on possible distortions in the advertising market. The review has now commenced and I expect a report in November. After I have had an opportunity to consider that report I will publish it.

The terms of reference of the review are to describe how public service broadcasting is



[Mr. N. Dempsey.] funded in Ireland and compare this with the funding of other European/international public service broadcasters; to consider how the private broadcasting sector in Ireland is funded and compare this with the funding of other European/international private broadcasters; describe the current advertising market, with particular reference to the broadcasting sector; consider the evolution of competition, including international competition within the advertising market in Ireland; identify and explore areas where RTE's receipt of licence fee income might impact upon other broadcasters; evaluate the impact, if any, that RTE's receipt of licence fee income has on the advertising market in Ireland and explore whether receipt of licence fee income allows RTE to operate from a position of dominance or significant advantage in the advertising market.

*Question No. 77 answered with Question No. 22.*

#### **Broadcasting Commission of Ireland.**

78. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the amount currently in the programme fund established under the Broadcasting (Funding) Act 2003; the payments made out of the fund to date; and if he will make a statement on the matter. [25635/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Broadcasting (Funding) Act 2003 provided for the establishment of a fund to support certain television and radio productions and projects out of an amount of 5% of net receipts of television licence fees and in accordance with a scheme to be administered by the Broadcasting Commission of Ireland, BCI. The Act provided that the 5% of the net proceeds from television licence fees would be paid into the fund with effect from 1 January 2003. To date €14.3 million has been paid into the fund.

The BCI has drawn up a draft scheme and recently completed a public consultation on that draft scheme. In accordance with section 2(1) of the Broadcasting (Funding) Act 2003, the BCI must submit the finalised scheme to me for approval following which I will lay the scheme before the Oireachtas. I expect to receive a proposed scheme from the BCI in the next few weeks. Any scheme is likely to require State aid approval from the European Commission. As a scheme is not yet in place the BCI has to date made no payments from the fund.

The BCI has submitted a proposal to my Department in relation to how the scheme should be administered, including a proposed staffing structure and my Department at present is examining this proposal.

I reiterate that the BCI has responsibility for drawing up the scheme, inviting proposals and

making awards from the fund. I have no role in proposing the detail of the scheme or who receives funding.

*Question No. 79 answered with Question No. 15.*

#### **Mobile Telephone Technology.**

80. **Dr. Upton** asked the Minister for Communications, Marine and Natural Resources if he has written to mobile phone companies asking them to set out plans on the way in which they intend to safeguard children using the latest mobile telephone technology, especially in view of fears that children may be targeted by pornographers; the number of companies that have replied; when he expects the new procedures to be in place; and if he will make a statement on the matter. [25646/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I understand the Deputy's concern about this matter. Legislation already exists to tackle this problem and will of course apply to the latest mobile telephone technology, including 3G services. It is an offence under the section 13 of the Post Office (Amendment) Act 1951, as amended by the Postal and Telecommunications Services Act 1983, to send by phone any message or other matter, which is grossly offensive, or of an indecent, obscene or menacing character. It is also an offence under section 10 of the Non-Fatal Offences Against the Person Act 1997 to harass a person by use of a telephone. Anyone who has information about such matters should bring it immediately to the attention of the Garda Síochána for criminal investigation. Such offences are not the responsibility of ComReg.

My colleague, the Minister for Justice, Equality and Law Reform, is responsible for policy related to the protection of children from the transmission of pornographic images by telephones and other media.

Officials in my Department have already held discussions with the Irish Cellular Industry Association, ICIA, and ComReg on the feasibility of introducing a registration system for pre-paid mobile services. The principal aim of any such approach would be to enhance the traceability of origin of inappropriate content transmitted to vulnerable users. Consideration of the legal and technical issues surrounding this proposal will continue in consultation with all the interested parties. While fully supportive of the principle of protecting vulnerable users, the ICIA has indicated its preference for an alternative mechanism to deal with this problem and have agreed to revert to officials in my Department in this regard. I would be willing to consider any such proposal only if it could be guaranteed to provide an equally robust solution. In addition, the ICIA has voluntarily undertaken a series of measures, of which they keep me abreast. These include the development of filtering software and

the establishment of an industry code of practice and a parental guide.

The code of practice establishes the standards that mobile operators will adhere to on the issues of parental controls for minors' access to mobile services; malicious or offensive person to person communications; unsolicited commercial communications-spam; Internet access and premium rate services. The parental guide advises parents on gaining dual control of their child's mobile, recommends action that may be taken to prevent, or best protect their child from abuse of available services and details existing legislative protection. I fully support any such voluntary measures by the industry that seek to protect consumers, particularly the young and vulnerable and the industry has assured me that protection of young and vulnerable users is a mutual priority.

### Electricity Charges.

81. **Ms Burton** asked the Minister for Communications, Marine and Natural Resources if he will list the occasions on which increases in ESB charges have been sanctioned since June 1997 and the amount of the increase sanctioned in each case; if his attention has been drawn to the concerns expressed by business interests and consumer groups at the implications of the substantial increase in ESB charges; and if he will make a statement on the matter. [25637/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I do not have a function in the pricing of electricity since the Commission for Energy Regulation, CER, was given the responsibility for regulating ESB's tariffs to its franchise customers under the European Communities (Internal Market in Electricity) Regulations 2000.

Prior to that, ESB would, by custom and practice, seek Government approval before increasing its tariffs. In 1996 the Government, as part of the ESB's cost and competitiveness review, CCR, approved electricity price increases of an average of 2% in 1996, 1.5% in 1997 and 3% in 1998. The first increase came into effect from April-May 1996 and the second increase came into effect from June-July 1997. In May 1998, the Government decided that there was no justification for the 3% price increase in the light of the very strong financial performance of ESB which significantly exceeded the projections of profitability made in 1996 when the CCR was agreed.

Although responsibility for electricity price increases rests with the CER, I am aware of the concerns of business interests and consumer groups. My predecessor, Deputy Dermot Ahern, raised this issue with the chairman of ESB in late July this year. In his response, the chairman confirmed that the board of ESB is acutely conscious of the need to continually focus on controllable costs in an effort to mitigate the necessity for price increases.

*Question No. 82 answered with Question No. 32.*

### Fisheries Protection.

83. **Dr. Twomey** asked the Minister for Communications, Marine and Natural Resources the alternative income he can offer to fishing families whose livelihoods may be in jeopardy arising from conservation regulations; and if he will make a statement on the matter. [25786/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** As I have indicated in answer to a similar question on today's Order Paper, the critical factor in protecting the livelihoods of fishing families is the provision of a good range of fishing possibilities and this aspect, rather than the provision of alternative income streams, remains my primary focus. The Government is, however, concerned to ensure that the livelihoods of fishermen are protected during periods when they are unable to fish and have very low incomes.

For this reason, the fish assist scheme was introduced in 1999. It represents an important element of support for fishermen and their families in the event of difficulties.

However, the best way to maintain and develop the livelihoods of fishing families is to provide them with good fishing possibilities each year. In that regard, the position for 2004 is worthy of emphasis and represents a broadly favourable position. Ireland's national quotas for 2004 show an overall growth of 23%, in volume terms, on the equivalent figure for 2003. While this figure includes a generally static position for whitefish and shellfish quotas this is more than offset by increased pelagic quotas. While some whitefish stocks in particular require conservation action at the present time, which causes particular difficulties, fishermen accept that there is a need for effective conservation regulations to provide for sustainable exploitation of fish stocks into the future. Rather than jeopardise the livelihoods of fishing families, I believe that conservation regulations will in fact help to safeguard the future income of Irish fishing families.

Fishing possibilities for 2005 will be decided in December and I will work closely with the Irish fishing industry to get the best possible deal consistent with the overriding requirement of ensuring long-term sustainability of fish stocks.

*Question No. 84 answered with Question No. 22.*

*Question No. 85 answered with Question No. 51.*

### Irish National Petroleum Company.

86. **Mr. Quinn** asked the Minister for Communications, Marine and Natural Resources the amount paid to date to the Exchequer in respect of the sale of Whitegate Oil Refinery and

[Mr. Quinn.]

the Bantry storage terminal; the amount of balance which remains outstanding; when he expects that this will be paid; if he has satisfied himself at the rate of payments; and if he will make a statement on the matter. [25658/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** It is estimated that the final net return to the Exchequer arising from the sale of the business and commercial assets of the Irish National Petroleum Corporation, INPC, will be in excess of €30 million. The INPC has already paid €20 million to the Exchequer.

In November 2003, the board of the INPC, cognisant of its obligations under the Companies Acts to retain sufficient assets to meet potential liabilities, determined that it would not be appropriate to make a further payment to the Exchequer at that stage as a number of outstanding matters have still to be resolved.

These matters, mainly comprising environmental claims lodged against the INPC and a contractual dispute with a former customer, have potential financial implications and consequently the INPC is not currently in a position to divest itself of its remaining financial assets. Given the involvement of third parties in the unresolved matters, neither the INPC nor my Department is in a position to indicate when the remaining proceeds may become available.

It has always been accepted that the total cash return to the Exchequer arising from the INPC transaction would be considerably less than the headline sale price of \$100 million as the INPC had, for example, to use some of the proceeds to discharge the company's debt. I am satisfied, however, that the transaction represented a very positive outcome for the State, particularly having regard to the fact that the Government also placed an obligation on the private owners to operate the facilities for a period of at least 15 years as a condition of the sale.

#### **Teilifís na Gaeilge.**

87. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources when he intends bringing proposals to Government to establish TG4 as an independent statutory entity; and if he will make a statement on the matter. [25652/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Government is committed to supporting the development of Irish language broadcasting and to the establishment of TG4 as an independent statutory body. The Government recently agreed that I would indicate my intention to appoint a date towards the end of 2005 or early 2006 as the establishment day for Teilifís na Gaeilge. The Government decision also provided for the establishment of a project management group to oversee the establishment of Teilifís na Gaeilge as an independent entity. The group will be

chaired by a representative of my Department and will include representatives from the Department of Finance and the Department of Community, Rural and Gaeltacht Affairs, along with RTE and TG4. The group's first task will be to prepare a detailed implementation plan.

#### **Fisheries Protection.**

88. **Mr. Deasy** asked the Minister for Communications, Marine and Natural Resources the extent to which regulations have assisted in the conservation of fish stocks in the past five years; the extent to which he anticipates progress in the future; and if he will make a statement on the matter. [25795/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The Common Fisheries Policy, CFP, is the legislative framework within which EU member states implement their policies. The CFP provides for the conservation and rational exploitation of fisheries resources through instruments such as total allowable catches, TACs, stock recovery plans and technical conservation measures. These measures take account of the scientific advice provided by fisheries biologists, including our own marine institute, on the status of EU fish stocks. It is within this framework that EU member states are working towards the common goal of the sustainable exploitation of fishing resources, and it is in this context that we have seen stock recovery measures introduced for Irish Sea cod, northern hake and cod in the North Sea and west of Scotland.

The process which led to the reform of the CFP at the end of 2002 was lengthy and comprehensive, covering key areas such as access to resources, conservation, control and enforcement, structures and fleet policy. The fundamental objective of the reformed CFP is to provide for the sustainable exploitation of resources, taking account of the environmental, economic and social aspects in a balanced manner. This objective is by definition ongoing and will continue to drive actions and initiatives under the CFP.

In addition to a successful outcome to the CFP reform process, the negotiations secured the protection of sensitive waters off the Irish south and west coasts with the introduction of the new regime in the Irish Box, put in place new regional advisory council and fast track the environmentally friendly fishing initiative. Having these priorities at the centre of our European regulatory framework will help rebuild our fish stocks and give a greater voice to our fishermen.

*Question No. 89 answered with Question No. 27.*

#### **MediaLab Europe.**

90. **Dr. Upton** asked the Minister for Communications, Marine and Natural Resources if he has received a request for additional funding from MediaLab Europe; if it is intended to



respond to the request for such funding; and if he will make a statement on the matter. [25666/04]

98. **Mr. Sargent** asked the Minister for Communications, Marine and Natural Resources the progress in MediaLab Europe; and if he will make a statement on the matter. [22470/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to answer Questions Nos. 90 and 98 together.

MediaLab Europe, MLE, was formed by a series of tri-partite agreements between the State, the Massachusetts Institute of Technology, MIT, and MIT MediaLab and has been in operation since early 2000. It was established to conduct non-directed research in the field of digital media.

While it is acknowledged that research will generally require State support, the uniqueness of the MLE model, as presented initially to Government, was that it would be self-funding by 2005. However, the financial situation has deteriorated significantly over the past 24 months, primarily due to MLE being unable to raise the necessary sponsorship and corporate income required and as envisaged in its business plan. At their current rate of expenditure, this should take MLE to end of the first quarter 2005.

In February 2004, the Government liaison committee, GLC, which brings together Government Departments with an interest in the MLE operation, wrote to MLE requesting that it undertake a fundamental review of its business model and produce a strategic plan. The board of MLE submitted its strategic plan to the Department on 7 May 2004 which included a request for additional exchequer funding of €9 million.

In light of the above, I am currently considering the options for the future of MLE. As part of this process officials from my Department and other relevant Departments and agencies are exploring options with MLE and MIT. Issues being addressed include the need to secure greater focus of research and more directed research in a new business mode, a new arrangement regarding the intellectual property mode, better links to Irish universities, strict financial control and limit on financial exposure and improved corporate governance and management.

It is envisaged that the parties to the MLE joint venture will be required to come to final decisions on the future of the project before the end of the year.

#### **Fishing Fleet Protection.**

91. **Mr. Wall** asked the Minister for Communications, Marine and Natural Resources if he will bring forward proposals in relation to the escalation of energy costs in the fishing industry; and if he will make a statement on the matter. [25673/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** I refer the Deputy to a reply

given to the House on 7 of October, 2004 in response to a similar question. The recent escalation of fuel costs, as a result of global economic and political conditions, remains a matter of concern for all sectors of industry, including the fishing industry.

It is important to note that the fishing industry, in Ireland and throughout the European Union, already receives favourable treatment in the form of a full rebate on excise and VAT on marine fuel, if the enterprise concerned is registered for VAT.

The question of possible aid schemes to alleviate the impact on the fishing industry of the current high fuel costs was discussed at an EU Fisheries Council in Luxembourg last Monday. At that meeting, Commissioner Fischler confirmed that there could be no departure from the strict EU State aid legislative rules that govern the payment of public aid, and which were outlined to the House on 7 October.

The situation is being closely monitored. However, in the circumstances outlined by Commissioner Fischler it does not seem possible to bring forward proposals which do not breach the strict State aid legislative rules that apply in this case.

#### **Natural Gas Market.**

92. **Ms McManus** asked the Minister for Communications, Marine and Natural Resources when the domestic gas market will be opened to full competition; and if he will make a statement on the matter. [25670/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** A fully liberalised market will deliver the best value to consumers in the long run. It is my intention to introduce competition for domestic natural gas customers within 2005, by allowing BGE customers to shop around for their natural gas supplier. This is in advance of the deadline of 2007 set by the EU gas directive. Since July of this year all industrial and commercial gas customers, comprising 86% of the gas market by volume, have been free to switch supplier. Initiatives are also being taken by the Commission for Energy Regulation to encourage new suppliers in the Irish market. For example, the franchise for supplying natural gas to the towns of Galway, Athlone, Tullamore, Mullingar and Ballinasloe was recently awarded to Flogas.

The regulation of gas tariffs is a matter delegated under law to the Commission for Energy Regulation, CER. Accordingly I have no function in this. While the CER is currently undertaking a review of the structure of distribution and supply tariffs, there are not as yet any proposed changes on which I can comment.

*Question No. 93 answered with Question No. 22.*

*Question No. 94 answered with Question No. 27.*

### **Harbours and Piers.**

95. **Mr. J. O’Keeffe** asked the Minister for Communications, Marine and Natural Resources the position regarding the funds promised for the new pier at Bantry in west Cork; and when the work can commence. [25570/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** I refer the Deputy to the reply to Question No. 137 on 13 October 2004 giving the up-to-date position on the pier development proposed by Bantry Bay Harbour Commissioners, which I will now outline.

On 6 September 2004 a meeting took place between the commissioners and the former Minister of State at my Department, Deputy Browne. Following the meeting, the Minister of State wrote to the commissioners setting out his understanding of the outcome of the meeting and how to ensure the dialogue between my Department and the commissioners could be progressed in the future on a positive basis. The letter reiterated that the interruption in the dialogue between my Department and the commissioners and the referral of the matter to the Attorney General was a direct consequence of the unilateral decision by the commissioners to sign a contract in March 2002 for the construction of the pier while discussions with my Department on the viability of the project were ongoing. My Department has received advice from the Attorney General on the proposed pier development. However, no decisions have been taken by my Department on foot of this advice on the contract entered into by the commissioners.

The Minister of State’s letter further indicated that from the discussions, which had taken place, it appeared that the commissioners believed that the business environment for the project had shifted from that originally envisaged. The projected costs had escalated since the consideration of Exchequer support of €1.9 million by the former Minister, Deputy Fahey. Furthermore, no progress appeared to have been made on the conditions contained in the former Minister’s letter of 15 May 2002, which expressly instructed the commissioners not to enter into contractual commitments pending a report on progress on the two stipulated conditions. These conditions relate to negotiations with the terminal operator.

The Minister of State proposed in his letter to the commissioners that the project be reviewed in terms of its viability, the financial implications for the commissioners of increased borrowings for the project due to its escalated cost and the risks to the project posed by the dominant position of the terminal operator. To this end, my Department has invited the commissioners to submit for consideration a fully detailed updated proposal for the project, including a business plan with financial tables. The proposed course set out is a

sound basis for progressing the matter and I look forward to my Department receiving for consideration the updated proposal from the commissioners in due course.

### **Greenhouse Gas Emissions.**

96. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources the factors whereby the Government approved the installation of technology to reduce emissions at Moneypoint; his view of his responsibility for Ireland’s position with regard to Kyoto emission targets; and if he will make a statement on the matter. [25671/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The national climate change strategy envisaged that Government policy would be supportive of the closure of the Moneypoint plant, replacing it with new gas-fired capacity. However, consideration of the matter at Government concluded that, primarily for fuel diversity reasons, the station should remain open as a coal-burning plant. The Moneypoint plant produces approximately 24% of total system demand and has been the most competitive plant on the system since commissioning due to its low fuel cost. Closure and a switch to gas would put Ireland at 80% dependency on gas with all the consequent economic risks around price shocks and physical supply disruption.

The EU’s Large Combustion Plant Directive imposes limits on the emissions of sulphur dioxide, SO<sub>2</sub>, nitrogen oxides, NO<sub>x</sub>, and dust. The decision to invest now in the Moneypoint facility was based on the necessity to upgrade the station with appropriate plant and equipment to reduce the relevant emissions to a level, which would allow its continued operation. The proposal to make the investment was based on a robust business case from ESB.

The issue of Kyoto emissions targets is primarily a matter for my colleague the Minister for the Environment, Heritage and Local Government. I recognise, however, that the energy sector, among others, must play an appropriate role in meeting Ireland’s obligations under the Kyoto Protocol in a lowest-cost manner. From an energy point of view, generators producing electricity from fossil fuels will operate under the EU emissions trading scheme. This scheme is administered by the Environmental Protection Agency and requires participants to purchase allowances for emissions over and above the amount allocated to them under the scheme.

### **Fisheries Protection.**

97. **Mr. Sherlock** asked the Minister for Communications, Marine and Natural Resources the steps that are being taken to protect native aquatic species from damage by non-native water borne organisms; and if he will make a statement on the matter. [25662/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** My understanding is that this issue is more appropriate to the Minister for Environment, Heritage and Local Government. In my former role as Minister of State for that Department, I opened the 13th International Aquatic Invasive Species Conference, held in Ennis, County Clare. The conference was initiated in 1992 in response to the growing ecological and economic cost of invasive alien species in the Great Lakes of North America.

With the increasing volume and speed of international trade, more and more species are crossing the geographical barriers by land, sea and air. They include species for aquaculture, fisheries and the pet trade, while many organisms are introduced inadvertently into our marine ecosystems by shipping. This movement of species and the potential problems arising from their introduction has been recognised for many years and the need for measures to control the movement and spread has been addressed at international and EU level.

The measures include the Convention on International Trade in Endangered Species, CITES, and the Convention on Biodiversity as well as the EU's Birds Directive, Habitats Directive and Berne Convention.

Proposals for addressing the impact of alien species on native biodiversity are included in the biodiversity plans for Ireland. Earlier this year an all-Ireland review of invasive alien species was conducted jointly by the national parks and wildlife service of the Department of the Environment, Heritage and Local Government and the Environment and Heritage Service in the North. This is the first attempt at an all-Ireland approach to the problem. The final report provides a thorough review of knowledge and expert opinion on invasive species throughout the island. It also evaluates existing legislation and policy.

The most immediate threats to native aquatic species in Ireland are through the route of aquaculture. Protection from a health perspective is in the form of Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products. Any farm wishing to import aquatic species from abroad must have a valid movement permit and accompanying health certificate. A species with a disease that falls under the category of list I, II, or III diseases, is prevented from entering the country.

Currently, Ireland is participating in working groups of two organisations: The International Council for Exploration of the Sea, ICES, which has a code of practice, updated in 2004, that covers introductions and transfers of exotic marine organisms for aquaculture purposes; the International Maritime Organisation, IMO, for control and management of ships' ballast water and sediments.

The EU Commission has recently brought forward a proposal for rules governing the introduc-

tion of exotic species and containment of stock in aquaculture. This proposal has not yet been finalised. The Irish authorities are actively seeking to address the issues affecting this area through continued participation in these international working groups and will support EU initiatives on the matter.

*Question No. 98 answered with Question No. 90.*

*Question No. 99 answered with Question No. 7.*

### **Departmental Responsibilities.**

100. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the role his Department has in monitoring the activity of fishing vessels operating out of Killybegs Harbour. [25752/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** Officials of the Department have a number of different roles in monitoring the activity of fishing vessels operating out of Killybegs Harbour. The three main roles are harbour safety, fisheries conservation and food safety. The role of monitoring and controlling harbour safety is the responsibility of the harbour master and his staff. The staff of seafood control division discharge responsibility for food safety and fisheries conservation. The Irish Naval Service, through the fisheries monitoring centre, assists the Department in monitoring the activities of fishing vessels generally including those fishing vessels operating out of Killybegs Harbour.

### **Electricity Generation.**

101. **Mr. Gogarty** asked the Minister for Communications, Marine and Natural Resources the Government's policy with regard to the future development of ESB. [25758/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** My predecessor, Deputy Dermot Ahern, indicated that, in any consideration of the future of ESB, he was strongly opposed to the privatisation of the transmission and distribution systems which, in his view, are critical national assets and should remain in State ownership. He also stated that he was opposed to any privatisation which would result in a private monopoly or near-monopoly in the power generation sector and he confirmed that the privatisation of any part of the company was not on his or the Government's agenda. I can confirm that this remains my position also.

The ESB group of unions, GOU, aspires to increase its current 5% shareholding in the company to 19.9%. Government policy on employee share ownership plans is clear. Any increase beyond the employees' current 5% would have to be in the context of a significant transaction and no such transaction is envisaged. Notwithstanding



[Mr. N. Dempsey.] that, the employee shareholding issue, along with pay, pension fund deficit, and organisation and industry change, is now the subject of the ongoing talks process established under the Labour Court recommendation of 19 July 2004 aimed at resolving the current industrial relations matter in ESB. Until the Labour Court process reaches a conclusion it would be inappropriate for me to engage in any public discussion on the future development of ESB beyond what I have stated here.

### Cancer Screening Programme.

102. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children when BreastCheck and symptomatic breast services will be available to women in the Western Health Board area; the estimated cost of having the service provided; the time projections for the service being operational; and if she will make a statement on the matter. [25842/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The national roll-out of the BreastCheck programme to remaining counties is a major priority in the development of cancer services. This will ensure that all women in the 50 to 64 age group throughout the country have access to breast screening and follow up treatment where required. A capital investment of approximately €20 million has been approved to construct and equip two static clinical units, one at South Infirmary-Victoria Hospital, Cork and the other at University College Hospital, Galway. This investment will also ensure that mobile units are available to screen women in the relevant age group in the Western Health Board area. BreastCheck, the Western Health Board and my Department are fully committed to an expeditious approach to the national roll-out of the programme and representatives met recently to progress the design process.

The report on the development of cancer services for symptomatic breast disease recommended the development of a limited number of specialist units. Considerable investment and progress has been made in implementing the recommendations with most of the units now operational or at an advanced stage of development. The symptomatic breast service unit for the Western Health Board is at University College Hospital, Galway with outreach facilities at Mayo General Hospital, Castlebar.

Any woman irrespective of her age or residence who has immediate concerns or symptoms should contact her GP who, where appropriate, will refer her to the symptomatic breast services in her area.

### Hospital Waiting Lists.

103. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the numbers on waiting lists for urology treatment in Mayo General Hospital, Castlebar and in University College

Hospital, Galway; the reason such long waiting lists apply in these centres; her proposals to rectify this situation; and if she will make a statement on the matter. [25843/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The provision of hospital services at Mayo General Hospital and University College Hospital, Galway is a matter for the Western Health Board. My Department has asked the chief executive officer of the board to investigate the matters raised and to reply directly to the Deputy.

A specialist urology inpatient service is not provided at Mayo General Hospital. I am advised by the national treatment purchase fund that the numbers on the urology inpatient and day-case waiting list at University College Hospital, Galway at the end of June 2004 were as follows:

3 to 6 months	82
6 to 12 months	36
12 to 24 months	1
24 plus	0

Any patient who is waiting for more than three months for urology treatment may request the national treatment purchase fund to arrange for treatment.

### Health Board Services.

104. **Ms Burton** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the proposal to have a primary care centre in Mulhuddart, Dublin 15; if she will respond to the report recently introduced by the local community; her proposals to provide additional general practitioner services in this area and to provide access for GMS patients to a local general practitioner service. [25844/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The identification, prioritisation and provision of facilities such as new health centres to meet the needs of local communities within its functional area, are matters for the chief executive officer of the relevant health board or authority. The chief executive officer also has responsibility for the recruitment and selection of additional general practitioners when and where the need arises. The Eastern Regional Health Authority has indicated that the development of a new health centre would constitute a regional priority, in the context of the community health service requirements in the Mulhuddart area. My Department is not aware of any report by the local community on this matter. Accordingly, the regional chief executive of the Eastern Regional Health Authority has been asked by my Department to investigate the matter raised by the Deputy and to reply to her directly.

### Health Board Services.

105. **Mr. Ardagh** asked the Tánaiste and Mini-

ster for Health and Children if the case of a person (details supplied) in Dublin 10 will be re-examined; and when the necessary treatment will be available to this person. [25845/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Responsibility for the provision of orthodontic treatment to eligible persons in Dublin 10 rests with the Eastern Regional Health Authority. My Department has asked the regional chief executive to investigate the matter raised by the Deputy and to reply to him directly.

106. **Ms Lynch** asked the Tánaiste and Minister for Health and Children the amount which has been allocated to intellectually disability services in the Northern Area Health Board region in the years 2002 and 2003; the breakdown of the funding allocated to each of the services providers in this health board area; and if she will make a statement on the matter. [25866/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Responsibility for the provision of funding for services to persons with intellectual disability and those with autism in the Northern Area Health Board lies, in the first instance, with the Eastern Regional Health Authority. My Department has asked the regional chief executive of the authority to investigate the matter raised by the Deputy and reply directly to her.

#### Hospital Waiting Lists.

107. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Mayo has spent almost nine months on a pre-assessment waiting list for cataract removal surgery; and when they can expect to be called for assessment. [25873/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The provision of hospital services for people living in County Mayo is a matter for the Western Health Board. My Department has asked the chief executive officer of the board to investigate the matter raised by the Deputy and to reply directly to him.

#### Health Board Services.

108. **Mr. McHugh** asked the Tánaiste and Minister for Health and Children if her Department will make funding available to MACS (details supplied) as a matter of urgency to enable it continue the vital service it provides to adult male survivors of sexual abuse; if the Western Health Board will increase the amount of funding it makes available to this organisation in order to avoid the imminent closure resulting from shortage of finance; and if she will make a statement on the matter. [25890/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The provision of health and personal social services to victims of abuse is a

matter in the first instance for the Western Health Board. My Department has made considerable extra resources available in recent years to the health boards, which has led to an increased provision of services.

#### Medical Cards.

109. **Mr. J. O'Keeffe** asked the Tánaiste and Minister for Health and Children the figures for each of the years from 1997 to date in 2004 for the number of medical cards issued in the Southern Health Board area; the number of persons covered; and the percentage of population covered in respect of each year. [25895/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The following information is provided from the general medical services (payments) board reports on medical cards in the Southern Health Board area:

End of Year	No. of people covered	Percentage of Population covered
		%
1997	183,074	33.49
1998	174,344	31.89
1999	170,093	31.12
2000	169,929	31.09
2001	180,206	32.97
2002	176,425	30.39
2003	174,922	30.14
Oct 2004	171,859	29.61

#### Health Board Services.

110. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children if the Mid-Western Health Board will erect an ambulance station at Shannon, County Clare to cater for the growing population; and if she will make a statement on the matter. [25903/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Responsibility for the provision of ambulance services in County Clare rests with the Mid-Western Health Board. My Department has therefore asked the chief executive officer of the board to investigate the matter raised by the Deputy and to reply to him directly.

#### Medical Cards.

111. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children the estimated cost of extending medical card eligibility to 100,000, 200,000 and 300,000 additional persons; the amount to which income eligibility limits would have to rise to extend medical card eligibility to 100,000, 200,000 and 300,000 persons; when she intends to extend eligibility to medical cards; and if she will make a statement on the matter. [25906/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** On the basis of the figures con-

[Ms Harney.]

tained in the 2003 annual report of the GMS (payments) board the current cost of extending medical card eligibility to an additional 100,000, 200,000 and 300,000 persons would be in the region of €90 million, €180 million and €270 million, respectively. This figure relates to fees paid to general practitioners, the costs of drugs and medicines and fees paid to pharmacists. There would also, of course, be other associated costs with a medical card such as the dental and ophthalmic schemes.

The issue of new income thresholds arising from the extension of the medical card is being examined. 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 any extension will be decided having regard to the prevailing budgetary position.

#### **Health Board Services.**

112. **Ms Shortall** asked the Tánaiste and Minister for Health and Children the number of respite and day-care places for elderly persons in area 7 of the Northern Area Health Board; if her attention has been drawn to the total inadequacy of this number to meet demands of the elderly population in the area; the action she is taking to address the serious shortfall; and if she will make a statement on the matter. [25908/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** As the Deputy will be aware, the provision of health services is, in the first instance, the responsibility of the Northern Area Health Board acting under the aegis of the Eastern Regional Health Authority. My Department has, therefore, asked the chief executive of the authority to investigate the matter raised by the Deputy and reply directly to her as a matter of urgency.

#### **Hospital Services.**

113. **Ms Shortall** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the urgent need to provide step-down facilities for the 77 patients who are occupying beds in the Mater Hospital and who are ready for discharge from acute service; if she will examine the use of some of the spare capacity in step-down facilities in the private sector to address this problem; and the steps she is taking to provide these facilities. [25909/04]

117. **Mr. Gregory** asked the Tánaiste and Minister for Health and Children the action she is taking in response to the crisis in the accident and emergency section of the Mater Hospital, Dublin 7; and if she will make a statement on the matter. [25982/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 113 and 117 together.

Services at the Mater Hospital are provided under an arrangement with the Eastern Regional Health Authority and my Department has, therefore, asked the regional chief executive of the authority to examine the issues raised by the Deputies and to reply to them directly. I intend to work with the relevant authorities to ensure that the problems being experienced in the delivery of emergency services are addressed as a matter of urgency.

#### **Services for People with Disabilities.**

114. **Mr. J. O'Keeffe** asked the Tánaiste and Minister for Health and Children her views on whether myalgic encephalomyelitis is a recognised illness, entitling persons suffering from it to be considered for disabled persons parking cards. [25911/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** It is not the role of my Department to decide what does and does not constitute a defined illness or to characterise the features of such an illness. The determination of such matters is rightly the subject of co-operative international research within the various scientific disciplines in conjunction with support groups.

Section 35 of the Road Traffic Act 1994 provides that my colleague the Minister for Transport may make regulations for the general control of traffic and pedestrians. Traffic and parking regulations made under that section in 1997, together with subsequent amendment regulations, provide the statutory code for the control of traffic, including cyclists, the parking of mechanically propelled vehicles and the use of public roads by pedestrians. The regulations include a provision that establishes a system for the granting of special parking permits to disabled persons. The specific provision determines that for the purpose of the regulations a disabled person means a person who is suffering from a disability that prevents him or her from walking or causes undue hardship to a person in walking. This 1997 scheme, which encompasses all disabled persons, superseded a previous scheme that was limited to drivers who were disabled.

The regulations provide that a disabled person's parking permit may be granted by a local authority, the Irish Wheelchair Association or the Disabled Drivers Association. It is therefore a matter for each of those organisations to determine whether or not a disabled person's parking permit should be granted based on each application submitted to it. I have no direct involvement in respect of the determination of individual applications made to any of those bodies.



### Health Board Services.

115. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the progress that has been made to provide respite care for a person (details supplied) in County Kildare; and if she will make a statement on the matter. [25957/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The provision of health related services, including respite care, 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 regional chief executive 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.

116. **Mr. O'Connor** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the publication of the research project, *How are our Kids?* by the Tallaght west childhood development initiative (details supplied); if she will examine the recommendations regarding the children of the area within the remit of her Department; if she will initiate discussions to find solutions to these long-standing problems; and if she will make a statement on the matter. [25970/04]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** As the Deputy will be aware responsibility for the provision of health and social services to children in Tallaght west rests with the Eastern Regional Health Authority and the South Western Area Health Board. I am aware that the Tallaght west childhood development initiative has published a working paper on the research project, *How are our Kids?*

I understand that the South Western Area Health Board forms part of this initiative and was involved in the research project. The area board informs me that it will be examining the findings in the paper as it relates to its services.

*Question No. 117 answered with Question No. 113.*

### Tax Collection.

118. **Mr. Carey** asked the Minister for Finance the reason capital gains tax is being deducted from all persons, including children and old age pensioners outside of the tax net, on their free shares from a company (details supplied); and if he will make a statement on the matter. [25865/04]

**Minister for Finance (Mr. Cowen):** A charge to capital gains tax, CGT, arises in respect of chargeable gains accruing on the disposal of assets. Such gains are computed in accordance with the provisions of the Capital Gains Tax Acts. The charge

extends to individuals, companies and unincorporated bodies of persons.

The CGT liability of an individual is computed irrespective of age by reference to the chargeable gain on the disposal which is essentially the excess of the sale proceeds, net of incidental costs of sale, over the allowable costs of acquisition, if any, of the shares being sold. The legislation also provides that the total amount of chargeable gains arising in a tax year is arrived at after deducting any allowable losses accruing to that individual in that year together with any unused allowable losses from disposals of assets chargeable to capital gains tax in any previous year. If there were no other chargeable gains in the year, this gain is then reduced by the annual personal exemption of €1,270. The net chargeable gain is then taxable at 20%. This is the standard method and was used in other disbursements of free shares in the last few years.

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 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.

119. **Mr. Gregory** asked the Minister for Finance if capital gains tax is due from a person (details supplied) arising from an account opened as a child's savings account. [25874/04]

**Minister for Finance (Mr. Cowen):** A charge to capital gains tax, CGT, arises in respect of chargeable gains accruing on the disposal of assets. Such gains are computed in accordance with the provisions of the Capital Gains Tax Acts. The charge extends to individuals, companies and unincorporated bodies of persons. There is no provision in those Acts to exempt children. Accordingly, gains arising on children's shareholdings are liable to CGT in the same manner as gains arising to other individuals.

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

[Mr. Cowen.]  
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 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.

#### Tax Code.

120. **Mr. Durkan** asked the Minister for Finance the tax free allowance in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [25956/04]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that a certificate of tax credits issued to the taxpayer on 19 October 2004, showing a net tax credit of €2,308 and standard rate band of €26,539.

#### Food Labelling.

121. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the plans his Department has for the introduction of a tracing system for the sale of fresh sea-fish to give the retail customer here details on the fishing vessel involved and the date the fish was caught and landed. [25916/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The European Union Common Fisheries Policy provides the primary legal framework governing the labelling and traceability of seafood within the European Union.

Since July 2003, in accordance with the requirements of Council Regulation No. 104/2000 (EC) a labelling system giving traceability information in respect of a wide range of seafood and aquaculture products has been in operation in Ireland under the provisions of SI 320 of 2003. Under this legislation there is a requirement that all fish be labelled in accordance with European legislation — the Labelling of Fish and Aquaculture Products according to Council Regulation (EC) No. 104/2000 and Commission Regulation (EC) No. 2065/2001. The provisions do not apply to fish sold by mass caterers such as restaurants and take-aways. The format requires that the label provides the following information: the commercial designation of the fish — its common name and scientific name; the production method, whether farmed or caught at sea or in fresh water; and the catch area. There are additional requirements of traceability for live bivalve molluscs which provide even more detailed information with regard to the production area and the date of production.

I presume the Deputy is also referring to further developments in Community legislation in this area. Regulation (EC) 178/2002, which comes into effect on 1 January 2005, provides in broad terms for the introduction of a mandatory traceability system in respect of animal food and feed in general. A further five related regulations and directives, the most relevant of which come into effect on 1 January 2006, set out detailed requirements in this regard.

The precise implications of these new requirements for the various food sectors are currently under examination. The Department is liaising with the Department of Agriculture and Food and the Department of Health and Children to ensure that the necessary arrangements in respect of the seafood sector are developed and introduced on a co-ordinated basis within the comprehensive legal and practical framework that will apply to food in general.

#### Telecommunications Services.

122. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the way in which and when he first has his attention drawn to a health and safety issue which culminated in the cessation of television and telecommunication facilities to thousands of homes in the Dublin area; the precise nature of the health and safety issue; if his attention has further been drawn, either directly or through ComReg, to instructions to prevent a recurrence of the continued use of such technology and the sudden discontinuation of services; and if he will make a statement on the matter. [25934/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I have no function in the matter raised by the Deputy. This is a matter for the Commission for Communications Regulations, ComReg. ComReg has statutory independence in the exercise of its functions.

Responsibility for the protection and promotion of consumer interests for electronic communications networks and services and the

integrity of the network rests with ComReg under the European Communities (Electronic Communications Networks and Services) (Universal Service and Users Rights) Regulation, SI 308 of 2003. ComReg is mandated to ensure a high level of protection for consumers in their dealings with suppliers and to investigate complaints from consumers regarding the supply of, and access to, electronic communications services, networks and associated facilities.

ComReg understands that the company is concerned that the equipment it installed in customers' homes may, in certain circumstances, constitute a potential safety hazard through overheating. The manufacturers of the equipment issued a press release stating that, based on the evidence available to it, the probable cause of these incidents was the improper installation of the equipment. The company is required to protect its consumers and it must immediately offer an alternative provider and without exposing them to additional costs associated with such a transfer.

I understand that ComReg has met the company and instructed it to take immediate steps to minimise the impact of the interruption of its customers' telephone service in addition to considering issues concerning the equipment.

Specific issues which ComReg has immediately required of the company include: establishing a dedicated Freefone telephone number so that affected customers can obtain information on the issue and be provided with advice and assistance in restoring telephone service; discussing with other telephone service providers the possibility of similar facilities for affected customers; establishing call forwarding-call divert facilities so that customers can continue to receive incoming calls made using the existing number; and meeting the direct costs of the above which customers would otherwise have to pay.

I understand that ComReg will continue to closely monitor the situation to ensure that the company in question complies with its obligations.

#### **Fishing Irregularities.**

123. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources when his attention was drawn to alleged commercial fishing irregularities at Killybegs, County Donegal; if other locations have been mentioned in this context; if action has been taken to address the issues with a view to preserving the integrity of the fishing industry; and if he will make a statement on the matter. [25935/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I have referred the matters to which the Deputy refers to the Garda Síochána. As I understand that these matters are currently the subject of an investigation by the Garda Síochána, I consider that it would be inappropriate for me to comment further or make a statement at this time.

#### **Departmental Appointments.**

124. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the criteria and selection process used in the appointment of the second member of the Commission for Energy Regulation (details supplied); if the post was advertised; the reason the Civil Service and Local Appointments Commission was not asked to fill this position, as is happening with the third post; and if he will make a statement on the matter. [25862/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Schedule to the Electricity Regulation Act 1999 provides that each member of the Commission for Energy Regulation, CER, shall be appointed, on such terms and conditions of appointment, including remuneration, as the Minister for Communications, Marine and Natural Resources may fix, with the consent of the Minister for Finance. The appointment of Mr. Michael Tutty, as a second member of the CER, was made in accordance with those statutory provisions.

My predecessor apprised the Government of his decision in advance of the appointment, which was made with the agreement of the former Minister for Finance.

#### **Prospecting Licences.**

125. **Mr. McGuinness** asked the Minister for Communications, Marine and Natural Resources if he will allow Kilkenny County Council or the NRA road design team to carry out further tests to determine the location and quality of dolomite on lands close to the quarry at Dundell, Maddoxtown, County Kilkenny; the reason for the objections he might have with this request; and if he will make a statement on the matter. [25914/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I understand that previous tests carried out by Kilkenny County Council were related to site investigation required for a proposed new road. As the Minister responsible for mineral exploration and development under the Minerals Development Acts 1940 to 1999, I have no jurisdiction with regard to such site investigations undertaken by Kilkenny County Council or the NRA road design team. Where prospecting for unworked minerals is intended, the owners of an estate or interest in minerals in any land can do so without any requirement for a State facility. No other parties can do so, however, unless they hold a current prospecting licence for the area in question, for which they need to apply to my Department.

*Question No. 126 answered with Question No. 44.*

#### **Electricity Regulation.**

127. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources



[Mr. Durkan.]  
his plans for the future of the electricity market;  
and if he will make a statement on the matter.  
[25939/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I presume the Deputy is referring to my plans for the further liberalisation of the Irish electricity market. The liberalisation of the electricity market is well under way and is proceeding on a phased basis under the regulatory oversight of the Commission for Energy Regulation.

Under the Electricity Regulation Act 1999 and the European Communities (Internal Market in Electricity) Regulations 2000, a new regulatory regime has been established in Ireland which is designed to facilitate and stimulate properly regulated and fair competition. Combined, these two legal instruments implementing EU Electricity Directive (96/92/EC) Concerning Common Rules for the Internal Market in Electricity, provide the overall legislative framework for the developing competitive electricity sector.

The Electricity Regulation Act 1999 provided for the introduction of limited competition in the electricity market and for the establishment of the CER which took over from the ESB the function of licensing the generation and supply of electricity and overseeing access to the transmission and distribution systems and related charges. The subsequent European Communities (Internal Market in Electricity) Regulations 2000, provided for, *inter alia*, the licensing and establishment of the independent transmission system operator known as EirGrid and the functions and licensing of the transmission system owner and distribution system operator.

My Department is finalising regulations to give effect to the EU Electricity Directive 2003/54/EC concerning common rules for the internal market in electricity and repealing Directive 96/92/EC. In the main, this Directive strengthens the unbundling provisions of the transmission and distribution system operators, explicitly provides for levels of consumer protection, sets out a timetable for market opening and requires member states to ensure proper regulation by independent national regulatory authorities. The current regulatory framework in Ireland already takes account of many of the provisions of this new directive and the new regulations will build on the measures already in place.

*Question No. 128 answered with Question No. 51.*

*Questions Nos. 129 to 131, inclusive, answered with Question No. 22.*

#### **Postal Services.**

132. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which he believes postal services can be modernised to ensure the continuation of a

modern competitive and effective means of communication; and if he will make a statement on the matter. [25945/04]

133. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has in mind other services which An Post can provide by way of complement to existing services; and if he will make a statement on the matter. [25946/04]

134. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his vision for the future of postal services here with particular reference to the need to provide the service for industry and the domestic sector in keeping with modern requirements; and if he will make a statement on the matter. [25959/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 132 to 134, inclusive, together.

The postal market has changed significantly in recent years with liberalisation of the European postal market and with postal operators moving from national into international markets. This has impacted on this country with partial liberalisation of the postal market on foot of EU directives and with the presence of a number of international operators in the market.

The parcels market in Ireland is now fully liberalised and operators are providing high quality services. The market includes some of the biggest postal operators in the world providing international reach to Irish business. Our strong economic fundamentals and multinational presence make Ireland attractive for the big logistics firms. The competitive nature of the market with many local and international operators provides a range of services which largely meet consumer and business needs. The letters market has been partially liberalised with outbound international mail fully liberalised since the beginning of 2004 and the possibility of full liberalisation of the letters market by 2009. Strong international players operating in the parcels sector are likely to look for opportunities in the letterpost area.

There is no doubt that the postal market is facing several challenges in particular from modern electronic communication media such as email. However, the postal sector, including An Post, is adapting to meet this challenge by diversifying its services to meet the demands of consumers. An Post is a commercial state body and I have no role in determining new services which it may wish to provide. The company is working towards becoming a more competitive, consumer-orientated player, providing a range of services to meet customer needs. However, the most important issue facing An Post is returning the company to financial stability. I have asked the company to examine improving quality of service which will be the key to determining customer loyalty in the future as the market is opened to further competition.

Furthermore, An Post constantly looks at opportunities to improve its product offerings in the mails area and this will assume greater importance in the future. Postal services will be delivered by high-end postal operators with a clear strategic focus on market positioning and services orientated to customer needs. Postal operators will need to operate a flexible mandate identifying growth areas in the sector with a clear strategy for retaining existing business.

### **Broadcasting Legislation.**

135. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources when it is likely that RTÉ and the independent broadcasters will receive support through television licence fees or other means; and if he will make a statement on the matter. [25960/04]

136. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the way in which the revenue accruing from television licences is to be apportioned between RTÉ and independent broadcasters; and if he will make a statement on the matter. [25961/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 135 and 136 together.

The Broadcasting (Funding) Act 2003 provides for the establishment of a fund from which grants may be paid by the Broadcasting Commission of Ireland to support certain television and radio programmes. The Act provides that 5% of the net proceeds of television licence fees will be paid into the fund with effect from 1 January 2003. Since that date 95% of the net proceeds of the television licence fees have been paid to RTÉ.

The BCI is at present preparing a scheme through which the fund may be accessed by broadcasters and content producers. I expect the BCI to submit a draft scheme to me for my approval in the next few weeks. It is likely that any scheme will require State aid approval from the European Commission. Once a scheme has been approved it will be a matter for the BCI to administer the scheme. Accordingly, issues relating to timing of applications and decision-making processes will be a matter for the BCI. The fund is open to RTÉ, TG4 and broadcasters licensed by the BCI.

137. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his preferred options for the future of broadcasting and transmission here; and if he will make a statement on the matter. [25962/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** My core broadcasting policy objectives are detailed in my Department's statement of strategy, 2003 to 2005. These objectives are: to create an environment that encourages the maintenance of high quality Irish radio and television services by both independent broadcasters and RTÉ; to secure a viable

future for high quality public service broadcasting; and to seek to retain access to a range of high quality programming in analogue and digital form, on a universal and free-to-air basis.

My key priorities for achieving these objectives include the following: Developing the regulatory framework by bringing forward a Bill to provide for the establishment of a single content regulator for both public and private broadcasters and to establish RTÉ on the lines of a company under the Companies Acts; taking steps to provide for the establishment of TG4 as an independent entity; ensuring adequate public funding for RTÉ and TG4 so as that they can deliver on their statutory mandate; building on progress made in maximising the effectiveness of television licence fee collection; developing proposals to ensure that in a digital era Irish viewers continue to enjoy access to a range of high quality programming; and bringing forward proposals for the future licensing of radio services in Ireland.

### **Aquaculture Development.**

138. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the catch by species in Irish waters in the past year; the way in which this compares with ten years ago; the degree to which conservation methods are ensuring continuation of stocks; and if he will make a statement on the matter. [25963/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** I have made arrangements for the preparation of a tabular statement comparing 1993 and 2003 catch levels for all species. As soon as this analysis is complete, I will forward it directly to the Deputy.

Stock conservation methods are governed by the Common Fisheries Policy. The reform of the CFP in 2002 included a heightened emphasis on the need for enhanced conservation of fish stocks and in line with this overall policy, the stock conservation effort is currently being intensified through the deployment of such instruments as tighter catch limitations, fishing effort restrictions, technical measures and strengthened control and enforcement provisions. I believe that these measures can contribute to an improvement in the position of many fish stocks and can provide the basis for a sustainable future for fishermen.

### **Fishing Fleet Modernisation.**

139. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the degree to which he has satisfied himself regarding the adequacy of the Irish fishing fleet to compete with particular reference to the availability of modern trawlers and procedures; and if he will make a statement on the matter. [25964/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):**

The Government recognises the critical importance of securing a competitive, modern and safe Irish fleet and to this end €21 million has been approved for grant aid for whitefish fleet renewal, modernisation and for safety equipment under the National Development Plan 2000-2006. This week I secured the lifting of an European Commission moratorium which released €13.5 million of this approved grant aid to the Irish fishing industry. The Commission placed a moratorium on the payment of grant aid for fleet renewal and modernisation in June 2002 when it ruled that the management of the Irish fleet was not in accordance with EU rules. To address these issues a substantial programme of work and reform was carried to strengthen the management of the Irish fleet. Specific initiatives include the establishment of an independent sea fishing boat licensing policy with an independent appeals process. These measures have established the policies and structures whereby the capacity of the Irish fishing fleet can be effectively managed within the parameters set down in EU legislation. I am delighted that the processing and payment of aid towards approved grant aid projects by BIM can now proceed.

I am also satisfied that the whitefish fleet renewal and modernisation investments supported by the Government in the period 1998-2006 have already substantially enhanced the competitiveness of our whitefish fleet and will continue to do so. Our pelagic fleet, which has not received aid for renewal or modernisation, is already one of the most competitive fleets in Europe. The Irish seafood industry is facing further major challenges over both the medium and long term. The future of the industry depends on competitiveness and will require continued advances in technology, marketing, product quality and safety assurance. These critical challenges are being met under a number of targeted schemes in the fishing sector, particularly the support for innovation and sustainability in processing, human resources and marketing under the national development plan.

**Aquaculture Development.**

140. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which he intends to monitor husbandry in fish farming with a view to maintaining the highest health standards and best practice; and if he will make a statement on the matter. [25965/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):**

I believe that aquaculture has considerable potential for further growth and development, and that it will be an important element of the economic life of many coastal

areas in the coming years. It is essential, both in the interests of the aquaculture industry itself and in ensuring the optimum utilisation of our marine and coastal resources, that aquaculture operations are conducted in accordance with high fish health, environmental and operational standards.

Programmes are in place for monitoring compliance by fish farmers with the terms and conditions of their aquaculture licences, and with other obligations such as the requirements of the protocols relating to offshore finfish farms. These programmes will be further developed and refined, as necessary.

*Question No. 141 answered with Question No. 10.*

**Fishing Industry Development.**

142. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his proposals to support families involved in the fishing industry in view of the need for ongoing catch limitations; and if he will make a statement on the matter. [25967/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):**

The critical factor in protecting the livelihoods of fishing families is the provision of a good range of fishing possibilities each year. The position for 2004 is worthy of emphasis as it represents a broadly favourable position. Ireland's national quotas for 2004 show an overall growth of 23% in volume terms on the equivalent figure for 2003. While the figure includes a generally static position for whitefish and shellfish quotas, this is more than offset by increased pelagic quotas. While the whitefish stocks which require conservation action at present are causing particular difficulties, fishermen accept that there is a need for effective conservation regulations to provide for the sustainable exploitation of fish stocks in the future. Conservation regulations will help to safeguard the future income of Irish fishing families. I will continue to work closely with the Irish fishing industry to ensure that such regulations are effective. Fishing possibilities for 2005 will be decided in December. I will work closely with the Irish fishing industry to get the best possible deal consistent with the overriding requirement of ensuring the long-term sustainability of fish stocks.

**Garda Investigations.**

143. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to alleged irregularities in the fishing industry in Killybegs or at other locations throughout the country; and if he will make a statement on the matter. [25968/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I have referred the matters to which the Deputy refers



to the Garda Síochána. As I understand that the matters are the subject of an investigation by the Garda, it would be inappropriate for me to comment further or to make a statement at this time.

### Port Development.

144. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his proposals for the development of fishing ports and ancillary facilities in the future; and if he will make a statement on the matter. [25969/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The national development plan states that the objectives for the development of fishery harbours are the development and construction of fishery harbour and related facilities at key strategic fishery harbours and the construction and improvement of berthage at smaller harbours and landing places. The plan provides €84.35 million for capital investment in fishery harbours infrastructure and facilities between 2000 and 2006. The Department of Communications, Marine and Natural Resources had spent €83.44 million under the programme by the end of 2003 and the total allocation for 2004 is €17.141 million.

Some €9 million has been made available this year to complete the €50 million development at Killybegs fishery harbour centre. This year's allocation also includes funding for various other projects such as the development of an extension to Dinish Wharf; a new auction hall at Castle-townbere fishery harbour centre; the development of new ferry berths at Rossaveel fishery harbour centre, which will be jointly funded by the Departments of Communications, Marine and Natural Resources and Community, Rural and Gaeltacht Affairs; the development options at Dunmore East fishery harbour centre; and the upgrading and modernisation of Port Oriel in Clogherhead which is owned by Louth County Council. The county council will contribute 25% of the cost of the latter development. Funding has also been approved for 24 projects at smaller harbours and landing places around the coast to meet the needs of local fishing and aquaculture interests and coastal communities. The completion of the programme in future years will depend on the availability of funding.

### Overseas Development Aid.

145. **Mr. Kenny** asked the Minister for Foreign Affairs the reason he is unable to meet its target of 0.7% GNP for overseas aid in view of the healthy state of the economy; and if he will make a statement on the matter. [25846/04]

147. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs his plans to meet the target of increasing Irish overseas development aid spending to 0.7% of GNP by 2007 as stated at the UN

Millennium Development Summit in 2000. [25933/04]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** I propose to take Questions Nos. 145 and 147 together.

I refer the Deputies to my answer to Questions Nos. 156, 157 and 158 of 19 October last:

The programme for Government commits the Government to spending 0.7% of GNP on official development aid by 2007. The Government will make every effort to meet that target. Our spending on official development aid has increased dramatically in recent years. In 1997 we spent €158 million on ODA. This year we will spend approximately €475 million. Our aid as a percentage of GNP has also increased significantly in the intervening years. In 1992 the figure was 0.16% of GNP. Last year it was 0.4% of GNP.

These increases mean that Ireland is now one of the world's leading aid donors. We are in joint seventh place in terms of *per capita* spending on aid, well above the European average. The negotiations for the Estimates for 2005 are currently under way. The Government is committed to building quickly on the substantial progress to date in order to achieve the UN target of 0.7%. The figures for 2002 and 2003 were lower than we would have hoped. However, this was against the background of the economic slowdown that affected all areas of public expenditure. We should be proud of what has been achieved in our development aid programme.

Our peers in the OECD regularly evaluate us. The most recent evaluation in 2003 concluded that our development programme is of the highest quality. The taxpayer is getting good value for money. The OECD review stated that our programme distinguishes itself by its sharp focus on poverty reduction and commitment to partnership principles. The focus of our development programme is in line with the UN's millennium development goals. These goals were set by the international community as a framework by which the commitment to reduce poverty in the world can be judged.

To reduce poverty we must tackle the underlying causes as well as the symptoms. This means that in addition to providing immediate relief to those suffering from conflict, disaster and famine, we must tackle the underlying causes of poverty through long-term assistance programmes. The focus of our programme is on assisting long-term economic growth and the provision of basic services such as education and health care. Good governance, inclusive political processes and human rights are also important elements of our programme.

I am confident that Ireland has a high quality development aid programme with the proper

[Mr. C. Lenihan.]

focus on poverty reduction. I intend to make a strong case in the course of the Estimates process for substantial increases so as to reach the UN target of 0.7%.

### Visa Applications.

146. **Mr. Connaughton** asked the Minister for Foreign Affairs the reason an application for a work visa was refused to a person (details supplied); and if he will make a statement on the matter. [25860/04]

**Minister for Foreign Affairs (Mr. D. Ahern):** The Department of Foreign Affairs issues working visas and work authorisations in accordance with guidelines established by the Department of Enterprise, Trade and Employment. The guidelines, which are designed to facilitate the recruitment of skilled employees, including ICT professionals, in certain sectors of the Irish economy, set out strict criteria for the acceptance of applications under the scheme. The visa was refused in this instance because neither the job description, salary nor the qualifications submitted by the applicant met the criteria for an ICT professional.

*Question No. 147 answered with Question No. 145.*

### Foreign Conflicts.

148. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if he will report on the action the Government has taken with respect to the ongoing crisis in the Darfur region; and the additional steps the Government plans to take in the near future. [25979/04]

**Minister for Foreign Affairs (Mr. D. Ahern):** I refer the Deputy to my reply to Question Nos. 166, 173, 194, 198, 214, 235 and 365 on 19 October 2004.

### Middle East Peace Process.

149. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if his attention has been drawn to a report by the International Crisis Group, which recommends that the Government of Israel support the conduct of Palestinian local, legislative and presidential elections, including by withdrawing from cities consistent with security concerns and permitting full participation by Palestinian residents of East Jerusalem; if his attention has been further drawn to a news report by the Palestinian Central Elections Commission, which stated that 17 voter registration centres have been forced to close in Beit Hanoun, Beit Lahia, Jabalia, and An Nazleh due to the Israeli occupation forces' military operations in Palestinian areas of the northern Gaza Strip, as well as six voter registration centres in East Jerusalem which were to have facilitated voter registration from 7 to 14 October 2004; if his attention has further been

drawn to the fact that the voter registration process was severely disrupted by Israeli closures and incursions; if he has raised or will raise those matters with the Israeli authorities. [25980/04]

**Minister for Foreign Affairs (Mr. D. Ahern):** I am aware of the reports to which the Deputy refers. The Government, together with Ireland's EU partners, shares the concerns which have been widely expressed regarding the Palestinian election process.

The General Affairs and External Relations Council in Luxembourg on 11 October expressed those concerns, and urged Israel, in accordance with its responsibilities under the Fourth Geneva Convention, to facilitate voter registration, the preparations for and conduct of the elections and the movement of candidates and voting officials, including in occupied East Jerusalem.

### Dublin Port Tunnel.

150. **Mr. F. McGrath** asked the Minister for Enterprise, Trade and Employment if he will work closely with the Departments of Transport and for the Environment, Heritage and Local Government (details supplied). [25859/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** The Deputy's question refers to the Dublin Port Tunnel, which is the ultimate responsibility of Dublin City Council. A project such as this requires broad co-operation from all participants.

My Department's responsibilities in regard to the project relate to the occupational safety, health and welfare of the workers there and the application of the Safety, Health and Welfare at Work Act 1989. The Act requires an employer to prepare a safety statement based on hazard identification and risk assessment. Under section 12, that statement must be in writing and be relevant to the work undertaken. Section 6(2)(g) of the Act requires the preparation and revision of adequate plans to be followed in emergencies.

Section 6 (2)(d) of the 1989 Act requires the provision of systems of work that are planned, organised, performed and maintained so as to be safe. Section 6(2)(e) of the Act also requires the provision of such information, instruction, training and supervision as necessary to ensure the safety and health at work of his employees. Those provisions must be carried out in so far as is reasonably practicable.

As required by section 16 of the Act, the Health and Safety Authority provides information and advice on matters relating to safety, health and welfare at work and work with others to achieve that. There is continuous interaction between the Health and Safety Authority and the participating parties in the port tunnel project. I am satisfied that the Health and Safety Authority is carrying out its duties in that regard.

### Work Permits.

151. **Mr. Murphy** asked the Minister for Enterprise, Trade and Employment if a work permit will be extended for a person (details supplied) in County Cork. [25882/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** This person has a current work permit, which expires on 20 January 2005. If he wishes to change his employment, my Department will process an application on its merits. However, the new employer must advertise the position with FÁS before submitting it to the work permit section.

152. **Mr. Murphy** asked the Minister for Enterprise, Trade and Employment if a person (details supplied) in County Cork can be granted work permits for four Thai chefs. [25883/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** There is no record of any applications in the work permit section from the above-named individual. Should applications be submitted, they would be considered sympathetically.

### Health and Safety Regulations.

153. **Ms B. Moynihan-Cronin** asked the Minister for Enterprise, Trade and Employment, further to Parliamentary Question No. 194 of 29 September 2004, if there is a county breakdown of the figures available; the number of such inspections, investigations and visits for each year between 1997 and 2003 in total and on a county basis; and if he will make a statement on the matter. [25907/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** The information sought is set out in the following tabular statement.

Year	Visits			Counties	
	Primary Schools	Secondary Schools	Total Visits	Primary Schools	Secondary Schools
1997	22	12	34	Cork 6 Dublin 6 Galway 2 Kildare 2 Mayo 1 Meath 2 Monaghan 1 Offaly 1 Wicklow 1	Dublin 4 Galway 2 Kildare 1 Mayo 3 Westmeath 1 Wexford 1
1998	25	10	35	Clare 2 Cork 2 Donegal 2 Dublin 9 Kildare 2 Limerick 2 Roscommon 1 Sligo 2 Waterford 1 Westmeath 1 Wexford 1	Donegal 1 Dublin 6 Galway 1 Meath 1 Sligo 1
1999	30	20	50	Cavan 1 Donegal 1 Dublin 9 Galway 6 Kildare 3 Monaghan 1 Offaly 2 Sligo 1 Tipperary North 1 Tipperary South 1 Westmeath 2 Wexford 1 Wicklow 1	Cork 1 Dublin 8 Galway 5 Meath 1 Roscommon 1 Sligo 3 Westmeath 1
2000	28	67	95	Carlow 2 Donegal 3 Dublin 12 Kerry 3 Kilkenny 4 Meath 1 Tipperary North 1 Westmeath 1 Wicklow 1	Carlow 12 Donegal 9 Dublin 13 Galway 2 Kerry 6 Kildare 4 Kilkenny 5 Limerick 5 Louth 1 Meath 2 Waterford 2 Westmeath 2 Wexford 1



Year	Visits			Counties	
	Primary Schools	Secondary Schools	Total Visits	Primary Schools	Secondary Schools
2001	39	41	80	Cork 6 Donegal 8 Dublin 8 Galway 1 Kerry 2 Kildare 1 Kilkenny 4 Limerick 2 Louth 3 Meath 2 Sligo 1 Wexford 1	Carlow 5 Clare 1 Cork 1 Donegal 1 Dublin 5 Kerry 1 Kildare 6 Kilkenny 5 Laois 2 Meath 1 Monaghan 1 Offaly 1 Roscommon 1 Sligo 1 Tipperary South 3 Waterford 2 Westmeath 1 Wexford 3
2002	27	17	44	Cork 4 Dublin 11 Galway 2 Kildare 4 Limerick 1 Mayo 1 Roscommon 1 Tipperary South 2 Wicklow 1	Cavan 1 Cork 2 Donegal 3 Dublin 3 Kildare 2 Limerick 3 Sligo 1 Tipperary South 1 Wicklow 1
2003	40	15	55	Cork 4 Donegal 6 Dublin 9 Galway 1 Kildare 3 Limerick 2 Longford 1 Louth 1 Offaly 2 Sligo 1 Tipperary North 1 Tipperary South 1 Waterford 2 Westmeath 6	Donegal 1 Dublin 4 Galway 1 Kerry 2 Kildare 1 Kilkenny 1 Sligo 1 Waterford 2 Wicklow 2
2004 1 January to 10 September	19	12	35	Dublin 7 Kildare 3 Galway 2 Roscommon 2 Tipperary 2 Cork 1 Meath 1 Wicklow 1	Dublin 6 Wexford 2 Wicklow 2 Clare 1 Limerick 1

The data for the years 1997 to 2003 may not include certain visits relating to school maintenance or refurbishment work, data on which could not be collated in the time available. I have asked the authority to forward any further data on the matter that may be available. However, I understand that the process will take at least a few weeks to complete.

154. **Mr. Stanton** asked the Minister for Social and Family Affairs if he will consider allowing persons on community employment schemes who would, if at work on low pay, otherwise qualify for family income supplement to be eligible for family income supplement; and if he will make a statement on the matter. [25839/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Family income supplement is designed to assist people with families in low-income, full-time employment who might otherwise be dependent on a welfare payment.

Community employment, or CE, is a transitional training and employment programme designed and funded by FÁS to move the long-term unemployed and other disadvantaged groups towards gainful employment. It helps people re-enter the active workforce by breaking their experience of unemployment through a return to a work routine. It also assists them to enhance or develop their technical and personal skills. For that reason, each CE employer is expected to prepare a personal development plan for participants. That process provides participants with an opportunity to engage in useful work in their communities on a temporary basis as part of the process of transition to full-time employment.

As a State-funded employment and training programme rather than full-time remunerative employment, CE earnings are specifically excluded by regulation for the purpose of FIS qualification. There are no plans to amend those regulations.

### Social Welfare Benefits.

155. **Mr. Stanton** asked the Minister for Social and Family Affairs if he plans to allow persons on community employment schemes who, prior to receiving a place on a community employment scheme were in receipt of a supplementary welfare allowance, to retain all or part of the supplementary welfare allowance; if not, if he will consider increasing the household income limit above the €317.43 per week; and if he will make a statement on the matter. [25840/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Arrangements have been in place for a number of years which allow people to retain a portion of their rent supplement under the supplementary welfare allowance scheme where they take up community employment. These arrangements are subject to a weekly household income limit of €317.43. Improvements have been made in these arrangements since they were first introduced. The period for which rent supplement may be retained has been extended to 4 years on a tapered basis, that is, 75% in the first year, 50% in the second year and 25% in the third and fourth years. In addition, the upper limit on the amount of supplement payable was abolished. Furthermore, back to work allowance and family income supplement, in cases where one or both of these are in payment, are now disregarded in the assessment of the €317.43 weekly income limit. PRSI and reasonable travelling expenses are also disregarded in the means test. Any increase in the €317.43 income limit would have cost implications and would have to be considered in a budgetary context.

Participants in community employment schemes may opt for assessment under the standard supplementary welfare allowance means test or under the special means test described above, whichever is the more favourable to them. Under standard assessment rules, rent supplements are calculated to ensure that an eligible person, after the payment of rent, has an income equal to the rate of supplementary welfare allowance appropriate to his or her family circumstances, less a minimum contribution, currently €13, which each recipient is required to pay from his or her own resources. Up to €50 in respect of additional income from part-time employment is disregarded in the means test thus ensuring that a person is better off as a result of taking up such an opportunity. Community employment is regarded as part-time employment for these purposes.

The amount of rent supplement payable in any given case depends on the particular circumstances of the individual concerned, such as the amount of rent paid. For example, a lone parent with one child living in the Dublin area and participating in a community employment scheme would typically receive €85.90 per week in rent supplement. He or she would have an income of €188.60 per week after paying rent and would be €50 per week better off than a lone parent in similar circumstances who was not participating in a community employment scheme.

### Departmental Agencies.

156. **Mr. R. Bruton** asked the Minister for Social and Family Affairs if he will consider funding community information centres to establish a register of trades persons and handymen who will comply with certain standards and complaint procedures in order to protect citizens from cowboy traders; and if he will make a statement on the matter. [25853/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The network of citizen's information centres around the country is funded by Comhairle, the national agency responsible for information, advice and advocacy on social services. Citizen's information centres provide comprehensive information on the full range of social services available to citizens from state and voluntary agencies. They also deal with consumer queries.

Comhairle has recently published an updated version of its information booklet, *Where to Complain*, which provides contact details for more than 150 organisations at both Irish and EU level. The booklet includes a brief description of the various complaints and appeals mechanisms available and offers advice and guidance to consumers on making complaints and appeals and in seeking redress.

While accepting that citizens, particularly older and vulnerable citizens, need to be protected from unscrupulous trades persons it would not be appropriate for the role of citizen's information centres to be further extended so as to take on the task of compiling registers as suggested by the Deputy. The issue raised by the Deputy is essentially a consumer protection issue and, as such, a matter for my colleague, the Minister for Enterprise, Trade and Employment.

### Social Welfare Benefits.

157. **Mr. Stanton** asked the Minister for Social and Family Affairs if the recent monthly telephone line rental charge approved by ComReg is being paid by his Department under the telephone allowance scheme as administered by his Department; the total amount involved in this increase under the scheme; and if he will make a statement on the matter. [25932/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Expenditure on the household benefits package which includes the telephone allowance, the electricity-natural gas allowance and the free television licence is estimated at €280 million this year. My Department continually negotiates to obtain the best commercial terms and value for money for this very sizeable annual expenditure on the household benefits.

The structure of the telephone allowance operated by my Department was changed in 2003 to make it a cash credit on bills and not attributable to any particular component of the bill. Previously the allowance had covered the line and instrument rental charges specifically, along with a small element of call costs on each two-monthly client bill. This change in the structure of the telephone allowance was designed to make it easier

[Mr. Brennan.] for eligible clients to switch from Eircom to another participating service provider if they so desire as the newly standardised allowance can be applied to phone bills from any service provider irrespective of the tariff components. Currently, there are four service providers, including Eircom, participating in the telephone allowance scheme and three more have expressed an interest in participating.

In conjunction with this change, a special bundle rate, the Eircom social benefits scheme was introduced by Eircom, which provides telephone allowance customers with line and equipment rental plus an enhanced call credit of up to €5.35 worth of free calls per two month billing period. The cost of the bundle represented better value for money for the ongoing expenditure on these services. Subsequently the Commission for Telecommunications Regulation, ComReg, approved a price increase application from Eircom of 7.5% in line rental, effective from 4 February 2004. A lesser percentage increase was applied to telephone instrument rental where applicable.

Following detailed discussions between my Department and Eircom it was decided that the increase in the Eircom social benefits scheme would be limited to the rate of the consumer price index, 1.9%. This added a total of 94 cent to the two-monthly bills, 11 cent per week, of Eircom customers who are recipients of the telephone allowance. Other Eircom customers have incurred an increase of 7.5% or €3.48 per two months. Eircom has also offered to give low use customers up to €10 worth of calls free per two-month bill, by offering them its separate low users scheme in addition to the social benefit scheme. Claimants of the telephone allowance are free to choose the service provider which they feel gives them the best value for money. Depending on which service provider is chosen, the €20.41 per month paid by the Department can cover line rental and instrument rental in full as well as providing a set value of free calls. One provider participating in the scheme provides full cover for line and instrument rental and €5 free calls per month for the €20.41 paid by the Department.

As customers are entitled to switch between participating service providers, it is difficult to accurately assess what would be the full cost to the Exchequer of paying the cost of the Eircom increase. The maximum cost, based on current numbers in receipt of the telephone allowance, would be €1.78 million in a full year. As the new arrangements have been in place for 12 months I have asked my Department for a report on the telephone allowance scheme to assess the implications of the changes in the scheme.

158. **Mr. Durkan** asked the Minister for Social and Family Affairs the reason one parent family allowance has not been approved in the case of a person (details supplied) in County Kildare in view of the fact that an irrevocable judicial separation has been granted; and if he will make a statement on the matter. [25948/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Under the regulations governing the one parent family payment scheme, a separated spouse is required to make and continue to make appropriate efforts to obtain adequate maintenance from their spouse. The person concerned was requested by a deciding officer of the Department to show evidence of his efforts to seek maintenance from his spouse. However, to date he has not forwarded documentary evidence of his efforts in this respect. The granting of a judicial separation does not alter this requirement.

On receipt of the requested documentation an early decision will be made and the person concerned will be notified of the outcome without delay. Under social welfare legislation, decisions in relation to 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.

#### **Anti-Poverty Strategy.**

159. **Mr. O'Connor** asked the Minister for Social and Family Affairs if his attention has been drawn to the publication of the research project, *How are our Kids?* by the Tallaght west childhood development initiative (details supplied); if he will examine the recommendations in relation to the children of the area within the remit of his Department; if he will initiate discussions to find solutions to these long-standing problems; and if he will make a statement on the matter. [25971/04]

**Minister for Social and Family Affairs (Mr. Brennan):** A copy of the report to which the Deputy refers has been recently received in my Department and the material in it will be examined by my officials. A number of issues raised in the report are cross-cutting in nature and require an integrated and strategic approach. The strategies, for which my Department is responsible, to combat child poverty and the measures to give effect to them are set out in the revised national anti-poverty strategy and, more recently, in the national action plan against poverty and social exclusion. A key objective of these strategies is to eliminate child poverty and to move towards a situation of greater equality for all children in terms of access to appropriate education, health and housing, thereby seeking to break the cycle of disadvantage and exclusion experienced by certain children in society.

The most significant child poverty related measure in my Department has been the increase in child benefit, from which all families have gained, but particularly those on low incomes. The rate of child benefit has risen from €38.09 for the first two children and €49.52 for each child thereafter in 1997 to €131.60 per month for each of the first two children and to €165.30 per month for the third and each subsequent child. Another income support for low income families is the family income supplement. The aim of this scheme is to provide a weekly cash support for employees on low earnings with families, thereby preserving the incentive to remain in employ-



ment. Family income supplement payment rates have increased annually in line with unemployment payments, maintaining the incentive for people to avail of suitable employment opportunities. In the 2004 estimates €56 million has been allocated for this scheme. My Department also provides a one parent family payment which is a payment for both men and women who, for a variety of reasons, are bringing up a child or children without the support of a partner. €707.8 million is provided in the 2004 estimates for this scheme.

The Government recognises the importance of supporting and protecting families and children and is fully committed to achieving the national anti-poverty strategy targets. A specific target in the national anti-poverty strategy is to reduce the number of children who are consistently poor to below 2% by 2007 and, if possible, to eliminate consistent poverty amongst children by then. Significant progress has already been made towards achieving this target. For instance, the number of children who are consistently poor has more than halved in the four year period 1997 to 2001, falling from 15.3% in 1997 to 6.5% in 2001. I am confident that the measures envisaged will contribute to a significant improvement in the quality of life for children experiencing poverty.

#### Road Safety.

160. **Mr. Perry** asked the Minister for Transport if he plans to introduce solar-powered beacon systems with flashing speed displays on roads to make motorists more conscious of their speed and to help reduce speed; his views on whether this simple solar traffic control, together with a campaign for traffic watch awareness, may help prevent fatalities on roads; and if he will make a statement on the matter. [25877/04]

**Minister for Transport (Mr. Cullen):** Motorists are subject to the requirements to comply with speed limits and in addition, to always drive at a speed that is safe having regard to the prevailing circumstances. The National Roads Authority, the NRA, has engaged in an experimental programme through which contractors at certain major road works sites have provided variable message signs advising motorists of the speed at which their vehicles are being driven. The question of determining the effects the deployment of the signs have in reducing vehicle speeds at the particular locations will be considered by the NRA in the first instance. Any decision relating to a more general deployment of the signs would be considered in the context of that initial review.

#### Public Transport.

161. **Ms Shortall** asked the Minister for Transport his intentions in respect of establishing a greater Dublin land use and transport authority as promised in the programme for Government. [25927/04]

**Minister for Transport (Mr. Cullen):** The Government consultation paper, *New Institutional Arrangements for Land-Use and Transport in the Greater Dublin Area*, was published

jointly by the Departments of the Environment and Local Government and Public Enterprise in April 2001. The paper proposed the establishment of a new strategic land use and transportation planning authority for the greater Dublin area. Developments since the publication of this consultation document have caused a review of its proposals.

The national spatial strategy was published in December 2002 and arising from that strategy the regional authorities have recently finalised regional planning guidelines under the provisions of the Planning and Development Act 2000. These will provide effective regional land use strategies consistent with the national spatial strategy. The Dublin and mid-east regional authorities have collaborated to produce a single set of guidelines for the greater Dublin area which were published on 8 July. These guidelines recommend a number of specific actions required for the further development of transport in the region. The guidelines also recommend a number of policy principles that need to be pursued in that regard.

The relevant agencies investing in transport in the region are now assessing their plans in the light of the guidelines. In particular the guidelines provide an important guidance to the Dublin Transportation Office in its input into all development plans and planning applications in the greater Dublin area. In the light of the developments in the intervening period I am of the view that the establishment of a greater Dublin land use transportation authority is not now a priority in seeking to improve the transport system for Dublin.

#### Rail Services.

162. **Mr. Durkan** asked the Minister for Transport if his attention has been drawn to the need for extra rolling stock to meet the commuter needs of the north Kildare towns of Maynooth, Kilcock, Leixlip, Confey, Celbridge and Naas; and if he will make a statement on the matter. [25954/04]

**Minister for Transport (Mr. Cullen):** The Government is committed to responding to the needs of commuters in the north Kildare towns referred to and continues to provide funding for Irish Rail for investment in new rolling stock and other necessary resources.

Irish Rail has informed me that the 2004 commuter timetable was significantly enhanced with the introduction of the 80 new diesel railcars. This facilitated an increase in train size, the provision of additional services and the replacement of all old rolling stock on commuter services. Additional service enhancements for commuters are currently being planned by Irish Rail and these will be publicised in the December 2004 timetable. Furthermore, 36 additional new railcars will be introduced during 2005. These will primarily be deployed on the Maynooth-Sligo line, giving increased capacity and frequency for all commuter and longer distance users along the line.

### Forestry Targets.

163. **Mr. Durkan** asked the Minister for Agriculture and Food if the annual increased afforestation proposed in the various programmes for Government has been achieved in each of the past seven years; and if she will make a statement on the matter. [25937/04]

**Minister for Agriculture and Food (Mary Coughlan):** The programme for Government contains a commitment to work towards increasing forest planting to 20,000 hectares per annum. The current targets were set out in the 1996 strategy, *Growing for the Future*, and were confirmed in the new partnership agreement *Sustaining Progress*. Grant aid at a level of 100% for planting and generous annual premiums are available. Annual planting since 1996 has averaged 14,000 hectares. Following CAP reform and, in particular, the stacking of entitlements in respect of forestry land, I expect to see an increased level of applications under the various forestry schemes operated by my Department in the coming years.

164. **Mr. Durkan** asked the Minister for Agriculture and Food the number of trees (details supplied) planted in each of the past five years; and if she will make a statement on the matter. [25981/04]

**Minister for Agriculture and Food (Mary Coughlan):** The total area — hectares — of afforestation grant aided by my Department in each of the last five years is as follows:

Year	Hectares
1999	12,668
2000	15,695
2001	15,464
2002	15,054
2003	9,097

The average correlation between the number of hectares and trees planted is in the order of 3,000 trees per hectare.

While an exact breakdown on the lines requested by the Deputy is not available, the level of Sitka Spruce grant-aided has been averaging less than 60% annually over the last five years. The percentage of Western Red Cedar planted is very low by comparison, of the order of 1% annually.

There are no statistics available in my Department in respect of non-grant aided tree planting. While the level of such planting for commercial purposes is likely to be limited both the national parks and wildlife service and local authorities undertake significant tree planting for environmental purposes.

### Promotional Dispute.

165. **Dr. Upton** asked the Minister for Agriculture and Food if she will investigate allegations made by a person (details supplied) in County

Galway; and if she will make a statement on the matter. [25852/04]

**Minister for Agriculture and Food (Mary Coughlan):** The officer concerned was third on a panel for the position of senior supervisory agricultural officer which was set up in April 1996 to fill two posts. The officers placed first and second on the panel accepted the two posts. The office concerned has raised his case under the grievance procedure, which is an agreed procedure under the conciliation and arbitration scheme for the Civil Service. There is provision for mediation under this procedure and the officer was offered this service. My Department is prepared to continue this process. This procedure, which is agreed with all Civil Service unions, is the appropriate way for dealing with such cases.

### Grant Payments.

166. **Mr. P. Breen** asked the Minister for Agriculture and Food if consideration will be given to a person (details supplied) in County Clare regarding single farm payment; and if she will make a statement on the matter. [25900/04]

**Minister for Agriculture and Food (Mary Coughlan):** The person named has been notified that the circumstances outlined, that is, change of farming enterprise during the reference period, do not satisfy the criteria for *force majeure*-exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003. The person named has been advised that he can appeal my Department's decision to the independent single payment appeals committee which will carry out a full review of the circumstances of his case.

167. **Mr. Durkan** asked the Minister for Agriculture and Food the farm support payments available to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [25950/04]

**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 26.52 hectares of forage land. Payment under the 2004 area based compensatory allowance scheme was made on 17 September 2004.

Under the 2004 EU special beef premium scheme, the person named has lodged two applications to date, one on 9 January 2004 in respect of six animals and one on 12 February 2004 in respect of two animals. The 60% advance payments in respect of these applications issued on 19 October 2004 and amounted to €720.00.

The person named has submitted an application under the 2004 extensification premium scheme. Payments under this scheme will commence in June 2005. The application will be considered in due course.

Eligibility for 2004 EU slaughter premium has been determined in respect of four animals. However, payment in respect of these animals has

not issued as my Department has not received a producer acknowledgement form. A form has issued to the person named for signature. The 60% advance payment will issue when the duly completed form is returned to my Department.

The person named is not an applicant under the suckler cow premium or ewe premium scheme of for arable aid or REPS.

168. **Mr. Durkan** asked the Minister for Agriculture and Food if additional payments are available to a person (details supplied) in County Kildare who commenced farming during the relevant years and has since built up production beyond year 2000 levels; and if she will make a statement on the matter. [25951/04]

**Minister for Agriculture and Food (Mary Coughlan):** The person named has submitted an application requesting that his entitlements be amended under the single payment scheme measure relating to new entrants-inheritance. Following an examination of the application submitted, the named person was requested to submit additional information. When this outstanding information is received, the application will be processed by my Department and the person named will be informed of the decision in his case.

#### Road Traffic Offences.

169. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform the way in which the traffic phone watch system has helped reduce speed; the steps which are taken if a vehicle has been reported speeding excessively on two or more occasions; if he will make a statement on the matter. [25877/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Traffic Watch was established on a national basis in February 2004. The public are encouraged to report inappropriate driving behaviour to the Garda using a low cost telephone number. I have been informed by the Garda authorities that a review of the project is under way and an examination of the relationship between speeding and reporting of offences to the Garda is being considered as part of the review. The Garda authorities further inform me that each complaint received is dealt with.

#### Reunification Applications.

170. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if he will reconsider his decision regarding a reunification application by persons (details supplied); and if assistance will be given to the persons' family. [25863/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As I stated in my response to Parliamentary Question No. 161 on 14 October 2004, applications for family reunification for dependent members of a refugee's family are

considered under section 18(4) of the Refugee Act 1996. If dependency is proved such applications may be granted at my discretion. In this case the six people concerned did not qualify for family reunification as the refugee did not provide evidence that they were dependent on her. It is open to the refugee to submit further documentation proving dependency. If new information is received further consideration will be given to the application.

#### Visa Applications.

171. **Ms Enright** asked the Minister for Justice, Equality and Law Reform when the application by a person (details supplied) for a tourist visa will be processed; and if he will make a statement on the matter. [25864/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question made a visa application in August 2004, to enable him to visit the State for a two month holiday. The applicant stated on his visa application form that he is employed in his home country, yet no documentation was submitted to support this claim. No evidence of finances was submitted to show how the applicant intended to maintain himself while in the State. It was also noted that the applicant named a sponsor in Ireland on his visa application form. However, the sponsor did not provide any information outlining his own status in the State. In fact, the application consisted solely of the completed form and a letter from the sponsor. It was also noted that the dates on the application and the accompanying letter appear to have been altered from a date in 2002 to a current date. The application was refused because the visa officer was unable to conclude, on the basis of the documentation supplied to my Department, that the applicant would observe the conditions of the visa.

While it is open to the applicant to appeal against the refusal by writing to the visa appeals officer in my Department enclosing additional supporting documentation, it would be more appropriate for a fresh application to be made with up to date supporting documentation.

#### Garda Deployment.

172. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform his views on whether the presence of Garda patrol vehicles on roads and streets assists in reducing the number of street assaults and helps to reduce speeding; if he plans to place unmanned patrol cars on roads and streets; and if he will make a statement on the matter. [25876/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed that local Garda management are responsible for the deployment of mobile and foot patrols so as to address policing requirements in preventing and detecting crimes and traffic offences. I have been further informed by the Garda authorities that there are



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no plans to place unmanned patrol cars on roads and streets.

### Services for People with Disabilities.

173. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if he will provide funding for the number of canine partners for persons with a physical disability. [25878/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** While my Department has a key role in the development of disability equality policy and legislation, it is not directly involved in the provision of services for people with disabilities. As such, no funding exists within my Department for schemes of this type. Suitable grant schemes may be operated through the Departments of Community, Rural and Gaeltacht Affairs or Health and Children or the social economy programme provided by FÁS which comes within the remit of the Department of Enterprise, Trade and Employment.

### Asylum Applications.

174. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if the fingerprints of asylum seekers from the ten accession States have been destroyed or removed from EURODAC. [25879/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The regulation referred to by the Deputy is Council Regulation No. 2725/2000 of 11 December 2000, concerning the establishment of EURODAC for the comparison of fingerprints for the effective application of the Dublin Convention. Article 2 of the regulation provides that the European Commission shall be responsible for operating the central database on behalf of the member states. Article 6 of the regulation provides that “each set of data . . . shall be stored in the central database for ten years from the date on which the fingerprints are taken”. It is also provided that upon expiry of this period, the central unit shall automatically erase the data from the central database. However, Article 7 indicates that data relating to a person “who has acquired citizenship of any Member State before expiry of the period referred to in Article 6 shall be erased from the database . . . as soon as the Member State of origin becomes aware that the person has acquired such citizenship.” I have asked that the European Commission be requested to explore the implications of Article 7 of the regulation in light of the accession to the EU of ten new member states.

### Criminal Prosecutions.

175. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform the section of the Criminal Justice Act 1994 which permits additional evidence to be adduced, which was not available at the original hearing of an action and

which would be favourable to a defendant in the course of defence of criminal proceedings; and if he will make a statement on the matter. [25896/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I assume the Deputy is referring to the Criminal Procedure Act 1993, one of the purposes of which was to provide a means whereby a person who has exhausted the normal appeal procedure can appeal again to the Court of Criminal Appeal. I refer the Deputy in particular to section 2 of that Act which sets out the circumstances under which a person can appeal to the Court of Criminal Appeal for an order quashing a conviction or reviewing a sentence. In general, the person must allege that a new or newly discovered fact shows that there has been a miscarriage of justice.

### Reunification Applications.

176. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform if he will take steps to ensure that an application under the family reunification scheme by a person (details supplied) in County Westmeath which was submitted almost a year ago is immediately dealt with; and if he will make a statement on the matter. [25897/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question made an application for family reunification in November 2003 and she was subsequently informed that she did not qualify for this. The statutory family reunification scheme operated by my Department under section 18 of the Refugee Act 1996 deals only with refugees and their families. None of the persons involved in this application had been granted refugee status. The immigration division of my Department has recently been in contact with the person concerned to ascertain if she has any other basis for seeking permission to remain in the State and, on receipt of a reply, a decision will be made in her case.

### Garda Deployment.

177. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform if he has plans to increase Garda presence or to install closed circuit television cameras to deal with the vandalism in Kilrush, County Clare; and if he will make a statement on the matter. [25904/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities, which are responsible for the detailed allocation of personnel and resources, that the personnel strength of Kilrush Garda station as at 20 October 2004 was 26, all ranks. Garda management will continue to appraise the policing and administrative strategy employed in Kilrush with a view to ensuring that an effective Garda service is maintained. The situation will be kept under review by Garda management and when additional personnel next become available the

needs of Kilrush will be fully considered within the overall context of the needs of Garda stations throughout the country.

With regard to Garda resources generally, the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with the agreed programme for Government commitment in this regard. This is a key commitment in the programme for Government and its implementation will significantly strengthen the operational capacity of the force. The commissioner will now draw up plans on how best to distribute and manage these resources.

Clearly, however, the additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies, in particular, areas with a significant drugs problem and a large number of public order offences but it will be possible to address other priorities as well, such as the need to significantly increase the number of gardaí allocated to traffic duties. One thing I have already promised is that the additional gardaí will not be put on administrative duties. They will be put directly into front line, operational, high visibility policing. They will have a real impact.

Applications for Garda CCTV schemes must be prepared in co-operation with the local Garda district and divisional officers and receive their full support. Applications for Garda CCTV systems are then assessed by the CCTV advisory committee, established by the commissioner to advise on all matters relating to CCTV, on the basis of Garda operational needs and taking into account the following criteria: crime-public order statistics in the area; population and level of activity there; the recommendation of local Garda management; any special circumstances or needs that exist; and the likely impact of a Garda CCTV system on the area. I am advised that although Kilrush Urban District Council previously expressed an interest in having a Garda CCTV system no formal application in respect of same has been received.

It is not, understandably, possible for the Garda Síochána to install CCTV systems in all areas that have sought them. Some applications for Garda CCTV systems relate to relatively small schemes which, while of importance to the local community, cannot be regarded as a national Garda priority. To this end, a grant aid scheme has been launched to facilitate community based groups who wish to press ahead with their own local CCTV system. Grant assistance of up to €100,000 will, subject to the availability of funds, be obtainable from my Department towards the cost of such systems.

A prospectus has been prepared by my Department which provides information on how to apply for grant aid funding, outlines the application process and identifies the main issues that appli-

cants will need to consider. The code of practice for the operation of the community based CCTV scheme has been drawn up by my Department in co-operation with the Office of the Data Protection Commissioner. Detailed technical specifications have been drawn up by the Garda Síochána and are currently under consideration by officials in my Department.

I expect that both the code of practice and the technical specifications will be finalised by my Department in the coming weeks. At that stage copies of same will issue to all communities and organisations who have expressed an interest in the community based CCTV scheme. Any applications subsequently received will be evaluated and processed in accordance with the conditions set out in the prospectus. I am advised that while a number of expressions of interest in this scheme have been received from entities in County Clare, none has been received with regard to the installation of a community based CCTV system in Kilrush.

### **Residency Permits.**

178. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the date of the last positive decision given by his Department granting residency here to a migrant parent on the basis of their parentage of an Irish child under the separate process for such residency applications that existed until 19 February 2003. [25905/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** It is not possible to state exactly when the last positive decision issued to the parent of an Irish born child who applied for residency in the State solely on that basis prior to the cessation of the procedure on 19 February 2003. However, no further processing of any outstanding applications took place after 23 January 2003 following the decision of the Supreme Court in the case of L&O.

### **Garda Deployment.**

179. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform the extra Garda resources that have been provided to deal with the significant increase in anti-social activity associated with the lead up to Halloween; and if he will make a statement on the matter. [25910/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities, which are responsible for the detailed allocation of resources, including personnel, that a policing plan has been put in place for the month of October to combat anti-social activity in the lead up to and during Halloween.

The policing plan is designed to: combat the importation, sale and distribution of illegal fireworks, through intelligence led operations; liaise

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with local authorities regarding the provision of official, supervised bonfire sites, the policing of these and the identification and removal of stockpiles of bonfire materials and abandoned vehicles from other locations; promote awareness of the dangers associated with the improper use of fireworks and unsupervised bonfires through the use of media, school visits and so forth; and police the Halloween celebrations. I am assured by the Garda authorities that all necessary resources will be put in place to ensure that gardaí can respond to incidents occurring over the period.

### **Garda Security Escorts.**

180. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform the cost in each year from 2000 to date in 2004 of providing gardaí and Army personnel and vehicles in security operations for financial institutions in the transportation of money throughout the State; the amount paid by the financial institutions to the State in each of these years to pay the costs involved; his views on whether the arrangement is a satisfactory one; and if he will make a statement on the matter. [25913/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The costs incurred by the Garda Síochána in providing cash escorts for the banks and the contributions by the banks to these costs since the year 2000 are as set out below.

Year	Cost	Banks Contribution
	€	€
2004	1,910,867*	Subject to negotiation
2003	3,283,348	3,000,000
2002	3,953,886	952,000
2001	4,341,491	952,000
2000	2,971,817	952,000

(\*This figure relates to the period 1 January, 2004, to 30 June, 2004, only).

Following negotiations between the banks and my Department last year, the banks agreed to increase their contributions to these costs to €3 million in respect of 2003. Further negotiations are being conducted with the banks about their annual contribution in this and future years.

With respect to costs relating to the Defence Forces, I understand that my colleague, the Minister for Defence, will reply directly to the Deputy in this matter.

### **Garda Operations.**

181. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform the principles underpinning the Garda juvenile diversion programmes; the location and costs of and the numbers attending each such programme; the details of the education, training and employment elements in each case; and if he will report on assessments of the effectiveness of such pro-

grammes which have been undertaken in recent years. [25919/04]

### **Minister for Justice, Equality and Law Reform**

**(Mr. McDowell):** The Garda youth diversion project should be distinguished from the juvenile diversion programme. That programme, which has been in existence since 1963, was placed on a statutory basis by the Children Act 2001.

The diversion programme is delivered throughout the country by specially trained gardaí. The conditions for inclusion in the diversion programme are that the offender: is under 18 years of age at the time of committing the offence; admits to the crime or offence; has not been previously cautioned or, if previously cautioned, the circumstances are such that it would be deemed appropriate to administer a further caution; and the parents of the offender agree to co-operate with the gardaí. I am informed by the Garda authorities that an evaluation of the restorative justice programme, which was introduced into the juvenile justice system in the Children Act 2001, being carried out by the Garda research unit is nearing completion. The results of this evaluation are expected to be available before the end of the year.

Garda youth diversion projects, formerly known as Garda special projects, are established by the Garda Síochána following a process of consultation with local community interests and youth services providers. They reflect the Garda Síochána's commitment to a multi-agency approach to tackling crime and anti-social behaviour at community level. Projects are established in response to local crime problems, with the objective of giving local communities some degree of ownership in tackling the problems faced by their areas.

A management committee is established to run each project, made up of local community representatives, local gardaí, Probation and Welfare Service personnel and youth service providers. The local community is central to the operation of each project. To address local problems, each committee is expected to come up with solutions which are specifically designed to deal with those local issues. As a result, each project has developed its own individual style and local identity and each project differs from the others, though all are operating within the overall framework of guidelines set out, most recently the guidelines which I launched in May 2003.

The guidelines define the objectives of the projects as seeking to divert young people from becoming involved — or further involved — in anti-social and/or criminal behaviour by providing suitable activities to facilitate personal development, promote civic responsibility and improve long-term employability prospects. By doing so, the projects also contribute to improving the quality of life within communities and enhancing Garda community relations. Project activities include intervention programmes and prevention programmes. Intervention pro-



grammes are designed for the needs of specific groups, that is, young people who have offended and are at risk of re-offending or young people who have been identified as being at risk of offending. Prevention programmes are broadly based programmes directed at all young people within the target group.

There are in existence a total of 64 Garda youth diversion projects. Recent years have seen a dramatic increase in the number of these projects, from 12 in 1997 to the 64 at present, a process made possible in part by funding under the National Development Plan 2000-2006. Following local consultations, the locations of the new projects were prioritised according to local needs by the Garda authorities, in conjunction with my Department. Funding of €5.318 million has been allocated to these and related projects in the current year.

A Study of Participants in Garda Special Projects by Audrey Warren, Centre for Social and Educational Research, DIT, was commissioned

by my Department and published in 2001. The study developed a profile of risk factors which are thought to be prevalent in the lives of young people involved with the projects. In 2000, a study by Matt Bowden and Louise Higgins of the Children's Research Centre, TCD, The Impact and Effectiveness of the Garda Special Projects, also commissioned by my Department, was published. The study concluded that the positive impact of the projects overall justifies their retention but that they should be moved towards a strategic approach by, *inter alia*, establishing a national advisory committee and developing comprehensive guidelines. A national advisory committee has been established and guidelines were developed which I launched in May 2003.

It has not been possible in the time available to provide all the information requested by the Deputy. The remaining information is being prepared and I will revert to the Deputy in due course. The 64 projects operate in 24 Garda division and 46 Garda districts, as follows:

Location	Project Name
Killinarden/Brookfields, Dublin	Key
Jobstown, Dublin	Jay
Whitechurch, Dublin	Yew
Crumlin, Dublin	Poodle Close
Santry, Dublin	Woodale
Ballymun, Dublin	Bay
Kilmore, Dublin	Yak
Blanchardstown, Dublin	Web
Ballyfermot, Dublin	Cody
Ballyfermot, Dublin	Able
Clondalkin, Dublin	Swift
Ronanstown, Dublin	Graft
Finglas, Dublin	Fan
Cabra, Dublin	Cabra Youth Initiative
Loughlinstown, Dublin	LAB
Bray, Wicklow	New Directions
Sandyford, Dublin	Say
Donore Avenue, Dublin	Dan
The Coombe, Dublin	YIS
Summerhill/Ballybough, Dublin	NICKOL
Hardwicke Street, Dublin	DIME
North Strand, Dublin	St. Agatha's
Montpellier/O'Devany Gardens, Dublin	MOST

Location	Project Name
Knocknaheeney/Hollyhill, Cork	Knocknaheeney/Hollyhill
Ballincollig, Cork	Ballincollig Action Project
Mahon, Cork	MAY
The Glen, Cork	GAP
Farranree, Cork	FAYRE
Togher, Cork	TACT
Bandon, Cork	Bandon Youth Project
Cobh/Midleton, Cork	Feabhas
Tralee, Kerry	Connect 7/Just us

Location	Project Name
Killarney, Kerry	BAPADE
Moyross, Limerick	CCYDG
Ballynanty, Limerick	LCNYDP
Limerick City South	LCSYI

Location	Project Name
Raphoe, Donegal	Raphoe Project
Monaghan Town	NYP Monaghan
Sligo Town	YABS

Location	Project Name
Ballybane, Galway	Ban
Westside, Galway	Bris
Ennis, Clare	The Ennis Project
Ballinasloe, Galway	Junction
Roscommon	RAD
Ballina, Mayo	YABS

Location	Project Name
Longford	Leap
Mullingar, Westmeath	EYE
Athlone, Westmeath	ALF
Port Laoise, Laois	BLOCK
Tullamore/Clara, Offaly	Slí Eile
Edenderry, Offaly	Acorn
Muirhevnamore, Louth	TEAM
Cox's Demense, Louth	High Voltage
Drogheda, Louth	BOYNE
Trim, Meath	SMART
Navan, Meath	NYDP

Location	Project Name
Manor Street, Waterford	BALL
St John's Park, Waterford	SWAY
Waterford Inner City	Waterford Inner City Youth Development Project
Dungarvan, Waterford	DAY
Kilkenny City	Kilkenny City Project
Wexford	SAFE
Wicklow	WAY
Clonmel, Tipperary	CYD Clonmel

### Prison Building Programme.

182. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the research his Department has conducted into the experience of the use of public private partnerships to build prisons in other countries; the relative costs of PPP built versus publicly built prisons in other countries; and his views on the assessment of the evidence. [25923/04]

### Minister for Justice, Equality and Law Reform

**(Mr. McDowell):** Procurement, finance and design methods for the construction of prisons and other capital projects are kept under review as a matter of course. In this context, officials from my Department regularly meet representatives of other prison services and discuss their approach to these issues.

Any public private partnership project in this jurisdiction must be sanctioned by the Depart-

ment of Finance. The Department of Finance established the National Development Finance Agency to advise Departments about public private partnership projects and my Department consults with it as appropriate. The relative costs of PPP built versus publicly built prisons in other countries is a matter for the authorities in the countries concerned.

### **Garda Operations.**

183. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will make a statement on the recent crisis at Dunsink Lane, Dublin; if he has satisfied himself that the Garda response was proportionate throughout the crisis; and the other follow-ups on this incident which will be undertaken by officials in his Department. [25924/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities that members of the Garda Síochána have assisted in the enforcement in the Dunsink Lane area by the local authorities of the provisions of the Waste Management Act 1996 and the Waste Management (Amendment) Act 2001. I am further informed that as a result of petrol bombs, fireworks and firework rockets being directed at gardaí on patrol in the area, an investigation was launched to identify those involved. During the course of searches a considerable amount of power tools, a spear gun, an imitation handgun, a bullet proof vest, two bows and arrow, fireworks, a DVD burner, DVDs, a colour printer and other assorted items were seized. Six persons were also arrested during the course of the operation. General inquiries are continuing in respect of the property recovered and the persons arrested.

I am also informed by the Garda authorities that the unrest and protest at Dunsink Lane was policed by gardaí to ensure that there were no obstruction to the roads and to prevent breaches of the Criminal Justice (Public Order) Act 1994. I am assured by the Garda authorities that sufficient gardaí were kept on duty for this purpose and that the Garda response throughout was proportionate. I have been further informed that gardaí were subjected to missile throwing and ongoing provocation.

### **Temporary Travel Documents.**

184. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if temporary travel documents can issue in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [25952/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question has residency in the State on the basis of marriage to an Irish citizen. I understand from the details sup-

plied by the Deputy that the person in question has a valid passport from her country of origin, but that the passports of her three daughters have expired. As I am sure the Deputy will appreciate, temporary travel documents are generally only issued in exceptional or emergency circumstances and where it can be shown that the applicant has been unreasonably and formally refused a passport from their country of origin. It is open to the person concerned to contact the authorities of her country of nationality in relation to renewing the passports for her daughters. In this regard, I understand her country has an Embassy in London.

### **Reunification Applications.**

185. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to the reunification of the family of a person (details supplied) in County Kildare who currently have refugee status; and if he will make a statement on the matter. [25953/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The refugee in question made an application for family reunification in respect of his partner and two children. My Department has recently been in correspondence with him seeking clarification of documentation submitted by him. On receipt of a response from the person in question a decision will be made in this case.

### **Deportation Procedures.**

186. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the steps taken to ensure that, in relation to the Irish citizen children of non-national parents liable to deportation, neither he nor his officers breach the terms of section 40 of the Adoption Act 1952 (details supplied); the inquiries that are made so to ensure that the removal of such children out of the State is either done by the children's parents, guardians or relatives, acting as free agents in the matter, or with their approval, freely given and properly recorded; and if he will make a statement on the matter. [25958/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Irish born children who are Irish citizens cannot be deported so the question of their involuntary removal from the State does not arise. Where the non-national parents of such children are being deported there is an expectation that they will voluntarily take their Irish born children with them when returning, an action which does not breach Section 40 of the Adoption Act 1952.

### **Anti-Social Behaviour.**

187. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform if his attention



[Mr. O'Connor.]

has been drawn to the publication of the research project *How are our Kids?* by the Tallaght west childhood development initiative (details supplied); if his attention has further been drawn to the worrying conclusion that families suffering from anti-social behaviour are not contacting the Garda; if he will examine the recommendations in relation to the children of the area within the remit of his Department; if he will initiate discussions to find solutions to these long standing problems; and if he will make a statement on the matter. [25973/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have received the report in question. I am considering its findings and recommendations in so far as they fall within the remit of my Department.

#### Departmental Appointments.

188. **Mr. Boyle** asked the Minister for Justice, Equality and Law Reform the names of persons appointed peace commissioners by his Department since 1 June 2002. [25974/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I wish to advise that it has not been possible to compile the information requested by the Deputy in the timeframe allowed. I will arrange for the information to be forwarded directly to the Deputy under separate cover at the earliest possible opportunity.

#### Prison Visiting Committees.

189. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he has compared or has plans to compare the prison visiting regime here against others in North American jurisdictions and the EU; and if he has plans to make changes that are in the best interests of prisoners' children, or in view of obligations under the European Convention on Human Rights Act 2003 with regard to the right to family life. [25976/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am aware of differing prison visiting arrangements in other jurisdictions, some of which are more restrictive and some of which are less restrictive than those operating in Ireland. I am satisfied that the existing regime in this jurisdiction does not conflict with the current recommendations of the Council of Europe as set out in the recommendations on the European prison rules.

Visits are a fundamental part of helping prisoners to maintain family bonds and relationships during their time in custody. However, it must also be recognised that there are necessary restraints that must exist in relation to the length of time and contact allowed during prison visits.

Unfortunately, experience has shown that efforts are made on a daily basis to pass contraband such as drugs to inmates during visits. Some unscrupulous individuals have even used young children in an attempt to pass drugs. I am not going to revise prison visiting arrangements in a manner which would worsen this problem.

#### Schools Building Projects.

190. **Ms Burton** asked the Minister for Education and Science her proposals to provide a second level school in the Littlepace and Castaheany area on Clonee, Dublin 15, in view of the thousands of new homes in the area; the progress which has been made in acquiring the reserved site in the area for the second level school; when she envisages giving the new school sanction; and when she proposes to permit the new school to open. [25847/04]

**Minister for Education and Science (Ms Hanafin):** The capital programme for 2004 indicated that a new post primary school will be provided in the Dublin 15 area. My Department is currently pursuing the acquisition of a suitable site for this purpose. When the acquisition process is complete a post primary school will be constructed to cater for in excess of 800 pupils.

#### Psychological Service.

191. **Mr. O'Shea** asked the Minister for Education and Science her proposals to improve the ratio for ex-quota guidance counsellors in the post primary sector from one ex-quota counsellor to 500 pupils to its former level of one ex-quota counsellor to 250 pupils; and if she will make a statement on the matter. [25854/04]

**Minister for Education and Science (Ms Hanafin):** Under current arrangements, my Department makes a specific ex-quota allocation of teaching posts in respect of guidance to schools in the second level system.

In the case of schools in the free education scheme, the level of allocation ranges from eight hours per week in the case of schools with enrolments below 200 pupils to 44 hours per week, that is, two whole-time posts, in the case of schools with an enrolment of 1,000 pupils or more.

In addition to allocations based on enrolments, 50 whole-time equivalent guidance counselling posts were allocated in the 2001-02 school year under the guidance enhancement initiative. The focus of this initiative was to enhance the provision of guidance to young people at risk, to improve links between schools and the world of work and to improve the take-up of science subjects.

In allocating resources for guidance and counselling under this initiative, my Department set out criteria which targets the resource at those most in need rather than allocating resources on

the basis of student to guidance counsellor ratios. The preliminary findings of the review of guidance and counselling carried out by the ESRI confirms that this method of targeting resources for guidance is the best way to reach those students who are disadvantaged.

My predecessor recently announced an extension of the guidance enhancement initiative for a further two years and also created an additional 30 guidance posts under this initiative from the commencement of the current school year. This decision reflects the high priority given to guidance by my Department.

### **Special Educational Needs.**

192. **Mr. F. McGrath** asked the Minister for Education and Science the reason 18 persons deemed to require special education teaching at a school (details supplied) in County Meath will now only receive 22 minutes of teaching per child per week under the new re-clustering arrangement; and if this school will be given maximum support and assistance. [25855/04]

**Minister for Education and Science (Ms Hanafin):** As the Deputy will be aware the allocation of teaching resources for special needs comprises two elements, a general allocation based on overall pupil numbers in respect of high incidence disability categories and learning support needs and individual specific allocations in respect of specified low incidence disability categories. Any application for individual allocations made by this school will be processed as speedily as possible in accordance with the relevant criteria.

The school has also been notified of its provisional entitlement under the general allocation. My Department's inspectorate is currently finalising the clustering of schools for the purposes of these allocations. Following that exercise it is my intention to review the potential impact of the revised general allocations to minimise adverse impact on schools. Following that review final allocations and clustering arrangements will be notified to schools.

The school in question has the services of one full-time, shared learning support teacher post, not based in the school, and one full-time resource teacher post. There will be no diminution in the level of these services pending the outcome of the review.

### **Adult Education.**

193. **Mr. R. Bruton** asked the Minister for Education and Science the estimated annual cost of developing the key segments of the adult education policy adopted by Government; the extent to which funding has increased in each of these segments since the policy was first enunciated; her plans to implement the policy; and the time

scale she envisages for funding of its elements. [25856/04]

**Minister for Education and Science (Ms Hanafin):** The principal objectives of the measures and programmes funded by the Department of Education and Science in the further and adult education area are to meet the needs of young early school-leavers, to provide vocational education and training opportunities for labour market entrants and re-entrants, and alternative pathways to higher education, and to provide second chance education for adults.

The White Paper on Adult Education, Learning for Life, was published in 2000. It identified a range of areas requiring investment and development, including: a national adult literacy strategy; the expansion of the scale and flexibility of existing provision at further and higher education levels; measures to promote community education models; enhancement of quality, accreditation and assessment, staff development and supporting services, such as guidance and child care expansion of capital provision for adult education; implementation of an ICT programme for adults; specific equality initiatives to improve the participation of marginalised groups; structures for national and local co-ordination. The recommendations of the White Paper are being implemented as resources permit.

The top priority is the adult literacy strategy, both because of the scale of the problem and because literacy skills are a basic requirement for progression in adult, further and higher education. Expenditure on adult literacy has increased from €1 million in 1997 to more than €19 million in 2004. The annual number of literacy students has increased over that period from 5,000 to over 31,000.

The back to education Initiative was introduced in 2002. It is aimed at providing flexible learning opportunities for those in employment, unemployed or not in the labour market. A total of 6,000 part-time places were provided initially. There are now 9,250 participants. Annual expenditure is of the order of €14 million. Expenditure on community education has increased from €1.27 million in 2000 to €8.2 million in 2004.

Support services by way of child care and guidance have been developed. Expenditure on child care has increased from €3 million in 2000 to €4.8 million in 2004. Guidance cost €0.7 million in 2000. The 2004 provision is €3.2 million.

Such programmes as Youthreach, the vocational training opportunities scheme, post-leaving certificate courses and senior Traveller training continue to be provided.

### **Special Educational Needs.**

194. **Mr. Crawford** asked the Minister for Education and Science when a person (details

[Mr. Crawford.]  
supplied) in County Leitrim will be assigned a special needs assistant; and if she will make a statement on the matter. [25870/04]

**Minister for Education and Science (Ms Hanafin):** I can confirm that my Department has received an application for a special needs assistant for the pupil in question. The application is currently being processed and a decision will be conveyed to the school in the coming days.

### Third Level Fees.

195. **Mr. Ring** asked the Minister for Education and Science the position under the free fees initiative in respect of a person born in America but who holds an Irish passport and is living in the USA; and if they will be liable for non-EU fees or EU fees. [25872/04]

**Minister for Education and Science (Ms Hanafin):** The main conditions of my Department's free fees initiative are that students must be first-time undergraduates; and hold EU nationality or official refugee status and have been ordinarily resident in an EU member state for at least three of the five years preceding their entry to an approved third level course. A student who does not meet these requirements is liable to pay tuition fees.

I would emphasise the distinction between the criteria that determine eligibility under the free fees initiative and the criteria by which individual third level institutions establish what rates of tuition fees should be charged in cases where a student does not qualify for free fees. Universities are autonomous bodies and, as such, may determine the level of fees to be charged in cases where the free fees initiative does not apply. The classification of a student as an EU or a non EU applicant is a matter for each institution to determine in this regard.

196. **Mr. Cuffe** asked the Minister for Education and Science if her attention has been drawn to the negative impact that excessive higher level education fees have on students in third level institutions; if she will consider waiving them entirely; and if she will exempt students on lower incomes from the fees. [25880/04]

**Minister for Education and Science (Ms Hanafin):** My Department meets the tuition fees of eligible students under the free fees initiative. The main conditions of this scheme are that students must be first-time undergraduates; and hold EU nationality or official refugee status and have been ordinarily resident in an EU member country for at least three of the five years preceding their entry to an approved third level course.

The student charge is levied by third level institutions to defray the costs of examinations, registration and students services. All students who

are eligible under my Department's means-tested maintenance grant schemes — approximately 36% of the student cohort — have the student charge paid on their behalf by the local authorities and vocational education committees, in addition to their other entitlements.

Due to the significant increases in grants and in qualifying income limits, no student whose reckonable income for grant purposes is less than €42,360, where there are fewer than four children, has to pay the charge. Higher income thresholds than this apply in cases where there are four or more dependent children in the family.

### Departmental Correspondence.

197. **Mr. P. Breen** asked the Minister for Education and Science the reason correspondence sent to her Department (details supplied) was not replied to; and if she will make a statement on the matter. [25881/04]

**Minister for Education and Science (Ms Hanafin):** The Deputy will appreciate that my Department has to investigate cases like this before arriving at a decision. My Department has requested *Bus Éireann* for a report on the matter. On receipt of the report the case will be processed in the normal way.

### School Accommodation.

198. **Ms Cooper-Flynn** asked the Minister for Education and Science the progress that has been made on providing alternative school buildings for a school (details supplied) in County Mayo. [25891/04]

**Minister for Education and Science (Ms Hanafin):** An application for grant aid towards a new school building has been received from the management authority of the school referred to by the Deputy. My officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme to include them as part of a multi-annual programme from 2005. The accommodation needs of the school are being considered as part of this review. I will provide details of this multi-annual programme before the end of the year.

199. **Mr. P. Breen** asked the Minister for Education and Science the position regarding a school (details supplied) in County Clare under the current schools building programme; and if she will make a statement on the matter. [25901/04]

**Minister for Education and Science (Ms Hanafin):** An application for grant aid towards an extension has been received from the school's management authority. My officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004



school building programme to include them as part of a multi-annual programme from 2005. The accommodation needs of the school are being considered as part of this review. I will be providing details of this multi-annual programme before the end of the year.

### **Special Educational Needs.**

200. **Mr. P. Breen** asked the Minister for Education and Science if consideration will be given to the existing structure of resource teachers at a school (details supplied) in County Clare; and if she will make a statement on the matter. [25902/04]

**Minister for Education and Science (Ms Hanafin):** The school was advised of its teacher allocation under the new weighted system on 24 June 2004. The school has the services of one full-time shared learning support teacher post, though not based in the school, and two part-time resource teacher posts. An additional 350 teacher posts are being provided to facilitate the introduction of the new system. This system will involve a general weighted allocation for all primary schools to cater for pupils with higher incidence special educational needs, that is, those with borderline mild and mild general learning disability and specific learning disability, as well as those with learning support needs. In addition, it will continue to allow for individual allocations in respect of pupils with lower incidence special educational needs.

Weighted allocations are made as follows. In the most disadvantaged schools, as per the urban dimension of giving children an even break, a teacher of pupils with special educational needs will be allocated for every 80 pupils to cater for the subset of pupils with higher incidence special educational needs. In all boys schools, the ratio will be one teacher for every 140 pupils. In mixed schools, or all girls schools with an enrolment of greater than 30% boys, one for every 150 pupils. In all girls schools including schools with mixed junior classes but with 30% or less boys overall, one for every 200 pupils.

The weighted allocation will enable teaching support to be provided to pupils with higher incidence special educational needs and learning support needs. This will obviate the need for schools to submit individual applications for pupils in those categories. Schools may continue to apply for specific teacher allocations in respect of pupils with lower incidence special educational needs. My Department now proposes to devise school clusters in respect of allocations to be made under the weighted model. Sanction for the filling of posts will be considered in the context of these clusters and the weighted arrangements. In order to facilitate the full introduction of the weighted model from the school year 2005-06, my

Department has agreed not to redeploy surplus teachers from full-time posts via the panel redeployment process during the current school year. Schools have been informed, also, that they may retain excess part-time teaching hours to the extent that such hours are required for children with lower incidence special educational needs.

I will continue to work for improvements in the provision of education services for children with special educational needs and will monitor the implementation of the new system to ensure its efficiency and effectiveness.

201. **Ms Shortall** asked the Minister for Education and Science further to Parliamentary Question No. 585 of 29 September 2004, the basis on which support from a full-time special needs assistant was withdrawn from the person in question; if her attention has been drawn to the fact that this person's mother is totally dissatisfied; if an urgent assessment will be carried out by the national educational psychological service in order to determine the person's needs; and if she will make a statement on the matter. [25922/04]

**Minister for Education and Science (Ms Hanafin):** As the Deputy is aware, when a pupil in receipt of special educational resources transfers to another school, an application to transfer the resources must be lodged with my Department. In effect, these resources are then reviewed as the child's needs may have changed since the support was originally sanctioned. In the case in question, the application for the pupil concerned was given priority. However, the application did not qualify for special needs assistant support. The application for special needs assistant support will be reconsidered if additional information on the pupil's care support needs is received in my Department. If the parent feels that an urgent assessment is necessary, she should consult with the school principal who may in turn liaise with the national educational psychological service.

### **School Accommodation.**

202. **Mr. Wall** asked the Minister for Education and Science when a decision will be reached in regard to the tendering of work for a school (details supplied) in County Kildare; and if she will make a statement on the matter. [25928/04]

**Minister for Education and Science (Ms Hanafin):** The school opened with provisional recognition from my Department in September 2004. During the period of provisional recognition, it is the responsibility of the school patron to provide interim accommodation. This accommodation must be capable of fully meeting the needs of the developing school until permanent recognition has been secured and my Department is in

[Ms Hanafin.]

a position to acquire a site and provide a permanent school building.

The school authority initially proposed locating its new school in a soccer club from September 2004. However, it transpired that adequate facilities were not available there to facilitate this. Some alterations were necessary to the clubhouse itself and a prefab was required on site to meet the schools needs. Unfortunately, the school authority had not secured its planning permission to allow the prefab on site for September 2004 and, consequently, the school opened in alternative premises at that time.

My Department agreed to this arrangement as an exceptional measure so that the school would not have to defer opening until September 2005 and on the basis this would be a temporary measure. Documentation was recently received in the planning section of my Department with regard to the cost of alterations to the soccer club premises. A decision in this matter will be taken as soon as confirmation has been received of the grant of planning permission for the prefab. The basis for this is that unless planning permission is forthcoming, the school will not be able to use the proposed premises and the question of carrying out renovations will be obsolete.

### School Discipline.

203. **Mr. Durkan** asked the Minister for Education and Science the provision that will be made for the continued education of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [25955/04]

**Minister for Education and Science (Ms Hanafin):** My Department was contacted directly by the parents. An application form and a copy of the procedures for hearing and determining appeals under section 29 of the Education Act 1998 have issued to the parents. Section 29 of the Act provides parents with an appeal process where a board of management of a school or a person acting on behalf of the board expels a student. An appeal will generally not be admitted unless it is made within 42 calendar days from the date the decision of the board of management was notified to the parent or student concerned. However, a longer period for making appeals may be allowed as an exception where it is accepted that circumstances did not permit the making of an appeal within the 42 day limit. Where an appeal under section 29 is upheld, the Secretary General of my Department may direct a school to enrol a pupil.

The National Educational Welfare Board can assist parents who are experiencing difficulty in securing a school place for their child. The board has indicated that it will treat children for whom

an appeal under section 29 has been unsuccessful as priority cases in offering such assistance.

### Educational Disadvantage.

204. **Mr. O'Connor** asked the Minister for Education and Science if her attention has been drawn to the publication of the research project, *How are our Kids?*, by the Tallaght west childhood development initiative (details supplied); if she will examine the recommendations with regard to the children of the area within the remit of her Department; if she will initiate discussions to find solutions to these long-standing problems; and if she will make a statement on the matter. [25972/04]

**Minister for Education and Science (Ms Hanafin):** I welcome the latest contribution by the Tallaght west childhood development initiative to the debate on educational disadvantage. Tackling this complex issue is one of the key priorities of my Department and some €540 million is being provided in 2004 for programmes specifically designed to tackle educational disadvantage. This includes provision for programmes at pre-school, primary and post-primary levels, as well as provision for the youth sector, further education measures and programmes designed to broaden access to third level for students from disadvantaged backgrounds. My Department has targeted resources at those most at risk of educational disadvantage in Tallaght. Under the Giving Children an Even Break programme, 13 primary schools in Tallaght have received additional teaching posts to implement reduced class sizes of 20:1 for junior classes and 27:1 for senior classes. There are six school completion programme clusters in Tallaght, encompassing six post-primary and 19 primary schools. A school completion programme co-ordinator has been appointed to work with each of these clusters. In 2004, the six clusters received a combined allocation in excess of €1.2 million. There are 18 primary and seven post-primary schools in Tallaght participating in the disadvantaged areas scheme, which benefits schools by providing over quota teaching posts, additional funding to launch book rental schemes, additional capitation grants of €38 per pupil and a home-school liaison grant to develop links with parents.

There are 17 primary and seven post-primary schools in Tallaght participating in the home school community liaison scheme. This scheme is concerned with establishing partnership and collaboration between parents and teachers in the interests of the child's learning. As part of the roll out of services of the National Educational Welfare Board, which is the national body with responsibility for school attendance, four educational welfare officers have been assigned to the Tallaght area. The Tallaght youth service has

been allocated funding of €700,000 to help targeted groups, including early school leavers, young mothers and Travellers, with their self development. My Department has also provided support for second chance education in west Tallaght through the Youthreach programme, the back to education initiative and the local senior Traveller training centre.

As part of a wider system of structural reform, my Department has recently established a regional office in Tallaght. This office will help to identify education issues arising at local level, particularly gaps or overlap in social inclusion provision, and provide regular reports to my Department. This local presence will help my Department to continue to target resources at those most at risk of educational disadvantage in Tallaght.

### **Pupil Safety.**

205. **Mr. Kehoe** asked the Minister for Education and Science the person who is responsible for school children after school ends and while they are waiting for the school bus; and if she will make a statement on the matter. [25977/04]

**Minister for Education and Science (Ms Hanafin):** The question of the legal responsibility for the safety of children after school ends and while they are waiting for a school bus can only be determined having regard to the particular circumstances of each case, including the age of the child in question.

### **Special Educational Needs.**

206. **Mr. Allen** asked the Minister for Education and Science when a full time special needs assistant will be sanctioned for a school (details supplied) in County Cork. [25978/04]

**Minister for Education and Science (Ms Hanafin):** I confirm that an application for an increase in the level of special needs assistant, SNA, support from part-time to full-time has been received from the school referred to by the Deputy. 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 and is assessing the levels and deployment of such support to ensure the needs of children are being met in the context of new applications for resources for the school. I am making arrangements to have this review expedited with a view to having a response issued to this and other such schools at the earliest date.

### **Army Security Escorts.**

207. **Mr. McGuinness** asked the Minister for Defence the cost in each year from 2000 to date in 2004 of providing Garda and Army personnel

and vehicles in security operations for financial institutions in the transportation of money throughout the State; the amount paid by the financial institutions to the State in each of these years to pay the costs involved; his views on whether the arrangement is a satisfactory one; and if he will make a statement on the matter.

[25912/04]

**Minister for Defence (Mr. O'Dea):** To aid the civil power, meaning in practice to assist, when requested, the Garda Síochána who have the primary responsibility for law and order, including the protection of the internal security of the State, is among the roles assigned to the Defence Forces. In this regard, the Defence Forces assist the Garda as required in duties, which include escorting cash deliveries to banks, post offices and other institutions.

The total cost in respect of the provision by the Defence Forces of assistance to the Garda Síochána in protecting movements of cash for the years 2000 to 2003, including pay, allowances, transport and aerial surveillance, was as follows: in 2000, €5.7 million; in 2001, €6.58 million; in 2002, €6.87 million; and in 2003, €6.64 million.

The 2004 costs have not yet been finalised in my Department. An annual contribution of €2.86 million is paid by the banks in respect of Army escorts. The contribution from the banks is designed to partly cover the total costs to the State of providing cash escorts. An annual contribution is also made to the Department of Justice, Equality and Law Reform in respect of the Garda Síochána and I understand the Minister for Justice, Equality and Law Reform will respond to the Deputy on these amounts. In the case of the Defence Forces, taking one year with another, the contribution by the banks has generally covered the non-pay costs of providing such escorts.

The question of the level of contribution is under review in my Department having regard to the arrangements which I understand were agreed between the Department of Justice, Equality and Law Reform and the financial institutions, to ensure there is no significant variance in methodology or level of cost recovery. It should be noted that there has been a significant reduction in the demand on the Defence Forces for assistance in aid to the civil power following the reduced security threat arising from the Good Friday Agreement.

### **Litter Pollution.**

208. **Mr. R. Bruton** asked the Minister for the Environment, Heritage and Local Government if he will consider banning leaflets which purport to offer services or represent charities which are not accompanied by a permanent address and a tele-



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phone land line; and if he will make a statement on the matter. [25857/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** My responsibility in this area relates to the potential littering problem that careless distribution of leaflets may cause.

Anti-littering legislation is enshrined in the Litter Pollution Act 1997 and in the Protection of the Environment Act 2003. The definition of litter is quite wide and extends beyond casual pieces of paper or cigarette ends to anything large or small which is, or is likely to become, unsightly. Local authorities are responsible for implementing the litter laws in their areas. In effect, this means they have responsibilities in regard to preventing and controlling litter, and they can take action against persons who break or ignore these laws. The Garda also has the power to issue on-the-spot fines for litter offences.

Leaving or throwing litter in a public place, or in any place that is visible from a public place, is an offence. This includes the creation of litter in the carrying on of a business, trade or activity or in the loading, transporting or handling of items.

The placing of advertising leaflets on car windscreens is prohibited, and if a person proposes to distribute advertising leaflets in the street, that person should first check with the local authority to determine if they have introduced any local litter restrictions.

There are no plans at present to require that leaflets are accompanied by, or indicate thereon, a permanent address and a land telephone line.

#### Fire Safety.

209. **Mr. F. McGrath** asked the Minister for the Environment, Heritage and Local Government if he will work closely with the Ministers for Transport and Enterprise, Trade and Employment on an issue (details supplied). [25858/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The provision of training for fire service personnel is the statutory responsibility of each fire authority, in this case Dublin City Council. The Fire Services Council, established in 1983 under the aegis of my Department, provides an annual programme of courses for local authority fire service officers, complementing and supplementing the local training programmes of fire authorities. I understand the Dublin city fire authority has provided assistance and advice to the port tunnel contractors regarding fire safety, and that the contractors have an emergency plan in place. Training of Dublin city fire brigade personnel has been under way and will continue to enable them to respond safely and effectively to incidents that may arise in the port tunnel.

#### Housing Grants.

210. **Ms Enright** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 1248 of 29 September 2004, if his attention has been drawn to the fact that all documentation as requested was submitted by the applicant under registered cover approximately four years ago and that despite this, further documentation has been requested over this period; the further information that is outstanding; and if he will make a statement on the matter. [25867/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** To qualify for a new house grant, a contractor or contractors registered for VAT must be engaged in the construction of the house or, where the house is being built on the applicant's own site, VAT registered work to a value of €19,050 is required, of which €11,430 must be for materials purchased and at least €7,620 for work carried out by a VAT registered contractor.

In this particular case, receipts in respect of materials purchased have been received in my Department. However, receipts in respect of the contractors which have been requested from the applicant in writing and by phone on a number of occasions, are still awaited.

#### Local Authority Staff.

211. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the numbers employed by local authorities on 1 January 1998 and 1 January 2003; and if he will make a statement on the matter. [25871/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Based on information supplied by the local authorities, the numbers of staff employed by them, expressed in whole-time equivalents, on 1 January 1998 and on 30 June 2003 are as follows — the number is not available for 1 January 2003:

1 January 1998 —	27,168.78
30 June 2003 —	34,175.59

#### Water and Sewerage Schemes.

212. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government the position pertaining to a project (details supplied) in County Galway; the area it will service; when it is envisaged construction of the works will commence; and if he will make a statement on the matter. [25885/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Glenamaddy sewerage scheme is included in my Department's water services investment programme

2004-06 to commence construction in 2005. The Department is awaiting submission by Galway County Council of a revised preliminary report for the scheme which, when approved in due course, will allow the council to proceed with the preparation of contract documents. Details of the areas proposed to be served by the scheme are not available in the Department but may be obtained from Galway County Council.

213. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government the position pertaining to a project (details supplied) in County Galway; the area it will service; when it is envisaged construction of the works will commence; and if he will make a statement on the matter. [25886/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I refer to the reply to Question No. 241 of 30 September 2004. Details of the areas proposed to be served by the scheme may be obtained from Galway County Council.

214. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government the position pertaining to a project (details supplied) in County Galway; the area it will service; when it is envisaged construction of the works will commence; and if he will make a statement on the matter. [25889/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Gort regional water supply scheme is included in my Department's water services investment programme 2004-06 to commence construction in 2005. The Department approved Galway County Council's tender recommendation for certain advance works in February 2004 and is awaiting submission by the council of a revised preliminary report for the main element of the scheme.

Details of the areas proposed to be served by the scheme are not available in the Department but may be obtained from Galway County Council.

#### Departmental Staff.

215. **Mr. J. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government the powers, duties and responsibilities of the Dúchas underwater heritage unit; and the details of its staffing and budget. [25894/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Responsibility for the National Monuments Acts 1930 to 2004 rests with my Department and these, *inter alia*, provide for the protection of the underwater archaeological heritage.

Under these Acts, it is an offence to tamper with, damage or remove any part of a wreck or archaeological object, or carry out diving directed to the exploration of a wreck or archaeological object without a licence issued by my Depart-

ment. In addition, the National Monuments Acts provide powers of search and seizure to the Garda Síochána on foot of a search warrant issued by the District Court, where the court is satisfied, by information on oath and in writing furnished by a member of the Garda Síochána there are reasonable grounds for believing that evidence relating to the commission of an offence under the National Monuments Acts is to be found.

The underwater archaeology unit is part of the heritage and planning division of my Department. Its main duties involve: compiling and publishing an inventory of shipwrecks around our coast; advising on applications to remove or to dive on wrecks; assessing development-related impacts on underwater archaeological sites; undertaking archaeological surveys of wreck sites in order to assess their nature and condition and to devise appropriate management strategies for them; and examining threats to underwater sites when reported and assisting the Garda Síochána in carrying out its role.

The underwater archaeology unit has a staff of three archaeologists who are proficient in diving. Excluding salaries and travel and subsistence, the unit has been assigned a budget of €170,000 for 2004 to cover equipment, survey work, dive bursaries for the training of external archaeologists and other expenditure.

#### Flood Relief.

216. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to ongoing and increasing problems with flooding in north Dublin city and county; if his attention has further been drawn to concerns of local residents that this problem has arisen due to the high level of development which is taking place in the area and to the fact that the existing surface water drainage system is completely inadequate to cope with this development; if an area-wide study of the drainage infrastructure will be undertaken in order to identify a solution to this serious problem; and if he will make a statement on the matter. [25918/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Dublin region drainage strategy study, which is being funded under my Department's water services investment programme 2004-06 will assess all aspects of the drainage system in the region with the objective of identifying policies, strategies and projects to optimise the capacity of the system to cater for development without creating an adverse environmental impact. The Department is awaiting submissions by Dublin City Council of the final report of the study.

Following the Government's decision to formally adopt the recommendations of the national flood policy review group, the Office of Public Works has now assumed the lead role at national

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level as regards the management of flood risk and the implementation of flood relief works. In the Dublin region, OPW has carried out flood alleviation works on behalf of Dublin City and Fingal County Councils in the River Tolka catchment.

The areas involved include Glasnevin, Drumcondra, Blanchardstown and Clonee. The works were undertaken in response to the severe flooding in November 2002 and I understand are intended to give protection against a one in 100 year flood.