



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 4 November 2004.

Requests to Move Adjournment of Dáil under Standing Order 31	...	...	...	...	...	...	1325
Order of Business	...	...	...	...	...	...	1326
Road Traffic Bill 2004: Second Stage ( <i>resumed</i> )	...	...	...	...	...	...	1333
Disability Bill 2004:							
Order for Second Stage	...	...	...	...	...	...	1372
Second Stage	...	...	...	...	...	...	1373
Message from Select Committee	...	...	...	...	...	...	1406
Ceisteanna — Questions							
Minister for the Environment, Heritage and Local Government							
Priority Questions	...	...	...	...	...	...	1407
Other Questions	...	...	...	...	...	...	1420
Adjournment Debate Matters	...	...	...	...	...	...	1435
Adjournment Debate							
Hospital Services	...	...	...	...	...	...	1436
Decentralisation Programme	...	...	...	...	...	...	1438
Coastal Erosion	...	...	...	...	...	...	1442
School Staffing	...	...	...	...	...	...	1445
Questions: Written Answers	...	...	...	...	...	...	1449

## DÁIL ÉIREANN

*Déardaoin, 4 Samhain 2004.  
Thursday, 4 November 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 call on the Deputies in the order in which they submitted their notices to my office.

**Mr. Connolly:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of urgent public and national concern, namely the current gross overcrowding at Cavan General Hospital, where 29 patients remain on trolleys in a four-bay accident and emergency unit, and to call on the Government to expedite the implementation of the plan announced by the former Minister for Health and Children, Deputy Martin on 29 September under which Monaghan General Hospital would be restored to seven-day, 24-hour on-call status, ten extra beds would be provided at the hospital plus an additional 19 beds at Cavan General Hospital to alleviate the serious situation there.

**Dr. Cowley:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of national importance, namely the inability of some Mayo patients to receive dialysis at the Mayo General Hospital dialysis unit due to the failure to recruit the four necessary nurses to allow an extra shift, forcing these patients go to Galway, a journey for which they are not fit because of their illness, and which may prove fatal for them.

**Mr. J. Higgins:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following important matter, namely the implications of four more years of Mr. George Bush as President of the United States and as a result, the danger of a further deepening of the crisis in Iraq and the implications of this worldwide. It is extraordinary that the Minister for Justice, Equality and Law Reform can see the crisis in Iraq as a cause of such mirth this morning.

**An Ceann Comhairle:** It is only appropriate for the Deputy to read the notice he submitted to my office under Standing Order 31. He should not allow himself to be provoked.

**Mr. J. Higgins:** When one sees braying hyenas across the floor of the House, one must respond. This is a very serious issue. In view of the new situation in the US there is a need for the Irish Government to change immediately its policy of supporting the imperialist occupation of Iraq by affording facilities to the United States Air Force at Shannon Airport.

**Mr. Sargent:** I seek the adjournment of the Dáil under Standing Order 31, following my question yesterday to the Taoiseach, to debate whether the Government is serious about preventing flood damage in future, and what plans it therefore needs to have to provide a capital investment programme for flood prevention — a question the Minister of Finance may wish to answer — and for the Government to undertake a countrywide assessment of where current and future flood plains may exist in order to ensure no more foolish and possibly corrupt decisions are taken to locate housing and other development on flood plains.

**Mr. Gogarty:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following issue of national importance, namely the need to review proposals to widen the M50 between the N7 and N4 in the light of the congestion it will cause for a period of up to six years, the existence of a toll bridge which exacerbates the problem and the economic wastefulness of adding an extra car lane in the face of permanently rising oil prices, future petrol shortages and the lack of any integrated public transport infrastructure for west Dublin.

**An Ceann Comhairle:** Having given the matters full consideration, I do not consider them to be in order under Standing Order 31.

### Order of Business.

**Minister for Finance (Mr. Cowen):** It is proposed to take No. 4, the Road Traffic Bill 2004 — Second Stage (resumed); and No. 5, the Disability Bill 2004 — Order for Second Stage and Second Stage, to be taken not later than 1.30 p.m. today, and the order shall resume thereafter.

**Mr. R. Bruton:** Is the issue of the 1.30 p.m. deadline not to be put to the House?

**An Ceann Comhairle:** No. There is no guillotine on the matter. It is merely an adjournment.

**Mr. R. Bruton:** When we attended the House yesterday, the final result of the US Presidential election was not clear. It would be appropriate for the House to congratulate President George W. Bush on his return to office, and for us to

[Mr. R. Bruton.]  
hope that he will continue to support the work of peace and reconciliation in Northern Ireland.

**Mr. J. Higgins:** Will he extend that to the Middle East as well?

**Mr. R. Bruton:** Elections are a great opportunity for reassessment of priorities and it will be important as Europe and the US need to heal divisions. We need to welcome President Bush's indication of a new openness to healing divisions in the US. I hope we will be able to build on the fruitful relationships that we have had with the US in the past.

Regarding the promised legislation on social welfare, the Minister for Social, Community and Family Affairs, Deputy Brennan, is reported in the newspapers to be seeking an extra €2.5 billion in the social welfare area and looking to the Minister for Finance to deliver this in the budget, in order to reverse what the Minister for Social, Community and Family Affairs has called the bad decisions in the past. Being a socialist, Deputy Brennan looks forward to implementing these changes.

**An Ceann Comhairle:** To what legislation does the Deputy refer?

**Mr. R. Bruton:** The Social Welfare Bill. I would be interested in discovering if the commitments being made by the Minister, Deputy Brennan, are——

**An Ceann Comhairle:** We cannot discuss the content of legislation.

**Mr. R. Bruton:** Perhaps the Minister for Finance will indicate his equal commitment to the conversion to socialism and the delivery of €2.5 billion.

**Mr. Cowen:** The Social Welfare Bill will be taken this session.

**Mr. Durkan:** That was somewhat of an anticlimax.

**Mr. Rabbitte:** It is an innovation. Does the Minister for Finance recall that an undertaking was given to the House in spring 2003 to publish the work permits Bill? When will that legislation be brought before the House?

**Mr. Cowen:** This session.

**Mr. Sargent:** The Minister for Finance is probably the correct person to answer my question on the building control Bill, particularly as there are implications of which he needs to take stock in respect of flooding. Humanitarian aid is not the response that is needed. What is required is a capital assessment programme.

**Mr. Cowen:** I am informed that the Bill will be published in the middle of next year.

**Mr. Gogarty:** In light of the fact that the Taoiseach and Tánaiste are absent, perhaps the Minister might be more forthcoming in his reply to my question. As the House can see, I am an eternal optimist. Will the register of persons unsafe to work with children Bill, which is long awaited and crucially important, be published early next year?

**Mr. Cowen:** I am informed that it is not possible to say yet.

**Mr. S. Ryan:** Bring back the Taoiseach.

**Mr. Durkan:** Bring back Deputy Michael Smith.

*(Interruptions).*

**Mr. R. Bruton:** I wish to ask the Minister a question in respect of which he may be somewhat more forthcoming. Does he plan to institute any changes regarding the presentation of the Estimates to the House on 18 November? The tradition is that a token debate takes place in November. There is no meaningful debate on the Estimates at any stage and they are finally signed off the following June, halfway through the financial year. In addition, they are published without any targets, objectives or performance indicators against which Deputies could judge their merit and there is no opportunity for their amendment. Does the Minister agree that such an approach is not adequate in a modern democracy and that we should change the process? I hope that such a process of change will begin this year.

**Mr. Cowen:** I intend to proceed with the Estimates in the time-honoured way. The committees deal in detail with the Estimates.

**Mr. R. Bruton:** The Minister is aware that they——

**An Ceann Comhairle:** We cannot debate that matter now. The Deputy must find another way to raise it.

**Mr. Crawford:** In light of the serious nature of the situation that obtains in respect of accident and emergency and all other medical services——

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

**Mr. Crawford:** It does. I have the right to ask a question on legislation.

**An Ceann Comhairle:** The Deputy has not asked such a question.

**Mr. Crawford:** The Ceann Comhairle should allow me to do so. There are two Bills which are

relevant to this matter. The first is the nurses (amendment) Bill, which might allow us to debate the scarcity of nurses, and the second is the medical practitioners Bill. Monaghan General Hospital is short five junior doctors.

**Mr. Cowen:** I understand the medical practitioners Bill and the nurses (amendment) Bill will both be published next year.

**Mr. Costello:** In view of the fact that the Irish Prison Service issued a directive to ban all Dublin city councillors and officials from the Mountjoy complex——

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

**Mr. Costello:** Yes.

**An Ceann Comhairle:** Then the Deputy should come to it.

**Mr. Costello:** I am doing so. The Irish Prison Service is not a statutory body but there is a provision on the Order Paper to make it so. When will this happen and did the service act on its own volition or was the Minister involved?

**Mr. Cowen:** I am informed it is not possible to indicate at this stage when that provision might come forward.

**Mr. O'Dowd:** On the student support Bill, is there going to be an increase in school transport charges? I understand there is a row between the Progressive Democrats——

**An Ceann Comhairle:** The contents of legislation cannot be discussed.

**Mr. O'Dowd:** ——and Fianna Fáil in respect of school transport charges. Will the Bill include a provision in this regard?

**Mr. Cowen:** Consultations are taking place between the Department and the relevant stakeholders in the preparation and drafting of the Bill. We will have to await its publication before seeing what is involved.

**Mr. J. Higgins:** The monosyllabic responses of the Minister for Finance place us in the unbelievable position of suffering withdrawal symptoms and wanting a return to the Taoiseach's long and rambling replies.

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

**Mr. J. Higgins:** We might, at least, obtain some nugget of information from the Taoiseach.

**Mr. Roche:** The Deputy could never be accused of being monosyllabic.

**An Ceann Comhairle:** The Minister should allow Deputy Joe Higgins to ask an appropriate question on the Order of Business, without interruption.

**Mr. J. Higgins:** We were given the gift of speech to try to explain complex ideas. The latter cannot be done in one or two words.

**An Ceann Comhairle:** We will have to move on if the Deputy does not ask his question.

**Mr. J. Higgins:** When will the Cabinet sub-committee on Aer Lingus report to the Dáil and when will we have a debate on that matter? When will the electricity Bill be introduced?

**Mr. Cowen:** It is not possible to indicate when the electricity Bill will be coming forward. The Cabinet sub-committee meets at its own discretion and as soon as a decision is made we will inform the Deputy.

**Mr. J. Higgins:** When will we have the debate that the Taoiseach indicated would be forthcoming on the serious issue of the future of Aer Lingus?

**Mr. Cowen:** The Deputy asked when the Cabinet sub-committee will be meeting. That is a matter to be determined by the sub-committee and when we make the decision we will communicate with the Deputy.

**Mr. J. Higgins:** When will that be?

**Mr. Cowen:** Whenever the Cabinet decides.

**Mr. J. Higgins:** In light of the arrogance emanating from the Minister for Finance——

**An Ceann Comhairle:** The Deputy should——

**Mr. J. Higgins:** ——one would think it was he who had just been re-elected to office for four years.

**Mr. Cowen:** The arrogance resides with the Deputy who is of the opinion that he is in the Cabinet.

**Mr. J. Higgins:** I would not be caught dead in the Minister's Cabinet.

*(Interruptions).*

**Ms McManus:** I am beginning to wonder if there is any point in asking these questions. We are all busy people. If we obtain this kind of non-reaction when we raise issues in the House, it calls into question whether the Minister is engaged in parliamentary activity at all.

**An Ceann Comhairle:** That matter does not arise at this stage.

**Ms McManus:** I hate to take up the Minister's time but I would like to ask a question about a matter involving the Minister for Education and Science who promised that there would be changes in medical education which would have major impact in terms of the training of doctors. If it is not too much bother, will the Minister for Finance indicate whether it is the Government's intention to proceed to draft legislation in respect of this important issue?

**Mr. Cowen:** There is no legislation promised in respect of that matter. I must inform the Deputy that I have simply been answering questions on the basis of the Order of Business order. As I understand it, people are entitled to ask about the Government's plans for legislation. I am answering the questions as they are asked.

**Mr. Stagg:** The Minister is only providing smart answers.

**Mr. D. Ahern:** Opposition Members should not be so long-winded in their questions.

**Mr. Gormley:** The Minister may be answering but he is in an extremely taciturn mood. Dublin City Council has stated that it would like to sell off its flats to its tenants. However, this requires some legislative changes. Specifically, the Housing Act 2002 requires amendment. When will these legislative changes come before the House?

**Mr. Cowen:** I am informed that there is no legislation in respect of this matter.

**Mr. Gormley:** Is there not even a regulation?

**Mr. Cowen:** It is a matter for the Minister to decide if secondary legislation is required.

**Mr. Durkan:** The energy Bill has shown remarkably few signs of energy for a long period. I presume the heads of the Bill have been agreed so when will it be brought before the House? Will the Minister also indicate when the NORA Bill will be introduced?

**Mr. Cowen:** I understand that both Bills are due to be introduced early next year.

**Mr. Gilmore:** When will the House debate the report of the all-party committee on building land?

**Mr. Cowen:** The Whips had a discussion on that yesterday and I will revert to the House in due course.

**Mr. Hayes:** When will the decentralisation implementation group report to the Cabinet sub-committee?

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

**Mr. Hayes:** I want an explanation from the Minister for Finance, who is willing to answer.

**An Ceann Comhairle:** Standing Order 26 is specific and everybody in the House must abide by it.

**Mr. Hayes:** When will decentralisation happen? Has the Minister a rough timetable?

**Mr. Connolly:** I refer to the Connacht-Ulster region. One small tract of land remains to be classified as severely disadvantaged. It represents——

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

**Mr. Connolly:** This issue relates to the Land Bill 2004.

**Mr. Cowen:** The Land Bill is on Second Stage and the Deputy will have an opportunity to raise the issue during that debate.

**Mr. Boyle:** Two ministerial orders for the appointment of special advisers to the Ministers for Agriculture and Food and Transport are listed under documents laid before the House on today's Order Paper. The Government can put these orders before the House for decision. Does it intend to do so?

**Mr. Cowen:** I am sorry, I do not understand the question.

**Mr. Gormley:** It is simple.

**Mr. Boyle:** I refer to ministerial orders regarding the appointments of special advisers to the Ministers for Agriculture and Food and Transport. Such orders are ordinarily tabled in the Oireachtas Library and remain there. However, a procedure exists whereby the Government can bring these orders before the House. Does the Government intend to do so regarding these orders or future orders relating to special advisers?

**Mr. Cowen:** No, not to my knowledge.

**Mr. Boyle:** I am not surprised.

**Mr. Durkan:** These orders relate to two appointments. Are they in addition to the existing advisers?

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

**Mr. Durkan:** It does because it is on the Order Paper.

**An Ceann Comhairle:** The Deputy cannot debate every item on the Order Paper.



**Mr. Durkan:** I do not wish to have a debate. I have a short and simple question. Are these appointments in addition——

**An Ceann Comhairle:** The Deputy should submit a question to the relevant Ministers.

**Mr. Durkan:** It might be simpler this way. I presume the special adviser to the Minister of Transport will advise him on the port tunnel.

**Mr. R. Bruton:** The Minister for Transport will attend a function at the M50 later. What is the position regarding the strategic national infrastructure Bill? It was announced breathlessly by the Taoiseach as a high priority and he stated that it needed to be moved forward with great speed.

**Mr. Gormley:** The Minister for Justice, Equality and Law Reform opposes it.

**Mr. R. Bruton:** However, its publication is not expected until 2005. Is the Bill a low priority or a no priority? Where does the Minister rank it?

**Mr. Gormley:** The Ministers for Justice, Equality and Law Reform and the Environment, Heritage and Local Government are discussing it.

**Mr. Cowen:** The Minister is discussing it with colleagues and it will be brought forward in due course.

**Mr. Broughan:** Has the Minister met the Fianna Fáil backbench committee regarding its plan for job initiative workers——

**An Ceann Comhairle:** That does not arise on the Order of Business. I call No. 4.

**Mr. Broughan:** The Minister for Finance wishes to reply.

**Mr. D. Ahern:** The Deputy should join our party if he wants to know what is going on.

### **Road Traffic Bill 2004: Second Stage (Resumed).**

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

**An Ceann Comhairle:** The Minister for Transport was in possession and he has 20 minutes remaining.

**Minister for Transport (Mr. Cullen):** As I said before I adjourned the debate yesterday, the Bill contains relevant provisions to support those initiatives to which I referred. Since my appointment, I have seen this as a key early deliverable. The courts, the Garda and the public should have confidence that sufficient support frameworks are in place to ensure the robust operation of the penalty points system. Our immediate goal is to see the early availability of the support frame-

works. To that end, a scheme which pilots the full IT support network is being pursued by the Garda in selected divisions.

**Mr. Gormley:** On a point of order, I intend to leave but if I do so, no Member will be present to listen to the Minister.

**An Ceann Comhairle:** That is not a point of order.

**Mr. Gormley:** I am sure the Minister would not like to preach to an empty House.

**Mr. Cullen:** The nationwide operation of the systems will be informed by the results of that pilot scheme and it will feature the provision of services relating to the payment of fixed charges by a service provider on behalf of the Garda. Facilitating the outsourcing proposal within the time-frame envisaged necessitates the introduction of a number of amendments to existing legislation as a matter of urgency. This will happen through this legislation.

The Bill will also introduce relatively minor amendments to the Taxi Regulation Act 2003, the purpose of which is to facilitate the more effective implementation of the processes relating to the mandatory disqualification of those who have been convicted of certain offences from holding minor public service licences.

I refer to the main provisions proposed in the Bill. Part 2, which incorporates 11 sections, provides for the introduction of a new system of speed limits based on metric values. The current system of speed limits has its legislative base in the Road Traffic Act 1961. However, it has been the subject of a number of reviews, the most recent of which was provided for in the Road Traffic Act 1994. Of all the measures provided for in the Road Traffic Acts it is understandable that those relating to speed limits should be the subject of such regular review.

The background to the current review is the need to amend the current legislative provisions to provide for the application of metric values for speed limits. A comprehensive review of speed limit structures and policies was pursued in 2003 in association with the metrication proposal to ensure, in particular, that the system is relevant, having regard to modern traffic and road conditions. In addition, it was considered that greater flexibility in the manner in which speed limits are applied was needed. I am conscious that the application of the penalty points system to speed limit offences has given further emphasis to the need for the system to be regarded as reasonable and relevant.

The recommendations of the working group established to carry out the review last year are reflected in the provisions proposed in the Bill. The application of speed limits to particular classes of vehicles, provided for in section 4, remains essentially unaltered from that which has applied since 1961. The section permits the Mini-

[Mr. Cullen.]

ster for Transport to determine the maximum speed limits that should be applied to vehicle classes through the making of regulations. "Ordinary speed limits" are currently applied in respect of a small group of vehicles, in particular, to buses and heavy goods vehicles. There is no immediate reason to change the current scope for the application of such speed limits.

Where speed limits are established in respect of classes of vehicles, they apply on all roads where a higher road speed limit has been set. Conversely, where a road speed limit is lower than the ordinary speed limit, the former represents the maximum speed at which the vehicle can be driven. In so far as road speed limits are concerned, the Bill provides for four default speed limits, as opposed to the three default speed limits that apply under the current legislation. The new approach acknowledges that the rate of improvement experienced on the non-urban national road network suggests there is a case for the speed limits for such roads being set at a level in excess of that which should apply to non-national roads outside urban areas.

The current "general speed limit" is being replaced by separate speed limits that will apply to national roads and non-national roads outside urban areas for this reason. The remaining default speed limits will apply to roads in built-up areas other than motorways and to motorways generally. The new default speed limits provided for in the Bill break down as follows: section 5 provides that the speed limit to apply in built-up areas will be 50 kph — this replaces the present 30 mph built-up area speed limit; section 6 introduces a new speed limit of 80 kph that will apply to all regional and local roads outside built-up areas — this essentially is equal to 50 mph and replaces the present general speed limit of 60 mph on these roads; a new speed limit of 100 kph, which will apply to all national roads outside built-up areas, is provided for in section 7 — this speed limit will replace the present general speed limit of 60 mph on national roads outside urban areas; section 8 establishes that the speed limit for motorways will be 120 kph — this replaces the current motorway speed limit of 70 mph; and the introduction of a speed limit of 80 kph in respect of non-urban regional and local roads will result in a reduction of approximately 16 kph or 10 mph in the speed limit applying in respect of more than 90% of the rural road network.

Most of the regional and local road network is of a lower infrastructural standard in terms of design, road engineering and maintenance than national roads and it is considered  
 11 o'clock that a default maximum speed limit of 80 kilometres per hour represents the best road safety match for these routes.

In the past the default speed limits were either set by the Minister through regulations or, where they were provided for directly in legislation, the Minister could subsequently change the limit by making regulations. Under this Bill the responsi-

bility for the determination of the default speed limits is vested in the Oireachtas. If these limits are to be changed, it is appropriate that such change should be placed before the Houses of the Oireachtas for their approval.

The speed limits provided for under sections 5 to 8 will apply automatically to the roads in question, save where it is determined that there is a requirement for them to be replaced. The replacement of a default speed limit will continue to be facilitated by the making of special speed limit by-laws by county and city councils. This will be provided for in section 9. The concept that decisions in respect of the application of special speed limits should be taken by the major local authorities was introduced by the Road Traffic Act 1994. Such decisions are reserved to the elected members. The decision to devolve that power from the Minister to the members of local authorities was welcomed at the time given in particular that it gave local representatives both an input into the determination of how speed limits were to be applied and direct responsibility for the implementation of those determinations. The system has served us well in general terms and the policy considerations that underpinned the decision in 1994 are just as relevant today. However, it is the case that there have been instances where inappropriate speed limits have been applied in certain circumstances.

The House will be aware that my predecessor raised this matter with local authorities on a number of occasions. A list of locations in respect of which claims were made by the Automobile Association and the Society for the Motor Industry that the speed limits were not appropriate was circulated to local authority managers. The local authorities in question were given details of the complaints received and afforded the opportunity to comment on the issues raised.

I am conscious of the need to ensure that the speed limits applied are complied with. The first offence to which the penalty points system was applied in 2002 was the offence of exceeding a speed limit. I have already referred to the reduction in road deaths since the launch of penalty points almost two years ago. However, as penalty points have been applied to speed limit offences, it is reasonable that motorists and other road users should be confident that each speed limit is applied in a reasonable manner which in turn reflects road safety considerations and the capacity of the road in question. For that reason, section 9 incorporates a number of changes to the process relating to the making of special speed limit by-laws. In addition to the need for a council to consult the Garda Commissioner and in the case of county councils to consult urban authorities in their counties, subsection (4) provides for a public consultation process through which members of the public can submit objections to the proposals of a council. The consent of the National Roads Authority to all proposals relating to national roads will continue to be required.

In addition, subsection (9) provides that the Minister for Transport may issue guidelines to local authorities to which they must have regard in making their by-laws. I have been examining this area since I took up my new portfolio and in view of the onerous task that is involved in the determination of the application of special speed limits, I will ensure local authorities receive the greatest possible level of support. Part of this process will be the issue of guidelines aimed at assisting them in that role.

For the first time the speed limits that may be deployed as special speed limits are listed in the primary legislation. The range of special speed limits that may be used is set out in subsection (2) and is quite extensive. In addition to the deployment of the speed limits provided for in sections 5 to 8 on roads other than those where they are applied on a default basis, local authorities can apply special speed limits of 30 kilometres per hour and 60 kilometres per hour. The availability of the use of the 30 kilometres per hour speed limit will allow councils to impose a legal requirement on traffic to adopt very low speeds at locations that are very sensitive from a road safety perspective. For that reason, the use of that speed limit must be in accordance with the guidelines issued by the Minister. At the other end of the scale, the House will note that the motorway speed limit can be deployed on dual carriageways on national roads. As with the deployment of the 30 kilometres per hour speed limit, the 120 kilometres per hour as a special speed limit can only be applied in accordance with the guidelines.

Section 10 introduces a new element to the overall structures that apply to speed limits. It provides that in the event of road works, a city or county manager may make an order determining that a speed limit other than that which normally applies at the road works site should be put in place for the duration of the work. We are all familiar with situations where we see signs indicating speed limits of 10 or 15 miles per hour at road works sites. Such speed limits have no legal status and can create confusion for motorists. However it is also the case that at present speed limits can only be changed through the making of speed limit by-laws and that procedure is time-consuming.

The focus of the new section is to allow for the quick deployment of a speed limit at road works sites. It empowers county and city managers to make orders to apply speed limits deemed to be appropriate for any particular road works site. Managers must consult the Garda before making an order under the section and give public notice of the order. The National Roads Authority must give its consent to an order under the section where it involves the carrying out of road works on a national road or a motorway. The section provides that the minimum speed limit that can be set under a road works speed limit order is 30 kilometres per hour. It also limits the application of an order to a period of 12 months. In my view

it is reasonable that where road works are to take place over a period longer than one year, the decision to apply a speed limit for the duration of the works should be made by the council members under their powers to make special speed limit by-laws. Section 11 provides for the substitution of the current section 47 of the Road Traffic Act 1961 which establishes that it is an offence to breach a speed limit.

The process for the metrication of speed limits will be completed by 20 January 2005. Clearly there will be a period of transition between the operation of the current imperial speed limits and the new metric system. The purpose of section 12 is to provide legal certainty for that transition. Section 13 makes a minor change to section 53 of the Road Traffic Act 1961 relating to the offence of dangerous driving to ensure that the reference to speed limits in that section reflects the new structures being introduced in this Bill. Part 2 of the Bill is completed by section 14, which provides for the repeal of the existing legislative provisions applying to speed limits.

Part 3 introduces a number of amendments to the administration of the fixed charge and penalty points system. Experience with the operation of these systems to date suggests that in the context of their full roll-out, there is a need to divert elements of the administration away from the Garda. The report recently published by the Comptroller and Auditor General highlighted a number of issues relating to the administration of the system. The outsourcing of administrative supporting activity for enforcement generally will create an environment through which the Garda will be in a position to better meet the demanding targets set for enforcement over the next three years. I have been advised that the outsourcing of functions to third parties requires the introduction of a provision in primary legislation. This is facilitated by section 17 which incorporates a provision through which the Minister for Justice, Equality and Law Reform can engage third parties in administrative functions relating to the fixed charge system.

Sections 15 and 16 clarify the role of the Courts Service and its functions associated with the administration of the penalty points system. Section 16 also provides that notifications to the Minister for Transport of a payment of a fixed charge in respect of a penalty point offence can be made by a person authorised by the Minister for Justice, Equality and Law Reform to carry out administrative functions in respect of the fixed charge system.

Part 3 also provides, through section 18, for a restatement of the requirements on defendants in court proceedings relating to the majority of traffic offences to present their licences to the court. This amendment of the position regarding the presentation of licences in court is a necessary response to difficulties experienced to date with the operation of this element of the overall enforcement regime introduced following the application of penalty points. That system and the



[Mr. Cullen.]

allied fixed charge system represent fundamental changes to traffic law enforcement. As these systems become more in vogue, the need may arise to address difficulties or improvements to their administration as it evolves. The report of the Comptroller and Auditor General referred to such issues. It is my intention to address them, if necessary through legislative initiatives.

Part 4 of the Bill sees the introduction of a number of general initiatives. The focus of these initiatives is to bring clarity to certain general provisions in the Road Traffic Acts and to the roles of certain organisations.

Section 19 clarifies the role of the Courts Service in respect of the administration of the application of the European convention on driving licence disqualification.

Section 20 provides for the amendment of section 35 of the Road Traffic Act 1994, which relates to the control and regulation of traffic and parking. The purpose of the amendment is to allow for the issue of permits for a range of functions and for the imposition of charges for such permits.

Section 21 provides a response to concerns expressed by representatives of the emergency services for the need for greater clarity as to the circumstances where emergency vehicles can be exempted from requirements, restrictions and prohibitions imposed under the Road Traffic Acts. Currently, exemptions are provided for in respect of particular codes established by statutory instrument. Section 20 provides a more immediate and clearer statement of the scope of the circumstances where such exemptions will apply. The need for the application of exemptions for the drivers of emergency vehicles from the majority of traffic and parking requirements is obvious. However, it must be understood that the application of any exemption is subject to the overriding prerequisite that road users must not be endangered.

Sections 22 and 23 refer to relatively minor administrative issues relating to the carrying out of functions by members of the Garda and clarify the definition of a local authority for the purposes of section 84 of the Road Traffic Act 1961, which was substituted by section 15 of the Road Traffic Act 2002 and which relates to taxi stand by-laws.

Section 24 introduces a new offence relating to the supply of mechanically propelled vehicles to minors. Members will recall that this issue was highlighted on a number of occasions in the House by Deputy Broughan. The proposals put forward by Deputy Broughan would have created difficulties in achieving prosecutions. However, I consider that the Deputy's initiative had great merit and I have decided to introduce a provision in road traffic law that establishes a straightforward offence relating to the supply of mechanically propelled vehicles to minors.

The Bill concludes with provisions which make minor changes to both the Local Authorities (Traffic Wardens) Act 1975 and the Taxi Regu-

lation Act 2002. The latter will bring clarity to section 36 of that Act and will facilitate a more effective implementation process.

The Bill presented to the House today is targeted at very specific areas in respect of which there is particular urgency. The metrification of speed limits and the restructuring of the overall system of speed limits represent fundamental initiatives in road traffic legislation. Speed limits are among the most important elements of road safety policy and it is my firm belief that the new structure presented in the Bill will add further value to the Government pursuit of our overall strategic approach.

The outsourcing of administrative functions relating to the fixed charge system represents a further element of that policy by giving Garda authorities greater freedom in allocating resources to address road safety issues. I look forward to the co-operation of Members in facilitating passage of the Bill and I commend it to the House.

**Ms O. Mitchell:** I welcome the opportunity to speak on this legislation. I welcome the legislation from a road safety point of view and I hope it will make a contribution to that. I also welcome the fact that we are at last getting around to metrification, which we have been talking about since we joined the Common Market, as it was then. Since then, we have decimalised and changed to the euro but we are only now getting around to the metrification of our speed limits. In fairness, we are well ahead of our neighbours in that regard, which is the only country now using the old imperial system. We have never been reluctant Europeans, even if we were a little slow in introducing this measure.

Apart from the metrification of our speed limits, a number of other issues are dealt with in the Bill, not necessarily to do with metrification but with road safety, which I welcome. I have no problem with any of them. I welcome also the prohibition on the sale of vehicles to those under 16 years of age, an issue to which I will return.

I am a little disappointed with the limited nature of the Bill in respect of the main topic, which is speed limits. My understanding was that with metrification would come a new structure of speed limits which would in some way standardise what is happening throughout the country, but that is not the case. As the Minister said, we have moved from three default speed limits to four and, therefore, there is the potential for proliferation of different signs on the same stretch of road.

We must do something about the myriad of conflicting, illogical and confusing speed limits that appear to operate throughout the country, which cause not just annoyance but genuine resentment. People believe they are confusing and merely a revenue-raising exercise rather than contributing to traffic management or road safety. Many speed limits appear to be a national

secret about which we never find out until we have incurred penalty points.

In the absence of standardisation of speed limits and the review done by local authorities — I am aware some of them have done that review but many have not — I am not convinced that the switch to metrification and the new limits will not cause more confusion. The switch to metrification alone can be confusing but we are also getting a new set of speed limit options. It is critical that motorists know what is required of them. We give out about motorists not obeying the law but we must make the law clear to them, and when it comes to speed limits, consistency and clarity are essential. It is even more essential that we have introduced the penalty points system which, with all its warts, is the way forward.

Eventually, we will get it right but when these limits are fully operational in an automated way, as they were originally intended to be, and when all the legal loopholes, new ones of which seem to appear every day, are closed, this system will be a method of controlling speeding on our roads and could make an enormous contribution to road safety, but only if the speed limits are clear and people know what is expected of them.

Regardless of the daftness of the current signage system, the only way people can make their point if they are caught is to appeal to the courts, which is a stressful, time-consuming and expensive exercise. It behoves local authorities, therefore, and the State generally to ensure they do not push people into the courts system unnecessarily through lack of clarity.

I have some sympathy with anyone trying to devise a speed limit system because there is a difficulty between the need to standardise on the one hand and have a rational system that is consistent and easily understood while giving flexibility to local authorities in terms of local conditions on the other. That tension is not easily resolved but with so many different speed limits in operation — I understand there are now six or seven — attempts to tailor to local conditions at micro level can result in proliferation of signage and varying speed limits along a small stretch of road, and the result is more dangerous rather than less dangerous road conditions.

Problems arise, as we often hear, where there is a variety of speed limits on the one stretch of road. It is difficult to drive carefully and absorb that information when faced with a variety of signs, assuming the signs are in place in the first place, which is another problem. There is either too much signage or none at all to give one some idea of the speed limit, but when there are too many signs, one would need a computer brain to process the information. Admittedly, that is more an urban problem than a rural one.

The default signs have increased from three to four in number, and through by-laws local authorities can vary those to add special speed limit signs. I understand the reasoning for that but there is a real case to be made to encourage local authorities, in so far as it is possible, to stick to

the default limits and not have endless variations of speeds. While it reduces the need for signage, it also gives clarity to motorists and produces a safer, less erratic driving environment. Local authorities should be encouraged to vary the default speed limit only in exceptional circumstances.

If I understand the legislation correctly, the definition of a built-up area is confined to a city, borough or town within the context of the Local Government Act of 2001. As a result, the three county councils in the greater Dublin area fall outside the definition of a built-up area despite being as built-up as one will find. I am sure the area beyond the city limits of Waterford is still densely populated given that cities spill over into adjoining counties. A problem will arise if a default speed limit no longer applies at a city boundary because local authorities will have to erect signage at the boundary of every road leaving a city or town.

The default limit of 80 kph, which will apply outside built-up areas, is inappropriate in most urban areas. Local authorities will be faced with a proliferation of signage as a result of by-laws showing special speed limits. Will these speed limits be consistent at the points at which counties join or on different roads? Would it not be preferable to make provision in the legislation to allow local authorities to determine what are built-up areas and, consequently, the points at which the built-up area default system ends?

I welcome that the problem will probably not apply to national roads and motorways given that local authorities must, in such circumstances, consult and obtain permission from the National Roads Authority to vary default limits. In this respect, I have in mind roads such as the N11 which has a variety of speed limits as one leaves the city. Consistency is required on national roads and it is welcome that the Bill provides that permission to vary default limits must be obtained from the NRA.

While I do not wish to labour the point, road signage is a major safety issue. Speaking as an urban dweller, it is clear that road safety depends to a large extent on road signage. Clarity, simplicity and consistency are vital as regards signage. One of the correct decisions taken by the Minister's predecessor, for which he received a great deal of criticism, was to insist on the removal of signs erected by Dublin City Council which were overloaded with information. Overload of this nature causes accidents. Drivers would have required a map and map code to ascertain to what roads the various numbers on the signs referred. They would have been a dangerous distraction to motorists.

Bus lanes which operate at different times create a similar problem. I understand the legislation also provides for different speed limits at different times. I oppose this provision on the grounds that we should keep matters simple. Bus lanes use the 24 hour clock. One sometimes see drivers stray onto bus lanes, slow down as they

[Ms O. Mitchell.]

try to read signs to find out if they are operational and drive back into the traffic. We should keep matters simple by insisting that bus lanes and speed limits always apply.

To overcome the problem of varying speed limits and the proliferation of signage, has the Minister considered the possibility of using different coloured markings on road surfaces or margins to alert motorists to changes in speed limits? This would be a long-term measure. If introduced on a national basis, such a system would ensure that motorists would quickly recognise what the various markings meant. We should consider this option because we do not seem to be able to get signage right.

I am concerned about the timing of the switch to metrification, which should take place overnight. The legislation allows for a transitional arrangement pending the provision of new signs. This presents several problems. It is almost inevitable, for example, that local authorities will move at different speeds in erecting the new signs which I understand are being produced centrally. While local authorities have placed orders for signs, they may not erect them quickly because they must hire contractors and so forth. The greatest problem will arise due to variations in the length of time they will take to make new by-laws giving legal status to the new speed limits determined by the reviews of current speed limits. Until such time, local authorities will have time to avail of special speed limits which can be introduced by by-law. I understand many of them have not completed their reviews of the speed limits and the process could take many months. It seems to be dangerous, expensive and a waste of time to erect signs which may change in a few months.

**Mr. Cullen:** The local authorities do not have to make new by-laws. The signs are ordered. The root of the problem is that many regional roads are similar to dual carriageways, a matter many Deputies have raised with me. I found it difficult to differentiate such roads for the purposes of the primary legislation and, for this reason, was forced to leave the matter to local authorities to decide. They have the power to make changes on regional roads on which stretches of dual carriageway have opened if they so wish. I could not make changes centrally.

**Ms O. Mitchell:** I appreciate the difficulty as regards regional roads on which I understand the default speed of 60 mph will be reduced to 80 kph. While I understand the reasons for this decision, in most cases local authorities will have to review speed limits.

Would it not be preferable to adopt a big bang approach, as adopted for the changeover to the euro which was introduced overnight? Within a couple of days of its introduction, people were used to the new currency. This did not happen by accident but was contingent on major preparations. In the case of metrification, I under-

stand a great deal is being done in the background in terms of ordering signs and so on but very little has been done to prepare the public. If one were to conduct a *vox populi* on Grafton Street, I suspect fewer than one in 1,000 people would be aware that this change will take place in January. A considerable job remains to be done in informing the public of what lies ahead and what they must do to cope with it. Is the deadline of 22 January realistic? The Minister stated everybody is ready for the change but I do not believe that to be the case.

Local authorities have ordered signs but are uncertain about whether budgets for public information are being managed centrally. Local authorities around Dublin, including mine, are particularly concerned about budgets for signage, which differs in built-up and rural areas. In the latter, signage is used to provide information, whereas in the former it is used as a traffic management measure. There is obviously a requirement for more of it and it is more expensive. Local authorities have not received their signs yet and I doubt that they will be up by 22 January.

**Mr. Cullen:** The majority have.

**Ms O. Mitchell:** Some have not.

**Mr. Cullen:** We are rolling them out.

**Ms O. Mitchell:** Even if they have, I doubt that they will be up by 22 January.

**Mr. Cullen:** I hope they are.

**Ms O. Mitchell:** I do not know if the Minister has considered the signage for the Border area. There will be particular problems there for people moving from the old imperial system to the metric system. There will probably be a need for a multi-media public information programme and, probably, additional signage to remind people. I do not know how people from the Republic drive in the North. I was never conscious that I drove differently when I was in Northern Ireland.

**Mr. Cullen:** I am informed that there are special signs for the Border area.

**Ms O. Mitchell:** The Minister has an answer for everything. I have noticed that the worst drivers in the Republic are drivers from Northern Ireland. I am not sure if it is because they are accustomed to driving at higher speeds or if they just think they are immune when driving outside their penalty points system. However, their driving is particularly dangerous. They appear to have no regard for unbroken white lines and certainly none for speed limits. Are they still immune from penalty points in the Republic? The legislation provides for notification to their licensing authority but I am not sure if it is just notification of when they have reached disqualification level. Are penalty points incurred in their



jurisdiction? If not, it is something we should pursue because it is a serious problem.

Section 15 provides that the Minister for Transport should be notified by the Courts Service of convictions for penalty point offences. What is the purpose of that? Obviously there is a need to inform the Department of Justice, Equality and Law Reform and the Department of the Environment, Heritage and Local Government which looks after the national driver file. However, why should the Minister for Transport be informed as well? I ask as a matter of interest. The system is tortuous enough as it is and is not as automated as we had hoped so I wonder why there is an additional requirement to inform a fourth agency.

The other big change is the outsourcing of the Garda function in respect of penalty points. In view of what was promised with the introduction of the penalty points system, what we have at present is far short of that in terms of its long-term impact on road safety. Nevertheless, I believe the system has great potential to improve road safety. I listened to a presentation to the justice committee last week and it was disturbing to discover that the problem is more than just the computer fiasco with which we are familiar. There is no communication between the computer systems and that is apart from the fact that it takes so long to feed information into the PULSE system.

Almost every aspect of the penalty points system seems to be flawed in some way or is too complex or legally demanding. The clever lawyers have little difficulty finding ever more lucrative loopholes for their grateful clients. This Bill attempts to address some of the loopholes. I have just come from a committee meeting at which representatives of Luas and Connex made a presentation. They highlighted the difficulties they have encountered as a result of some of the loopholes in the legislation.

The loopholes that appeared with the penalty points system are a reflection of the larger problem of deficient legislation, a lack of attention to detail and making the enforcement of rules more complex than is necessary. It means we keep having to revise the legislation in an effort to fill in the gaps or to close the loopholes found by clever lawyers. With each new Bill we seem to send the gardaí running in ever decreasing circles. Not closing the loopholes makes a laugh of the law and makes lawyers rich. We must deal with this. Whatever else we do — the computers and other matters have to be sorted out — we must close the legal loopholes.

The issue raised at this morning's committee meeting with the Luas representatives was the legality of evidence from a camera. Some judges accept camera footage of an infringement of the law as having the same value as a witness but other judges do not. That must be sorted out. If necessary, we should introduce new legislation to deal with it but this time we must get it right.

At present, there are two ways in which one can detect infringements that attract penalty

points and both are problematic. One is camera observation and the other is being stopped by a garda with a speed gun. In the first case, the car plates might not be visible and now there is the problem of judges not accepting the speed guns as evidence. That must be clarified and dealt with. I understood the Minister for Justice, Equality and Law Reform had got advice from the Attorney General so I put down a parliamentary question to find out what was that advice, and I was more or less told to mind my own business. However, he might tell the Minister for Transport what to do about it. It must be dealt with. Otherwise, the purpose of the penalty points system will be devalued and our roads will not be safer.

I welcome the outsourcing of the administration of the penalty points system. Anything that puts the gardaí back to policing rather than trying to serve notices on people is welcome. My only worry is about shifting the burden of proof. There is a presumption that people have received a fixed charge notice. This, in effect, shifts the burden of proof from the justice system to the motorist, who must prove that he or she did not get a fixed charge notice.

I do not know if the Minister got legal advice on the provision but I anticipate difficulty with it being upheld, particularly in a situation where the administration is outsourced. The notice is served by a civilian rather than a garda. Our experience with clamping has shown that there is huge public resistance to people other than gardaí carrying out these functions. People who are being paid to carry out the service are always considered suspect. There is a suspicion that it is a revenue-raising exercise for the agency rather than enthusiasm for increased road safety.

One of the provisions in the Bill creates the offence of selling a vehicle to a minor. Why was the term "minor" used? Why did the Minister stop at 16 years when one cannot drive until one is 17 years? There might be a good reason for that but I cannot anticipate what it might be. One cannot get a driver's licence until one is 17 years old. Why have a prohibition on selling something just to a minor? For instance, we ban the sale of alcohol to people under the age of 18. I am not sure what the thinking is behind this.

I welcome the provision regarding taxi licences, which was a necessary tightening of the existing system. The issuing of licences was far too lax in the past and I welcome the change.

The motor industry was apparently not given sufficient notification of the introduction of the metrification system, although this is hard to understand as it has been coming for almost 30 years. Therefore, new cars will not have metric speedometers and the earliest we can hope for this is 2006. There was talk of issuing drivers with ready reckoners but I have my doubts on this. Who would take out a ready reckoner when driving and should they do so? Nevertheless, perhaps notices should be put in the newspapers to help people adjust to the conversion.



[Ms O. Mitchell.]

In general, I welcome the Bill. My major concern is that people would be prepared for it, that the changeover takes place as smoothly and seamlessly as possible, enough information is provided to the public, that the signage will not result in greater confusion and that drivers will not incur penalty points due to maladministration. So many good ideas falter and fail on the altar of bad administration and implementation.

**Ms Shortall:** I welcome the Bill, however limited it is. If we were to believe anything the previous Minister, Deputy Brennan, stated during a particularly bad period of road accidents, fatalities and serious injuries over the summer, the Bill would have been amended to include everything from the awarding of penalty points for the use of mobile telephones to random breath testing etc. Many undertakings were given by the then Minister in his usual swashbuckling style when he promised to do the devil and all. Now, two months later, none of the promises mean anything and no serious work has been done. Increasingly, we realise that the previous Minister was all talk and no action throughout his term of office. He seemed to operate on the basis of issuing as many press statements as he could. However, there was no follow-up and no action behind all the headlines.

It is unfortunate we do not have a more wide-ranging Bill before us because many road traffic issues need urgent attention. Having ignored this subject in recent years, I hoped the Department of Transport and the Government would begin to take this issue seriously. The figures speak for themselves. In spite of what happened last year with the introduction of penalty points, the number of road deaths and serious injuries is again spiralling upward. I hope the new Minister, Deputy Cullen, will give new emphasis and priority to the issue of road safety, which urgently needs attention but was much neglected in the past couple of years.

The Bill is limited. Its main purpose is to provide for the changeover to the metrification of speed limits. In that regard, it is overdue. It is a pity more groundwork was not done on this, that the legislation was not passed earlier in the year and that the local authorities and the public were not better prepared for it. As Deputy Olivia Mitchell stated, there is significant lack of awareness of the changeover, a view with which I agree having spoken to members of the public. Much work needs to be done now, at the last minute, which should not be the case. The work should have been completed and an education programme should have been operating for the past year, preparing the public for the changeover and ensuring the local authorities were adequately prepared.

The eye was taken off the ball in the Department of Transport and by the previous Minister. There was total preoccupation with ideological issues such as the question of ownership of the

transport companies, which are of little relevance to everyday lives in terms of driving and road safety. An area which should have received attention was neglected. Now, at the last minute, we find ourselves belatedly trying to put the legislation in place, ensure that the signage is available and ensure that the public is aware of what is happening. This measure has serious implications. Unless the work is done properly and unless the advertising and education campaigns are adequate, the changeover will lead to an increased level of accidents on the roads.

The country has serious cultural problems in regard to driving. At today's meeting of the Joint Committee on Transport, Mr. Frank Allen of the Railway Procurement Agency spoke of the serious cultural problems highlighted as a result of the various collisions involving Luas, which have brought to the fore the prevalence of drivers thoughtlessly breaking red lights. Mr. Allen stated that, for many people, a red light does not indicate one must stop but that three more cars can go through the light. This is becoming obvious in the context of the various collisions involving Luas and such behaviour can often be observed when one is waiting to exit from side roads or otherwise. An amber light should indicate to drivers to prepare to stop but, increasingly, it means nothing and cars continue to go through after the red light is on. This has significant implications for pedestrian safety specifically and road safety in general.

While a proper educational campaign is needed, a further serious issue is that of enforcement. This is a huge weakness in the context of the traffic laws and the same applies in regard to the changeover to metrification. When penalty points were introduced, drivers, for the first time in many cases, began to pay attention to their speedometers. Many calls were made to chat shows to tell of how difficult it was to watch the road and speedometer at the same time while being aware of speed limits and keeping the car under control. This situation will worsen with metrification. Assuming all the new road signs are in place, which is quite an assumption and a matter about which I am concerned, there will be serious difficulties due to lack of awareness but also because speedometers in all cars are based on the imperial system. I cannot understand, given the advance notice of several years, why agreement was not reached with the motor industry to ensure a corresponding change of speedometers in new cars from January 2005 to coincide with the metrification of speed limits.

What discussions has the Minister had with the motor industry? Such discussions should have started several years ago. What is the earliest date at which new cars will have metric speedometers installed? Is it possible to take action in the interim? For several years we will have cars on the road using the imperial system. The imperial numerals are the largest on the speedometer whereas the metric ones are the smallest, yet it is difficult enough to read the imperial measure-

ments on speedometers while in charge of a car. A media report suggested the possibility of a conversion sticker for speedometer figures. Is there any truth in the report? Is it possible to develop such a conversion chart for car users? What efforts have been made to prevent widespread confusion in January when the new system is introduced? I am not satisfied that adequate preparatory work has been done in this area. When the new system is introduced in the early months of 2005, we will face a dangerous time owing to lack of awareness and the physical constraints of inadequate signage and imperial speedometers. It is inconceivable that more serious work has not been done. If it has, it has not been successfully promoted. No evidence exists that serious preparatory work has been done on changing the physical nature of cars to facilitate the change-over to the metric system.

I agree with Deputy Olivia Mitchell's comments on the unwieldy system for the notification of penalty points. Over the past year, it has been difficult to get any statistics on the system. The system crosses over four agencies from the Garda to the Department of the Environment, Heritage and Local Government regarding the national driver file to the Department of Transport to the Courts Service. Is it necessary for all those different agencies to be involved? I question the involvement of the Department of the Environment, Heritage and Local Government. Can the system be brought under the Department of Transport for a more streamlined operation? Can there be compatible computer systems within the courts and the Garda? This would ensure all the necessary information can be provided rapidly and efficiently on a computer-based system.

The system as it stands is simply crazy. When the penalty points were first introduced, gardaí were using ledgers and notices were sent out in the post. Information was relayed to the Department of the Environment, Heritage and Local Government and back to the Department of Transport. This whole process is a nonsense in this day and age when any minor office is properly computerised. Given the advent of the Internet, can the systems be linked to allow the process to happen automatically? We cannot continue operating in the dark ages with pencils and ledgers. It must be possible to streamline the process.

There have been major problems with the enforcement of speed limits. It is an area that has been much neglected even with the introduction of the penalty points system. The limited number of gardaí are already over-stretched in dealing with the general crime problem and increasing public order problems in our communities. These extra burdens on the Garda are not helped with the need for enforcement of road traffic legislation. This problem was recognised before the previous general election when the Government promised to increase Garda numbers by 2,000. Yet it is only now being delivered. The Garda cannot cope with all the traffic legislation with

which it is expected to deal. This leads to the Garda taking the soft option when under pressure to deliver numbers. Gardaí patrol main roads picking up people travelling at 33 mph in 30 mph zones when the accident records on these roads are limited. Alternatively, patrols are done on motorways which are just as safe. However, the Garda does not have the capacity to provide any serious enforcement on the back roads where most of the accidents happen. Urgent attention needs to be given to this area.

In a way the Garda cannot be blamed for not standing close to accident blackspots on back roads. Recently, RTE broadcast a radio programme on accident blackspots and the number of accidents resulting in death and serious injury. When the reporter asked the garda superintendent to be brought to see some of these blackspots, he replied he could not do so as it was too dangerous to stand near some of them. As this type of enforcement cannot be done manually, a widespread system of speed cameras to help in the dangerous areas is needed.

However, I am concerned at the outsourcing of much of this work as it will be not be adequately managed. Instead, targets will be set and to meet them, the Garda will not operate in the most effective way in reducing road accidents. I hope there will be close management of the camera system and clear guidelines set down as how they will be used. It must not become a revenue generating operation. The focus must remain on road safety and the reduction of road accidents.

Another provision in the Bill relates to the supply of vehicles to minors. I could never see any reason why the 16 year age limit was used and I believed it should have been raised to 17 years. I welcome that such a measure has been included in the Bill. It is a tribute to the campaigning work of Deputy Broughan in respect of joyriding. However, I am not satisfied the provision goes far enough. There are two outlets in the Dublin North-West constituency, and presumably there are others in the greater Dublin area, where a particular supplier provides cars to all and sundry. Anyone with €60 can buy a clapped-out banger. These illegal dealers have acquired cars that have failed the national car test. The cars are stored illegally and yet no one does anything. In recent years, major business has been generated in this area as a large number of cars fail the national car test. As the motor industry and the previous owner are not obliged to take responsibility for this, a trade has developed in clapped-out cars. While many purchasers are minors, others are over 18 years of age. As the cars have failed the national car test, they are driven illegally without tax, insurance or a licence.

This major issue of lack of enforcement is not adequately addressed in the Bill or in a wider sense by the Minister for Transport. Why does the Bill only provide for a fine? That is no deterrent to a person operating such a lucrative business, especially when there are umpteen of them. Why does the Bill not provide for a period of

[Ms Shortall.]

imprisonment? If a person makes large amounts of money selling old cars, having to pay a small fine is of no consequence. I will table an amendment to this section on Committee Stage. The Minister in his previous incarnation at the Department of the Environment, Heritage and Local Government was asked several times about the issue of responsibility for end-of-life vehicles. It is not obvious what progress has been made in practice on this issue.

We have been told for years the Department would get tough on the motor industry to ensure it had a legal obligation to take back end-of-life cars which it had supplied to the market. However, there is no indication that progress has been made. Will the Minister respond to that point when he concludes the debate?

Another issue in this regard is the responsibility of the last registered owner of a vehicle. These responsibilities should be clear and technically they are, but nothing is done

12 o'clock about it. End-of-life cars provide a source of cars which are used for illegal and dangerous purposes by young people. They buy the cars very cheaply and use them for entertainment at weekends. A group of young people get together, contribute €10 each, buy a car and drive it around until it runs out of petrol. They drive it at speed around housing estates terrifying residents and putting people's lives in danger. When the car runs out of petrol they simply set fire to it and have a bonfire on the local green or wherever. This is a regular occurrence in many council estates throughout the country but nothing is being done about it. It should be possible to trace these cars back to the last owners or suppliers, even on the grounds of waste management. Proper penalties should exist to tighten up this area.

This phenomenon also results in a significant additional charge on local authorities that have to deal with an average of one abandoned car a day, which is the case in my area of Dublin North-West. These cars have to be collected and disposed of by local authorities which is entirely unsatisfactory in that the motor industry and the last registered vehicle owner are the people who should take the responsibility. It is regrettable that so little progress has been made by the Minister in that regard.

Another provision relates to taxi licences and their revocation for certain serious offences. I fully accept that problems arose as a result of deregulation of the taxi industry. One side effect of the fact that taxi licences were so expensive prior to deregulation was that there was a certain guarantee of safety for taxi users. The numbers were smaller and the Garda had a much better fix on the situation. By and large gardaí working in the Carriage Office knew all the taxi drivers, their reputations and so on. The number of taxi licences increased dramatically following deregulation. Because the cost of licences went down we now have a situation where nearly anyone can

walk in off the street and buy a taxi licence if he or she has a few thousand euro. Previously, when a taxi licence was valued at over €100,000 there was an in-built guarantee in terms of safety because if people forked out that much money they would not jeopardise their investment by attacking passengers. Accordingly, parents felt a certain security about their children coming home from town late at night in taxis. They knew that if they got a taxi they would be reasonably safe, but that is no longer the case because anybody and everybody is in the taxi industry and no controls are in place.

I agree this whole area needs to be tightened up. The courts have not assisted in this regard. We have seen examples of well-known serious criminals who have appealed decisions to the courts and been granted taxi licences. That needs to be dealt with but I am not satisfied that the manner in which it is dealt with in the Bill is the right way to go about it. I do not like the blanket approach taken to summary offences. As the legislation is drafted, a situation could arise where a person who was prosecuted for not having a television licence could lose their livelihood by having their taxi licence suspended for a year. That does not make sense. An offence like that is not a particularly serious one but it could threaten one's livelihood.

More seriously, we could have a situation where if somebody was imprisoned for seven days, for example because he or she did not have a television licence his or her taxi licence would be revoked. That is a blunt instrument. It is an over-the-top response to a particular problem which undoubtedly needs to be addressed. I do not accept the blanket approach proposed in the Bill. A more finesse approach is required and I will propose amendments to that effect on Committee Stage.

I do not know if the reason for the Minister's focus on road safety in his opening speech last night was an attempt to get headlines. The belated road safety strategy was recently published. Many other aspects of road safety are not given attention. There is a litany of problems associated with the penalty points system, some of which were highlighted by the Comptroller and Auditor General last week, but there are many others as well. Challenges to legal notices in the courts is one problem, but problems also exist with the printout from speed guns and I do not know if action has been taken in that regard. A significant number of cases are now backed up in the courts as they are being challenged. Legal challenges have also been made on intoxilyzers.

It appears there is a problem with the legal advice available in the Department. Solicitors and barristers are prepared to examine in detail prosecutions and charges brought against people. They go into the minutest detail, which they are entitled to do, and they come up with umpteen loopholes and flaws in the legislation and notices. People who are in a position to pay for the best



legal advice can avoid being banned from driving. It is no longer acceptable that this is the case.

Much closer scrutiny needs to be given to this area because the legal system that underpins road traffic legislation is leaking like a sieve. Several problems have been exposed and I hope the Minister will get his legal advisers to go through this whole area for the sake of giving confidence to people in road traffic legislation. People need to believe they will pay the price if they are caught doing something illegal, whether that is to be banned from driving, get penalty points or whatever else. It is necessary to create in people's minds that if they break traffic laws they will pay the price.

There is very little confidence in the system at present. As has been shown with penalty points, if the matter is ignored, the chances are the law will never catch up with it, and one will get away with it. The more these things are exposed and publicised, the more people feel the law is an ass and what is the point. Why should they bother obeying speed limits and if they are caught why should they bother paying the fine because if they hold out, as inevitably has been shown, only 18% of people have to pay a penalty?

There is a great lack of confidence in the system at present. It should be the Minister's priority to pay attention to this area because it is not just an academic issue. It often results in mayhem on bank holiday weekends, especially where an unacceptable level of road accidents occur. The issue needs to be tackled as a matter of urgency.

The other issue on which we have received promises is the practice of people using mobile phones while in charge of a car. People driving buses and large articulated trucks go around bends or roundabouts with a mobile phone in one hand while trying to steer the vehicle with the other. Undoubtedly this is the source of many accidents. Why did the Minister not take the opportunity to include that as an offence in this Bill? His predecessor promised it over the past two years but no action has been taken. Anybody can see it is a widespread practice among drivers of all vehicles. It is extremely dangerous and is being allowed to continue.

This further undermines the notion of the rule of law on our roads. Is it possible at this point for the Minister to introduce a new section in the Bill which will outlaw the use of hand held mobile phones by drivers? He should give that serious consideration. I and other Deputies on this side of the House would facilitate the passage of a new section to the Bill. It is a major potential danger on our roads and has been completely neglected. The previous Minister issued many press statements saying he would tackle this, yet people see no action and conclude therefore that laws do not matter and one can do as one likes on the road without paying the price for that. I urge the Minister to prepare and introduce a new section to the Bill taking the opportunity afforded by this legislation. There are several other trans-

port Bills to process but if the Minister does not deal with this issue in this legislation, it will be at least a year before any further action is taken. The Minister should give his attention to this serious source of danger on the roads.

There are two other problems which the Minister needs to address urgently, the first of which is drink driving. There are serious historical and cultural problems surrounding this but they persist because of the culture of lack of enforcement. Every weekend large carparks outside large pubs are full. At closing time, many people who are clearly over the limit leave the pubs and drive away. It is all very well to have high profile targeted campaigns but cultural change is needed too.

The second problem is the crazy situation whereby there are almost 400,000 drivers with provisional licences on the roads. They contribute significantly to the high level of road fatalities and serious accidents. Much work remains to be done which was neglected by the Minister's predecessor.

**Mr. Crowe:** I wish to share time with Deputies McHugh and Eamon Ryan.

The content of this Bill is largely acceptable and many parts of it incorporate welcome developments in the area of road safety. I am glad to see that section 12, "provides recognition of the need for the establishment of transitional arrangements to facilitate the changeover from the imperial speed limits ... to the metric speed limits established under this Bill." I welcome the clarification at the outset of the introduction of metric speed limits in section 12(1) which outlines the mile-metric speed limit equivalents etc. This simplifies life for drivers.

The concept of outsourcing some Garda functions in the administration of the fixed charge system is not so straightforward. Part 3 through section 17 allows for "the outsourcing of certain duties currently carried out by the Gardaí to third parties by way of agreements entered into by the Minister." Will the Minister in his response please clarify his proposals in this area because there is a bad taste in people's mouths following the outsourcing of clamping? That process and the company dealing with it in Dublin were something of a disaster. We need to hear more about what the Minister intends here.

On the theme of how gardaí might best be deployed, the Minister has already publicly accepted that in areas such as the enforcement of the points system, there should be more emphasis on having gardaí patrol built-up areas and dangerous by-roads to enforce this. Despite the high number of motorists receiving points, the number of people injured on our roads continues to rise with 159 road deaths so far this year, 14 more than this time last year. Like many others, I have criticised the locations of Garda speed traps. Most fatal accidents occur on non-national roads, yet speed checks tend to take place chiefly on main roads and dual carriageways. Gardaí clearly



[Mr. Crowe.]

are not patrolling the right zones. I listened recently to the Minister for Justice, Equality and Law Reform saying on the radio the speed traps were in areas of high fatalities and so on. He is telling falsehoods or he is fooling himself because in reality many of the speed checkpoints are in places where there has never been an accident, or no serious accident. It recalls the expression "shooting fish in a barrel". Unfortunately that continues. As I drove in this morning, I saw a GATSO van at the Spawell at the bottom of Templeogue. I do not recall there ever being an accident at that spot, yet the GATSO van is there regularly, catching people coming off the motorway. That does not seem to make any sense.

I hope the Minister will be proactive in redirecting Garda checks to locations known for speed-related accidents. Most accidents happen within a three-hour period in the day and we know the worst 20 hours in the week when most fatalities occur are between Thursday and Sunday. Much of that is due to the shortage of gardaí on duty which in turn is because they do not receive overtime during that period. If we are serious about tackling drink driving and speeding and so on, gardaí should operate at that time. Is public order the priority or will gardaí who patrol the streets be assigned to speed checks and, I hope, save lives?

I welcome the Minister's acknowledgement of the dangers surrounding the use of mechanically propelled vehicles by minors and often in the context where insurance criteria etc. are unclear. Section 24 outlines the criteria for penalties for supplying such vehicles to minors. Can the Minister be confident, however, that ways cannot be found to supply a child under 16 with such a vehicle despite the clear stipulation that this cannot legally happen? A purchaser could provide evidence of age for an older offspring while actually providing the minor with the vehicle. We are familiar with the practice of older people buying alcohol for minors and so on. A similar practice could arise with people buying licences for minors.

What does the Minister intend to do about the number of such mechanically driven vehicles already in the possession of children under 16 years? Will there be action to take these vehicles from them? Where will these so-called company cars be stored? For example, in Tallaght the only area where the gardaí can store them is the yard in front of the Garda station. Between 1 January and 8 October this year 411 vehicles were seized under section 41 of the Road Traffic Acts 1961 to 1994. This creates the ridiculous situation whereby at times Garda vehicles cannot be parked in their own parking spaces. That needs to be resolved as part of this legislation. While negotiations about this between the Garda national crime prevention office and South Dublin County Council continue, nothing seems to be happening.

The Bill's provision for extensions and clarification of the application of exemptions from traffic and parking restrictions for emergency vehicles is a positive move. I take that to incorporate ambulances, fire brigades and so on. On the matter of the proposed "mandatory disqualification for holding of either or both a small public service drivers or vehicle licence on conviction of certain offences", will the Minister outline what is meant here by "certain offences"? Are they incidents that occurred in vehicles while driving or in some way connected to the issue of road traffic? A number of people have contacted me on this whole area. Not only does it affect people with criminal convictions, but people arrested for politically motivated offences in the past. There needs to be some sort of clarification on this. In the recent past, republican ex-prisoners have had their teaching posts discontinued and they had to take cases to the courts to have their posts reinstated. I would like the Minister to outline what he means by these cases. Will they be retrospective? There was a commitment in the Good Friday Agreement to upskill unemployed prisoners and I would not like to think that this legislation will bar people from working in the motor industry.

Can the Minister provide clarification on the position of tractors and trailers used by county council sub-contractors? I have been contacted by people in Wexford who would have used agricultural vehicles. There genuinely seems to be confusion among sub-contractors on that.

The key to road safety is changing behaviour. We have road safety in every primary school where gardaí are assigned. At secondary level, there does not seem to be anything except for an education pack. There seems to be a road safety officer in most council areas, but it seems to be a part-time post with a €2,000 salary. If we are concerned about road safety, it needs to be an integral part of our whole education curriculum. The 17-25 age group is the dangerous group and we need to focus on it. While I welcome this Bill, there needs to be work done by the gardaí in this area to save the lives of the individuals involved as well as other drivers on the road.

**Mr. McHugh:** This Bill is very welcome and it contains provisions which are long overdue. The spirit of the Bill is to be applauded. However, some of the detail in the Bill needs further thought and analysis. While the Bill's main purpose is to provide for the introduction of a new system of speed limits based on metric values, the most important element of the Bill is the thought that has been put into the level of those limits on roads of varying standards. It is complete folly and an example of bureaucratic decisions made without regard to reality, that the same speed limit exists on boreens as national primary roads.

It is acceptable, on the basis that the NRA has responsibility for national routes, that its approval has to be obtained for the application of general speed limits on those routes. However, it

is completely unnecessary for local authorities to have to seek approval from the NRA for the application of a road works speed limit order to facilitate road works. This is a creation of a further layer of bureaucracy, which is totally unnecessary. Why can we not keep things simple? Let the professionals on the ground decide, as they have the practical experience. The decisions should be taken as close as possible to the site.

As a Deputy based in a rural constituency with experience of driving on a daily basis on county, regional and national roads, I dispute the speed limits now being proposed for regional and national roads. The 80 kph speed limit on county roads is acceptable, but such a speed limit should not apply to regional roads, and I feel that a higher limit of 95 kph would be more sensible. We have to travel over miles of regional roads to complete long distance journeys. To restrict motorists to a limit of 80 kph on those roads is not sensible, as it will only lead to frustration and frustrated motorists are a hazard. The 100 kph speed limit on national secondary routes is acceptable, but it is too restrictive on national primary routes and a limit of 110 kph is more reasonable. The 120 kph limit should apply to dual carriageways as well as motorways. If we are to undergo a national change on speed limits, we will have a complete change of signage. That will be expensive and so we need to make sure we get it right. I ask the Minister to eliminate the ludicrous provision in this Bill where the speed limits can change on the same section of roadway. That is a God send to the traffic corps as they have handy victims. If it is necessary to have a change of speed limit on the motorway, it needs to be adequately signed. Otherwise, it is not fair on motorists.

There is a requirement to give notice in national newspapers of an intention to make special speed limits. That is not good enough. As a former Minister for the Environment, Heritage and Local Government, the Minister should recognise that in previous planning and development Acts, it was acknowledged that it was necessary to give notice in media organs closer to the site. Accordingly, there should be a requirement in all areas of this Bill, where notice is required, that such a notice be published in local and regional newspapers, as well as local radio stations covering the area in question. This is another example of the establishment being out of touch with the real Ireland. Not everyone in the real Ireland gets a daily copy of *The Irish Times*, the *Irish Independent* and the *Irish Examiner*. The extent of their weekly reading is often the local and Sunday newspapers. The population of Dublin 4 would have difficulty understanding that but that is the real Ireland.

I also wish to refer to the previous Act, the Road Traffic Act 2002, to which this Bill refers. That was the Act which introduced the penalty points regime. I only want to refer to the provisions of the Bill that facilitate the issue of penalty points from a date other than the date on

which the offence was committed. I have knowledge of a case where a speeding offence was committed in November 2003. The person was served with a fixed charge notice and duly paid. Low and behold, the penalty points did not take effect until October 2004, 11 months after the offence was committed. The farce is that the penalty points will remain in force until almost four years after the offence. That arises because the penalty points only take effect 28 days after the date of issue of the notice. If the authorities do not get around to issuing the notice for five years after the offence, then the penalty points will not be removed until eight years after the offence was committed. If a motorist is on a level of penalty points where another offence or conviction will put him or her over the 12 penalty point threshold, then a case may arise where that person could be disqualified without being notified, for example if such a person was caught speeding on camera. If a motorist receives penalty points for the first time, there is no reason the points cannot apply from the date of the offence. Otherwise, one is at the mercy of the issuing authority, which is the Department of Transport in this case. The date on which the penalty points will take effect will depend on the efficiency of the issuing authority. There is something wrong with having to pay a fixed charge within a specific period of time. It is unfair not to set the date by which penalty points have to be issued. I urge the Minister to examine this issue and to put in place a fair regime which upholds common sense.

I will conclude by referring to young drivers who have alterations made to their cars so that they are more souped up. The alterations may involve the installation of larger wheels and tyres then those specified on the NCT certificate, souped up engines, double exhausts, steering wheels which create a more sporting image, windscreens with an increased density of tint, modified rear and side windows and oversized sun visors. I ask the Minister to consider making it an offence under this Bill for a person to make such alterations on behalf of young drivers. He could include such a provision in the section of the Bill which prohibits the sale of cars to minors. People living in built-up areas experience hell when cars with double exhausts and souped up engines pass by. Such problems are found in certain rural areas in my constituency.

**Mr. Eamon Ryan:** A policy of zero tolerance was trumpeted by the Government more than seven years ago but we have not heard of it since. A period of zero tolerance is needed today in the area of road safety. The tragedies which occur on our roads almost daily, when people are killed or seriously injured in traffic accidents, are unacceptable. Such accidents are avoidable if road safety is considered differently by legislators and the public. It may be impossible to eliminate road deaths, but we should pursue such an objective. The latest thinking I have encountered at international conferences is that a zero tolerance

[Mr. Eamon Ryan.]

approach should be adopted. That would require reductions in speed, better behaviour, certainty and the putting in place of conditions in which people know what they are doing. Such conditions should change depending on the road and the locality. Drivers need to be slowed down as they approach towns and city centres, for example.

Particular problems are found at junctions, where there are major dangers and risks. Deputy Shortall mentioned her experience with the Railway Procurement Agency at this morning's meeting of the Joint Committee on Transport. The reality is that drivers in Dublin and other Irish cities speed up as they approach junctions. Engineers provide for long cycles when sequencing traffic lights. They are concerned with getting the maximum number of cars through the city rather than thinking about road safety. Drivers know that traffic lights stay green for a long time, sometimes up to two minutes. If they arrive as the light changes, even just after it has gone red, they think they need to get through on that occasion because they might have to wait for two minutes before they can proceed through the junction. When drivers speed up to pass through red lights, they often collide with pedestrians or Luas trams.

The problems with the Luas, which were discussed at the joint committee, are just one example of how our behaviour on the roads demonstrates that we tolerate activity which leads to road deaths on a daily basis. The National Roads Authority has published statistics which prove that the vast majority of drivers breach current speed limits, for example, by passing through junctions too quickly. Successive Governments have tolerated such behaviour for far too long. Our remarkable tolerance for the slaughter on the roads is allowing it to continue, regardless of the welcome reduction in road deaths in recent times.

I am not sure whether this Bill will lead to a new zero tolerance structure. I welcome some of its provisions, but I have slight concerns when I consider whether it will speed up Ireland's drivers or slow them down. I fear that it will encourage them to speed up. I do not agree with my colleague, Deputy McHugh, about the default speed limits which are set in the Bill. I think some of the limits should be lower, where appropriate. I welcome the proposed introduction of an 80 kph speed limit, which is lower than the current limit. I acknowledge that such a limit sensibly recognises this country's different types of roads.

We can argue about the default speed limits, but my main concern in respect of this legislation relates to special speed limits. I have particular concerns about whether a 30 kph speed limit will be introduced throughout the country on a widespread basis. Having listened to the Minister's speech, I am not sure about the guidelines he intends to introduce, as he is entitled to do under the legislation, in respect of the 30 kph limit. Perhaps he will respond to my concerns at the end

of the debate. Does the Minister agree that a 30 kph limit is appropriate in city centre streets such as O'Connell Street and Suffolk Street in Dublin, Patrick Street in Cork and the streets around Eyre Square in Galway? I certainly do. I cannot understand why cars are allowed to drive along such streets, where there are many pedestrians, at 30 mph or 40 mph. It should not be allowed because it is reckless and lethal.

I would like the Minister to outline the type of guidelines he thinks are needed for the regulation of 30 kph speed limits. I think 30 kph should be set as a default speed limit for certain urban areas, such as city centres. There should be a default speed limit of 30 kph throughout Dublin city centre and in most other city centres. I appreciate that there may be legal difficulties in wording the regulations. I have a real concern that the tone of the legislation is that the 30 kph limit cannot be touched because it would be dangerous to do so without regular ministerial guidelines. It is the only special limit that is proposed to be retained as a reserved function. It is as if it would be incredibly risky and dangerous to allow others to be involved. I am willing to accept that members of local authorities will understand the reasons for the proposal, but the Minister's speech did not give me a sense of his views in that regard. It has been reported that the previous Minister said he would introduce a 30 kph speed limit only in areas where traffic management measures such as ramps are in place or close to certain schools. That does not make sense to me. We should give local authorities much wider powers to introduce such limits.

The advantages of a 30 kph speed limit are clear when one examines the evidence from other countries. When a 20 mph speed limit was introduced in England in 1991, average speed limits in the relevant zones decreased by 9 mph, the number of crashes decreased by 60% and the number of crashes involving children decreased by 67%. Other speed provisions were put in place in the areas in question. Many studies have indicated that the number of casualties decreased by 56% even when 20 mph speed limits were introduced without ramps. The number of deaths decreased by 90% in such areas. We cannot ignore a 90% reduction in deaths. Given that we have seen them work in every other country in Europe, why is Ireland, of all countries, scared of 30 kph limits and reluctant to introduce them? I would like the Minister to indicate clearly his opinions on the success of the introduction of such limits.

A 30 kph limit should be introduced in most city centres in this country. I do not see why a car should travel at more than 30 mph in the College Green area of Dublin. The Minister is familiar with the statistics. If one is hit by a car which is travelling at 30 kph, one has a 20% chance of being killed. If one is hit by a car which is travelling at 40 mph — I do not know the equivalent speed in kph — one has an 80% chance of being killed. The former Minister of State, Deputy



McDaid, equated being hit by a car travelling at 40 mph to being dropped off the third floor of a building. We cannot allow cars to travel at 30 mph or 40 mph in the centre of our towns and cities, areas in which children are playing on the streets. We need to reduce substantially the average speed in such areas. I do not have a sense that such a limit will be imposed under the terms of the section of the Bill that deals with this matter.

I would like to speak about the special speed limits. I am concerned by the Bill's proposal to impose a 120 kph speed limit on dual carriageways. If widely applied, that would lead to exactly the type of confusion of which Deputy McHugh spoke. If we have a speed for motorways, let us restrict it to them. If we apply it to dual carriageways, we will undoubtedly have a situation where people driving on long sections of road will not differentiate which type they are on, maintaining their speed. On those sections there are junctions and cars crossing. Someone doing 120 kph is not able to react to a tractor or anyone else pulling out. I have to ask the Minister why that provision to introduce a limit of 120 kph for dual carriageways is in the Bill when the main argument always made for motorways is that they create safer and more certain road conditions. If legislated as initiated and if that special limit is widely applied, the Bill is a return to the same old fudge, allowing people to put their feet down, since they are only 5 kph over the limit. That is inappropriate.

One of the reasons that we have had reductions in accidents in recent years is that all the motorways we are building — we are building a great many — lead to slightly safer conditions since there is no one else on the road. However, in England, though they have a remarkably good road safety record with outwardly impressive statistics, people do not walk anymore. They do not allow their children out on the road or cycle because it is dangerous. One must be careful with statistics. If we lean on statistics to reduce the accident figures, something that we must do, but on the basis that everyone is in their cars and no one ever walks or cycles, with children driven around, we may be missing the other statistics concerning children dying or getting early onset of diabetes. They are becoming obese and not learning how to explore their environment and neighbourhood. We must be very wary about the use of statistics and how we argue road safety.

Road safety should start with the question of how one can walk down a road and not have to clutch one's three year old son constantly for fear that he will run out and be knocked down. That is the daily experience of the vast majority of people with young children — absolute fear. We should start by returning to zero tolerance and how we can make roads safe for those people. In certain instances on motorways we will be able to allow motorists to drive at a certain speed and set the traffic agenda. However, any place where there are pedestrians, including on my street and

everyone else's, we should return to what I had as a child, one of the best environments to grow up in, with the ability to play on one's street. One learns to become streetwise and fit, and to interact with one's neighbourhood and environment. Where there are such environments, we should first and foremost ensure that children are safe on the road and we should set the speed limit accordingly. I get no sense of that here.

It is remarkable the Minister cites examples that his predecessor gave of the need to increase the speed limits, the ones that the SIMI and the AA sent to local authorities. It seems the former sets transport policy in this country. In Braemor Road in my constituency, a residential road, it was totally inappropriate to change the speed limit from 30 mph to 40 mph. The Minister backed the SIMI proposal, which was rightly turned down by the county council. That is an indication of where the Government's priorities lie, with speed and not with the people on the road.

**Mr. Callely:** That is not fair.

**Mr. Eamon Ryan:** I see nothing in this legislation that changes that. There are certain points, but the jury is out. I particularly wanted to hear in the debate how widespread will be the special limits. That will allow us to judge whether this legislation is about speeding up the country or slowing it down and making it safer.

**Mr. Callely:** The Government has a tremendous record of improving road safety——

**Mr. Eamon Ryan:** Improving roads.

**Mr. Callely:** ——and building up a great network of roads.

**Mr. Haughey:** I congratulate my constituency colleague, Deputy Callely, on his appointment as Minister of State at the Department of Transport. He has a national brief and I look forward to working closely with him on several transport issues in the Dublin North-Central constituency.

The Bill's primary purpose is to provide for the introduction of a new system of speed limits based on metric values. Those values must be in place by 20 January 2005. The Bill also provides for the adoption of changes to the administration of the fixed-charge system for traffic offences, including the outsourcing of certain Garda functions relating to it. The Bill introduces a new offence relating to the supply of mechanically propelled vehicles to minors. It extends and clarifies the application of exemptions from traffic and parking restrictions for emergency vehicles. It provides for other miscellaneous changes to the Road Traffic Acts 1961 to 2003 and for certain technical amendments to the provisions in the Taxi Regulation Act 2003. It is therefore a significant Bill.

As I said, it provides for a changeover from imperial speed limits to metric ones. There is no



[Mr. Haughey.]

real objection to that. People accept the inevitability of metric speed limits. In the short term, there will be inconvenience for motorists in particular, but I am quite sure that after a short period people will adjust to the new regime. It begs a question regarding the possible introduction of a further measure, namely, whether there are plans to change the law on driving on the left of the road. There are very few countries in the world where drivers are obliged to drive on the left and we are one. However, I see no realistic possibility of ever introducing conformity across the world in that area. From the point of view of road safety, it would be impossible. People will adjust to the new metric speed limits quickly. The changeover to the euro provides an example. Everyone was very surprised with just how quickly Irish people came to terms with the new regime and adjusted to the new monetary system. The changeover will be effective and efficient.

The Bill provides for new speed limits as follows: 120 kph on motorways; 100 kph on national roads, including primary and secondary roads; 80 kph on rural, regional and local roads; and 50 kph in built-up areas. I welcome the provisions in the Bill which give powers to local authority. In principle, any Bill that gives more powers to them should be welcomed. Democratically elected councils are the right bodies to set the law in many such areas relevant to local conditions. The local authorities are being given power to increase or decrease significantly the speed limit on selected dual carriageways. The councils will also have the power to reduce speed limits, particularly around schools, and to introduce temporary speed limits. Those provisions introduce the flexibility that local authorities need. There is obviously a desire on their part for such powers, and I am delighted that they are being provided for in this Bill.

The Bill allows for the introduction of a metrication changeover board, which will plan and oversee the implementation of the changeover from imperial to metric speed limits by the deadline of 20 January 2005. I am quite sure that the new board will put in place an imaginative plan to bring about this changeover.

**Ms O. Mitchell:** They had better do it soon.

**Mr. Haughey:** I hope that the board will be imaginative. This Bill needs a speedy passage through both Houses so that the board can set about the task of introducing its plan for an effective and efficient changeover.

It is obvious that motor dealers are already anticipating the change. Cars currently being sold show metric speed more prominently on indicator dials than the imperial figures. It is clear that some planning has taken place regarding the changeover. People will need information on the conversion figures. A figure of 30 mph equates to 48 kilometres per hour, 40 mph is 64 kph, 50 mph is 80 kph, 60 mph is 96 kph and 70 mph is 112

kph. Garages, motor dealers and motor insurance companies have a great opportunity to prepare user-friendly material on these conversion figures, which can be placed in cars. I am thinking of tax disc holders and various stickers, leaflets and so on. Even in terms of advertising, motor dealers, insurance companies and others would need to move quite quickly. It would be of great help to motorists.

I suggest to the Minister for Justice, Equality and Law Reform and to the Garda Commissioner that there must be some flexibility for the first week or so following the changeover. Motorists will take a little time to get used to the new speed limit displays in kilometres per hour and adjust their driving accordingly. In the first week, reasonable flexibility will be required with regard to the implementation of the laws on speeding. I am sure that a practical and pragmatic approach can be adopted. People do not like change and will take a little time to get used to the new set-up.

In the run-up to the European and local elections and in their aftermath, there was a great deal of talk about the so-called nanny state. Some people came to believe that there is over-regulation of people's personal freedoms, especially in the matter of road safety. People complained about the possibility of penalty points being extended to other offences and the suggestions that higher standards were being sought since 15 September 2003 with regard to the national car test. People objected to the idea of introducing random breath testing, to suggestions that the permitted alcohol level for drivers would be reduced and to the notion that new legislation would restrict the use of mobile phones by drivers of mechanically propelled vehicles.

Like it or not, there are people who do not want any more regulation in this area. As legislators we must therefore strike a balance. There is no doubt that road safety, to which the Minister last night devoted much of his speech, is of paramount importance. I have no doubt that anyone who has been affected by road accidents or experienced the death of a loved one will be adamant that all these new laws should be introduced. I suggest that for the moment we have gone far enough. We have sufficient laws on the statute books but we need to enforce them. Let us monitor the effectiveness of the existing laws and enforce them. If necessary, we can in time extend the provisions on road safety.

I listened to contributions from the Green Party and the Labour Party, whose members called for more laws. We have heard of what is called the joyless agenda of the nanny state. Those parties will sit well in Government if they ever get that far. We need to be pragmatic.

**Ms O. Mitchell:** The Deputy should consider who is foisting a nanny state on us before casting aspersions on this side of the House.

**Mr. Haughey:** If the Deputy thinks the current state of affairs is bad, she should listen to the contributions from that side of the House. The new laws are not being proposed by Fine Gael and certainly not by the Deputy. Let us enforce our existing laws.

**Mr. Crawford:** What about driving on the right-hand side of the road?

**Mr. Haughey:** That is not a possibility or a prospect. The Department of Transport has produced a document entitled Road Safety Strategy 2004 — 2006. This follows on documents produced since 1998. Progress has been made. This strategy refers to legislation for full random breath testing, private operation of speed cameras, the revision of speed limits, the need for a legal basis on which to control mobile phones, establishing a driving testing and standards authority, computerisation of the penalty points system and outsourcing of the collection of fixed fines. There are many suggestions and much food for thought. Between the various strategies introduced since the late 1990s, much progress has been made, yet more can be done.

All accept that penalty points have been successful. Motorists altered their driving behaviour as a result of their introduction. Problems remain which have been well articulated in this House. Gardaí are not enforcing speed limits. Every day I witness reckless driving on the streets of Dublin. Motorists initially obeyed the law but once they came to believe the laws were not being enforced, they reverted back to their bad driving habits. That issue needs to be examined carefully. Many speakers dealt with the administration of the penalty points system during this debate and others. That administration leaves a lot to be desired. The issue of computerisation is involved. I welcome that steps are being taken to deal with the administrative problems.

The Bill provides for the outsourcing of certain administrative functions of the Garda, which is welcome. The dogs in the street have been calling for it for many years and I am glad to see it introduced in this Bill in the context of road safety and driving laws. The Garda will have more time and resources to deal with other more important issues. I welcome the fact the Minister for Justice, Equality and Law Reform has reiterated his commitment to recruiting 2,000 additional gardaí during the lifetime of the Government. Steps have already been taken to honour this commitment.

**Mr. Crawford:** We have heard that before.

**Mr. Haughey:** The recruitment of these additional gardaí will be of major assistance in respect of road safety and the enforcement of road traffic laws.

The question remains, however, about the condition of our roads. Motorists can only be asked to do so much. The Government must do a great

deal more. We cannot continually blame motorists for all of the problems on our roads. The Minister outlined what has been done in connection with the road building programme. Better roads will play a major role in bringing about greater road safety. I welcome the fact that the National Roads Authority has introduced specific accident reduction measures at over 400 locations on the national road network. The Government has direct responsibility for issues such as improving accident blackspots and the condition of our roads.

There is also the issue of faded road markings, a matter of which I am particularly conscious in my constituency. Local authorities are not doing enough to renew faded road markings and their budgets are not adequate in this regard. In many cases, road markings are simply allowed to fade away and are not replaced. The absence of such road markings must also be a cause of accidents.

I referred earlier to complaints and the introduction of higher standards since 15 September 2003. We should leave the NCT as it stands at present, monitor its operation and ensure that vehicles comply with the required standards. There is no need to raise those standards at this point.

Joyriding is a major issue for people on the northern fringe of Dublin city. The Bill introduces a new offence relating to the supply of mechanically propelled vehicles to minors. For many years the Minister for Justice, Equality and Law Reform has been stating further legislation is not required to allow the Garda deal with the problem of joyriding. I welcome the fact, however, that the Minister for Transport is introducing new legislation to meet a perceived need. The Garda Síochána has a number of strategies in place locally to deal with the problem of so-called joyriding. Various local initiatives have also been introduced in this regard, such as the Priorswood task force on joyriding. Priorswood is in Dublin 17 and the people on the task force have come together to deal with a major problem which affects their daily lives. The task force has been very effective and has been provided with financial support by the probation and welfare service and the local authority in the area. That initiative is a particular example of how joyriding can be dealt with.

From time to time the media highlight joyriding and it becomes a matter for national debate. However, the problem is present on a continual basis and we need to tackle it. I commend the Priorswood task force on joyriding on its initiative. It is a good pilot scheme and other communities could follow Priorswood's example by putting similar schemes in place.

The Bill forms part of the solution to road traffic problems. When it is enacted, the effectiveness of its provisions will be monitored and if other laws are called for, we should consider introducing them. I commend the Bill to the House.

**Mr. Crawford:** I welcome the opportunity to contribute to the debate on this important legislation which I support in principle. However, there is a number of issues about which I am extremely concerned.

The Minister referred to the efforts made in recent years to improve road safety. I have lost neighbours and close family friends who were killed on the roads and I am of the opinion that we must do everything possible to minimise the number of deaths caused by road accidents. We must also minimise the serious cost to the nation of the injuries that occur as a result of such accidents. So many people carry the injuries they suffered in road accidents to their graves. While we have no difficulty calculating the number of deaths that occur, we often do not realise the huge number of people who carry such injuries throughout their lives.

The policy focus during the past six years has been aimed at minimising accidents etc. I wish to raise one issue which may not be relevant to the Bill but which must be highlighted because it is continually raised by young drivers, namely the difficulties people experience in obtaining driving tests, which leads to them driving on provisional licences. The Government could take fairly immediate action in respect of this matter at quite a low cost. All that needs to be done is to employ additional driving testers in order that people can sit their driving tests on time. This would improve the quality of drivers on our roads.

Action must be taken in respect of this and to that end, even though Fine Gael is often accused of being only negative, Deputies Coveney and Naughten brought forward a progressive proposal on the issue of driving tests. The proposal in question suggests that young drivers could learn to drive through the secondary school system, undergo further instruction when they leave school and finally sit their driving tests. As a result of completing this process and on obtaining a full licence, they would benefit by obtaining reduced insurance premia. If we are serious about trying to minimise the number of road deaths, we must improve the quality of those driving on our roads. We can only do so by making better use of the facilities available in secondary schools and driving schools. We must also ensure that driving instructors operate to the highest standards and that they are not themselves driving on provisional licences.

The Bill is designed, in the main, to bring about the changeover to the metric system. I am not sure why we are debating it at all. I contacted a number of local authorities and discovered that all the relevant signage is already in place. It is questionable as to whether we can make any real changes to the legislation on Second, Committee or Report Stages because the signs are already in place and the decisions have already been made. The relevance of the House is being undermined and questions arise as to whether we are being listened to by Ministers or others when we debate legislation of this nature.

The Bill also provides for changes to the administration of the system of fixed charges and the outsourcing of certain Garda functions in respect of that system. I have stated on many occasions that gardaí are obliged to do jobs which are not necessary. Gardaí are involved in administration work when it is much more important for them to be visible on our streets, regardless of whether it be performing traffic duties during the day or ensuring that social order is maintained at night.

Regarding the selling of cars to minors, this problem is not confined to Dublin. Recently in my constituency we witnessed the sad tragedy of a widow who lost her 16-year old son who was killed while driving his car. If this Bill had been in place, he would not have been in a position to buy the car. I accept that the legislation will not stop minors stealing cars but it will prevent them from purchasing them. Perhaps the Minister will indicate why the age of 16 and not 17 years was chosen as the cut-off point in respect of this matter.

As stated earlier, the signs relating to the changeover to the metric system are already in place and I do not know, therefore, whether our debate on the legislation is relevant. Deputy Haughey stated the Bill does not provide for us to change to driving on the right hand side of the road. I live near the Border and there are enough differences between the North and South without creating another one. We often hear that different political parties are leaning towards an all-Ireland structure. However, workable structures need to be introduced which can be administered both North and South. Right hand driving can only be introduced if agreement is reached between the Republic, Northern Ireland and, possibly, our neighbouring island. Otherwise it would not make sense. I am concerned about the effort that has been made to achieve an all-Ireland focus on this issue. Two different systems, one of which is being amended, will operate on either side of the Border and that will be significant.

While the current political climate in Northern Ireland is difficult, when a settlement is reached among the parties there, an all-out effort must be made to introduce common driving laws throughout the island. It is ludicrous that Northern drivers can think that the minute they cross the Border, they can do whatever they like. I am not sure what is the legal position in this regard. However, I have used the M1 to travel to Dublin on a regular basis since it was opened. I may drive at 72 or 73 mph, which exceeds the maximum speed limit, but 90% of the cars that pass me are registered in Northern Ireland. I do not condemn them but the law is lax in this regard. A smoking ban has been introduced in the Republic but not in Northern Ireland. Let us not draw up other similar laws without consultation with the Northern Ireland authorities to minimise rather than maximise the divisions on this island.

I welcome the attempts at reductions in specific types of accidents. Five members of a family were



killed in a car accident at a crossroads and accident blackspot one and a half miles from my home. I give credit to the Minister for Transport because he provided the money to build a roundabout at this crossroads, known as Swann's Cross, when he was Minister for the Environment, Heritage and Local Government. This demonstrates what can be done if the money is available. An application has been made for funds for a road project at a minor junction called Killycraggy Cross, which is not far from Swann's Cross. A sum of €100,000 is needed to alleviate a serious problem at this junction and if something is not done, there will be fatalities.

**Mr. Callely:** The Deputy will have to contact the Minister for the Environment, Heritage and Local Government.

**Mr. Crawford:** I appreciate that and I have done so. I give credit where it is due and the Minister for Transport provided the money for the project at Swann's Cross when he was in the Department of the Environment, Heritage and Local Government. I also welcome the M1 and Carrickmacross bypass projects as they have led to improved road safety.

The Bill's purpose is to introduce a metric system of speed limits. Common sense has been applied to speed limits on roads such as the M1 where the limit has been increased to 120 kph. Drivers are travelling at higher speeds than that currently but, while I may be the first caught, I hope the new speed limit will be imposed.

I do not have a major problem with the imposition of a speed limit of 60 mph or 100 kph on national primary and secondary roads, although I do not accept the argument that the limit should be increased to 70 mph or 110 kph. The speed limit of 100 kph is reasonable on such roads. However, I have a major problem with the imposition of a speed limit of 48 mph or 80 kph on regional roads. I make no apology for being parochial. My constituency does not have the benefit of train services and my constituents depend on road transport. It is ludicrous to suggest that vehicles travelling between Cavan town and Monaghan town, which for the past year have had to travel through Cootehill, can only do 48 mph under the legislation while a vehicle travelling on the national primary road between Cavan and Monaghan via Clones can do 60 mph. It is lunacy when one considers the quality of the two roads.

I will back good laws but if we introduce ludicrous laws which are unreasonable and unworkable, we make the House look an ass and stupid. Ballybay is six miles from my home. No national primary or secondary road serves the town. The businesses in the town will be impeded by the introduction of a speed limit of 48 mph, which is unworkable. If speed limits had been imposed up to now, I might have had less of a problem with

the new speed limit. Speed cameras were mounted on national primary routes and in 30 mph zones outside towns primarily but they were rarely found on regional roads. Towns such as Ballybay, Cootehill, Ballyjamesduff and Bailieborough in my constituency are not served by national primary or secondary roads. The same scenario pertains in many other towns in rural Ireland. County Louth has a good scattering of national primary and secondary roads and, therefore, the new speed limits are not a major problem for people there but the new speed limit is a serious concern in my constituency. I have spoken to engineers, gardaí and others about this and a number of them agree with me. I want to back laws that will save lives but I do not want to back laws that will cause chaos, frustration and road rage and make businesses unviable because traffic is further delayed in different areas.

Under the legislation, local authorities have the right to introduce their own by-laws. However, if one local authority imposes the 80 kph speed limit while another imposes a 90 kph limit, it will be illogical. Will the Minister consider introducing a 90 kph limit on the principal regional roads?

The introduction of penalty points had an impact when they were introduced but the administration of the system has been difficult. When one reads the documentation that has been released regarding the system, one must question the way in which it is administered. The Garda needs support and I welcome the measure in the Bill which provides support for it in producing summons and so on, but I must question that in the year 2004 there is not a properly functioning computerised system in place. Banks are frequently condemned for making profits but they computerised their systems even though they deal with a large number of clients. When the country changed over to the metric system, it happened with a bang and the banks were able to deal with that, yet many years later the Garda systems are not computerised. A person issued with a speeding fine needs to be informed as quickly as possible. I am aware of some illogical situations which must be changed where people have gone to the end of the line before receiving information about their first offence. Speed limits must make common sense in the case of regional and local roads. On the road from Cavan to Monaghan via Cootehill there are several different speed limits. In some areas there are limits of 30 mph and others 40 mph. I want to ensure that logic will prevail across the board.

The penalty points system was originally successful but it needs to be re-examined. The Garda Síochána should be more visible on the job. A Garda van placed in a quiet place is a way of making money out of the system, but I do not believe this system was put in place to make money, it was established to control traffic speeds and save lives. The best method of saving lives is



[Mr. Crawford.]

to have gardaí in their cars and visible. I hope that the 2,000 extra gardaí we will get next week and the gardaí who will be more available will be visible on the roads.

The issue of drink driving is as important as the speeding issue. I am not a teetotaler but I have no time for someone getting behind the wheel of a car who is not fit to stand let alone drive. There are still too many people behaving like that. Many accidents occur in the early hours of the morning for no other reason than people have taken too much alcohol. The issue of drink driving must be dealt with and monitored as soon as possible.

I ask the Minister of State for information on the number of active speed cameras on the roads. How many active speed cameras are available to the Garda? In which parts of the country are they used? I honestly believe that they are only used in the north east, and that is completely unfair. If the system is legal and workable, cameras should be in use throughout the country in the most active way to save lives. If speed cameras are a useful tool, it is vital they are used under Garda control and not handed over to another body such as the clampers in Dublin. They should not be used just for the sake of making money but to minimise speed.

I welcome this Bill but I ask that the issue of workable speed limits on regional roads be seriously examined. I appreciate that the signposts are ready and waiting in the county council yards but if a speed limit of 90 kph or 100 kph is placed on a busy regional road, the public will welcome logic and common sense.

**Mr. Callely:** I will provide information on speed cameras for the Deputy.

**Mr. Andrews:** I wish to share my time with Deputy Fiona O'Malley.

All road traffic legislation should have road safety as its guiding principle. A hierarchy of safety starting with pedestrians and working up towards cyclists, motorcyclists, child passengers in cars and drivers should be reflected in all road traffic legislation and its enforcement, but that is not always the case.

In my constituency of Dún Laoghaire-Rathdown, a regular speed camera is positioned under the bypass at UCD, Montrose. That road has a perfectly good cycle lane which is separate from the main carriageway. It has a 40 mph speed limit where there are no residences in the area and therefore no vulnerable road users. Yet this is the one place where speed enforcement is guaranteed. In my experience, one will never find speed enforcement outside schools where there is cycling traffic or in housing estates where children are playing. This is a perverse attitude in terms of the hierarchy of safety and road traffic law and it

is unfortunate. This may not be a matter to be dealt with in this Bill but it is worth stating that road safety should be the key principle and the interests of the most vulnerable should be at the forefront of all thinking.

The Bill has its origins in EU law which will explain some of the points raised by Deputy Crawford. The EU aspiration was for proper co-ordination of laws across all member states. Northern Ireland has had its own penalty points system since 1997 but as yet it is not possible to track an offender who has picked up penalty points in one member state unless such a person applies for a licence or picks up penalty points in this State. That person could have picked up ten penalty points, for instance, and very little can be done about it. The natural consequence of European Union legislation could be a convention for the mutual recognition and enforcement of these types of offences, if such a convention is not already in place.

The local authority in my constituency takes many measures to fund traffic calming, but that income has decreased in recent times. If local authorities are to be given responsibility for speed limits, they should also be provided with funding for traffic calming measures. A good example is Barnhill Road, Dalkey, where a very dangerous situation has existed for many years. There is no footpath and there is a very dangerous corner. Deputies of all parties have been trying to persuade the local authority to introduce some traffic calming there but nothing has been done. While this Bill has the best of intentions, funding must be provided so that its intentions are matched by action on the ground.

The Department of Transport has issued a road safety strategy for 2004-05. From what I have read of it that is an excellent document but without proper funding the local authorities cannot deliver on the ground.

Debate adjourned.

### **Disability Bill 2004: Order for Second Stage.**

Bill entitled an Act to enable provision to be made for the assessment of health and education needs occasioned to persons with disabilities by their disabilities, to enable Ministers of the Government to make provision, consistent with the resources available to them and their obligations in relation to their allocation, for services to meet those needs, to provide for the preparation of plans by the appropriate Ministers of the Government in relation to the provision of certain of those, and certain other services, to provide for appeals by those persons in relation to the non-provision of those services, to make further and better provision in respect of the use by those persons of public buildings and their employment in the public service and thereby to facilitate gener-

ally access by such persons to certain such services and employment and to promote equality and social inclusion and to provide for related matters.

**Minister of State at the Department of Justice, Equality and Law Reform (Mr. Fahey):** I move: "That Second Stage be taken now."

Question put and agreed to.

### **Disability Bill 2004: Second Stage.**

**Minister of State at the Department of Justice, Equality and Law Reform (Mr. Fahey):** I move: "That the Bill be now read a Second Time."

As Minister of State at the Department of Justice, Equality and Law Reform, I am pleased to bring before the Dáil this important legislation. The Disability Bill, once enacted, will significantly advance the position of people with disabilities and will be instrumental in sustaining progress into the longer term.

Deputies will be aware that the Bill is one element of the national disability strategy which was launched by the Taoiseach in September. The strategy has three other elements: the Comhairle (Amendment) Bill 2004, six outline sectoral plans and a commitment to a multi-annual investment programme for disability support services.

The strategy represents a commitment by Government to drive forward a significant evolution in policy and provision for people with disabilities, which has gathered momentum in recent years. Among the established building blocks are the strong anti-discrimination framework of employment equality and equal status legislation, the policy of mainstreaming services for people with disabilities and the significant increase in investment in disability services in recent years. These notable milestones set the context for the national disability strategy and the Bill.

Over the past six years, priority has been given to the development, enactment and implementation of a comprehensive framework of equality legislation. Our equality code is among the most comprehensive in Europe. Three Acts are in place, the Employment Equality Act 1998, the Equal Status Act 2000 and the Equality Act 2004. The infrastructure to underpin a modern anti-discrimination environment was established five years ago. The Equality Authority and the Equality Tribunal are active today in vindicating the rights of people who may have been discriminated against on any of nine grounds, including disability.

An important aspect of equal access is education and the support of children with disabilities to fulfil their potential through education. The Education for Persons with Special Educational Needs Act 2004 has put in place a strong framework for the transformation of special needs education policy. Enacted last July, the Bill creates rights to an educational assessment for children with special educational needs,

the development of an individual education plan and the delivery of educational services on foot of that plan.

In June 2000, the Taoiseach launched the mainstreaming initiative which required public bodies to integrate their services for people with disabilities with those for other citizens. The goal is to ensure integration in the mainstream wherever possible and minimum segregation, only where necessary. The initiative superseded structures and regulations which underpinned segregated disability service provision and which were 40 years old at the time. Launching the initiative, the Taoiseach said that "moving disability into the mainstream of official action is one of the vital building blocks for a future of equality and opportunity for people with disabilities".

The Disability Bill will give a statutory basis to the policy of mainstreaming public service delivery. In addition, the Bill establishes an innovative system for sectoral planning which will ensure that key mainstream sectors, such as environment, transport and employment and training, will have clear goals for delivering mainstream services to people with disabilities and plan to implement these goals in a transparent way.

Two support agencies — the National Disability Authority under the aegis of my Department and Comhairle under the aegis of the Minister for Social and Family Affairs — were established to support mainstreaming in a special way. The National Disability Authority Act 1999 supports a new environment for disability service provision. Even in the four short years of its existence, there is ample evidence today of the positive influence of the NDA's work.

In today's society, access to information is crucial to participation. The Comhairle Act 2000 established Comhairle as a mainstream information provider with a special role as the essential link between individuals and families and the services and supports they need. The Comhairle (Amendment) Bill 2004 further strengthens the role of Comhairle in providing personal advocacy services to vulnerable adults and children, as they seek to access both disability-specific and mainstream services.

Side by side with equality and mainstream policy development, there has been a significant increase in spending on disability specific services. This year, some €2.5 billion, representing almost 7% of gross current public expenditure on services, will be spent in this way. This figure does not take account of income support and other services provided through the Department of Social and Family Affairs. Nor does it take account of the fact that many people with a disability participate in, or benefit from, mainstream public service programmes and services. The figure for the current year of €2.5 billion compares with expenditure of just under €0.8 billion in 1997, a three-fold increase in seven years.

In the period 2000-02, the Government put in place a three year investment programme, which has become known as the Cowen package, for

[Mr. Fahey.]

people with intellectual disabilities and autism. This resulted in the provision of additional revenue and capital funding of over €220 million over the period of the programme to target key support services.

Building on this successful experience, the Government has given a clear commitment to a five year multi-annual investment programme that will give the same level of assurance in the case of both capital and current funding. The programme will have a multi-annual capital element for disability-specific services which will be developed within the overall system of five-year multi-annual capital envelopes.

The programme will also have a multi-annual element which is an unprecedented initiative where current spending on services is concerned. Generally, current funding to run all Government services is allocated on a year-to-year basis, taking into account existing commitments and expected revenue. The new approach will apply to current funding in the case of certain high priority disability support services. The level of funding will be settled within the Estimates and budget process, which is now under way.

Having described the setting in which the Bill will operate, I now turn to the Bill itself and the way it was prepared. The Bill is fairly unique among the legislation that comes before this House. It seeks to make provision for services that come within the ambit of a wide variety of Departments and State agencies. Knowing the cross-departmental nature of the work envisaged, the Government decided at an early stage to refer the process of overseeing the preparation of the Bill and the national disability strategy to the Cabinet Committee on Social Inclusion. The committee, which comprised 11 Ministers as well as concerned Ministers of State, met regularly for this purpose and has been supported in its work by a cross-departmental group of senior officials. In the course of its deliberations, the committee oversaw development of the scope and framework for the Bill and took decisions on the way forward on key policy issues.

The Bill has been the subject of extensive consultations with interest groups. Following a request from my Department in April 2002, the National Disability Authority brought together a group representative of people with disabilities, their families and carers and service providers in the sector. The group, which is called the Disability Legislation Consultation Group, has provided meaningful dialogue at national level, both within the sector and with Government. There has been regular contact by senior officials and Ministers with the DLCG over the past two and a half years. These meetings, together with the DLCG document, Equal Citizens, have allowed the committee and the senior officials working with them obtain a detailed understanding of the issues of concern to the DLCG in relation to the legislation.

The Bill was drafted to take account of proposals in Equal Citizens such as a right to an independent assessment of need, transparency as to related services, a right of redress, mainstream service provision and the 3% target for the employment of people with disabilities. An outline of the Bill was presented by senior officials to the DLCG earlier this year. The shape of the Bill, as initiated, and the national disability strategy reflect a number of important elements sought by the DLCG and agreed by the committee.

The Bill contains no clause specifically to protect the State against litigation for the breach of statutory duty — the much discussed section 47 in the Disability Bill 2001 which was unacceptable to disability groups. The absence of such provision represents a fundamental shift in Government policy and was taken to accommodate widely held concerns.

Another major concern of the disability legislation consultation group has been that the Bill would be supported by a multi-annual funding package for disability services. The Government's commitment to an unprecedented multi-annual investment programme shows the special concern of Government for disability issues and is evidence of its strong, positive response to the DLCG proposal.

The Bill implements the DLCG proposal that a sixth sectoral plan dealing with training and employment issues be prepared. It also provides for regulations to ensure that liaison officers undertake a periodic review of each individual's service statement to ensure its contents are being satisfactorily implemented.

A main issue for some disability groups has been the question of social rights. There are divergent views about how these kinds of rights may be framed and vindicated. One view is that ultimate redress in the courts is fundamental to the concept of social rights. Others recognise that social service provision for any one group must be balanced with the valid and competing needs of other service users. The statute-based rights and redress mechanisms in the Bill find their basis in this reality. The Bill provides a right to an independent assessment of need, a right to a service statement——

**Ms Lynch:** But not to services.

**Mr. Fahey:** ——the content of which will have regard to resource availability, eligibility and other factors, and a right of redress and enforcement. In this respect, it provides an easily accessible statute-based means of redress as regards assessment and services, which will give real results relatively quickly and informally.

In drawing up the legislation, regard was had to benchmarks internationally. The ESRI report entitled *On Rights Based Services for People with Disabilities* was commissioned by my Department in 2003 to stimulate debate and gather factual information about the nature of



disability legislation in other common law countries. The research shows that the commonalities in legislation internationally tend to be confined to anti-discrimination legislation. In addition, there is little consistency as to the kind of legislation, if any, underpinning disability service provision. The research dispels many assumptions and shows wide variation in the way disability specific service provision is treated in the countries surveyed, namely, Great Britain, New Zealand, Australia, the United States, Canada and Sweden. The Bill compares favourably with legislation elsewhere.

The Disability Bill is a positive action measure comprising a number of distinct initiatives which, taken together, will lead over time to a sustained improvement in the lives of people with disabilities. The initiatives in Part 2 deal with the individual health and education needs of each person with a disability. The initiatives in Parts 3 and 5 place statutory obligations on public bodies to support access for people with disabilities to mainstream public services and to public service employment. Parts 4, 6 and 7 deal with genetic testing, the establishment of a centre for excellence in universal design and miscellaneous matters.

I will outline the main provisions of the Bill. Provisions of particular importance in Part 1 are the definition of the word "disability" and section 5. The definition of the word "disability" in section 2 is in line with the definition in the National Disability Authority Act 1999. Section 5 is a novel provision which makes specific arrangements for Ministers to earmark funding for the purpose of implementing the provisions of the legislation.

Part 2 establishes a right to an independent assessment of need, an individual service statement and redress. Section 6 defines the key terms used in this Part. The definition of the word "disability" for the purposes of this Part covers persons whose disability is likely to be permanent, results in significant difficulty communicating, learning or moving and gives rise to a need for services on a continual basis. The term "health service" is defined to include a "personal social service" and "education service" and relates to the education of persons aged over 18 years in a recognised school or a programme of education, training or instruction specified by the Minister for Education and Science. The section assigns additional functions to the National Council for Special Education regarding the education of persons aged over 18 years.

Sections 7 to 9, inclusive, deal with the assessment of need. Assessment officers will be appointed by the chief executive officer of each health board and will be independent in the performance of their functions. The assessment will cover health and education services. A person who considers that he or she may have a disability may apply to a health board for an assessment of need and the assessment will be commenced within three months of the date of the appli-

cation. Each assessment of need will involve the applicant in the process and result in an assessment report which will specify an indicative date for review. Services will be prioritised in the assessment report and optimal timescales for delivery will be set out.

Each assessment of need will be independent in three respects: assessment officers will be statutorily independent; the assessment will be undertaken without regard to existing service levels or related cost considerations; and the assessment will take place in accordance with standards determined by the Health Information and Quality Authority to be established within the new health structures.

Section 10 deals with individual service statements. Liaison officers will be appointed in health boards as a key point of contact for the preparation of service statements. Following assessment, a liaison officer will prepare a service statement for the person concerned. In preparing the service statement, the legislation requires the officer to have regard to the health board budget for the year in question and other criteria, including the eligibility of the person for the services and the practicability of providing the service. Otherwise, the service statement will seek to reflect the priorities and timescales for the health and education services identified in the assessment report.

In an effort to aid service co-ordination, section 11 specifies that liaison officers, with the consent of the person concerned, will contact service providers outside the health and education sectors and give them any information needed to assist access to services, other than those provided for in the assessment of need.

Section 12 requires health boards to keep records as an aid to service planning. Health boards must compile a report each year for the Minister for Health and Children of the services being provided and the aggregate needs identified in assessments, including the priority of these needs and the optimal timescales for delivery.

Part 2 provides for three stages of redress, namely, complaint, appeal and enforcement. Section 13 allows for the making of a complaint with regard to an assessment or service. Section 14 requires the chief executive officer of a health board to appoint complaints officers who will be statutorily independent in the performance of their duty. Following examination of a complaint, the complaints officer may seek to resolve it informally. If this is not possible, he or she will make a recommendation to the chief executive officer who may arrange to give effect to the recommendation. Alternatively, the CEO may decide not to implement the recommendation if he or she is of the opinion that it would not be appropriate to do so in light of resource constraints or practicability. In this event, he or she must inform the complainant.

Sections 15 to 19 and the Schedule to the Bill deal with the appeals officer and appeals. The



[Mr. Fahey.]

appeals officer will occupy an independent statutory office and will be appointed by the Minister for Health and Children. The officer will hear appeals from all health boards, will have staff to whom functions can be delegated and a budget to undertake the work, and will make an annual report to the Minister for Health and Children on his or her functions. A copy of the report will be laid before both Houses of the Oireachtas. Under sections 17 and 22, the appeals officer is given substantial powers to call witnesses, obtain documents, enter premises and ultimately secure a search warrant from the District Court if necessary.

A recommendation of a complaints officer and an opinion of a health board CEO can be appealed to the appeals officer. He or she will be required to take account of the same considerations as the complaints officer did in coming to a decision — among them resources, eligibility and practicability considerations. Section 19 provides that a determination of the appeals officer will be final and not referable to the courts save on a point of law.

Section 18 provides that the appeals officer may arrange for mediation, unless either party to the appeal objects, if he or she considers that the issue could be resolved in this way. Unresolved cases may be considered again in the appeals process. A mediation settlement may be enforced in the same way as a determination of the appeals officer. As a last resort, where a determination of the appeals officer is not implemented, section 21 allows for application to the Circuit Court for an enforcement notice against the health board or education service provider which has failed to implement it. Certain recommendations of the complaints officer may also be enforced in this way.

Section 23 imposes a duty on public bodies to commence a rolling programme of refurbishment to make public buildings accessible. Sections 24 to 27 are key sections which require public bodies to mainstream service provision for people with disabilities. Section 28 deals with codes of practice to be prepared by the NDA.

Sections 29 to 35 require the development of six sectoral plans by the Ministers for Health and Children, Social and Family Affairs, Transport, the Environment, Heritage and Local Government, Communications, Marine and Natural Resources and Enterprise, Trade and Employment. A duty is placed on the Minister responsible for each of the sectors to prepare, in accordance with a general framework, a plan setting out the disability related services and positive action measures he or she is committed to implementing. Draft sectoral plans have already been published and will be the subject of a consultation process. The final plans will be submitted to the Oireachtas for approval within one year of commencement of the legislation.

Sections 36 and 37 require every public body to designate inquiry officers to investigate com-

plaints made about a failure by a public body to comply with a duty in mainstream service provision under Part 3. Sectoral plans will also specify the complaints procedures that apply in each of the six plans. The decision of the inquiry officer, or the complaints officer under a sectoral plan, can be referred to the Ombudsman. Section 38 amends the Ombudsman Act 1980 to give the Ombudsman specific powers for this purpose.

Part 4 seeks to safeguard access to employment, insurance and mortgages for people who may be affected by certain genetic conditions, such as cystic fibrosis and Huntington's disease. It restricts the use of genetic data in general, especially for employment purposes, and outlaws its use for insurance purposes. The use of family history information for insurance purposes may be restricted by regulation. The provisions of this Part will be subject to review commencing no later than 1 January 2014.

Part 5 establishes a statutory basis for positive action measures to support the employment of people with disabilities in the public service. It allows each Minister to specify targets for the employment of people with disabilities in their sector, pending the specification of which the existing 3% employment target will apply. Implementation of the measures will be monitored by sectoral monitoring committees and the National Disability Authority will report to each Minister about compliance in its sector.

Part 6 provides for the establishment of a new centre for excellence in universal design within the NDA. The establishment of the centre is a commitment in the programme for Government and responds to international obligations in regard to universal design and e-accessibility. Section 50 amends the National Disability Authority Act 1999 to take account of its new role.

Universal design relates to the design and composition of buildings, products and systems so that they can be accessed by everyone to the greatest extent practicable, irrespective of any particular physical or mental feature, ability or disability. The purpose of the centre will be to achieve excellence in universal design through the development and promulgation of standards. The centre will have a particular role in pursuing this objective in electronic systems and in the promotion of universal design in courses of training for architects, engineers and other persons who design and build the built environment.

Part 7 deals with a range of issues, including covenants in leases that may impact on alterations to allow disability access; rules for broadcasting to facilitate access by people with sensory impairments; offences; changes to the size of the NDA board and related matters; repeals and exclusions. The Schedule sets out the terms and conditions of employment of the appeals officer to be appointed by the Minister for Health and Children under Part 2. It deals with such matters as selection by open competitive process, term of appointment, staff to be civil servants, accounting matters and delegation of functions.

This Bill is probably the most important legislation prepared by the Government in the past seven years. It has taken up a great deal of the Taoiseach's time, as he has taken a personal interest in the disability strategy, and that of many members of the Cabinet, Ministers of State and senior civil servants in all Departments. I believe it is good legislation. I thank all the people who were involved in its preparation, particularly the staff in my Department who worked extremely hard putting it together. I thank the Deputies for their attention and I commend the Bill to the House.

**Mr. Stanton:** I am happy the Disability Bill has at last come before the House. We have waited a number of years for it. The Minister is correct that it is important legislation. He said he believes it is good legislation but I will suggest later that it can be improved and I will challenge the Minister to engage with us on it.

This week I received a letter from a man who has a son with a disability. The letter was not addressed to me but to the 11 year old son. I have the father's permission to read it to the House. It puts in context our deliberations on this Bill. I have changed the names as I do not wish to identify the person involved. It states:

Dear Mark,

I am writing this letter into the unknown. I know you will never be able to read or understand it, yet it seems like the only thing I can do just now. I lay you in your cot every night, not daring to think of tomorrow, of our future, of your future. But tonight it is different. I have just been at a meeting on the new Disability Bill, and I am troubled more than I have been for a long time, yet you still make me smile, as you have done, through dark days and bright since you were born eleven years ago. Thank you for that.

I am truly at a loss as to why they won't listen. How is it that you scare them so much. Sure, you can't walk or talk and you look funny and I know it is hard for them to see you through the distractions of what to them is not "normal". But that's no excuse. We have been trying to show them for years that you are all there, a whole person — different, but nonetheless a whole person — just like them.

A few years ago they — the Government — sought to introduce a Disability Bill. It was withdrawn, because it did not recognise you for the citizen you are. The Government reacted, and for nearly two years a consultation process ensued. There was hope, they were going to listen to us, they were going to recognise that you have the right to services to access your basic human rights. I am not talking about an annual holiday to Lourdes, no, but rather the security that the State would, as it does for all other citizens, do what was necessary to allow you to live out a basic existence, free from fear of being exploited — or worse — ignored,

because the money was needed for some other requirement of the State.

Tonight, Mark, I learned that they have not listened. I felt the slap in my face as real as if the hand that delivered it was there. I despair. How can we leave you to these people when our time is gone? I have been in the residential units of your future. They exist today but a few miles from our house, grown adults confined to quarters built for children, nothing to do all day, except to go slowly mad.

We thought that this Bill would cure all that, but no, more of this crazy fear that you will bankrupt the State. Poor Mark, if you only knew what a threat you are. Your life is not to be facilitated without been shackled to "the availability of resources" or the grey notion of practicability. We were not looking for money. We were looking for security. We were not looking for everything now. We knew that it would take time. A slap in the face, that's what we got. This Bill, supposedly the best thing to happen for people with disabilities since the foundation of the State, is 80% to do with the State running away and the balance a flawed attempt to give a little something.

Mark, I know you can't be angry, nor can you despair; you don't know how, but I do — I do, I am terrified that you will end up in a state of fear like so many before you.

Sleep well, my little man. Tomorrow we will try again.

Your Dad.

That is the reaction of one parent to the Bill. We have much work to do. The letter highlights what should be vital elements in this important legislation, namely, citizenship and the nature of public service. It also shows how disappointing and devastating it can be for people who find themselves or their families excluded from aspects of life and State protection that the majority take for granted.

For whom are our public services, financed by our taxes, designed? Are they for everyone or only for those people who fit into the narrow definition of "norm" — those who fit into the mould? How would we react if public services suddenly became inaccessible or resource dependent for people with brown hair, blue eyes or a particular accent? How would we react if our children were suddenly deemed to be too expensive or too different to cater for or if we were told we could not be employed because people like us did not come often enough to certain buildings to justify accommodating us? Unfortunately, this is the effect of some parts of the Bill.

How this Bill is eventually enacted will dictate what kind of a society we are and how real is our commitment to inclusiveness. This Bill should unite, not divide the House. There should be no need for debate on the empowering of people with disabilities as it should be a given. As the Minister outlined, several Acts outlaw discrimination and advocate equality for people with dis-

2 o'clock

[Mr. Stanton.] abilities. It is all the more sadly ironic that the only legislation before us which contains the word “disability” in its title should have the effect of excluding, not including the very people it would appear to protect. It is almost as if the title of the Bill had been added as an afterthought — like a bad sub-editor who attaches a headline which bears no relation to the story which follows it.

Fine Gael seriously considered rejecting the Bill out of hand. We believe it is seriously flawed, obtuse and in some ways further entrenches what is already a seriously dysfunctional system. The language used is opaque and almost unintelligible at times. The structures it envisages seem to be overly bureaucratic and its effect may be the opposite of what was intended.

I have observed the reaction of legal experts who read the Bill. One stated it was possibly one of the most convoluted, turgid, incomprehensible legislation the expert had ever read and that its complexity was intentional and avoidable. This is all the more alarming when one considers that the Bill, more than any other, is being read by parents throughout the country. There was talk some years ago about using plain English in legislation, yet parts of the Bill are almost impossible to understand, even for senior legal experts. The Minister referred to section 5 but I have never read anything like section 5(3). Reading the subsection, it seems to indicate the resources allocated for people with disabilities will only be what is left over after all other resources have been spent by the health boards.

**Mr. Fahey:** That is wrong.

**Mr. Stanton:** That is what it states. It is not in plain English but it is in the Bill. It could be called a “leftover” Bill. Why was the section not written in plain English?

That it is not possible to amend the Bill and should therefore be scrapped is one argument but there is a downside to this. To reject the Bill is to allow the Government off the hook. The Government has already played politics for too long with the lives of people with disabilities following the withdrawal of the ill-fated Disability Bill 2001. To allow it the chance to waste another three years would be unthinkable.

It is our duty and responsibility as legislators to ensure that when this Bill is enacted, it will be the best possible legislation. It is our duty and moral responsibility to ensure the delivery of quality services and support to remove the barriers which hamper full participation in society. This is the challenge for the Government and the Minister of State, Deputy Fahey, who is steering through the legislation. I challenge him to engage in real, vigorous and forensic debate on the Bill and to approach this with an open mind. I am concerned because when I made a point a short time ago, the Minister of State’s reaction was that I was wrong. Without engaging in debate, he decided I was wrong.

**Mr. Fahey:** The Deputy’s interpretation was wrong.

**Mr. Stanton:** Neither Government nor Opposition have a monopoly on wisdom. There is much to offer on both sides. On Committee Stage I will table many amendments, as will other Deputies on this side of the House and, it is to be hoped, on the Government side. It would be a travesty if amendments were rejected simply because the Government has set its face against change.

There are precedents which may offer some comfort and hope that we may be able to lever some change from this Government. What became the Education for Persons with Special Educational Needs Act 2004 began Second Stage as very different legislation. There was opposition to many of its provisions, concern about definitions and language and hot and heavy debate ensued. The then Minister for Education and Science, Deputy Dempsey, did not stand on ceremony in regard to that Bill, for which I give him credit. He engaged with the Opposition, amended his own legislation and accepted many Opposition amendments in fact and in spirit, even to the point of changing the Title of the Bill from its original and inappropriate “Education for Persons with Disabilities Bill”. The legislative process did what it was supposed to do. As somebody said afterwards, the system worked. Committee Stage and Report Stage were a two-way process. We produced an Act which has the capacity to improve equality of opportunity for people with special educational needs. It may not be perfect and lack of resources may hamper some of its provisions, but given political will, it will effect change. However, it needs to be implemented more quickly.

While I am not sure whether the Bill can be transformed, we must try to do this. I am heartened by examples of legislative co-operation but I fear the Government may not be so open-minded with the Bill. The Minister of State referred to the disability legislation consultation group which spent many months in consultation with the Government on the shape of the Bill. The group produced an excellent blueprint in its Equal Citizens document. However, what the Government has produced is a pale imitation of what was expected. Added to this, we are debating Second Stage of the Bill in advance of hearings of the Joint Committee on Justice, Equality, Defence and Women’s Rights with disability interest groups which have been invited to make submissions on the Bill. Surely, the hearings should precede the debate. We could have waited two weeks until the hearings were finished before coming to the House with the full facts. It would have been wise. It is possible the Minister did not realise these hearings were going ahead with the Committee on Justice, Equality, Defence and Women’s Rights. If he had, they could have been held off for two weeks to allow the various representative groups to attend and comment on the



Bill, as they have had time to reflect on it. Only then should the Bill have been debated. I commend Deputy Ardagh for holding these meetings. He promised the House he would and they will take place in the next two weeks.

The Fine Gael Party expected real dialogue and improvements in the Bill. However, according to the Government, people with disabilities live in an Ireland where there are shortages and no Exchequer surpluses, but only cutbacks. They live in an Ireland which cannot afford to provide them with accessible housing, with respite or residential care. There is an Ireland where their elderly parents pray for them to die before they do as the State cannot be trusted to care for them. There is an Ireland which tells them that next week, next month or next year things may be better and they may get what they need. They live in an Ireland that sees them as a drain on resources, a threat to the State. There is an Ireland, happy to see 60% unemployment rates and to accept inadequate income supports. They live in an Ireland that lets families struggle on at risk of poverty, under severe emotional and physical stress. For too long, people with disabilities have been consigned to another country, a poor country that cannot afford or value them. Unfortunately, this Bill entrenches that view. The barriers we place in front of people and the attitudes we have to their participation are more disabling than any impairments they may have.

The Bill's definition of disability is restrictive relative to that used in the Equal Status Act and the Education for Persons with Special Educational Needs Act. People with disabilities believe this will be used as a filter mechanism to reduce the numbers qualifying for assessment of need. The definition also excludes people with episodic needs and those who require early intervention measures. More people are excluded than included.

The Government has made much of the so-called "right" to an assessment of needs contained in the Bill. However, this is open to interpretation. The Bill states that assessment must be carried out as if there are no resource constraints. However, the assessment process itself is resource constrained and any need for services arising from the assessment is dependent on the availability of resources. Assessment officers are appointed by the health boards which cannot go over budget and must take account of available resources. No figure has been given as to how many assessment officers will be needed. If health boards have not enough money to appoint the officers, assessments cannot then take place. This "right" is already constrained by narrow definition and may be non-existent.

What qualifications will the assessment officers have? What plans are afoot to appoint assessment officers? Are there enough people in the State qualified to be officers? When dealing with the Education for Persons with Special Educational Needs Act we learned that the range and depth of disability are large. The Minister will have to

take this on board. I tabled parliamentary questions on this matter but they were ruled out of order as they pre-empted today's debate. I sought answers on the qualifications necessary for employment as an officer as required under the Bill as it has not been made clear anywhere. I intend to table them again because the answers will be useful to all sides of the House.

Section 5 of the Bill is almost unintelligible. It appears that the funding for services and staffing, including the appointment of assessment officers, is circumscribed. If, after everything is paid for, the health authorities cannot afford an assessment officer, how will assessments be carried out? How independent will the assessments be if the independent assessment officer is an employee of a health board?

Many new officials are mentioned who will be part of the process, including officers for assessment, liaison, complaints and appeals. This will only lead to a cumbersome bureaucratic process as hundreds of officers will be involved. Can these numbers be reduced? Can assessment and liaison tasks be done by the same person? Is there a need for all these layers? The Government was at pains to prevent what they see as waste of money in the courts if people with disabilities sued to obtain services.

The former Minister of Defence, Deputy Michael Smith, claimed before the Bill was published that he did not believe an uncritical acceptance of a right to services approach would realise the outcome which all concerned would like to see. He was interested in ensuring everybody who has these problems would be dealt with appropriately and effectively without wasting resources in litigation. Deputy Michael Smith believes that people with disabilities cannot be trusted not to waste money, yet he was a member of the Cabinet which approved a Bill that may spend more money on additional layers of officialdom.

Ironically, the then Minister of State at the Department of Justice, Equality and Law Reform, now Minister for Defence, Deputy O'Dea, was more upfront. He said the Bill cannot ignore the reality that funding and resources are finite. He claimed that services will grow as budgetary and staffing constraints are overcome. This approach is grounded in reality and deals with the actual delivery of tangible results. Yet there is no staffing constraint in the Bill with so many people engaged in this process. Are they all essential? The danger is they will take from the delivery of services.

The services statement, to come out of the assessment of needs, will only bear relation to the services which can be provided taking account of the financial resources available at the time of the statement. It is a dead statement as it is dependent on resources available. We are told multi-annual funding will be made available. While that is welcome, the amount to be made available or what the service will cost have not been indicated. No provision is made for updating services should more money become available, and in this way



[Mr. Stanton.]

the services statement will be a dead statement rather than a living statement.

No linkage is made between what is included in the services statement and the actual meeting of needs for the person assessed. No timeframe is laid down for when those needs might be met. No consideration is given to unmet needs. There is nothing progressive in this provision. There is no progressive realisation of rights, no plan for the future. A realistic target to which we must move towards must be set. However, the statement would appear to come to a full stop, trapping people in a time warp.

Of the two separate documents, one is grounded in reality of need and the other is attached to what can be provided at one time, and never the twain shall meet. No priority is given to need. It is reminiscent of Henry Ford telling his customers they could have any colour car they liked so long as it was black. What if an independent assessment of need is organised, financed independently from the health boards, that includes a statement of services which should be provided but the individual is told there are no resources? That simply adds insult to injury. We must ensure that does not happen. There is no right to an independent assessment.

Part of the letter I read at the start bears repeating:

We were not looking for everything now. We knew that it would take time. A slap in the face, that's what we got.

This Bill, supposedly the best legislation for people with disabilities since the foundation of the State, is 80% to do with the State running away and the remainder a flawed attempt to give a little something. We must change this provision. The complaints system is too complex and needs to be simplified to make it more easily accessible. We have another plethora of officialdom in the complaints process. Again, this makes the process more opaque and threatens to exclude rather than include.

The Bill must provide for a clear ring fencing of disability-specific resources. However, there is no commitment in the Bill to this provision, which is dangerous. Political choices have consigned people with disabilities to the margins. Whenever times are tough they have been told they must wait. When everyone else was told by the former Minister for Finance, Deputy McCreevy, to get out and party, people with disabilities were not given an invitation. People with disabilities are always playing catch-up. They must contend with historical and current unmet needs, inaccessibility, barriers and exclusions. While resources alone are not the answer, they are a vital link. There is a significant element of political choice inherent in the funding provisions and it is essential that adequate resources are made available to provide fully for the needs of people with disabilities. People with disabilities have waited long enough.

The Government has an unenviable record of producing major plans with a great deal of fanfare only to see them gradually shelved as more urgent short-term political priorities arise. We see what the former Minister for Health and Children has done in that regard and we cannot allow this to happen again.

The Bill must provide for a clear statutory duty on all Departments and public bodies to include people with disabilities in their plans and services, with appropriate monitoring and accountability. Public services should include all public services provided in the public system by statutory or non-statutory entities.

The sectoral plans as constituted in the Bill do not take account of the wider needs of people with disabilities. It is almost incomprehensible that the Department of the Environment, Heritage and Local Government has not addressed housing needs. How is that possible? There is no mention of the housing and accommodation needs of people with disabilities, yet every councillor and Oireachtas Member in the country knows the problems experienced year in, year out with disabled person's grants. Many motions have come before the House dealing with that issue. Coincidentally, I will raise it in an Adjournment matter today. How is it possible that such a major issue could be ignored?

The Bill does not allow for any change to current arrangements for payment of block grants to service providers and may well entrench this system. While it may provide the optimum level of services for some people, it restricts choice and operates in an opaque way for others. Neither does the Bill allow for the money to follow the client.

The issue of independent living is not addressed. I urge the Minister to consider the provision of more centres for independent living and promote independent living in general. We should help people with disabilities to live as independently as possible and provide the support and services necessary for them to do so.

The Bill has many flaws and failings, including the fact that no in-built review of legislation is possible, which is essential. The unvarnished truth is that people with disabilities have been shamefully treated by the State over many years. This has been done not out of malice but because public systems, policy, administration and delivery, have not considered that people with disabilities also have a reasonable expectation of engaging in the opportunities and challenges of living. The Disability Bill must uphold the right of people with disabilities to participate fully in society, which is not the case at present.

The key challenge for this legislation is to put right for the future the continuing wrong that has reduced the life chances in Ireland of people with disabilities, their families and carers. It is our duty and responsibility in Government and Opposition to get this right. I hope and expect the Minister will seriously engage with us in this task and that he will consider every amendment on Committee

Stage and not react straight away with a "No". He should examine every amendment and listen to what the people who come before the Joint Committee on Justice, Equality, Defence and Women's Rights in the next two weeks will say. He needs to take on board their arguments, suggestions and complaints.

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

**Mr. Stanton:** We want to work with the Minister to produce the best possible legislation. If the Minister does that, I will be the first to praise him, as I did the former Minister for Education and Science, Deputy Noel Dempsey, when he engaged with us on the Education for Persons with Special Educational Needs Act. We had a meaningful debate and produced legislation, which was not perfect but was much better than when it was first introduced. That is the challenge, although I am not sure how much freedom the Minister of State, Deputy Fahey, has to do this.

I have not referred to the issue of genetic data, which is an important part of the Bill, but this is something we will examine as concerns have been raised regarding it. Public service employment is another important part of the Bill.

The Minister referred to section 47 in the 2001 Act. I contend that this has been replaced by section 19 of the Bill. This provision appears to prevent people going to court. It states: "An appeal to a court shall not lie against a determination of the appeals officer other than an appeal on a point of law to the High Court." Is that constitutional? Can we as legislators tell citizens they cannot go to court to get something tested? I thought people were free to access the courts under the Constitution to get a review on any point, yet we say in the legislation that they cannot. If it is possible in this Bill, then it is possible in other legislation that we can prevent citizens going to court for X, Y and Z reasons. Does the legislation set a precedent or are there previous examples? I would like the Minister to clarify the matter.

Are non-statutory bodies and voluntary organisations covered by section 2(1)(h)(i) and (ii)? Will the Minister also clarify if respite services relate to health needs as defined in the legislation?

It has been said the complaints system is an administrative game of snakes and ladders because it appears to go on forever. This matter needs to be addressed. The Minister referred to international legislation. It can be argued the European Union has adopted methods to enforce equality by means of legal rights, such as the right not to be discriminated against, the right to reasonable accommodation and the right not to be harassed or victimised. However, the Bill differs very much from that in its approach.

I received correspondence from the Irish Council for Social Housing, as I am sure did other Members. It is concerned about housing pro-

vision for disabled people and maintains it is a crucial issue. Many low income disabled people are unable to access suitable accommodation, a fact of which I am sure the Minister is aware. Availability of supported accommodation for persons with intellectual and mental disability is also in short supply. The Bill does not refer explicitly to housing. A central part of the Bill is that it provides a statute-based right to an assessment of disability relating to health, personal, social service and educational needs. This should be amended to include provision for the assessment of housing accommodation needs.

A great deal of work needs to be done and we should work together on it. The Bill needs to be taken apart and put together properly.

**Ms Lynch:** We are at the beginning of a journey that will be long and rigorous. Throughout my lifetime, perceptions of disability in Ireland have changed. Mostly, that change has been for the better. In the past, disability in many forms was hidden away and people with disabilities were stigmatised, pitied and sometimes institutionalised. Certainly disability was seen as placing a finite limit on the potential of the person. We all know of cases where people had disabled children that we never realised existed and sometimes it was even worse than that.

I recall hearing that the parents of a new-born baby with Down's syndrome were being punished because the baby had been conceived outside marriage. The term mongoloid, not Down's syndrome, was used then. When we were younger we often became aware of a child who was never seen because he or she was locked up in a psychiatric hospital as a consequence of his or her disability. Almost every service for people with a disability depended on charity or on our willingness, or that of our parents, to put a few coppers into a collection box. We could turn a blind eye to disability simply because we had parted with those few miserable coppers.

It was evident that attitudes had changed fundamentally when thousands of people queued to watch events at the Special Olympics world summer games in Dublin. It was natural to associate people with intellectual disability with words such as grace, courage and competitiveness in a way that would have seemed impossible only a generation before. Had people with disabilities changed in the intervening years and discovered a potential they never had before, or had the rest of us come to realise that when one has a disability one faces barriers that are impossible to surmount without help? The barriers are all too often placed there by people and institutions whose main disability is selfishness. It is easier to blame the person with the disability rather than to tear down the barrier, to blame the size of the wheelchair rather than the narrowness of the aisle, to blame the person rather than to remove the obstacle. We have heard this repeatedly.

People with disabilities have forced us to change our perception. They are no longer forced

[Ms Lynch.]

to contend with whatever label we choose to pin on them, or pigeon hole into which we slot them, or method of charity we choose to help them eke out a limited and constrained life. For years people with disabilities have rejected the “medical model” of disability, which ascribes all the disadvantages associated with disability to that disability. They demand instead that we accept a societal model, which ascribes that disadvantage much more to the barriers that confront people with disability. Increasingly, they demand the right to be treated as equal citizens in a republic. Like me, the Minister of State does not believe that is too much to ask.

I wish it were possible to welcome this Bill because I support the demand for greater equality, and have learned that it is we who limit the human potential of people with disabilities. I would dearly like to give credit to civil servants who laboured long and hard over its drafting, to the Ministers and Government who followed through on their promises and the commitments in their programme for Government, to the negotiators on all sides who might have crafted a revolutionary piece of work, likely to put Ireland in the forefront of best practice. Above all, I would like to say to the organisations representing people with disabilities that their job was done, the years of protest and struggle had paid off, the vision they have always displayed, the generosity of spirit involved in so much to do with disability, the willingness to sacrifice, and the courage to overcome barriers, were about to be repaid by a community that recognised their indomitable spirit.

I bitterly regret that I cannot say any of those things today. This Disability Bill is shoddy, mean-spirited, badly-written legislation. The spirit behind it is motivated by an absolute determination to deny greater equality to people with disabilities. The consequences of the legislation will be a cumbersome, bureaucratic nightmare for thousands of people. It is a betrayal of the commitment made by every political party in this House, and enshrined in the programme for Government, to introduce legislation based on a commitment to rights for a group of citizens who have been receiving charity for most of our lives. Lest it be forgotten, I repeat the commitment given in the programme for Government:

We will complete consultations on the Disabilities Bill and will bring the amended Bill through the Oireachtas and include provisions for rights of assessment, appeals, provision and enforcement.

The Government completed the discussions by dragging them out so there was no possibility of any reaction to the Bill prior to the local and European elections. None of the rights promised in the programme for Government is in this Bill.

The consultations were a one-way street. The Government asked the disability movement to set up a group under the auspices of the National

Disability Authority for the purposes of consultation. The authority chaired the group, made extensive representations to Government and published a widely-accepted document outlining the core elements it wanted to see in the Bill. The Taoiseach and others repeatedly praised its hard work. The process took two years and involved tremendous commitment on the part of all the disability representatives involved. As part of that process, the disability movement came to accept that rights could not be achieved in their totality overnight. The representatives began to think and talk in terms of timeframes. They put forward the idea that they were looking for a commitment to rights and their progressive realisation, which was very reasonable. They recognised that in many areas capacity would have to be built. How could one have a right to a therapy, if there were no therapists, or a right to residential care if there was nowhere to live? They had the courage to say that in their documents and at their meetings. They would have welcomed this Bill had it outlined a set of rights in principle, and set out a plan for achieving those rights on a planned and individual basis in “a reasonable time”.

The Government did not listen or if it did, took every sign of reasonableness on the part of the disability movement as a sign of weakness. This legislation perverts the intentions of the movement. What should be a basis for achieving rights in a reasonable time has become instead a charter for denying rights. The only real right in this Bill is the right to access a service statement outlining all the services one will not get because it is not considered practicable to provide them. It is as good a definition of the phrase “crumbs from the rich man’s table” as I have ever seen enshrined in law.

As a consequence of the Government’s failure to listen, and its choice to put forward a Bill that meets nobody’s needs except its own shoddy, short-term need to spin a dishonest presentation of progress, the disability legislation consultative group has been forced to submit a list of ten detailed reservations about the contents of the Bill. What sort of negotiation is it where one side can announce it has widespread agreement for the outcome, and the other side is forced to attack the fundamentals of the measure that has emerged? The Minister of State should consider that very seriously. There is a time in everyone’s life when it may be hard to do the right thing but one should do it. Very few politicians in Ireland are remembered for doing something that benefited others. Those of us in a position to do that should grasp every opportunity to do so with both hands. We have begun nevertheless to debate the Bill although the disability movement requested that its introduction be delayed. The Minister did not mention that today.

The first test of any legislation of this kind must be that it is designed to improve the lives of the people most affected by it. Yet those people are asking that the Bill not be introduced until the genuine and profound reservations they have out-



lined are dealt with. They have asked that the Bill not be proceeded with until the movement and the rest of us are in a position to look at the whole package, the whole disability strategy of which this Bill is intended as a part.

The Taoiseach personally launched that strategy on 21 September 2004, surrounded by his colleagues in Government and by all the razzmat-azz they could muster. Phrases like “lifting us to a higher level”, “highest standards of international practice”, and “significant milestone”, were hurled around like snuff at a wake. He even had the neck to describe this Bill as honouring the commitment in the programme for Government. According to the Taoiseach, the strategy comprises four elements, of which this Bill is the central one. There is another Bill which sets up a limited and constrained infrastructure for advocacy. There are six so-called sectoral plans, incredibly vague and lacking in detailed commitment to better services. There is a promise of a multi-annual funding package, but no one will know the size and shape of that package until the Book of Estimates and the budget are published. We are being asked to buy a pig in a poke. We must pass the Bill and we will later be told whether the Government intends to fund it. That is basically what the Minister is saying. The notion that those who looked at this Bill, including all the disability groups, would not have spotted this shows more than anything else what the Government thinks about people with disability.

I said at the beginning of this debate that I would like to say to the organisations representing people with disabilities that their job was done and that the years of protest and struggle had paid off. Instead, I have to say that the struggle for rights will have to go on. Everyone recognises, including the Government, that the struggle for people with disabilities and for those who care for them is an even greater one than that of those of us who can leave behind people capable of looking after themselves, to go out and protest or go to a meeting. It is a greater struggle and that is why I do not say it easily. The Government must rely on the thought that it has effectively worn the disability movement into submission, but if the progressive realisation of rights is to be achieved, the disability movement will have to continue to campaign. The Government must not be allowed to get away with the shoddy trick that this Bill represents. I believe that this Bill is unamendable.

The betrayal in the Bill starts with the short title according to which, this is a Bill “to enable provision to be made for the assessment of health and education needs occasioned to persons with disabilities by their disabilities, to enable Ministers of the Government to make provision, consistent with the resources available to them and their obligations in relation to their allocation, for services to meet those needs.” I agree with

Deputy Stanton on where the funding will come in the area of priority. For a number of years, I was a member of a committee of the Southern Health Board that dealt with mental health. That was not mental disability, but mental health. Year on year, that budget suffered if there was a cut to be made. It has improved dramatically, but when one looks at where it came, it would not be hard for it to improve dramatically. Year on year it was the Cinderella of the services. I wonder, when it comes to transport, will the priority be linking up the Luas or accessible transport?

Only certain needs can be assessed, and they can only be assessed if they are occasioned by disability. Only certain provision can be made. The word that is missing from the title of the Bill is “rights”. The word “rights” is nowhere to be found in any of the 51 pages of this Bill. What is a disability as defined by the Bill? In general terms, disability is defined as a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment. That definition clearly recalls the medical model of disability and is riddled with issues that require clarification. What does “enduring” mean, for example? Does a person in long-term recovery from a major stroke qualify? What does substantial restriction mean? Some of the leaders of the disability movement have demonstrated extraordinary courage and skill in overcoming the barriers to their participation. Will that courage deprive them of the right to be covered by this Bill? It seems so because one definition of disability, however restrictive, is not enough for the drafters of this legislation.

A further qualification is introduced when it comes to the issue of whether a person is entitled to an assessment. We now learn that for the purposes of assessment “substantial restriction” is to be construed as meaning “a restriction which is permanent or likely to be permanent, results in a significant difficulty in communication, learning or mobility and gives rise to a need for services to be provided to the person continually”. However, it will not be necessary under this Bill to apply the harsh interpretation of “substantial restriction” to the requirement the Bill imposes on public bodies to employ a quota of people with disabilities. Let me put it the other way around. If a person has a disability, he or she may well fail to qualify for an assessment of needs under the provisions of this Bill. However, if such a person’s public service employers have a quota to fill, they will be able to include that person as one of the people with a disability they employ. From the Government’s point of view, this is using the legislation to have your cake and eat it. The Government can make it harder for people to qualify for the assessment, even though it is



[Ms Lynch.] referred to in ministerial speeches as a right, yet it can make it easier for the public bodies covered by the Bill to meet their employment quotas and then claim that as an achievement of the Bill.

This hypocrisy underlines the whole Bill and any detailed reading of its provisions makes that clear. Let us examine the process proposed by the Bill so that a person with a disability can secure the services that would equip him or her to live with dignity and independence to the maximum of his or her ability and to surmount at least some of the obstacles that disability creates. Let us take an example of a girl with an intellectual disability, called Mary. Mary's disability is permanent and it will endure. She has difficulty in communication, learning and mobility and she will require a service for the rest of her life. Under the Bill, she will qualify for an assessment. This is only in respect of her health and education needs, not necessarily in respect of the residential needs that will arise in later life and not in respect of the respite care needs or the counselling that may arise for Mary's family. Under the Bill, Mary can apply for an assessment and, assuming she qualifies, it is carried out or arranged by an assessment officer employed by the health board. The assessment may well state that Mary needs speech therapy, independence and mobility training, and education on a one-to-one basis with support for her physical needs and welfare while in school. Mary can take the assessment to a liaison officer, who is also employed by the health board. His job is to prepare a service statement, outlining the services Mary will get arising from the assessment. He has to be satisfied, firstly, about the girl's eligibility under the Health Acts. In other words, he has to consider whether she has a medical card and whether her family's income exceeds the limit for eligibility. The income hurdle is the first hurdle that the Bill places in the way of a person with a disability.

If Mary passes the income test, the liaison officer will pass the educational recommendations in her assessment to the National Council for Special Education. The council is relatively new — it was established by the Government after the Jamie Sinnott case — and it is under-resourced. The council will deal with Mary's education needs in most circumstances. One would need a solicitor to understand this section of the Bill fully, however. The council may not comply with the request if it decides that the assistance concerned is not required, that such compliance would not be consistent with its functions, that such compliance would unduly prejudice the performance of any of its functions, or that it is not reasonable for the council to comply with the request immediately, having regard to the resources available to it. When one considers the process outlined in the Bill, it is clear that this legislation is an underhand way of dealing with

this matter. The Bill is just one element of the process the Government is putting in place.

The liaison officer will decide whether Mary should be given the speech and occupational therapy she needs, as well as the necessary mobility and independence training. This is another example of a hurdle being erected by the Bill. In considering whether Mary will have access to the services, the liaison officer must take into account the practicability and affordability of providing the services. I am not surprised that it took a long time to draft the Bill because it must have taken an incredible effort to produce a text that stops people from getting what they were promised.

**Mr. Stanton:** Yes.

**Ms Lynch:** If no speech or occupational therapists are available, for example if the cost of recruiting them has not been provided for in the health board's budget, the liaison officer cannot include these services in the service statement. Rather than obliging the liaison officer to develop a plan in conjunction with Mary and her family, so she can access the services she needs within a reasonable timeframe and benefit from some hours of speech therapy even if full availability does not exist, the Bill obliges him to leave them out of the service statement altogether. In other words, everyone who gets an assessment is immediately at the mercy of the liaison officer's consideration of the practicability and affordability of providing the services. All such people will immediately become aware of the gap between what they need and what the State is willing to give them.

**Mr. Stanton:** That is it.

**Ms Lynch:** The problems of Mary and her family do not end there, however. This is what is known in Cork as sending the fool further. Mary and her family can complain to a complaints officer, who is again appointed by the health board, as Deputies will have guessed. They can complain about the gap that has appeared between the assessment report and the service statement. Under this Bill, however, the complaints officer must have regard to exactly the same issues as the liaison officer. Why would one bother making a case to the complaints officer? Mary and her family can go further into the bureaucratic maze created by this Bill by taking their case to an appeals officer, who is constrained in exactly the same way as the other two officers. It is more than absurd — it is cruel and meaningless.

The Bill will not oblige the Government to employ an additional speech therapist, occupational therapist, psychologist, needs assistant, care worker, teacher, doctor, nurse or carer of any description, but it will force service providers to equip themselves with hundreds of assessment

officers, liaison officers, complaints officers and appeals officers, all of whom will be utterly constrained when it comes to providing services and none of whom will be capable of delivering services. A multi-annual funding package will be required for that element of the package, which will probably be the most expensive element of it. This is being done to ensure that people with disabilities will not get what they need. It is being done for a single purpose — to deny rights, rather than to guarantee them in the manner that was promised.

This Bill has many other problematic sections. The Labour Party will propose amendments on Committee Stage to make the sections meaningful or to remove them entirely. As they stand, they will do nothing to improve the quality of life of people with disabilities. There is a cruel deception at the heart of this Bill, which is not aimed at providing rights and ending inequality. It is designed to perpetuate a culture of dependence and charity in a country which is enjoying great prosperity. Even those us on the Opposition side will admit that Ireland is awash with money and the coffers are bulging. The fight for the rights of people with disabilities has been described as the last great civil rights battle. I would love to tell those who are most interested in this area that the fight has been won, but I cannot do so. All I can do is tell them that they need to steel their mettle because the fight has to go on. The Disabilities Bill 2004 is worse than the Disabilities Bill 2001. It should not be before the House.

**Aengus Ó Snodaigh:** Ba mhaith liom mo chuid ama a roinnt leis na Teachtaí Finian McGrath agus Cuffe.

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

**Aengus Ó Snodaigh:** Táimid ag fanacht leis an reachtaíocht seo le breis is deich mbliana, ach níl an reachtaíocht lena bhíomar ag feitheamh os ár gcomhair. Bhunaigh an Rialtas an Commission on the Status of People with Disabilities i 1993. Bhí an breitheamh Mr. Justice Fergus Flood i gceannas ar an gcoimisiún mar chathaoirleach. Thug an gcoimisiún tuairisc, ina raibh 402 moltaí, don Rialtas i 1996. Is é moladh uimhir 9 an phríomh-moladh lena bhfuilimid ag deileáil sa reachtaíocht seo:

A Disabilities Act should be introduced which sets out the rights of people with disabilities and means of redress for those whose rights are denied. The Act should outlaw all discrimination against people with disabilities and should require public and private bodies, employers and educators to make reasonable accommodation to meet their specific needs.

That is what we have been waiting for, ach an glaíonn an reachtaíocht le moladh a 9 ón tuairisc a dhein Mr. Justice Fergus Flood i 1996?

When the last Government finally got around to producing a Disability Bill in 2001, the then Minister of State, Deputy Mary Wallace, was forced to withdraw it in disgrace because it was not rights-based and did not conform with recommendation No. 9. The biggest problem was found in section 47 of the Bill, which prevented any kind of legal action to enforce the Bill's provisions. The Government established an expert body called the disability legislation consultation group in the aftermath of that debacle. The group, which was representative of the disability sector, was chaired by the National Disability Authority to ensure that the Government would get it right next time.

We have all lived in the hope that the Bill which we have demanded since 2001 — I have called for it almost on a weekly basis since I was elected to the House — would be rights-based. We also hoped it would conform with the recommendations made to the Government by the Commission on the Status of People with Disabilities and the demands made by the consultation group in its equal citizens document, which was published last February. We were disappointed when the Disability Bill was not ready in time for the Special Olympics World Summer Games, which were held in Ireland in summer 2003. We were ashamed when the Government, which had claimed on many occasions that a new Disability Bill was high on its list of priorities, failed to publish it in 2003, which was the European Year of People with Disabilities. The Government announced that it would be published in November 2003, but it has continued to stall since then. At one stage, they even tried to deflect the blame on to the disability sector, citing the consultation process for the delay in publication. I had my suspicions at that time, and they have been proven right. The delay in delivering this legislation has shown the reason. The Minister for Justice, Equality — it should be “inequality” — and Law Reform came clean and admitted to the nation that he did not believe in equality. He told us that inequality was economically beneficial, and that sums up the approach taken to this and other legislation and budget strategies that have come before the House and affected society.

We were dismayed when neither the Taoiseach nor any other member of the Cabinet spoke out to refute the position taken by the Minister, Deputy McDowell. Their silence was explained when the Taoiseach reappointed him to his new Cabinet, essentially signalling that it was the position not simply of the Minister but of the Cabinet that inequality is economically beneficial. In any other country, were a Minister for equality to make such a ridiculous statement, the ensuing scandal would have been a cause for resignation. However, that was not the case with this Government since that is its platform.

3 o'clock

[Aengus Ó Snodaigh.]

By that stage, the writing was on the wall for everyone. Publication of this Bill confirms those fears. It is a resource-based rather than rights-based Bill. It is regressive legislation that may even cut access to services for people with disabilities. Not only does it not rectify the deficiencies of the earlier Bill by allowing people's rights to be vindicated through the courts if necessary, it sets up the ultimate legal defence for the Government, which will now be able to cite resource restrictions under the provisions in section 5, which will soon become notorious.

Let us look at section 5, which is the culprit on this occasion — last time, it was section 47. The alleged commitment to multi-annual funding, for which we have always called, regarding not only this area but many other areas of budgetary planning, is not in this legislation. As far as we know, funding still appears to be at the discretion of the Minister for Finance. Not only does section 5 not ring-fence funding, it limits Ministers' spending on disability services or accessibility provision in line with available resources. Perhaps the Minister will explain that phrase.

The absence of available funds will become a defence against a court challenge under this legislation, as appeals to the High Court against the decisions of appeals officers may be made only on a point of law. Another major problem with this legislation is that it exempts the private sector accessibility obligations in direct contradiction of the recommendations of the Commission on the Status of People with Disabilities. It all but lets the public sector off the hook, which should have been planning for the past ten years to deal with accessibility problems — the Bill gives it ten more. There is a disgracefully limited view of the public sector. Consider last year's Official Languages Act. That gave a broad definition of the public sector, listing every body funded by the State and saying that they would have obligations regarding the language. That should also be the case when it comes to accessibility and providing services to those with disabilities.

This Bill gives people with disabilities only the qualified right to an assessment. It is questionable how many people will qualify even for that, given the unacceptably narrow definition of "disability" adopted by the legislation, one at odds with that in the other equality legislation that we have. Ironically, it will set up two classes of people with disabilities in this State, and that is another of the many fundamental flaws of the Bill. After waiting so long, promising and hoping, I believe that this Bill is a disgrace. It should not proceed today but should go back to the drawing board. The Government should withdraw it and come back when it has legislation that not only conforms with recommendation No. 9 of the Commission on the Status of People with Disabilities but with the recommendations of its own disability legislation consultation group, Equal Citizens.

Nothing less than an unequivocally rights-based Bill will be acceptable to Sinn Féin and the majority of the public. My colleagues will deal in greater detail with the numerous other problems that the party and I have with the Bill. Where

we can, we will table constructive amendments. However, the Bill should be withdrawn because it is fundamentally flawed, and it will be difficult to amend it to make it acceptable. It has to be withdrawn and redrafted from first principles. We need the highest possible standards of enforceable rights, and that should act as a formula for Irish people with disabilities so that they may claim their equal citizenship.

**Mr. F. McGrath:** I thank the Ceann Comhairle for the opportunity to speak on the Disability Bill 2004.

I have waited many years for its publication. When I witnessed all the hype and consultation, I was very optimistic that, at last, the Government was going to get it right. It is, therefore, with regret that I say that I am bitterly disappointed with the final outcome. I have significant concerns about this Bill, which is flawed, full of hot air and lacks teeth. It dashes the hopes of many families and appears to have the fingerprints of the Minister for Finance all over it. That is the reality. All one need do is consider Part 2 of the Bill dealing with assessment of need, service statements and redress, which includes such phrases as "including resource restraints", which makes a red light come on in my head. I also have other concerns on definition, complaints and appeals mechanisms, enforcement, redress and mainstreaming. The sectoral plans outlined by six Departments are extremely vague.

Before I enter into further detail of the Bill, it is important to give this debate a human face. As the parent of a daughter with Down's syndrome, I have a major issue with any Government, state or society that has a problem with protecting her rights. I almost used the word "granting". It is insulting to people with disabilities that there always seems to be a problem with finance, resources or services when it comes to dealing with their needs. The days of tipping the cap or hiding our children away in institutions are over. Today in this Chamber we say loudly that the Minister's charity can be damned since we want justice, equality and services. Perhaps someone can explain to the citizens of the State how the Government can waste €52 million on electronic voting when there seem to be problems for those working with people with disabilities, who are always seeking an extra €5 million, €10 million or €12 million. There is always a whinge from the neo-conservatives in this country — we have them here too, and some should have been booted out of the Cabinet many months ago.

Let us remember and support the 3,000 people with intellectual disabilities on waiting lists. There are 1,382 persons on residential waiting lists, 621 seeking day care places and 823 waiting for respite care. When one considers the details of such figures, one sees that one could do something about those numbers if the Government showed more guts and determination. They could be wiped out in the forthcoming budget. Let us also remind ourselves that these people are human beings with families. Many of them are parents in their 80s waiting for a service. That is



unacceptable of a Government after seven years in power with massive resources available.

The new problem is not the issue of resources and finance but how we distribute them. It may be unpopular in this House to say that no matter how well crafted a disabilities Bill may be, it has little chance of working if we do not stick by the four principles of the report of the Commission on the Status of People with Disabilities of 1996, namely equality, participation, independence and choice. These are the core issues, without which we are going nowhere.

I hope the Minister will consider my concerns regarding the details of the Disability Bill when finalising the legislation. The definitions in the Bill will exclude many people from even an assessment. Section 5(3)(i) implies that resources for disability services will be available only after all other obligations are met by the Minister or public body. There is no ring-fencing of funding for disability. This could also seriously compromise a person's right to an assessment. There is no link between the assessment report, prepared without regard to cost, or the capacity to provide any service identified as being appropriate to meet the needs of the person, and the subsequent service statement specifying the health services or education to be provided.

As it stands, people may never receive certain services outlined in their assessment report. The alternative would be for the assessor's report to list services required in order of importance and timeframes for accommodating needs. It should be feasible to work out what would be possible over a period and make provision for an annual review. The service statement prepared by a liaison officer is so circumscribed by practicability, resources and possibly by income eligibility that it could conceivably bear no relation to the need described in an assessment report. There is no mention of priority of need or timeframes to meet the needs of the service statement. There is nothing driving that statement.

The position of the assessment officer is crucial. These officers must be people of the highest calibre, with experience of people with disabilities and their families, yet there is no indication of the type of person or persons who may be appointed to the posts. The Disability Bill leaves the determination of assessments to individual health boards, unlike the Education for Persons with Special Education Needs Act 2004, where the National Council for Special Education has specific functions regarding the education of children with special needs nationally. The council can arrange for assessments of children, prepare guidelines for these assessments and monitor the progress of children nationally. The Disability Bill's shortcomings in this area will inevitably lead to variation between regions.

It is very important that we get away from the constant battling with parents with regard to legal cases. Many parents are sick to the teeth of bringing legal cases in order to get services and many

find it very offensive. Even today we have another example.

Assessments relate only to health and education needs although they should cover the totality of a person's needs, including social, occupation and housing needs. Will health needs cover residential and respite services? There is a need to define health needs. Children of school going age will only have an education assessment if it is identified in the need for the provision of a health service. It would be up to a liaison officer to prepare a service statement to take account of this need.

In section 8(6)(b) there is no specification for the type of person to be employed as a liaison officer. The complaints and appeals system under section 2 is unnecessary, bureaucratic and cumbersome, and designed to limit enforcement. Because of the constant references to resources it is arguable whether there is any right to enforce. Access to the circuit court is only to enforce the decisions of an appeals officer or complaints officer. There is no provision to substantially challenge the decisions of such officers. Access to the High Court is only on a point of law.

People with disabilities and their families require a system which is easy to understand and access, and which provides quick decisions. That reality must be faced. The new Bill will create a new administrative structure on top of a system which has been heavily criticised for being administratively top-heavy. From where will the resources come for all the new officers required by the health boards and those covered by other Departments, as outlined in sectoral plans? Will the resources for this level of infrastructure be taken from the resources allocated for direct services and for the creation of new therapy posts?

Public buildings must be in compliance with part M of the building regulations by 2015 at the latest. Ministers will however have the power to order that public buildings need not comply if the building is being used as a public building only temporarily, if it will not be used as such after three years or if the cost would not be justified given the extent to which the building is used and the frequency of its use by people with disabilities. That is covered in section 23(4). If people cannot access a building they will not use it. Furthermore, a temporary building can be temporary for many years.

Section 25 of the Bill takes up an anti-mainstreaming stance, stating that separate provision of access to services is acceptable where the alternative is not practicable, is costly and will cause unreasonable delay in making the services available to others. This does not promote equity.

The Bill makes little or no reference to making the material easy to read or to phrasing it in simple language for people with an intellectual disability. The supports mentioned are all couched in terms such as "as far as is practicable" or "the promotion of accessibility". More importantly, most accessibility issues are being left to the



[Mr. F. McGrath.]

development of administrative schemes to be approved within the sector plan.

These are my concerns. The Bill as it stands is flawed and needs radical change. There is all-party support in this House for disability legislation but equality and rights must be part of the process. Services are the engine room for assisting people with disability. This Bill is like a clapped-out engine that has failed its NCT test. We, the legislators, are the mechanics. Let us do something about the situation and bring in a proper disability Bill.

**Mr. Cuffe:** This Bill represents another false dawn for people in this country with disabilities. The Bill is weak on commitments, lacking in rights and unclear on finances. We had hoped for something better than this commitment, and that this Government would deliver on much more than the previous Bill offered.

The Bill is strong on rhetoric but weak on commitments. There appears to be no obligation on the private sector to make buildings accessible to persons with disabilities and even public sector bodies are given ten years to get their houses in order. It seems clear that the Government is putting matters on the long finger. There is no commitments to budgets with the publication of the Bill.

I rarely look to America for inspiration on these issues but I do in this instance because the Americans with Disabilities Act signed by President Bush senior in 1990 mandated local state and federal governments and programmes to be accessible. It mandated that businesses with more than 15 employees make reasonable accommodation for disabled workers and that public accommodation such as restaurants, stores and shops make reasonable modifications to ensure access for disabled members of the public. It seems curious that the United States some 14 years ago provided more rights than the Irish Government is now attempting to do with the Bill before the House.

For these and many other reasons we cannot accept the Bill in its current form. The definition of disability contained in the Bill will exclude many people who have various types and degrees of disability and who have access and other needs. The Bill is not rights based because it is pending resources, which makes matters very difficult if the Bill's provisions cannot be enforced. Much of the funding allocated to the implementation of the Bill if enacted will go on paying staff appointed to administer and implement the new policy. What does that say to those with disabilities?

The assessment and deciding officers should be independent of all service providers, yet they will be appointed by the health board's chief executive. The word "practicable" appears in many sections of the Bill. This causes grave concern to people with disabilities because it indicates that it may not be practicable for the State to meet their needs.

There are no completely clear timeframes given in the Bill so we do not know how long it

will take to have needs met. The situation of long waiting lists may well continue. Looking at the disabled persons' grants, there are many counties whose spokespersons will apologise and say their lists are full. What are people expected to do? Are they expected to move county? This is a slap in the face to persons with disabilities. The Green Party believes that advocates should be available, as of right, for people who need them. The Bill states that advocacy will be resource based. Some disabled people who need an advocate may not, therefore, be able to access a necessary service or deal with the proposed complicated appeals system if resources are not made available.

If the legislation proceeds, a review system must be built into it. We want to return to the legislation after two years to see whether it is working. There is no reference in the legislation at present to such a review. As regards a complaints mechanism, we believe the officers should be independent. The Bill proposes a complicated system but the people who will make the decisions will be severely constrained by resource issues.

Enforcement and remedies should include all levels, up to and including the right to take legal action. However, the Bill gives no access to the courts except on a point of law. Six months ago, Deputy Kirk had the audacity to state, at a gathering of the Disability Federation of Ireland in Croke Park, that there should not be such rights because of the danger that the courts would become clogged up. What does that say to persons with disabilities? The Deputy's remarks were an insult to their intelligence and their rights and to those who work with them.

It is curious that as the economy picks up again, some of the most marginalised people in our society will be further sidelined by this legislation. I do not believe that any other group of persons in society would be treated in the way in which the Bill treats those with disabilities. Article 1 of the United Nations Declaration of Human Rights states that all human beings are born free and equal in dignity and rights. Articles 11, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights state that everyone has the right to an adequate standard of living — including house — to employment, to the highest attainable standards of physical and mental health and to education. It is difficult to believe that Ireland, as a signatory to this convention, has failed its most vulnerable citizens by not ensuring their access to all those rights.

I do not understand why everything in this country is sacrificed on the altar of the national economy. I also do not understand why the marginalised are sacrificed at the altar of not harming the Celtic tiger. It is time we put the marginalised first in society, instead of following the mantra of the former Minister, Deputy McCreevy, that the economy means everything to Ireland. I am seeking from the Minister of State a commitment to rights rather than privileges that are attained upon application.

I am insulted by this legislation. Just because a person has a disability does not mean that he or she eats less, wants less desirable things or uses

less than others. The Government must believe such people require less, why else would it provide an allowance for persons with disabilities that is less than one third of the average industrial wage? Why will the Government not address the issue of housing in sufficient detail? Why will it not place an onus on the owners of existing buildings to make them accessible to those with disabilities. Half the restaurants in this city have steps leading up to the front doors. I am sure half of those which do not have such steps also do not have accessible bathrooms. There are libraries within this local authority area which have steps leading up to their front doors and which cannot be accessed. That is not good enough in the 21st century. It is inadequate to state that we will hopefully provide such access within the next ten years. Not insisting that local authorities provide accessibility to public buildings is a slap in the face to those with disabilities.

I am seeking a stronger commitment in the Bill and real, clear and distinctive rights that can be upheld in law should be spelt out. As it stands, the legislation does not provide these things. I cannot understand why the Government would sign an international convention when it is not able to provide these basic requirements and while it continues to deny people rights. Whether it be education, housing or an adequate standard of living or health, two vital ingredients are necessary to ensure that the needs of people with disabilities are met, funding and support. I am not convinced that either is provided for sufficiently in the legislation.

I pay tribute to those who have lobbied us on disability issues. They have briefed us well on their concerns about the legislation. Those concerns will remain, regardless of whether the Bill is passed. I do not believe that this is a new day for Ireland or that we have a commitment which measures up to the treaties and international conventions we have signed. We do not even have legislation in draft form that matches the standards provided in other countries a generation ago. I hope the Minister of State will return to the drawing board and consider whether there should be rights for all or whether they should be earned. I do not believe they should be earned. By definition, they should be available and accessible to all. I hope the Minister of State will reconsider the legislation.

**Dr. Devins:** I congratulate the Minister of State, Deputy Fahey, who has assumed responsibility for disability. Since he has assumed the position, he has worked tirelessly on behalf of the disabled to bring this legislation to the House. I welcome the opportunity to contribute to the debate on the Disability Bill 2004. The Bill has been a long time in gestation. The Minister of State's predecessor, Deputy O'Dea, met and con-

sulted many groups while formulating the legislation in its early stages.

Disability can present in many shapes and guises. Members will be only too well aware of how it can impact on the lives of their constituents. Before I had the honour of being elected to the Dáil, I worked in general practice. I am aware, from that work, of the terrible effects of disability, intellectual or physical. For many years I worked as a medical officer at Cregg House, Ballincar, County Sligo, which is a residential home for the disabled. It has approximately 200 residents who require long-term care. I have never experienced, in any hospital or home to which I was attached, such a happy atmosphere as that which obtained in Cregg House. I take this opportunity to pay tribute to the staff and residents of that institution who contributed in no small way to the creation of such a unique atmosphere. At this juncture, it is appropriate to refer to the Cloonamahon home in County Sligo which also caters for those with physical and intellectual disabilities.

In recent years there have been welcome moves to assimilate the residents of these homes into the wider community in Sligo through the establishment of homes therein. Between three and six residents live with the appropriate staff in houses specially adapted to their needs. The success of this process has been evidenced by the widespread support it has engendered among the residents, who love living outside residential institutions, and also among members of the wider community who have responded to the needs of disabled people through their great support and enthusiasm.

The Disability Bill 2004 is part of the Government's strategy on national disability. It is important that we should consider it in light of that overall strategy. When the Taoiseach launched it some weeks ago, the Taoiseach clearly outlined the various components of the strategy. In addition to the Bill before us, there are the Comhairle (Amendment) Bill 2004, six outlying sectoral plans and, most important of all, a definite commitment to a multi-annual investment programme for disability support services.

It is important to consider the Disability Bill in the overall context of the disability strategy. The Government's overall strategy is to put in place the most effective combination of policies, legislation and services.

Debate adjourned.

#### Message from Select Committee.

**An Ceann Comhairle:** The Select Committee on Justice, Equality, Defence and Women's Rights has completed its consideration of the

[An Ceann Comhairle.]  
Criminal Justice (Terrorist Offences) Bill 2002  
and has made amendments thereto.

## **Ceisteanna — Questions.**

### **Priority Questions.**

#### **Local Authority Housing.**

1. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the new initiatives he intends to take to improve access to social and affordable housing in order to assist first-time buyers gain access to the housing market; and if he will make a statement on the matter. [27702/04]

2. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the number of private homes built in the State since the enactment of the Planning and Development Act 2000; the number of social housing units and affordable houses acquired to date by local authorities under Part V of the Planning and Development Act 2000; and if he will make a statement on the matter. [27606/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I propose to take Questions Nos. 1 and 2 together.

Access to affordable housing for first-time buyers is an important objective of Government housing policy and we will continue to monitor and review housing developments and policies, as necessary, to achieve this aim. Our policy has been to make housing supply more responsive to demand and to moderate house price increases and improve affordability and access to housing, particularly for first-time buyers.

It is evident that the measures introduced by this Government to boost supply are having an affect. This year is likely to be the tenth year of record overall house completions with approximately 80,000 completions forecast. Between 2001 and June 2004, a total of 195,935 houses were completed. This increased supply supported by Government measures means the market is supplying houses in many areas at affordable prices. Furthermore, survey data available to the Department indicate that first-time buyers are active in this market with approximately 43% of new houses purchased by this group.

In addition to measures to support a market response to the unprecedented demand, the Government has placed an emphasis on the delivery of targeted schemes of affordable housing. These include the shared ownership scheme and 1999 affordable housing scheme and, more recently, schemes introduced under Part V of the Planning and Development Acts 2000 to 2002 and Sustaining Progress.

Part V, which deals with housing supply, came into force on 1 November 2000. It was amended in December 2002 to ensure increased delivery of affordable housing in a more efficient and effective way. The legislation provided for the preparation by planning authorities of housing strategies by 1 August 2001 and the incorporation of these strategies into development plans by way of a variation before the social and affordable requirement could be applied to relevant residential planning permission applications. As a result, it was early 2002 before Part V was fully operational countrywide.

Between 2002 and June 2004, a total of 209 affordable units and 106 social units were acquired by local authorities under Part V agreements with developers. The provision of Part V housing units is dependent on the level and commencement of private sector residential development and the nature of Part V agreements.

Substantial progress also continues to be made on the affordable housing initiative under the Sustaining Progress agreement. Part V affordable units are an important contribution to the initiative. More than 50 projects on State and local authority lands are planned at this stage which, together with 2,100 affordable Part V units, will deliver a total of approximately 8,900 units under the initiative. My Department is engaged with a number of other Departments and State agencies with a view to securing further lands to reach the agreed target of 10,000 units. In particular, the Department of Health and Children is examining an inventory of health board lands to identify sites, which could potentially yield 1,500 units under the initiative. It is envisaged that more than 11,000 units will be delivered under the various affordable schemes between 2005 and 2007.

**Mr. O'Dowd:** Is it not the case that more than €5 billion was taken in tax from first-time buyers last year? As a consequence, 45% of the cost of every house goes into the Government's coffers. What new schemes will be introduced? Does the Minister of State accept the current generation of 20 somethings is the first to be unable to purchase a home? Two people in their 20s must wait until they are in their mid-30s before they can afford to buy their own home. That is shameful and disgraceful, given the wealth in our society and the amount the Government is ripping off home buyers.

Is it time the Government introduced a special savings scheme for first-time purchasers under which they would be given €1 interest for every €3 they saved over a two-year period; frontloaded mortgage interest relief, which is currently spread over the lifetime of the loan, over the first seven to ten years; and abolished stamp duty on houses so that first-time purchasers can buy second hand houses, which are cheaper and more accessible to them than new homes? The Minister of State is letting the country down and he is also letting young people down by not giving them a chance.



**Mr. N. Ahern:** I do not agree with the Deputy. Ten years ago, 22,000 houses were being built annually whereas this year more than 75,000 will be built. It is estimated that 43% of houses are being bought by first-time buyers. Most people are managing to buy.

**Mr. O'Dowd:** They are not.

**Mr. N. Ahern:** Certain categories of people need help and that is why targeted schemes have been introduced. The shared ownership scheme was introduced in the early 1990s while the local authority scheme was introduced in 1999. The Part V and Sustaining Progress schemes were introduced in recent years.

Last year, under the local authority schemes, 2,600 affordable units were provided and they were targeted at people in the low income bracket whom I acknowledge have been under pressure in recent years. The Part V and Sustaining Progress schemes have yet to kick in but housing cannot be addressed by just clicking one's fingers. It takes time and policies must be introduced and developed. All developers say it takes approximately four years to build and sell houses.

A number of the initiatives mentioned by the Deputy would be more appropriate to the Minister for Finance. However, mortgage interest relief has been adjusted, as has stamp duty. House prices continue to increase and, perhaps, stamp duty needs to be adjusted again. The rent a room scheme has also been introduced.

**Mr. McCormack:** Why not abolish the VAT increase on building materials?

**Mr. N. Ahern:** Deputy O'Dowd stated 45% of the cost of every house goes to the Exchequer. The research he conducted is absolute nonsense. It was bull of the highest order. If one buys a suit or a desk, one pays VAT. That research was a theoretical exercise, which is not relevant to the real world.

The number of houses built annually has increased for each of the past ten years. Ten years ago, 22,000 houses were being built annually but this year more than 75,000 units will be built. Houses are being constructed at a faster rate than in any other country. We are getting there. There was significant pent up demand and the increase in population must be considered in this context. According to last year's census, the population had increased by 8% in the previous six years while the number of people in the key household formation age group, which is between 25 and 34, increased by 18%.

**Mr. Cuffe:** The Government knew that 25 years ago.

**Mr. N. Ahern:** We did not because if we did, we would be much better off.

**Mr. Roche:** We had emigration 25 years ago.

**Mr. N. Ahern:** That put significant pressure on the market.

**Mr. F. McGrath:** People cannot afford houses. Investors are buying them.

**Mr. N. Ahern:** Young people are buying them.

**Mr. Gilmore:** The Minister of State has developed a skill whereby he avoids answering questions by putting two questions together, which are not necessarily connected, and then giving us lectures on everything from population growth to the weather.

**Mr. McCormack:** That is not much of a skill.

**Mr. Gilmore:** I refer to the information he outlined, which is extremely interesting. Do I understand the Minister of State correctly that since the Planning and Development Act 2001 was enacted, 196,000 private houses have been built — almost 200,000 dwellings built — and that of those, only 209 are affordable houses under the Part V scheme and only 106 are social housing? Is the Minister of State serious in informing the House that only 300 social and affordable houses have been made available under Part V, out of a total of 200,000 built since the Planning and Development Act was enacted three years ago? Is that the information he is giving the House?

**Mr. N. Ahern:** I gave the House the details and answered Deputy O'Dowd's question.

**Mr. Gilmore:** The Minister of State should answer my question now.

**Mr. N. Ahern:** I will. We have four affordable housing schemes.

**Mr. Gilmore:** I know all about those schemes. My question is about Part V.

**An Ceann Comhairle:** Allow the Minister of State without interruption.

**Mr. N. Ahern:** I am answering the Deputy by saying we have four affordable housing schemes. Under the third of those schemes, which is the Part V scheme, approximately 300 affordable houses have been produced to date.

**Mr. Gilmore:** Out of 200,000.

**Mr. N. Ahern:** But it is a relatively new scheme.

**Mr. Gilmore:** It has been in existence for five years; it was announced five years ago.

**An Ceann Comhairle:** Deputy Gilmore, I ask you to allow the Minister of State to answer without interruption.

**Mr. Gilmore:** The Minister of State should not insult the House. It was five years ago.

**Mr. N. Ahern:** As I have tried to explain to the Deputy at every Question Time and elsewhere, it takes time to build houses.

**Mr. Gilmore:** Five years.

**Mr. N. Ahern:** Anybody in the business will tell the Deputy that from the time a site is acquired, it takes four or five years. While 196,000 houses have been built in that period, most of them had received planning permission before Part V was enacted. As such, they were built without having to come under the regulation of Part V. The real value of Part V will be seen from this year onwards.

**Mr. Gilmore:** It always is.

**An Ceann Comhairle:** Allow the Minister of State, Deputy Gilmore, please.

**Mr. N. Ahern:** Well, it really will be and it may take a few more years to really build up. One cannot think in the short term in terms of housing. One must make policy decisions which are for the long term. One must just forget about the headlines on next month's newspaper.

**Mr. Gilmore:** The Government has been in office for the long term, for seven years, and it has not delivered.

**Mr. N. Ahern:** We are delivering. There will be 75,000 houses this year. It is all about supply. Only when the supply is there will sense be brought to the market and units will become more affordable.

**An Ceann Comhairle:** The 12 minutes allowed for this question is concluded.

#### **Dublin Docklands Development Authority.**

3. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government his views on any conflict of interest which would inhibit the Dublin Docklands Development Authority from making balanced planning decisions in the Docklands area. [27650/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The executive board of the Dublin Docklands Development Authority comprises a chairperson and seven ordinary directors, with business, management, public sector, financial, architectural and engineering backgrounds. Accordingly, the board has been assigned to bring a wide range of experience to bear in directing the performance by the authority of the functions assigned to it under relevant legislation.

It inevitably arises for the above that entities with which board members are associated may have legitimate business interests in the docklands area. The authority has adopted a formal code of conduct for its board and employees, which requires disclosure of interests by board

members and specifies procedures to be followed in the event of a conflict of interests. I consider that observance of this code should allow the DDDA executive board to benefit from the relevant knowledge and expertise of persons with the backgrounds outlined above, while avoiding material conflicts of interest.

I wish to make a further point to the Deputy. It is difficult in a relatively small city to select people with the talent and the time and who are willing to give service to the public through these boards.

**Mr. Gregory:** This executive board is effectively the planning authority for the docklands area. Some of the board members, including the chairman, are associated with Anglo-Irish Bank, which is now funding the largest development in the whole north docklands, a development to which the they, as board members, granted the planning permission in the first place. The Minister referred to a code of conduct in his reply. What course of action will the board's code of conduct provide when these same developers make new planning applications and come to the docklands board looking for planning permission? Will members associated with Anglo-Irish Bank, including the chairman, simply absent themselves and if so, how could the board of the DDDA realistically fulfil its functions as planning authority in those circumstances? On the other hand, if they do not absent themselves, there must surely be a question of a conflict of interest when they are making a decision on future planning applications.

How are local community interests protected in this set up? Is it any wonder a local residents' leader expressed serious concerns regarding the Spencer Dock development, where planning permission was granted in contravention of the docklands own master plan while the views of the community representatives on the docklands' council were ignored? Following that——

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

**Mr. Gregory:** I am concluding the question, Cheann Comhairle. The bank with which some board members are associated funds the Spencer Dock development and the chairman of the authority accepts a position on the board of that bank. The Minister must surely agree that a very serious conflict of interest exists somewhere. I ask the Minister whether it is time to review the membership of the Dublin Docklands Development Authority.

**Mr. Roche:** I thank the Deputy for those questions. I reiterate the point that in a relatively small city in European terms, it is very difficult to find people willing to——

**Mr. Gregory:** I have specific questions.

**Mr. Roche:** I listened with courtesy to the Deputy and I ask him to do the same. I will answer the specific points raised by the Deputy. The board operates as a planning authority and the point I made is none the less valid in that regard because the membership of the board is drawn from a relatively narrow pool. Planning decisions are taken by the executive board of the DDDA. They have regard to the assessment and to the recommendations of the professional staff. As with all other planning issues, those are recommendations. Possible conflicts of interest will inevitably arise from time to time but if the Deputy is suggesting that they have behaved with impropriety, then that is a very serious allegation.

**Mr. Gregory:** I asked specific questions. I am not making any suggestions. It is wrong and irresponsible of the Minister——

**An Ceann Comhairle:** Allow the Minister without interruption.

**Mr. Gregory:** The Chair should protect me. I asked a specific question based on fact.

**An Ceann Comhairle:** The Chair has no control over the answers to questions.

**Mr. Roche:** I am simply making the point to the Deputy that if he has some suggestion to make that there is impropriety, he should give me the details.

**Mr. Gregory:** It would be helpful if the Minister answered the questions I asked him.

**Mr. Roche:** Given the nature of the activity of the DDDA, and the nature of the board, there will inevitably be areas of overlap but to suggest that is the same thing as wrongdoing is wrong.

**Mr. Gregory:** I have not mentioned the word “wrongdoing”.

**Mr. Roche:** Elsewhere the Deputy has suggested that people should be removed. There is a code of conduct which is operational and it is the same code of conduct as operates in other areas of the public service. On appointment, members are expected to furnish details which has been done. When an item for discussion creates a conflict, that may be discussed. The code of conduct is published. In so far as I have any information, there is nothing to say it has been breached.

**Mr. Gregory:** That is very helpful.

**Mr. Roche:** I take the points made by the Deputy seriously. If he wishes, I will write to him in detail.

**Mr. Gregory:** The Minister will not answer the questions I have asked.

**An Ceann Comhairle:** Allow the Minister of State to answer Question No. 4.

#### **Anti-Social Behaviour.**

4. **Mr. McCormack** asked the Minister for the Environment, Heritage and Local Government if he has plans to take measures to combat anti-social behaviour in housing estates; and if he will make a statement on the matter. [27704/04]

**Mr. N. Ahern:** Local authorities are responsible under the Housing Acts for the management and maintenance of their housing stock, including addressing any problems arising on their housing estates from serious anti-social behaviour. They have been encouraged by my Department to use the statutory powers available to them, where appropriate.

The primary purpose of the Housing (Miscellaneous Provisions) Act 1997 is to provide for a range of measures to assist local authorities in addressing problems arising on their estates from drug dealing and serious anti-social behaviour. The Act gives recognition to the role of local authorities in actively promoting the interests of tenants and other occupiers of the housing and also in working towards the avoidance, prevention and abatement of anti-social behaviour. It forms part of a wider range of measures undertaken by Government to deal with the issue of drugs and related crime.

The serious problems posed by crime and anti-social behaviour in many local authority housing estates and the negative impact on the morale of tenants and the living conditions of tenants and residents formed a background to the introduction of the Act. One of the main provisions of the 1997 Act enables a local authority tenant, or the local authority in certain circumstances, to apply to the District Court for an excluding order against an individual member of the household who is believed to be engaging in anti-social behaviour. The measures contained in the 1997 Act are essential to ensure that local authorities have the capacity to take effective action in this area.

The recently enacted Residential Tenancies Act 2004 contains a number of provisions to address the issue of anti-social behaviour in private rented accommodation and extends the local authority power to obtain excluding orders in respect of the occupants, other than the owner, of tenant purchased houses. It also extends the local authority power to refuse to sell, under the tenant purchase scheme or the affordable housing scheme, a house to a person suspected of engaging in anti-social behaviour.

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

The housing unit, which is funded by my Department and local authorities, has produced a guidance booklet for local authorities entitled, Preventing and Combating Anti-Social Behaviour, and has organised training courses for local



[Mr. N. Ahern.]

authorities in this regard. In this wider context, my Department has put in place a housing management initiatives scheme which includes funding for programmes to improve estate management, tenant liaison and training initiatives.

The measures I have outlined are intended to support local authorities in their efforts to prevent and combat anti-social behaviour in their areas. Wider issues relating to matters of a criminal nature come within the remit of the Garda and my colleague, the Minister for Justice, Equality and Law Reform.

**Mr. McCormack:** Is the Minister of State aware of the anxiety caused in many housing estates, particularly to elderly people, by the elements participating in anti-social behaviour? Does he not think it worthwhile to correct the cause of this problem by providing the necessary recreational facilities in estates, particularly local authority estates, before the houses are occupied? That might prevent much of the unnecessary anti-social behaviour, which is carried out mainly by young people gathering in groups who have nowhere else to go and who make life hell for the residents, particularly older people, in those estates. Has the Minister of State plans to provide, in future planning of local authority estates in particular, the necessary recreational facilities before the houses are occupied, thus dealing with the cause of the problem rather than talking about evictions and so on after it has arisen?

**Mr. N. Ahern:** I fully understand the anxiety, which I witness in my constituency. I am aware of the serious effect of anti-social behaviour on people's quality of life. Local authorities have the power to seek exclusion orders and we have extended that power. We often heard from local authority officials in my area, particularly since 1997, that certain families were tenant purchasers and they could not touch them. Under the Residential Tenancies Act, however, they have the power to move on tenant purchasers, although not the owner because of the constitutional problems, but the children or the adult siblings in the house. I hope that new power will strengthen the work of local authority officials. In addition, a housing management scheme on which the Department spends a few million euro every year gives grants to local authorities for tenant training and, in some cases, for tenant liaison officers.

The Deputy has a point when he talks about facilities. For the past ten years we have been building good quality estates but in the 1960s and 1970s huge estates were built, which was probably good for the Minister of the day in that he could make those announcements, but the architectural design of many of them was bad and the facilities were not put in. That was a time when there was not the same money in the country as there is now. We are now spending a fortune on remedial work and regeneration schemes. I believe we are spending €160 million a year trying to put right the mistakes made in the 1960s and early 1970s, but I agree with the Deputy. In the other Department in which I am involved, under the young

people's facilities and services fund, we are putting money into facilities because we built estates 30 years ago and gave people houses but we did not give them facilities or amenities. I hope we have learned our lesson in that regard because the quality of design of housing built in recent years is far better. I hope we have addressed many of those problems.

**Mr. McCormack:** I accept what the Minister of State said about the quality of houses but I ask him to consider another aspect. Many houses in local authority estates are bought and resold and the people in those houses are on rent supplements. There is no fall-back on that. I ask the Minister to address the problem of people on rent supplement because no action can be taken against them. The rent supplement cannot be withdrawn, irrespective of the anti-social behaviour of the tenants who are making life hell for their neighbours.

**Mr. N. Ahern:** Under the Residential Tenancies Act, in which the Deputy was involved for much of Committee Stage of the Bill, powers are now available. The tenant, or a third party who happens to be living next door, can bring the landlord to a disputes resolution system——

**Mr. McCormack:** If the landlord is known.

**Mr. N. Ahern:** They are known. They will be able to go to the Residential Tenancies Board. That new power will come into operation on 1 December. The Deputy has a point, however, in regard to that category of people but we are addressing that problem and we have addressed the tenant purchase problem. Local authorities can only solve this problem on a multi-agency basis. We need the gardaí and others to work with us, but we have the law now and I believe it will help matters.

**Mr. McCormack:** One tenth of them are not registered and they will not be.

#### **Decentralisation Programme.**

5. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the number of his Department's Dublin-based staff who have applied through the central applications facility for decentralisation for the proposed new location for his Department at Kilkenny, New Ross and Wexford; the grades of staff who have applied; and if he will make a statement on the matter. [27607/04]

**Mr. Roche:** A total of 495 applications had been received at the central applications facility at the priority cut-off date on 7 September, in respect of the 661 posts to be decentralised from my Department's Dublin offices and which are fillable through the CAF. A total of 31 staff from my Department's Dublin offices have applied for decentralisation to the Department's proposed four locations in the south east — Wexford,

Kilkenny, New Ross and Waterford. I propose to circulate in the Official Report a tabular statement setting out the information on the grades. Some 139 staff of my Department have applied for decentralisation to other Departments or agencies.

The Department has drawn up and submitted to the decentralisation implementation group an implementation plan which sets out the broad issues to be addressed in implementing the decentralisation programme. It will be recalled that the Department has been to the fore in previous decentralisation programmes involving the movement of a range of sections to Shannon and Ballina in 1983 and subsequently in 1989. Furthermore, the Department supported the successful mobilisation and establishment of the EPA headquarters in Johnstown Castle, Wexford, in 1993-94.

The Department will co-operate with the Department of Finance, the implementation group and the Office of Public Works to ensure the Government's decentralisation policies are implemented efficiently and effectively.

Principal Officer	3
Assistant Principal Officer	3
Higher Executive Officer	4
Administrative Officer	3
Executive Officer	5
Staff Officer	1
Clerical Officer	5
Accountant	1
Inspector	3
Senior Meteorological Officer	1
Archaeologist	1
Assistant Fire Adviser	1
Total	31

**Mr. Gilmore:** Do I understand from the Minister's reply that of the 660 jobs in the Department of the Environment, Heritage and Local Government which will be in Kilkenny, New Ross, Wexford and Waterford, only 5% of them have been applied for by existing staff of the Department? Do I, therefore, understand from that that if this Department is decentralised to these four locations, it will effectively have to be reconstructed, with 95% of its staff coming from outside the existing Department? What assessment has been made by the Minister or his Department of the cost of reconstructing the staff of the Department? What is the cost associated with the training which will be required if 95% of the staff have to come from outside? What assessment has been made of the loss of departmental memory which will result from the Department having to be reconstructed? What assessment has been

made of the disruption of service to the public if the Department of the Environment, Heritage and Local Government has to be reconstructed, with 95% of its new staff coming from outside, in four different locations?

**Mr. Roche:** I will deal with some of the details because the Deputy is perhaps inadvertently exaggerating the nature of the problem. I will give him some idea of the figures. In the case of Wexford, there will be 249 CAF jobs. The number of applications made from the general service there is 228, or 92%. They are from all Departments.

**Mr. Gilmore:** How many are from the Minister's Department?

**Mr. Roche:** I am just making the point——

**Mr. Gilmore:** How many are from the Minister's Department? The question was about the applications from his Department.

**Mr. Roche:** The question——

**Mr. Gilmore:** On a point of order, my question concerns the number of applications from within the Minister's Department. I have not asked a question about the number of applications from outside the Department. I ask the Ceann Comhairle for his protection.

**An Ceann Comhairle:** That is not a point of order. As the Deputy is aware, the Chair has no control over answers to questions.

**Mr. Gilmore:** I ask the Minister to confine his remarks to the question he was asked.

**Mr. Roche:** I will address the Deputy's specific point. As I indicated, 31 applications were received from within the Department.

**Mr. Gilmore:** That is equivalent to 5% of staff.

**Mr. Roche:** I wish to make a point regarding supplementary issues raised by the Deputy.

**Mr. Gilmore:** They were not related to figures.

**Mr. Roche:** They were about the workability of the Department in the context of the decentralisation programme. We will transfer talented people from other Departments. In the theory of public administration we operate, particularly in the context of the general services, the concept of mobility between Government Departments has been espoused, practised and praised for many years.

In the case of Wexford, to which 249 jobs will be decentralised, we have already received applications for 92% of available positions from the balance of the Civil Service. The applicants are talented, committed public servants who without

4 o'clock

[Mr. Roche.]

doubt have the capacity to take up the jobs in which they will be placed. In the case of Kilkenny, to which 62 CIF jobs will be transferred, 77 applications have been made, which is 24% higher than required. I do not suggest there will be no difficulty. The Deputy could, perhaps correctly, point to the transfer of technical and specialist staff.

**Mr. Gilmore:** Will the Minister answer the question about loss of departmental memory?

**Mr. Roche:** I am making the point that in the concept of public administration we operate civil servants can transfer from one Department to another and regularly do so on promotion.

**Mr. Gilmore:** They do not all transfer at the same time.

**Mr. Roche:** People will bring vast experience from other Departments.

**Mr. Gilmore:** Has the Minister assessed the loss of departmental memory?

**Mr. Roche:** Given the manner in which public administration is designed, the issue of departmental memory is a canard, as the Deputy well knows.

**Mr. O'Dowd:** What is a canard?

**Mr. Gilmore:** Let me inform the Deputy what is a canard. A canard is when a member of the public telephones the Department in Wexford and is told——

**Mr. Roche:** The situation is——

**Mr. Cuffe:** A canard looks and walks like a duck.

**Mr. Roche:** I find the comment from the member of the Green Party particularly bizarre given that his party argues there is over-concentration on Dublin.

**Mr. Gilmore:** I respect that the Minister has a sense of proportion and knows what difficulties the decentralisation process will create. Given that only 5% of staff from his Department have offered to move and the complexity of the issues with which his Department must deal, many of which are specialised, will he reconsider the proposed decentralisation of his Department in the manner announced? Every Deputy knows the proposal will not work if only 5% of staff agree to move.

**Mr. Roche:** The type of doomsday scenario described by the Deputy has not arisen in cases of decentralisation of whole sections. I suggest that rather than make false claims, it would be a good idea if every Member of the House threw their

weight into making the decentralisation policy, which is good in terms of spatial strategy and the development of public service, work.

**Mr. Gilmore:** It is a daft policy.

**Mr. McCormack:** It has no connection with the national spatial strategy.

### Other Questions.

#### Nuclear Safety.

6. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the recent CERRIE report into radiation risks in the United Kingdom with particular reference to Sellafield. [27550/04]

**Mr. Roche:** The committee examining radiation risks of internal emitters, CERRIE — I apologise for the use of acronyms in this reply — was established in the United Kingdom in 2001 in response to concerns that the models accepted by Government Departments and regulatory bodies in the United Kingdom substantially underestimate the risks to human health from internal radiation. Internal radiation in the human body is caused by radioactive matter which has been inhaled or ingested.

The committee's remit was to consider these models in light of recent studies and identify any further research considered necessary. As with most issues, there is a wide range of opinion in the scientific community on the issues under consideration. This range of views was reflected in the composition of the committee. The committee's report, published on 20 October 2004, has been examined by my Department and by the Radiological Protection Institute of Ireland which advises my Department on these matters.

The committee examined in some detail the recommendations of the International Commission on Radiation Protection. These recommendations form the basis of radiation protection standards in use worldwide, including in the European Union. They are also the standards used in national legislation. The recommendations are under review by the ICRP and new recommendations are due to be published in 2005.

The UK committee highlighted a number of concerns regarding uncertainties in the use of certain methodologies by the ICRP and recommended that these be reassessed. The majority view of the committee was, however, that the available biological evidence does not point to the need for a fundamental change in radiological protection standards. The RPII, the relevant Irish authority, agrees with this view. I have been shown a copy of the report, which could be reasonably described as a selection of essays writ-



ten in difficult English. Incidentally, it makes no reference to Ireland.

With regard to epidemiological evidence, the committee concluded that the evidence is compelling that moderate and high levels of exposure to internally incorporated radionuclides produce a raised risk of adverse health effects, which is not a surprise.

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

Little consensus could be reached, however, for lower levels of exposure. CERRIE concluded that epidemiological studies were only of value when they were conducted to a high standard and subject to both ethical and peer review. The RPII concurs with these views concerning the conduct of epidemiological studies.

From an Irish viewpoint, the most important section of the CERRIE report concerns its findings on Sellafield and Dounreay, Scotland. The report accepts the finding of many studies showing excesses of childhood leukaemia around Sellafield and the nuclear facility in Dounreay, Scotland. According to the report, the majority of CERRIE members did not accept that the evidence showed the risk of cancer in general was increased near nuclear sites.

The report does not make reference to the radiation risks associated with Sellafield as regards the Irish population. The RPII has advised my Department that the findings of the report do not change, for better or worse, the RPII's assessment of the radiation risks associated with Sellafield for the Irish population.

Two members of the CERRIE committee stepped down and prepared a minority report on radiation risks of internal emitters. I have asked the RPII to examine this minority report also and report to me.

A separate report was also published on 20 October by CERRIE's parent committee on medical aspects of radiation in the environment, COMARE. The COMARE report gives a response to the CERRIE report and provides advice to United Kingdom Ministers highlighting, in particular, the internal radiation health risks presented by radon. These reports will be considered by the relevant United Kingdom Ministers and I will await with interest the outcome of that consideration.

**Mr. O'Dowd:** I am disappointed with the Minister's response, for which I thank him. Professor Goodhead, the chairman of the committee examining radiation risks of internal emitters, stated that the danger from such emitters may be ten times higher than previously believed for children living near nuclear plants, although it may not be as significant for adults. I welcome the pressure the Government put on the British Government and, in particular, British Nuclear Fuels and hope it will continue. The Opposition and the Government are united on this issue. In light of Professor Goodhead's report, will the Government put

additional pressure on the British Government to reduce discharges from Sellafield?

With a new nuclear decommissioning authority set to move into Sellafield to decommission much of the plant, the Government's hand will be strengthened as regards the pressure it can exert on the British Government to reduce all emissions from Sellafield, notwithstanding the points the Minister made regarding international standards.

**Mr. Roche:** I firmly agree. The Deputy knows my views on Sellafield, which are on public record and have not changed because I have changed my status from backbench Deputy to Minister. The reports in question, a set of essays, contain contradictory material.

**Mr. O'Dowd:** With respect, a consensus has emerged that internal radiation is at least ten times as dangerous for children as previously believed. There is no disputing that fact.

**Mr. Roche:** I do not disagree with any scientific element in the report — I am making a general point. The report states: "Most environment groups and some scientists have not accepted the view that the occurrence of a pronounced leukaemia cluster [in the village of Seascale close to Sellafield] adjacent to one of the world's largest sources of radioactive discharges was due to coincidence or to some other unidentified factor." As I stated, it is a complex report. As regards the Deputy's question, I will continue to apply the pressure exerted by my predecessors to ensure that some sanity pertains in all matters relating to Sellafield.

7. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government if he will raise the issue of air security around Britain's nuclear installations following reports of more than 100 breaches of no-fly zones at these facilities, including two at Sellafield, over the past five years; and if he will make a statement on the matter. [27544/04]

12. **Mr. G. Mitchell** asked the Minister for the Environment, Heritage and Local Government if he has satisfied himself that the no-fly zone surrounding the Sellafield nuclear facility is sufficient to prevent a major terrorist attack or accident; and if he will make a statement on the matter. [27543/04]

21. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government if he has satisfied himself with the general level of security at Sellafield; his views on whether the possibility of an accident or incident is of a sufficiently low level; and if he will make a statement on the matter. [27545/04]

**Mr. Roche:** I propose to take Questions Nos. 7, 12 and 21 together.

[Mr. Roche.]

Due to the risk posed to Ireland by the potential transboundary effects of an accident or incident, including a terrorist attack by aircraft or otherwise at Sellafield, the security arrangements and procedures in place at Sellafield have been a particular concern of this and previous Government. These concerns are repeatedly raised both by direct correspondence and in face to face meetings with my ministerial counterparts and other United Kingdom Ministers. These concerns are raised at official level in meetings between my Department and its United Kingdom counterparts.

The UK authorities have given assurances that they are satisfied the arrangements for ensuring security in the UK's civil nuclear industry are robust, that additional measures put in place since September 2001 to reinforce security are appropriate and that these security arrangements are subject to continual review. I understand there is a press report, perhaps prompted by these questions, in a British newspaper today which refers to an additional £20 million being spent on security at Sellafield. The UK has also indicated that the Royal Air Force maintains a high state of readiness in the air defence of the UK, including the defence of particularly sensitive targets and its state of readiness is kept under constant review.

Assurances have been given that the UK Ministry of Defence's low flying directorate thoroughly investigates complaints of military aircraft breaching the air exclusion zones surrounding civil nuclear facilities, as does the Civil Aviation Authority which has responsibility for investigating such complaints about civil aircraft. The assurances and information on nuclear security issues from the UK authorities are received by us in good faith. Ireland understands that sensitive security information must be guarded and that dissemination of such information must be contained in a highly secure manner.

However, our legitimate concerns could be met even more satisfactorily through the development of an agreed, structured and meaningful system between the UK and Ireland for the exchange of security sensitive information without compromising the security needs and concerns of the UK. This point has been emphasised in exchanges with the UK. This House and the nation can be assured that I will continue to press for better information in this regard.

**Mr. O'Dowd:** I welcome the Minister's assurances. This is a matter on which the Government and Opposition can work together. Question No. 7 refers to the no-fly zone at Sellafield. I understand the zone is less than 500 metres. It would take just milliseconds for an aeroplane, fully laden and with intent, to get into Sellafield. If it were aimed at where the radioactive waste is stored, it would cause immediate fatalities and problems in Sellafield and if the wind were blowing towards Ireland, there would be a significant

and adverse impact, initially on our agriculture, on our eastern boundaries. Will the Minister again put pressure on the British Government? Will he, through his membership of the International Atomic Energy Agency, insist that the information on security — the British Government cannot and I do not expect it to give such details to Ireland — be given to the International Atomic Energy Agency? The agency could be the honest broker and benchmark it for us. It is the international body with responsibility for all matters relating to radiation. However, the significant point about the radioactive waste——

**An Leas-Cheann Comhairle:** There is a one minute time limit on supplementary questions.

**Mr. O'Dowd:** Three questions are being taken together.

**An Leas-Cheann Comhairle:** The Deputy can ask three supplementary questions with a time limit of one minute on each.

**Mr. O'Dowd:** Thank you. I am not sure of the procedure.

**An Leas-Cheann Comhairle:** The Deputy will have plenty of time to ask further questions.

**Mr. Roche:** I accept the validity of the point made by Deputy O'Dowd. The consequences of a catastrophic failure or a terrorist event in Sellafield could be horrific for this country. I agree with the Deputy. When nations decided to go this route they opened a Pandora's box. The Deputy is correct about the no-fly zone. Even a substantial no-fly zone causes problems and the narrower it gets, the more improbable it is that it will work. I do not disagree about the necessity for some type of international oversight. I said previously that it would help to assuage, although not dismiss, our fears.

**Mr. O'Dowd:** The construction of the roof of the building in which the highly active tanks are stored in Sellafield is such that the possibility of an aircraft hitting it at high speed was not considered. It was excluded from the construction capacity of Sellafield to withstand a terrorist attack. People believed it could not happen. However, it happened in New York when the aeroplanes hit the World Trade Centre and it could happen in Sellafield. Is the Minister satisfied with the general level of security at Sellafield? There are 12,000 to 14,000 people employed there. It is easy to get access to the site. There are many gates and a reinforced chain-link fence around the area. However, I believe Sellafield is not secure. If there is a determined attempt by terrorists to get into the site, they could do it. Has the Minister considered that there is a railway line parallel to the site and it is not beyond the capacity of al-Qaeda to take over a train and load it with explosives which could be

exploded in the heart of Sellafield? What representations will he make to the British Government about this issue?

**Mr. Roche:** I do not disagree with anything the Deputy said. There is no such thing as absolute security. One need only recall that in September 2001 the Pentagon was attacked. It was supposed to have the benefit of protection, including ground to air missiles and so forth, but none of it succeeded in preventing the horror. There is a huge risk and that fact should not be diminished. The validity of our case is self-evident and everything the Deputy said is common sense. I have made the point repeatedly to British colleagues. The Deputy can be assured that I will take every opportunity to indicate to the British authorities that we have continuing and valid concerns about this issue.

**Mr. Gilmore:** Has the Minister been officially informed of any breaches of the no-fly zone around Sellafield and, if so, how many? Has he been informed of any threat of a terrorist attack on Sellafield? If so, what was the number and nature of such threats?

**Mr. Roche:** Nothing has been brought to my attention in the past four weeks but I presume the Deputy is referring to the office of the Minister. There have been 100 breaches of the no-fly zone area, which is a substantial number and indicates the validity of our concerns. These are concerns which we have raised with the British authorities. With regard to the second question, I am not sure if any such notification has been received. It might not be given if there is a security element in it. That indicates the validity of the point made by Deputy O'Dowd, and by other Members from time to time, about the necessity for an international organisation to which these matters could be reported and through which risk could be assessed. I will ask in the Department if there is a specific instance of such notification and I will communicate it to the Deputy.

**Mr. Morgan:** Has the Minister a view on the risk to citizens on this island posed by radiation emanating from Sellafield in the event of such a breach of security or an attack? What would be the level of risk? What is he doing about it?

**Mr. Roche:** What successive Governments have been doing and the pressures that have been applied through various agencies are on the public record. The risk to this country would be substantial. Clearly, if there was a catastrophic failure, it would cause untold environmental hazards for this country. The Taoiseach has said on more than one occasion that Sellafield is the biggest environmental hazard and danger facing this country. It is not something we should over-

emphasise but it is not to be underestimated either. I will do neither during my term in office.

**Mr. O'Dowd:** When the third aeroplane involved in the attack on 11 September 2001 crashed into a field near Washington, it was reported that the aeroplane was headed in the direction of either a large dam or a nuclear power station. In his discussions and representations, both through the International Atomic Energy Agency and directly with the British Government, will the Minister stress that there is real and present danger to people in Britain and in this country if a plane were to hit Sellafield? That is the real worry, not the fear of an accident in the operational structure of Sellafield. It is not built to withstand the type of attack which happened on 11 September 2001.

**Mr. Roche:** The Deputy is correct. It was suggested, for example, that the third plane was heading towards the Capitol Building and there is also speculation as to how the plane was brought down. This illustrates the validity of our common concern in this area. I had a short social meeting with my UK counterpart and I will continue to emphasise this point on every possible occasion.

**Mr. O'Dowd:** I thank the Minister.

#### **Environmental Impact Assessments.**

8. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the action his Department has taken following the European Commission's initial warning to the Government over the Derrybrien wind farm project in County Galway following the landslide there in October 2003; the measures he has taken to ensure that environmental impact assessments for such projects are improved following the Commission's statement that the EIAs for Derrybrien were manifestly deficient; and if he will make a statement on the matter. [27334/04]

**Mr. Roche:** On 15 July 2004, the Government received a detailed letter from the European Commission in regard to implementation of the directive on environmental impact assessment in Ireland. The letter lists a number of individual cases, including the Derrybrien wind farm project. In view of the complexity of the issues involved, Ireland sought an extension of the period for reply to the Commission until 14 November 2004. The Department is now finalising a comprehensive response to the Commission's letter. On the basis of legal advice, my Department does not divulge details of correspondence with the European Commission in connection with EU complaints.

My Department issued guidelines for planning authorities on wind farm development as far back as 1996. The guidelines noted that "wind farm



[Mr. Roche.]

developments, both during the construction and operational phases, may impact significantly on the ecology, archaeology, geology and heritage of an area". They recommended, *inter alia*, that an assessment of the impact of development on the known or likely geological interest of a site should be made.

In August 2004 my predecessor issued for public consultation draft guidelines for planning authorities in regard to wind energy development, updating the 1996 guidelines. To be fair, the 1996 guidelines could not have envisaged what took place. The recent guidelines update policy on the siting and design of wind farms and include strengthened recommendations on the consideration of geotechnical issues. Some 65 submissions were received by the closing date for the receipt of submissions on 30 September 2004 and are now under consideration by my Department. It was the intention to publish the finalised guidelines in early 2005 but I intend to publish them as soon as is possible.

Responsibility for ensuring the adequacy of an environmental impact statement submitted with a planning application rests with the planning authority in the first instance and, in the event of an appeal, with An Bord Pleanála. Under section 72 of the Environmental Protection Agency Act 1992, the EPA issued in 2002 guidelines on the information to be contained in environmental impact statements. These guidelines and the accompanying detailed advice notes on current practice have been updated and are available.

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

These guidelines, and accompanying detailed advice notes on current practice in the preparation of environmental impact statements, updated draft guidelines and accompanying detailed advice notes issued by the EPA in 1995. The Act provides that those preparing and assessing environmental impact statements must have regard to the EPA guidelines. The guidelines and advice notes address issues in regard to impacts on soil and geology.

**Mr. Gilmore:** How does the Minister respond to the essence of the point made by the Commission that the environmental impact assessments of the development appear to have been manifestly deficient, having failed to provide any adequate information on the geophysical risks associated with the project? Does the Minister accept or reject this assertion by the Commission?

**Mr. Roche:** I neither accept nor reject it because the issue is under consideration in the Department. I stated that the tendency is not to divulge details of correspondence with the Com-

mission in connection with EU complaints. I will seek to publish the response as soon as it is conclusive because serious issues have been raised. Even if the Commission had not raised this matter, I am familiar with the events at Derrybrien and know they must be taken seriously. I will respond to the Commission and intend to make as much information available as possible to the Deputy and any other Member of the House.

**Mr. Gilmore:** I thank the Minister for his response. However, this issue is in the public domain. While the Minister stated the correspondence from the Commission related to a number of matters, I am concerned with this specific matter. Was the EIA adequate, in the Minister's view, or can the Minister assure the House it was adequate?

**Mr. Roche:** I stated we are working on new guidelines which will obviously——

**Mr. Gilmore:** The Minister should not mind the guidelines. He should stick with the matter of the EIA.

**Mr. Roche:** We are working on new guidelines and responding to the issues regarding the EIA. The Deputy will accept the events were unforeseen and novel. We must make certain, rather than carving out——

**Mr. Gilmore:** The Minister is slipping around more than the bog was.

**Mr. Roche:** I am not slipping around more than the bog because it was a substantial area of bog. I have seen pictures of the events and I accept the Deputy's point that it is a serious issue. The guidelines will deal with it. We must learn from experience in this area, as with so much else.

**Mr. McCormack:** We all saw the frightening images on television of the bog and land slide, the pollution of rivers and resulting fish kills. While the Minister says it is a complex matter, it is very simple. Were the directives issued by his Department in 1996 implemented?

**Mr. Roche:** In so far as I can answer, the answer is yes. However, they have been strengthened. The idea of the draft guidelines issued in 2004 was to strengthen the existing guidelines, which were produced in a different time.

#### **Waste Management.**

9. **Mr. Howlin** asked the Minister for the Environment, Heritage and Local Government if his Department has a role in investigations into cross-Border sham recycling operations following the interception of six trucks in Northern Ireland containing hundreds of tonnes of illegal waste

from the Republic; the efforts his Department is making, in conjunction with the Garda Síochána, to clamp down on cross-Border illegal dumping rackets; and if he will make a statement on the matter. [27325/04]

54. **Mr. McGinley** asked the Minister for the Environment, Heritage and Local Government the measures his Department has taken to prevent the illegal export of domestic waste across the Border with Northern Ireland; and if he will make a statement on the matter. [27568/04]

98. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government the level of resources employed to prevent illegal dumping; and if he will make a statement on the matter. [27572/04]

**Mr. Roche:** I propose to take Questions Nos. 9, 54, and 98 together.

The reported incidents of illegal cross-Border movements of waste into Northern Ireland, which by their nature are difficult to detect and quantify, have been discussed at ministerial level within the framework of overall North-South co-operation on common issues. On foot of these discussions, a high level meeting was held on 21 May 2004, involving representatives from my Department and the Department of the Environment in Northern Ireland, as well as from local authorities in both jurisdictions, the office of environmental enforcement, the Garda Síochána, the Police Service of Northern Ireland and the respective customs services. At this meeting very useful exchanges took place, particularly in regard to the scope for securing better inter-agency co-operation on enforcement, on which there has been improvement. I am confident this engagement, which will continue, will yield more effective enforcement operations in the short and medium term.

Illegal waste activities are unacceptable and will not be tolerated. Those involved are criminals and, on my watch, I intend the law of the land will be applied to the letter as well as the spirit. The effective operation of the regulatory regime for the waste sector is a key priority. To this end, a number of significant initiatives designed to achieve more vigorous enforcement of the waste code in this jurisdiction have been introduced. These are designed to support the activities of local authorities, which are the primary enforcement authorities.

I will provide some examples. First, the Protection of the Environment Act 2003 provides new enforcement powers and increases the maximum fines for contraventions of the waste code. Conviction on indictment for an offence under the Act now carries a maximum fine of €15 million, as well as a term of imprisonment of up to ten years. These are severe penalties and I hope,

where appropriate, they will be applied in full by the courts.

Second, we have completed the establishment of a new office of environmental enforcement, located within the Environmental Protection Agency. While it has a wide remit, the OEE is focused on waste related enforcement activities in its early stages and is already operational in this area. I pay tribute to its staff because they are dealing with a thuggish, criminal element, some of whom have paramilitary connections. We know of the risks young staff are taking.

Third, the importance of providing additional resources to underpin the waste enforcement effort has been acknowledged. In this regard, some €7 million from the environment fund has been allocated to local authorities to support the first year of a major five-year programme of local authority waste enforcement activities. I take a most serious view of these events. I have first-hand experience of criminal activity in County Wicklow when parts of the county were despoiled by dumpers. This new development is sinister and will be dealt with seriously.

**Mr. Gilmore:** I thank the Minister for his reply and I accept his commitment that he will pursue illegal dumping of waste. Was any licensed waste collection operator, or its trucks, involved in this activity? Is any company, holding a contract from a local authority for the collection of waste, involved in this activity, either directly through use of its trucks, or indirectly, in the waste being sourced from it?

**Mr. Roche:** I am aware of some of the comments made on the contents of these trucks. However, I do not have the specific details on whether those involved in this activity have waste permits. I will check on the matter and communicate the information to Deputy Gilmore. Regarding the trucks, I will check this too and communicate it to the Deputy.

**Mr. Gilmore:** Any holder of a contract from a local authority for the collection of waste who may have been involved in this activity should lose the contract. Any holder of a waste licence involved in this activity should have it withdrawn. I agree with what the Minister said about the criminal and paramilitary elements. However, two thirds of the waste collection services in the State are now in private hands. If any of these companies are involved, they should lose their contracts and licences.

**Mr. Roche:** I do not disagree with what Deputy Gilmore has said. If there has been knowing criminal misbehaviour, the Deputy is right. The investigations have yet to be finalised. On my watch I intend that the law in this area will be rigorously enforced.

**Mr. O'Dowd:** The office of enforcement in the Environmental Protection Agency has said that it will be a year before it can adequately deal with this matter. Will more resources be given to the Garda and the Criminal Assets Bureau and more co-operation sought with the Police Service of Northern Ireland to deal with this matter? This is a multimillion euro rip-off. Some €240 is paid to move a tonne of waste from the South across the Border where it is dumped illegally for approximately €30. In many cases, it is exported to Scotland.

I acknowledge the Minister's expertise in this area. The Environmental Protection Agency was forced to give a direction to Wicklow and Kildare County Councils in respect of their lack of commitment to its directives on the operation of illegal waste dumps in both counties. Will the Minister insist that the county managers from Wicklow and Kildare County Councils meet him to discuss their non-compliance of these directives? Does the Minister agree it is a shame and a disgrace that local authorities are not complying with requests from the enforcement office of the Environmental Protection Agency regarding illegal waste dumps?

**Mr. Roche:** I do agree. My views on what has happened in County Wicklow are on record. I have had face-to-face contacts with management in Wicklow County Council over the years.

**Mr. O'Dowd:** Will the Minister demand a meeting with the county managers of Wicklow and Kildare County Councils?

**Mr. Roche:** When I make contact with the Environmental Protection Agency and am satisfied that it is not in any way frustrated—

**Mr. O'Dowd:** On a point of information. The county managers have been given a direction that if they do not comply with the Environmental Protection Agency, they will be brought to court for non-compliance.

**Mr. Roche:** My view is that all local authorities should and must comply.

**Mr. O'Dowd:** Will the Minister demand a meeting with the county managers of Wicklow and Kildare County Councils and insist they comply?

**Mr. Roche:** If that is necessary.

**Mr. O'Dowd:** It is necessary.

**Mr. Roche:** This dialogue is getting nowhere. If the non-compliance continues I will seek to ensure it stops.

**Mr. O'Dowd:** Does the Minister not believe it should be carpeted now?

**Mr. Roche:** The comment on the Environmental Protection Agency requiring a year to investigate the matter was made by a staff member at a particular point. I am not criticising the young man in question but it was made on camera. Interagency co-operation is at the highest possible level. If there is any room for improvement I will encourage it. However, I do not believe there is any deficiency there.

**Mr. McCormack:** Does the Minister accept that illegal cross-Border dumping of waste undermines the efforts made by those recycling? Galway city has reduced the amount of waste going to landfill by over 50% over the last several years. People will now realise that the work they are doing, separating and segregating waste in five ways is simply being illegally disposed of by illegal, and perhaps some licensed, dumpers. What action will the Minister take to eliminate this practice that undermines the efforts to recycle, reuse and reduce waste?

**Mr. Roche:** Deputy McCormack is right because people do go to considerable trouble to recycle, reuse and reduce waste. I know people who must travel from Bray to Wicklow to avail of recycling facilities. If widescale breaches of any operator, particularly a licensed one, were found, it would create cynicism and have a devastating impact on the high levels of recycling we are achieving. If it is proved that a licensed operator is involved in this activity, I will take a most serious view.

**Mr. McCormack:** Will the Minister let the courts find this out?

**Mr. Roche:** Yes.

**Mr. Morgan:** The Minister is agreeing with 90% of the statements from this side of the House. It is an interesting prospect. I welcome his preparedness to tackle these illegal operations. I hope the actions follow up as strongly as his words. An investigation was commenced concerning documents from the Department of Justice, Equality and Law Reform finding their way into an illegal dump in County Tyrone. What progress has been made in the investigation and when will it be completed?

**Mr. Roche:** I do not have any information on that specific item. I remember the press comment at the time. I am so agreeable because there is much common sense in this discussion. I do not believe a monopoly exists on one side of the House on this issue.

My personal attitude is that if we operate together we will be far better than if we operate



individually. I assure Deputies O'Dowd, Gilmore and other spokespersons that, in so far as I can, I will operate a very open attitude, as I did when I was Minister of State with responsibility for European affairs. It paid big dividends for Ireland when we brought all the talents of this House together, and the same will apply in this context. We do not have any political differences on the issues with which we are dealing, whether it is Sellafield, illegal dumping or other activities.

**Mr. Morgan:** The Minister for Justice, Equality and Law Reform will not end up in jail then.

**Mr. Gilmore:** The Minister should keep an eye out for that file from the equestrian federation.

### Departmental Funding.

10. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government the funding made available by his Department to Cork County Council with reference to the disabled person's grant and the essential repair grant scheme; the directions given by his Department with reference to these schemes to the council in 2003 and 2004; and if he will make a statement on the matter. [27445/04]

**Mr. N. Ahern:** The capital allocation to Cork County Council, covering three local authorities, Cork north, south and west, in 2003 for the payment of disabled person's and essential repairs grants was €6,409,000. This amount was broken down between an initial allocation of €6,009,000, an additional allocation of €700,000 to Cork south and a saving of €300,000 by Cork West County Council.

The council's total expenditure on the schemes in 2003 was €6,646,491. A capital allocation of €7.315 million was made by my Department to Cork County Council for 2004. This was based on the council's estimated demand of €8 million for 2004 and its expenditure level of €6.6 million in 2003.

My Department's letter of allocation advised that where the notified allocation was likely to be either inadequate or surplus to requirements, the Department should be informed so as to facilitate reallocation of the funds and maximise the effectiveness of the programme.

My Department was informed by the council in a letter dated 21 September, 2004 that payments in 2004 in the council areas of Cork north, south and west would total €2.3 million, although the allocation was €7.3 million. The stated reason for this low level of payments was the suspension of approvals by the council in 2003 due to financial constraints, which had the effect of delaying the subsequent commencement and/or completion of works in 2004. A new disabled person's grant scheme was prepared by Cork County Council

during 2003 which has now been adopted and is being implemented.

It has been made clear to the council that under-spending of this magnitude is of serious concern to my Department, given the need for assistance under the schemes countrywide. The council has indicated it has now begun approving grants on the basis of the revised scheme and that this will be reflected in the payments for 2005.

The original provision for disabled person's and essential repairs grant schemes in 2004 was €65 million, an increase of 12% on the final allocation of €58 million for 2003. A further €7.7 million has been allocated to local authorities that sought increases in the past two months, thus increasing the total allocation to €72.7 million. I am confident the majority of local authorities will spend their full allocation this year.

**Mr. Stanton:** The Minister of State referred to the suspension of the scheme. Was the suspension initiated by the Department or was it solely the decision of the council? Will he provide more detail on why the scheme was suspended and for how long? The council is unable to meet its allocation this year. Will the Minister of State guarantee this will not affect future allocations?

**Mr. N. Ahern:** The administration of schemes is a matter for each local authority while we look after the general framework of the schemes. The Department did not order the suspension last year. Five years ago the maximum grant to an individual under the scheme increased from in the region of €10,000 to €20,000. Nationally, the number of approvals under the scheme trebled in the past five or six years and the level of payment increased almost sixfold, which is an extraordinary increase.

Adjacent counties with similar age profiles give this matter different priority and put different resources into it. The Department pays two thirds of the grant while local authorities provide one third from revenue receipts. Some local authorities were allowed to borrow their one third contribution. In recent years we have tried to bring home to them that they should not do this because they are building up problems for themselves. The provision of a one third contribution remains the function of local authorities.

**Mr. Stanton:** Did the direction to cease borrowing come from the Department? Was it a big factor in the suspension of Cork County Council's schemes?

**Mr. N. Ahern:** Yes. We informed councils that this is not capital expenditure, it is current expenditure, of which the Department provides two thirds and councils provide one third. In recent years we have brought this point home to local authorities. As I said, some have been better

[Mr. N. Ahern.]

organised than others in managing their affairs. Cork County Council asked for €8 million. We asked all local authorities if they had made provision for their contributions in their estimates. That was the basis on which it applied for €8 million. We were not very pleased when we heard in September that it was not just shy 5% or 10% but that it spent €2.3 million when the allocation was €7.3 million.

This will not be held against the council in future. I have seen letters sent out by local authorities which imply that cutbacks are being effected and that this, that and the other thing are in store. Overall expenditure on this scheme has rocketed, as has spending on the housing aid for the elderly scheme, where we increased this year's allocation. I was not too pleased with Cork this year but we will not hold it against it, provided it makes allocation in future. That is the message Deputy Stanton should give to councillors, they must provide for their one third contribution.

*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 Gilmore — the proposed relocation of Bord Iascaigh Mhara, BIM, from Dún Laoghaire to Clonakilty, County Cork; (2) Deputy Connolly — to discuss the provision of 90% grant aid funding for farmers in counties Monaghan and Cavan to enable them to comply with the EU nitrates directive; (3) Deputy Kirk — that the Minister clarify the future position in view of recent speculation in regard to North Eastern Health Board lands (details supplied); (4) Deputy Stanton — to make emergency funding available to repair damage done to sea defences in the Ballymacoda area of east Cork after the recent storm and to carry out works to prevent the flooding of land and roads by the sea on a permanent basis; (5) Deputy Durkan — the circumstances alleged in a Sunday newspaper (details supplied) article that a special deal was offered to a particular telecommunications service provider; (6) Deputy McManus — the restrictions imposed by the National Maternity Hospital in Holles Street on admissions during the summer months and the severe difficulties this will create for pregnant mothers; (7) Deputy Neville — the loss of a teacher at Martinstown national school, Kilmallock.

The matters raised by Deputies McManus, Gilmore, Stanton and Neville have been selected for discussion.

#### **Adjournment Debate.**

##### **Hospital Services.**

**Ms McManus:** On Thursday, 21 October family doctors in County Wicklow and other areas received a letter from the master of the National Maternity Hospital, Holles Street. The doctors were informed that:

Obstetric activity levels in the National Maternity Hospital peak in the months of May through to September on an annual basis. The increase in activity is often coupled with a reduced staff complement. In order to address this, it has been decided to limit the number of obstetric patients booking for delivery in their peak months to ensure continuing prioritisation of patient care.

The letter advised a new booking system would be put in place applying to all mothers. It went on to state that once the quota is reached the patient would be informed the hospital is booked out and that a cap would be placed on the months of June, July, August and September 2005. The letter went on to warn that "Unbooked emergency obstetric patients who present to the hospital will be seen, however, this does not guarantee a booking." It is clear that Government neglect, coupled with a shortage of staff, has led to this unprecedented and unacceptable decision to cap the number of births at Holles Street, a hospital that has prided itself on having an open door policy.

We have reached a new low in health care when we are being faced with what is an impossibility, that is, a waiting list for the delivery of babies. It is vital that the Government addresses the issue immediately to ensure the care and safety of mothers-to-be and their babies are not put at risk as they will be if this directive is implemented. The need to provide sufficient midwives must be met and we need to hear from the Minister that it will be. Time and resources are available having regard to the timeframe given by the hospital and the extraordinary Exchequer returns published this week. The Government introduced a constitutional amendment on Irish citizenship at the last local elections, which, according to the Minister for Justice, Equality and Law Reform was intended to relieve pressure on the maternity hospitals. The people voted accordingly, the Government got its way yet the pressure on this maternity hospital is worse rather than better. As far as my constituents in County Wicklow are concerned they were given an undertaking that when the maternity unit in St. Columkille's Hospital in Loughlinstown was closed down there would be there would be guaranteed access to Holles Street maternity hospital. Women from Ringsend down to south

Wicklow rightly expect to be able to access this hospital. There is no other maternity hospital in the East Coast Area Health Board area. It is disgraceful that they should lose such security in this new arrangement. Surely, at the very least, women in the catchment area must be given priority as they have nowhere else to go.

The Hanly report gives similar assurances with regard to accident and emergency services but unless the crisis at Holles Street hospital is resolved we will know for certain that such promises are worthless. I urge the Minister to address the issues raised by the hospital and to ensure the safety of pregnant women and their babies. Generations of women in County Wicklow have enjoyed the protection of the National Maternity Hospital at Holles Street. It is unconscionable that women in the 21st century should be denied it.

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I welcome this opportunity on behalf of the Minister for Health and Children to clarify the background to and present position of the National Maternity Hospital, Holles Street. On 22 July last, the then Minister for Health and Children, Deputy Martin, and officials of the Department met representatives of the board and management of the hospital and of the Eastern Regional Health Authority to discuss proposals for several developments aimed at relieving infrastructural deficits at the National Maternity Hospital.

The Minister approved the proposals, which are intended to be put in place in the short term, and are designed to increase capacity in delivery rooms, theatres and neo-natal intensive care units, as well as providing improved post-natal facilities for mothers and babies. The Department has approved the appointment of staff to oversee and manage the project, and the process of selection of a design team is under way. At that meeting, hospital representatives gave an assurance that there were no plans to cap the booking numbers and the hospital would ensure it would meet patient demand over the course of the capital works. The Eastern Regional Health Authority further advises the Department that it was not consulted by the hospital on the recent decision to issue letters to general practitioners placing limits on obstetric bookings for the months of May through to September next year.

In addition to the interim capital works to which I have referred, considerable work has been done in preparing plans for the long-term redevelopment of the hospital. The project team charged with overseeing this work has completed a development plan that recommends a significant increase in the accommodation.

The National Maternity Hospital manages approximately 8,300 deliveries each year, an aver-

age of just under 700 per month. The number of births tends to peak during the summer months when it averages 720 per month and can be higher in some months. The hospital has stated that during the summer months factors such as staff holidays, education leave and retention difficulties place additional pressure on services. The Department of Health and Children is advised that the National Maternity Hospital will continue to manage 700 deliveries per month. If demand exceeds this number a few women may have to attend another maternity hospital.

The authority acknowledges the continuing challenges facing the maternity services in the region. It has been working with the three maternity hospitals jointly to address the issue of how best to manage the provision of maternity services over the summer months and to ensure the continuity of care. The Eastern Regional Health Authority has also been working with the three maternity hospitals to consider ways to address the increase in numbers and to introduce initiatives that would alleviate some of the pressures. These initiatives include the further development of community-based midwifery led services such as the Domino home birth scheme and early transfer home programme.

Staffing levels at the three Dublin maternity hospitals have risen significantly in recent years. While the number of births has risen by 8% from 1998 to 2003, staffing levels have risen as follows in the same period: medical staffing has increased by 25% in the three Dublin maternity hospitals, with a 24% increase in Holles Street; nursing staff has increased by 15% in the three hospitals and by 28% in Holles Street. There has also been a significant increase in health and social care professionals of 36% in the three hospitals and 25% in Holles Street.

The Minister for Health and Children assures the House that the Eastern Regional Health Authority is working closely with the three Dublin maternity hospitals to ensure that all patient demand for maternity services in the Eastern region will be met without causing difficulties to expectant mothers. I will report the Deputy's comments on Loughlinstown hospital to the Minister.

**Mr. Gilmore:** We were promised that facility. We remember that.

**Mr. N. Ahern:** I hope matters are not as bad as might appear from recent media reports.

#### **Decentralisation Programme.**

**Mr. Gilmore:** In his budget speech of 3 December 2003, the then Minister for Finance, Deputy McCreevy, announced that the Government had decided to transfer Bord Iascaigh Mhara from Dún Laoghaire to Clonakilty as part of the grand decentralisation plan. I call on the



[Mr. Gilmore.]

Government to reverse that decision. The decision was clearly made without any real examination or forethought. The Minister announced that 150 Bord Iascaigh Mhara jobs were to be relocated to Clonakilty. He did this presumably by checking out how many people Bord Iascaigh Mhara employed, assumed they were all based in Dublin or Dún Laoghaire and that they were to be moved to Clonakilty. It would be impossible to do that because 60 of those jobs are not located at Bord Iascaigh Mhara's headquarters at all. They are located in fishing ports around the coast, where their jobs relate to fishing activity, fish processing and marketing. Surely it is not intended to bring them back from Killybegs and all the other fishing ports around the coast so they can fill an office building in Clonakilty.

That leaves 94 staff located in Dún Laoghaire. These staff have been surveyed and only 16 wish to be relocated to Clonakilty. The Government's theory on decentralisation is that the remaining staff could be transferred to other Dublin-based Departments or agencies and that civil servants from any other Department who might wish to relocate to west Cork could work for Bord Iascaigh Mhara in Clonakilty. The problem, however, is that Bord Iascaigh Mhara's activity is very specialised. It employs a range of scientists, marine engineers, marine technicians and so on, many of whom would be out of place if they were to be transferred to another Department. It is difficult to see, for example, what a marine biologist would have to offer let us say, the immigration division of the Department of Justice, Equality and Law Reform. In turn, they cannot be replaced by general service employees of other Departments or agencies.

If Bord Iascaigh Mhara is to be relocated to Clonakilty, most of the existing staff will have to be accommodated in Dublin-based jobs which are not related to their qualifications, and Bord Iascaigh Mhara will have to recruit an entirely new staff of scientists and specialists to work in Clonakilty. None of that makes sense. It is unfair to the existing staff; will seriously disrupt the important work and services being provided by Bord Iascaigh Mhara and add unnecessary costs to the taxpayer.

Moreover, it is unfair to Dún Laoghaire. I and other public representatives from all parties attended a recent meeting with the Dún Laoghaire Business Association and there is very strong and understandable opposition from traders and business people in Dún Laoghaire to Bord Iascaigh Mhara being moved out. They see it as the town losing almost 100 jobs with all the economic and social consequences which such job losses entail. Whatever the rationale for decentralisation from Dublin city centre, there is none for decentralisation from Dún Laoghaire. Bord Iascaigh Mhara was decentralised from a city

location to Dún Laoghaire almost two decades ago and it should not now be moved again.

The decentralisation proposal for Bord Iascaigh Mhara makes no sense in terms of cost, operation, staff or even traffic. It was a hastily conceived notion and should be dropped.

**Mr. N. Ahern:** I thank the Deputy for raising this matter and I propose to respond on behalf of my colleague the Minister for Communications, Marine and Natural Resources. The Government's decentralisation programme, announced on 3 December 2003, provided for the relocation of the headquarters and functions of the Department of Communications, Marine and Natural Resources to Cavan and an Bord Iascaigh Mhara to Clonakilty. It was subsequently decided that the Department's seafood and coastal zone functions are also to be located in Clonakilty.

Since the Government announcement, a senior level committee has been established and an executive appointed within BIM, to liaise with the Department, the Office of Public Works, the Department of Finance and the decentralisation implementation group, the Flynn group. In addition, the management committee of the Department has established a structure to manage and co-ordinate the decentralisation project involving a steering group chaired by the deputy Secretary General, and appointed a decentralisation programme manager. The co-location of the range of State services for the seafood and coastal zone sectors, operated by the Department and by BIM, offers opportunities to further develop the existing synergy in service delivery. It will also facilitate the creation of a one-stop shop concept for the extensive common client base and help to build improvements in customer service.

The co-location of services may also present possibilities in terms of sharing elements of accommodation. The Department and BIM are therefore working in close partnership in all aspects of the proposed relocation to Clonakilty and particularly in liaison with the Office of Public Works on accommodation issues. The preferred option of both parties, which has been discussed with the OPW, is for campus style accommodation involving a significant element of shared facilities, but maintaining the distinct corporate identity of both organisations. Regular consultations with OPW have included a number of joint visits to Clonakilty to assist consideration of the various site options. Since the decision was made to locate services in Clonakilty, the focus of both the Department and BIM has been on widespread consultation with stakeholders both internal and external. In particular, consultation with staff interests is being progressed via the established fora. In addition, there has been regular liaison with the Department of Finance and the Flynn group.

The Flynn group has indicated its intention to report shortly on sequencing of moves based on

both CAF results to date, and the progress made by OPW in property and accommodation acquisition at the various locations. Developments will have a critical bearing on arrangements for relocation of both the Department's seafood and coastal zone functions and BIM to Clonakilty. The latest information from the Public Appointments Service, formerly the Civil Service Commission, indicates that as of 7 September 2004, 140 expressions of interest had been received for the 91 CAF posts in the Department's seafood and coastal zone functions in Clonakilty. Staff within the Department make up 23 of those applications. In the case of an Bord Iascaigh Mhara, expressions of interest via CAF to date are lower, with 36 applications for the 93 BIM posts in Clonakilty and no applications from within BIM.

**Mr. Gilmore:** It is worse than I thought.

**Mr. N. Ahern:** However, a survey carried out earlier this year showed that 16 BIM staff out of 92 polled expressed an interest in relocating to Clonakilty, while a further ten staff were undecided. Public service unions have advised their members in State agencies such as BIM not to engage in the CAF process. To date BIM staff have not participated in the CAF process. It should also be borne in mind that central developments will have a bearing on trends and developments at agency level over the coming months. The decentralisation implementation plans of both the Department and BIM have signalled the potential for significant staff turnover and loss of corporate memory and expertise, as well as business continuity and business efficiency requirements for technical, professional and expert functions.

**Mr. Gilmore:** How is the Government going to solve that?

**Mr. N. Ahern:** Both plans contain preliminary risk analysis and plans for risk mitigation, which take into consideration the impact of these and other aspects of the decentralisation process. The mitigation plans include knowledge management and transfer to underpin business continuity. These plans will continue to evolve in line with developments. The Department continues to work very closely with BIM on the decentralisation process and particularly in relation to project management, risk and opportunity assessment and business continuity strategies including knowledge management. The overall objective for the Department and BIM in implementing decentralisation is to maintain and enhance standards of service delivery and to realise opportunities for modernisation and business efficiency and effectiveness as part of the process. I will report back to the Minister for Communications, Marine and Natural Resources, but it is more dif-

ficult with professional staff than with administrative staff.

**Mr. Gilmore:** It would be better to drop the idea altogether.

### Coastal Erosion.

**Mr. Stanton:** I thank the Minister for coming to debate the issue of coastal erosion in the Ballymacoda area of east Cork. I have been raising this issue ever since I was elected here in 1997. The situation has got worse and the most recent storms caused terrible damage. I am worried about its future. There is much low lying land in the Ballymacoda area near Youghal. There was some coastal protection there over the years. Farmers did their best to keep the sea out but they are losing the battle and they need the Minister's help at this stage.

Four reports have been commissioned on that area, in 1995, 1998, 2000 and in 2001. The report in 2000 cost £21,000 to produce, but very little has happened there. The soft earthen banks there have been washed away by the sea. There is low lying land inside and the sea is now encroaching. Once the salt water hits agricultural land, it is very hard to grow crops until the salt is washed out again. I know of one farmer who spent a considerable amount of his own in building up banks to keep the sea out. The recent storm destroyed that, so we can only imagine later in the year if more serious storms occur. We could have situations where roadways could be damaged, houses could be cut off and where land could be put under seawater irretrievably. At this stage, it does need an emergency measure for that part of east Cork.

I have been told before that responsibility rests with the property owner and with the local authority, but I urge the Minister to examine this. It has gone beyond that. We have to take pro-active measures in these areas to stop the sea encroaching. Once the land is lost, it will not be possible to bring it back.

During the recent storms, the island of Cobh was cut for some time. The Minister should also look at the access to Cobh. It is a large town and a large island and people could not get off. If they had to deal with emergency services, there was no way of getting on or off the island. The bridge there needs to be seriously upgraded. I look forward to the Minister's response. There was a geographical information system survey carried out on the east Cork area and I am not sure whether the Minister can tell us anything about that. Youghal was also flooded by seawater. In many towns, river water, flood water from plains and run-off caused the floods. However, when seawater comes in it is far more serious, especially where agricultural land is concerned. I implore the Minister to examine the policy of the State in

[Mr. Stanton.]

this area. If they can do it in Holland, then why can we not do it here? The amount of coastal area involved is relatively small, but it does need urgent attention. Otherwise, quite an amount of land will end up under seawater and I am serious about that.

I am worried about the future of the area if action is not taken very soon. We do not need more reports because the Department and the county council have received many reports. We need a meeting of minds. My impression is that the Department has been saying it is a matter for the county council, which has been saying it is a matter for the Department and never the twain shall meet. We need a meeting of minds to bring about a national coastal protection policy. I would appreciate if the policy concentrated initially on east Cork.

**Mr. N. Ahern:** I thank the Deputy for raising this matter, to which I will respond on behalf of the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey.

Responsibility for coastal protection rests with property owners, including local authorities and private individuals. In July 2002, the Department of Communications, Marine and Natural Resources asked coastal local authorities to submit proposals for coastal protection works in the period between 2003 and 2006. Some 195 proposals, with an estimated cost of over €120 million, were submitted from the relevant local authorities.

As coastal protection works are costly undertakings, projects must be selected on the basis of a clear cost benefit justification. The priority should be to safeguard human life and to protect public property, including roads and other public infrastructure and amenities. The Department does not have funding available for the protection of privately owned property.

Over €52 million has been identified for expenditure under the coastal protection measure of the national development plan. Expenditure under the measure was €2.9 million last year and an allocation of €2.7 million has been made available to the Department for the coastal protection programme this year.

All coastal protection proposals are carefully examined in the Department of Communications, Marine and Natural Resources in accordance with the priority criteria, which are to protect public safety, public property or infrastructure; to protect areas of socio-economic, tourism or recreational importance; to support the economic development or increase the economic potential of coastal regions; to provide essential protection for areas or features of environmental or heritage significance; and to avert the need for costly remedial works at a later stage.

**Mr. Stanton:** That is the one.

**Mr. N. Ahern:** Some €500 million has been allocated this year to a major coastal protection strategy study, which commenced in 2002.

**Mr. Stanton:** Is that figure correct?

**Mr. N. Ahern:** It cannot be correct. There is something strange about it. I assume the correct figure is €0.5 million.

**Mr. Stanton:** It cannot be €500 million.

**Mr. N. Ahern:** It is obviously wrong, given that I said that €2.9 million was spent last year. The correct figure must be €0.5 million.

**Mr. Stanton:** Even that is too small.

**Mr. N. Ahern:** I will get back to the Deputy with the correct figure.

**Mr. Neville:** Perhaps €500 million is the right figure.

**Mr. N. Ahern:** I do not think it is, sadly. If €500 million were available, the problems in east Cork would be solved.

**Mr. Stanton:** Yes, and many other problems.

**Mr. N. Ahern:** I assume that €0.5 million was allocated this year for the coastal protection strategy study, which commenced in 2002. The study will address the nature and extent of erosion at various locations and different types of coastline. It will seek to identify the most effective technical, financial and environmental means of responding to particular instances and types of erosion.

An aerial survey of the coastline using oblique digital video photography has been completed as part of the first phase of the study. The survey was commissioned to obtain a comprehensive and up-to-date record of the extent of coastal erosion around Ireland's coastline and to facilitate the identification of priority areas for future expenditure. The completed survey provides a useful baseline for the preparation and commissioning of future surveys. The filming, which commenced in September 2003, was undertaken from a helicopter using a high quality digital camera system. The coastline was overflown in an anti-clockwise direction, beginning at Lough Foyle and ending at Carlingford Lough. The results of the survey are presented as a series of overlapping digital images linked to interactive maps, which enable the digital images of particular sections of coastline to be examined. It is expected that a more targeted approach to programme delivery will result when the study has been completed. It will



enable a greater level of efficiency in responding to instances of coastal erosion.

I confirm that Cork County Council submitted 24 proposals to the Department for consideration in the period between 2003 and 2006. Youghal Town Council submitted a proposal for a coastal protection scheme at Youghal. The county council did not submit any proposals in respect of Ballymacoda. The local authorities rank the Youghal coastal protection scheme as the priority in the county. The total cost of the proposed scheme is estimated at €6 million. The Department has allocated funding to two projects in Cork this year. It has contributed €375,000, or 75% of the cost, for the first phase of the Youghal coastal protection scheme.

**Mr. Stanton:** It is peanuts.

**Mr. N. Ahern:** The Department has contributed €187,500, or 75% of the cost, for coastal protection works at Rosscarbery. The provision of funding for coastal protection works after 2004 will depend on the outcome of the coastal protection strategy study, the amount of Exchequer funding available for such works and overall national priorities. I promise to speak to the Minister, Deputy Noel Dempsey, probably next Tuesday, about the area in east Cork which is under severe threat. I will also discuss the issue of flooding with him, particularly as it relates to the bridge into Cobh which was discussed by the Cabinet the other day. Perhaps the issues of coastal erosion and flooding will be considered with greater urgency in that light. I will speak to the Minister about the matters raised by the Deputy.

**Mr. Stanton:** I thank the Minister of State.

### **School Staffing.**

**Mr. Neville:** I welcome the opportunity to discuss this matter on the Adjournment. Martinstown national school in County Limerick was a two-teacher school until last September, but it is now a one-teacher school. The quality of the school's implementation of its child-centred curriculum has been seriously affected by the loss of 50% of its staff and its pupils are now faced with a disadvantage. I pay tribute to the remaining teacher because the school's problems have been ameliorated as a result of her efforts and commitment, as well as that of the teacher who was obliged to leave the school.

A previous Minister decided some years ago that the number of teachers in a school should not be reduced to one. That made sense because schools need to have a minimum of two teachers, for very good reasons. Teachers in one-teacher schools face enormous difficulties because they need to be aware of the full range of the curriculum for all primary school classes. It can happen

that infants do not achieve their potential because they are denied an even break in one-teacher schools. Senior pupils making the transition from primary to secondary school may also be denied an even break, which could be detrimental to their future careers, although I accept that is not happening at present.

I ask the Department to examine carefully the number of pupils currently in Martinstown national school because it will increase in September 2005. I ask for an early commitment to the restoration of the school to a two-teacher school. It is fine to say the school's problems could have deteriorated further, but it should be borne in mind that it has been affected by the loss of a teacher. The commitment I have mentioned should be made at an early stage so that the confidence in the school which may have been lost can be restored, thereby maximising the school's ability to attract additional pupils. It is difficult for the school community to participate in inter-school games and sports because the presence of a teacher is rightly required by sporting authorities when schoolchildren are participating in sports during school hours.

It is obvious that the reduction of teacher numbers in the school has health and safety implications. If the only teacher in the school leaves the classroom for any reason, it is obvious that there will be nobody to fill in for her. It is clear that teachers have to absent themselves from schools from time to time. If the teacher cannot be with her pupils for teaching or supervisory purposes, it is a cause of great concern for the teacher and the board of management. Anything can happen causing a teacher to leave in the short or medium term, and the Minister will understand my point. Regarding health and safety, if a child needs any attention, all other pupils must be ignored to allow the teacher to concentrate on the difficulties being experienced, which might be in the school yard or elsewhere.

The school is part of the local community and has been there for 150 years. It is an extremely important aspect of community life, and any suggestion that the school should be discontinued, as has been made by the Department, is totally unacceptable since that community is surviving and we can see it expanding in future, and it is situated in a parish where the population will grow. If anything were to happen to the school, within ten years people might demand it back. It is vitally important that the school continue as part of the community. The school will survive if the second teacher is restored. We ask the Department for a commitment to do that during this school year.

**Mr. N. Ahern:** I am glad to have the opportunity to outline to the House the position of the Department of Education and Science regarding

[Mr. N. Ahern.]  
staffing at Martinstown national school, Kilmallock.

The mainstream staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous year. The number of mainstream posts is determined by reference to a staffing schedule which is finalised for a particular school year following discussions between Department officials and the education partners. The staffing schedule is set out in a circular which issues from the Department to the board of management of all primary schools. Accordingly, all boards are aware of the staffing position for their school in any school year. The staffing schedule for the 2004-05 school year is outlined in the Department's primary Circular 03/04, which issued to all primary schools in April 2004 and is available on the Department's website.

Under new arrangements introduced in August 2002, all appeals on the mainstream staffing of primary schools are considered by an independent staffing appeal board. The criteria for appeal are set out in Department of Education and Science primary Circular 19/02. The appeal board allows for equitable and transparent treatment of all primary schools, and its decision is final. It is not open to the Minister for Education and Science or her Department to interfere in this process. The school referred to by the Deputy, Martinstown national school, had an enrolment on the 30 September 2003 of seven pupils, which warranted staffing for the current school year, 2004-05, of a principal teacher. I understand that the enrolment at the school on 30 September 2004 was 12 pupils, which under the present staff-

ing schedule will warrant the appointment of a mainstream class teacher in addition to the principal teacher for the 2005-06 school year.

The staffing appeal board considered an appeal from the school in question having regard to the criteria outlined in the Department primary Circular 19/02 and was satisfied that a departure from the staffing schedule was not warranted in this case. The board of management of the school was notified of the decision of the staffing appeal board on 5 June. The decision of the appeal board is final. I am sure that the Deputy will appreciate that it would not be appropriate for the Minister for Education and Science to intervene in the operation of the independent appeal board.

Once the discussions on the staffing schedule for the school year 2005-06 have been concluded, the schedule will be set out in a circular to be issued to all primary school boards of management in 2005. I would like to thank the Deputy once again for raising this matter in the House. There may be no short-term solution to his difficulty, but it should come right next September. However, I am not aware of any other way around the problem as outlined. I will report back to the Minister for Education and Science, Deputy Hanafin.

**Mr. Neville:** I appreciate the Minister's reply, but in principle a one-teacher school should not be acceptable. Two teachers should be the minimum.

**Mr. N. Ahern:** I understand the Deputy's point of view.

The Dáil adjourned at 5.25 p.m. until 2.30 p.m. on Tuesday, 9 November 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 10, inclusive, answered orally.*

### Homeless Persons.

11. **Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government when the review of the homeless strategy is expected to be completed. [27396/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** My Department has recently sought tenders from consultants to carry out a review of the Government's homeless strategy. The closing date for receipt of tender applications is 5 November 2004. While an exact timeframe for undertaking the review cannot be given until the successful tenderer is appointed, it is hoped that the review will commence before the end of the year and will be completed within six months.

*Question No. 12 answered with Question No. 7.*

### Nuclear Safety.

13. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government the latest communication he has had with the British authorities on the issue of Sellafield; the outcome of that communication; and if he will make a statement on the matter. [27574/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Ongoing contact through correspondence and meetings at ministerial, official and expert level is being maintained with the UK authorities regarding a range of issues in regard to the Sellafield nuclear plant. These contacts are productive and reflect an increasing recognition by the UK Government of the serious concerns held by the Irish Government in regard to Sellafield. There remains, however, a significant difference of views between the Irish and UK Governments regarding the continued operation of Sellafield.

In accordance with the commitment in An Agreed Programme for Government, our policy is to bring about the safe closure of Sellafield. This is based on our concerns in relation to the potential hazards arising from a nuclear accident or incident, the impacts of radioactive discharges on the marine environment, concerns about the generation, management and disposal of radioactive waste and the risk posed by the associated transport of radioactive materials through the Irish Sea. The UK response to these concerns is that radioactive discharges from Sellafield pose no threat to human health or the environment,

the Sellafield plant and related transports are safe and secure, and the legacy wastes arising from the UK's nuclear programmes are being addressed through the establishment of the Nuclear Decommissioning Agency, NDA.

The provisional measures award and orders of the UNCLOS tribunal of 24 June 2003 and 14 November 2003 recommended that Ireland and the UK enter into dialogue to improve co-operation and consultation between the two Governments and report to the tribunal on specified dates. Complex discussions, confidential to the tribunal and the parties pending outcomes, are at present continuing, in line with the obligation on both parties to improve co-operation and co-ordination arrangements. It is my intention to report on progress arising from this process in due course.

As well as contacts with ministerial colleagues, my officials and scientific experts from the RPII continue to meet with their UK counterparts on a regular basis during which Ireland's concerns regarding operations at Sellafield are raised. Such contacts continue to be productive. However, there remains a significant difference of views in relation to operations at Sellafield. The UK response to concerns raised by Ireland is that operations at Sellafield are safe and do not adversely impact on the environment. This Government holds a significantly different view and has at every opportunity expressed these views directly to the UK Government and its relevant authorities at all levels. The Government will not hesitate to explore further options in relation to Sellafield as they become available.

I intend to continue to highlight Ireland's concerns on Sellafield and the nuclear industry generally to my UK ministerial counterparts.

### Waste Management.

14. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government his views on the research report on adverse pregnancy outcomes around incinerators and crematoriums in Cumbria between 1956 and 1993, in particular the finding that there was a significantly increased risk of lethal congenital anomaly, specifically spina bifida and heart defects in relation to proximity to incinerators. [27580/04]

62. **Mr. English** asked the Minister for the Environment, Heritage and Local Government if, in view of the findings of the health research report, Health and Environmental Effects of Landfilling and Incineration of Waste, commissioned by his Department there was a lack of available information on the health status of residents residing near waste facilities and a lack of baseline human health data at national, regional and county level, the EPA will consider and have available such data before the next stage is reached in relation to landfilling and waste incineration. [27577/04]



95. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if he will take action to prevent the construction of incinerators until a full review of the health effects of incineration on communities has been carried out; and if he will make a statement on the matter. [27382/04]

99. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the status of the report he has received on the health implications of waste incineration; the part of this report which plays in the formulation of the Government's waste policy; if incineration forms part of his waste management strategy; the locations at which it is proposed to place municipal waste incinerators in the State; and if he will make a statement on the matter. [27315/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 14, 62, 95, and 99 together.

As members of the House will be aware, the clear policy direction of the Government is set out in two policy statements, the 1998 Waste Management: Changing Our Ways, and the 2002 Preventing and Recycling Waste: Delivering Change, and has been updated in this year's Taking Stock and Moving Forward statement.

Thermal treatment with energy recovery has an important role to play as one element of the Government's integrated approach to waste management. This approach is firmly grounded on the internationally accepted hierarchy which places the most emphasis on waste prevention and minimisation, followed by re-use, recycling and energy recovery, so as to leave the least possible residual amount for disposal to landfill.

Those European countries which are recognised as among the most environmentally advanced, such as the Netherlands and Germany, combine high rates of recycling with the extensive use of modern, highly regulated thermal treatment facilities.

This integrated waste management policy is underpinned, and was foreseen, by the Waste Management Act 1996 introduced by the then Minister for Environment and Local Government, Deputy Howlin. Consistent with this, Fine Gael has until recently, accepted thermal treatment "as an integral part of a waste management strategy .... properly located, operated and monitored high-temperature incineration can be consistently operated ... with no significant pollution."

The Government has ambitious targets for waste management by 2013 including: diversion of 50% of household waste from landfill; recycling 35% of municipal waste; and 85% recycling of construction and demolition waste. We have made major progress in the last few years including: recycling 21% of municipal waste in 2002, which is up from 13% in 2001; a significant slow down in municipal waste growth to less than 1% in 2002 with a 4% drop in waste going

to landfill; and a 25% increase in material being accepted at local authority recycling centres.

However, even when we meet our targets for diverting waste from landfill it is likely that we will still have to treat up to 1.7 million tonnes of municipal waste per annum. The provision of a suitable network of thermal treatment plants will significantly reduce the waste we will have to landfill and lower our dependence on the most unsustainable waste option. Regarding hazardous waste, our heavy reliance on the export of hazardous waste has been recognised as a potentially serious deterrent to future industrial development in Ireland. All these factors have informed Ireland's waste management policy, and if the Deputies opposite were honest, they would accept this position.

There has been some mis-reporting surrounding the health effects of thermal treatment and their consideration in the environmental licensing process. The EPA may not grant a waste licence unless it is satisfied that the activity concerned, carried on in accordance with the licence conditions, will not cause environmental pollution. The agency operates to highest EU and WHO standards.

The EPA takes the view that if the licensed emission limits are complied with, then human health is protected in line with best international practice. I would like to take this opportunity to reject the recent comments of Deputy O'Dowd regarding the EPA's consideration of health effects. In this regard, I received yesterday a letter from the director general of the agency on the matter which I will be pleased to forward to interested Deputies.

In relation to the Health Research Board study, the preparation by my Department and the Department of Health and Children, of a response to this desk-based research has taken longer than originally anticipated. The delay arose due to the need to also consider a more recently published report by the UK Department for Environment, Food and Rural Affairs on the Review of Environmental and Health Effects of Waste Management. This study looked at cancer, respiratory diseases and birth defects and found no evidence for a link between the incidence of the diseases and the current generation of incinerators.

It is often forgotten that nine hazardous waste incinerators are already in operation in Ireland. The EPA estimates that these have contributed a fraction of 1% of national dioxin emissions to air. Even assuming that 1 million tonnes of municipal waste might be managed by way of incineration in 2010, the report projects that dioxin emissions from waste incineration would account for less than 2% of total dioxin emissions to air.

I am aware of the concerns of local communities regarding the development of thermal treatment and other major waste management facilities. I will do all that is possible to assuage these concerns. In particular, I will examine best prac-

tice in ongoing environmental monitoring of such projects including, in particular, ensuring that the local community is involved in overseeing such monitoring.

### **Waste Disposal.**

15. **Mr. Costello** asked the Minister for the Environment, Heritage and Local Government his views on the recent European Court of First Instance decision to rule against Ireland for failure to protect human health through properly controlling waste dumps; the steps he is taking to ensure Ireland will in future comply with the European Commission's waste disposal directive; and if he will make a statement on the matter. [27322/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** It would be premature to comment in detail on the relevant opinion of the Advocate General, given the further consideration which must be given to this matter by the European Court. However, I intend that the opinion will be carefully assessed and where gaps have been identified in our current control regime these will be urgently rectified. Nevertheless, it must be stressed that this case relates to past activities and, in the interim, substantial advances have been made in the statutory provisions governing waste management in Ireland, and their enforcement.

The Waste Management Act 1996, as amended by the Waste Management (Amendment) Act, 2001 and the Protection of the Environment Act, 2003, along with a range of supporting regulations, have brought the law in relation to waste into line with best European practice. The licensing regime operated by the EPA has also significantly evolved and over 160 waste licences have been issued by the agency to date. The provision of modernised waste infrastructure and services, all fully licensed, is continuing at an accelerated pace.

A comprehensive review of waste management policy, *Taking Stock and Moving Forward*, issued in April 2004, demonstrated considerable advances in the provision of waste services between 2001 and 2003, for example, the number of bring banks increased from 1,400 to 1,700, and the number of civic amenity sites increased from 46 to 61 and the position regarding licensed land-fill capacity also showed improvement.

I regard enforcement as a key element in making further progress. This objective is being advanced in a number of ways. There has been considerable strengthening of enforcement powers and penalties under the Protection of the Environment Act 2003. Some €7 million has been allocated for the first year of a major five-year campaign of waste enforcement activity with the objective of supporting and enhancing local authority enforcement activity. The Office of Environmental Enforcement, OEE, has been established and has in turn established a national enforcement network to ensure a consistent stan-

dard of enforcement quality and evenness of activity across local authorities. The OEE has recently engaged consultants to conduct a study of unauthorised waste activities, which will include establishing the extent of unauthorised activities, a review of current procedures and the development of guidance on investigation of unauthorised activity.

I intend to continue to place major emphasis on ensuring further progress, including any further measures which may prove necessary in response to the prospective judgment of the European Court.

### **Greenhouse Gas Emissions.**

16. **Mr. R. Bruton** asked the Minister for the Environment, Heritage and Local Government if the Government adopted new measures to secure the Kyoto targets in the context of the decision on carbon taxes. [24626/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The National Climate Change Strategy, published in late 2000, provides a comprehensive framework for reducing greenhouse gas emissions in the most efficient and equitable manner, and for ensuring that Ireland meets its commitments under the Kyoto Protocol to the United Nations Framework Convention on Climate Change. In announcing the decision not to proceed with the introduction of a carbon tax, the Minister for Finance reiterated the Government's commitment to its emissions target, and its intention to intensify action on the non-tax measures in the strategy to compensate for the non-introduction of the tax.

Work is currently in progress in my Department, in consultation with other relevant Departments and agencies, on a review of the National Climate Change Strategy, taking account of all developments since its publication four years ago. A key purpose of this review will be to ensure the adequacy of existing measures and the development, where appropriate, of additional measures relevant to climate change abatement. I intend that this review will be completed by early 2005.

### **Electronic Voting.**

17. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government the status of his Department's electronic voting programme; the total spent to date; if plans to hold an election by electronic voting are in place; and if he will make a statement on the matter. [27537/04]

41. **Mr. Costello** asked the Minister for the Environment, Heritage and Local Government the proposed timetable for the introduction of electronic voting; if the Government still plans to introduce electronic voting before the next General Election; and if he will make a statement on the matter. [27321/04]

48. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government the cost of storing the electronic voting machines purchased; if maintenance is required to keep them in working order; and the cost of same. [27534/04]

82. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government his views on whether the recently purchased machines (details supplied) are suitable to be used in the context of an election here; and if he will make a statement on the matter. [27538/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 17, 41, 48 and 82 together.

In parallel with the continuation of the work of the Commission on Electronic Voting, my Department is developing a programme of further assessment, testing and validation which is intended to address the concerns raised in the commission's interim report published last April on the secrecy and accuracy of the electronic voting and counting system. The objective of this programme is to demonstrate both to the commission and to the public that the Nedap-Powervote electronic voting system, which was selected following detailed assessment of the requirements to be met in Irish electoral conditions and the holding of an open international tender competition, is suitable to be used at Irish elections. The timing of the further use of the system is dependent on the progress made with this programme of work and the dates on which future polls may be held.

The cost to date of the electronic voting and counting project is some €51 million. Regarding storage of the voting equipment, returns received in my Department from 25 of the 28 Dáil returning officers indicate that annual storage costs, including rental, insurance and other costs, in respect of the electronic voting equipment amount to €546,000. In some cases, however, this includes dedicated election office space in addition to equipment storage.

While the voting machines do not require regular maintenance between polls, the equipment contract negotiated with Nedap-Powervote provides for free servicing and repair where necessary of all voting equipment until the end of 2007.

#### **Waste Disposal.**

18. **Mr. Howlin** asked the Minister for the Environment, Heritage and Local Government if he will elaborate on his recent comments that action against illegal waste activity would have the highest priority in his ministerial role; the efforts he will make to stamp out illegal waste activity throughout Ireland; the specific measures he proposes to take; the timetable for an action plan on this issue; and if he will make a statement on the matter. [27326/04]

58. **Ms Lynch** asked the Minister for the Environment, Heritage and Local Government the

details of the new guidelines he is considering to force illegal waste operators and landowners to remove refuse from illegal dumps rather than treat it on site; if he has met the director general of the Environmental Protection Agency to discuss the scope for accelerating and sharpening action against illegal waste operations; and if he will make a statement on the matter. [27327/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 18 and 58 together.

Tackling environmental crime, including Illegal waste activity, demands the highest priority. While such enforcement is a matter for the local authorities and the Office of Environmental Enforcement, I am determined to ensure that they actively use the legislative framework and resources now in place. Very significant powers are available to local authorities under the Waste Management Act 1996 to enable them to tackle illegal waste activity, and they were further strengthened by the Protection of the Environment Act 2003. They are empowered to order measures to be taken in relation to the disposal of waste, including the remediation of any effects arising from illegal activities. They may directly take appropriate actions to remedy or counteract such activities and to recover their costs through the courts. They also have substantial powers to halt vehicles, inspect premises and examine records. Maximum penalties of €15 million and/or a ten year sentence attaching to illegal waste activities are also substantial.

To assist local authorities in acting on these powers some €7 million has been allocated from the environment fund to directly support a more vigorous approach to environmental enforcement, with a particular emphasis on combating dumping and other unauthorised waste activities. This is now being reflected in the presence of additional enforcement personnel on the ground.

I have met the director general of the Environmental Protection Agency, within which the OEE is located, and have stressed the importance I attach to its work. The office is well placed to mobilise a co-ordinated national response across all local authorities to what is a national priority. Those involved in environmental crime do not respect local authority boundaries or national frontiers and our response to them must be as comprehensive and sophisticated as possible.

I am particularly concerned to ensure that detected illegal landfills are dealt with to the highest environmental standards. My Department is developing guidelines on best practice in this regard in consultation with the OEE; I intend shortly to issue these as policy directions under the power available to me in the Waste Management Acts.

In addition, a comprehensive study has been commissioned by the OEE to establish and document the extent of unauthorised waste activities in Ireland. Among the objectives of the project are to review and document current procedures



and practices used by the relevant authorities to investigate unauthorised waste activities, as well as the use of powers available to tackle unauthorised activities. I will carefully consider the results of this study to identify any further actions that may be necessary in consequence of its findings.

The OEE has also established an Working Group on Unauthorised Waste, including representatives of the local authorities and my Department, whose functions include co-ordination of enforcement actions against companies and individuals involved in the illegal movement and disposal of waste in Ireland. I am fully supporting this more integrated approach to enforcement.

### EU Directives.

19. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the recent report commissioned by his Department on the EU nitrates directive. [27563/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I refer to the reply to Question No. 191 of 13 October 2004.

Subsequently, a national nitrates action programme was finalised on the basis of the recommendations made by the independent adviser, Mr Denis Brosnan, in his report and was formally submitted to the European Commission on 22 October 2004. Copies of the nitrates action programme and Mr Brosnan's report are available in the Oireachtas Library.

### Flood Relief.

20. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government if his Department has plans to provide extra funding to local authorities to fund the cleaning and repairing of public areas following recent flooding; and if he will make a statement on the matter. [27556/04]

52. **Dr. Twomey** asked the Minister for the Environment, Heritage and Local Government the financial assistance he can offer to local authorities in view of the recent disastrous flooding in many parts of the country. [27535/04]

103. **Mr. Noonan** asked the Minister for the Environment, Heritage and Local Government if he is satisfied that local authorities had sufficient emergency flooding plans in place for the recent flooding in the south and east; and if he will make a statement on the matter. [27555/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 20, 52 and 103 together.

The primary role of the local authorities in response to flooding is to ensure public safety and all initial efforts are, therefore, directed to saving life and preventing injuries. Where possible, the local authorities also assist in the protection of property.

My Department's primary concern is to ensure that, when adverse conditions arise, the local authorities are geared to respond promptly and effectively to help offset the worst effects of these conditions. My Department issues a circular annually reminding local authorities of the need to revise and update, as necessary, their contingency plans for dealing with the consequences of severe weather conditions. This includes arrangements to take necessary action arising from early warnings from Met Éireann, the necessity to be proactive as regards public relations and information, and availability of equipment and stocks.

Arising from the work of the interdepartmental committee on major emergencies, IDC, following the November 2000 flooding my Department issued a questionnaire to the main local authorities, city and county councils in February 2003 seeking information in relation to plans and arrangements that they had in place to deal with severe weather emergencies. From the replies received at that time, it is clear that all local authorities have plans in place for dealing with flooding and have worked to put relevant recommendations of the IDC into effect. This means that emergency response personnel have equipment and stocks, for example, pumps, sandbags etc. available to assist local communities in flooding situations and that the local authorities have arrangements in place for issuing accurate and timely information to the public, public representatives and the local media. From information received in relation to the recent flooding incidents, it is clear that these plans were fully deployed in the affected areas.

My Department has no direct role in relation to flood damage and compensation for householders or others who suffer losses as a result of flooding. The Office of Public Works has primary responsibility for devising and implementing such flood relief measures.

Neither are there any funds available to the Department specifically to meet expenditure incurred by local authorities due to flooding. However, funding provided to local authorities in respect of non-national roads takes account of the need to address such incidents. Also, local authorities can, where necessary, provide emergency short-term accommodation for persons made homeless as a result of disasters such as flooding. My Department recoups 90% of the cost of providing such accommodation.

*Question No. 21 answered with Question No. 7.*

### Radon Gas Levels.

22. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if he and the Radiological Protection Institute of Ireland is satisfied with the current reference level for radon gas in work places; his views on whether radon gas can be just as dangerous to the health of workers as the effects of passive smok-

[Mr. P. McGrath.]  
ing; if he has proposals for changing this level of the interests of workers; and if he will make a statement on the matter. [27558/04]

30. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government if the Radiological Protection Institute of Ireland directed any employer of self-employed person responsible for a workplace to measure radon levels in the workplace with regard to the Radiological Protection Act 1991 (Ionising Radiation) Order 2000 (SI 125 of 2000); and if so, the action taken. [27560/04]

35. **Mr. J. Bruton** asked the Minister for the Environment, Heritage and Local Government the number of local authorities, Departments, State and semi-State bodies which carried out inspections in high radon areas; the actions carried as a result; if he and the Radiological Protection Institute are satisfied regarding same; and if he will make a statement on the matter. [27575/04]

92. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the views of the Radiological Protection Institute of Ireland to a directive of the Safety, Health and Welfare at Work Act 1989 (details supplied); if the inspections have been carried out to his and the institute's satisfaction; and if he will make a statement on the matter. [27594/04]

102. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the number of workplaces which have assessed their exposure to radon gas; his and the Radiological Protection Institute's views on whether statutory effect should be given to ensure that all workplaces carry out this assessment; and if he will make a statement on the matter. [27559/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 22, 30, 35, 92, and 102 together.

The exposure of workers in Ireland to radon gas in the workplace is subject to regulatory control set out in the Radiological Protection Act 1991 (Ionising Radiation) Order 2000. This order implements the 1996 EU basic safety standards directive laying down standards for the protection of workers and the general public from exposure to ionising radiation. The Radiological Protection Institute of Ireland, RPII, is responsible for its enforcement in Ireland.

The order specifies a radon concentration reference level for workplaces of 400 becquerels per cubic metre, Bq/m<sup>3</sup>, averaged over a minimum period of three months. Under the order, employers are required to carry out radon measurements of their workplaces when directed to do so by the RPII. Where workplaces are found to have concentrations greater than the reference level, employers must evaluate whether

remedial action to reduce the radon concentration to less than 400 Bq/m<sup>3</sup> is justified.

The radon concentration reference level for workplaces in Ireland is consistent with that set in many other EU states, including the UK, Sweden, Finland and Denmark. This reference level is lower than that set in other EU states such as Greece, Italy, Hungary and the Czech Republic where the reference levels range from 500 to 1000 Bq/m<sup>3</sup>. The Irish reference level is also lower than that suggested by other international bodies such as the International Commission for Radiological Protection.

The RPII is satisfied that the current reference level is appropriate and consistent with best international practice and has no plans to bring forward recommendations for its change. The RPII estimates that approximately 150 to 200 deaths per annum are attributable to radon gas, whereas about 7,000 deaths in Ireland each year are attributable to tobacco related illness.

My Department understands that there are no statistics that specifically compare the risks of passive smoking and radon gas exposure. However, when radon gas is detected, ventilation and remediation measures can significantly mitigate any detrimental effects of the gas.

Under the Safety, Health and Welfare at Work Act 1989, employers are required to identify hazards arising in the workplace, assess the risks arising from those hazards and put in place measures to eliminate or control the risks which arise. The Health and Safety Authority has stated that, under the Safety, Health and Welfare at Work Act 1989, all indoor workplaces in high radon areas must have radon measurements carried out.

Under the order made in 2000, the RPII has powers to direct employers or self-employed person responsible for workplaces falling within the scope of the order to carry out radon measurements. On receipt of a direction, an employer or self-employed person has six months to comply with the direction and carry out a radon measurement. There are currently three radon measurement laboratories approved under the order of 2000 to carry out radon measurements in workplaces. Of these the RPII is the largest.

During 2001 and 2002 the RPII issued some 3,000 directions to employers in Tralee and Ennis. Both these areas had been identified in previous surveys as being located in a high radon area. However, the response to these directions was disappointing when only 408 employers carried out radon measurements. The RPII have again directed some of these employers to carry out radon measurements.

Employers were given six months to respond to the directives and this period elapses in December 2004 and January 2005. After this period the RPII expects to seek prosecutions against those employers who have failed to comply with the direction to carry out a radon measurement.

The RPII is working closely with the State Claims Agency on its efforts to promote awareness of radon among State employers. An initiative was launched in January this year entitled Radon Risk in State Buildings initiative. State employers have reacted positively to this initiative, and many State employers have either completed or are currently carrying out radon measurements either with the RPII or one of the other approved radon measurement laboratories.

To date, the RPII has carried out radon measurements on behalf of the Department of Education and Science in over 4,500 schools and other workplaces in the country. For those workplaces where high levels are found the RPII is satisfied that measures are being applied to reduce the radon concentrations in accordance with the legislation.

Both the Health and Safety Authority and the RPII take measures to inform employers and the public about radon gas. The RPII will be holding the third in a series of national radon fora in Dublin in November to raise awareness of radon as a health risk. Both the RPII and my Department will continue to use appropriate opportunities to raise public awareness of radon and to implement the provisions of the order working closely in harmony with the Health and Safety Authority.

#### Electronic Voting.

23. **Mr. Coveney** asked the Minister for the Environment, Heritage and Local Government the amount that has been spent on the Commission on Electronic Voting to date; and if he will make a statement on the matter [27539/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** In accordance with section 25 of the Electoral (Amendment) Act 2004, funding to meet the expenses of the commission is made available to it by the Minister for Finance from the central fund. I understand that to date €0.7 million has been provided from the central fund in this regard.

The Commission on Electronic Voting is an independent body which was established by the Legislature to assess the secrecy and accuracy of the Nedap-Powervote electronic voting and counting system. My Department does not have details of its activities or agendas.

#### Traveller Accommodation.

24. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if he will establish and fund a national traveller accommodation agency to ensure the delivery of the required traveller accommodation. [27582/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** It is not proposed to establish a national Traveller accommodation agency. It is not clear that such a centralised agency would be better positioned to deal with issues that arise in

relation to the provision of Traveller specific accommodation such as land acquisition, objections from local communities, court challenges from such communities and consultation with Travellers in relation to accommodation requirements. Travellers are also accommodated in standard social housing, including shared ownership and tenant purchase schemes, provided by local authorities; a national agency would add a significant element of organisational and administrative complexity which might not enhance the delivery of accommodation services.

The Housing (Traveller Accommodation) Act 1998 put in place the structures to provide accommodation for Travellers across the whole range of accommodation options, including standard social housing and Traveller specific accommodation. In the first four years, 2000-03, of the first local authority Traveller accommodation programmes an additional 1,369 Traveller families have been accommodated. This compares favourably with the four years prior to the commencement of the programmes during which an additional 516 families were accommodated.

Local authorities are now preparing new Traveller accommodation programmes to cover the period 2005-08. These new programmes will give a renewed impetus to the provision of accommodation for Travellers. With a view to improving the rate of accommodation provision, local authorities have been instructed to include annual targets for the provision of all categories of accommodation for Travellers in each of the four years of the new programmes. With increased monitoring by the National Traveller Accommodation Consultative Committee and continued Government commitment to supporting local authorities through the provision of funding, I am satisfied that the existing structures are the most appropriate mechanisms for meeting the accommodation needs of Travellers.

#### Local Government Service.

25. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government if all local authorities will be instructed to provide private interview rooms for private discussions with customers at their request. [27597/04]

34. **Mr. Hayes** asked the Minister for the Environment, Heritage and Local Government his plans to strengthen quality customer service in local government. [27596/04]

101. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government his new proposals, to enhance the democratic mandate and policy role of elected members of local authorities. [27595/04]

216. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the benefits accruing from his Department's delivering Better Local Government initiative; and if he will make a statement on the matter. [27682/04]



**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 25, 34, 101 and 216 together.

The Better Local Government modernisation programme has brought significant benefits to local government. These include: constitutional recognition and guaranteed local elections; enhanced levels of funding; strengthened political and management structures; and an updated legal framework as well as an efficiency agenda focused on improved corporate planning, IT, human resources and customer service. Updated financial management systems, facilitating better financial management and planning, have also been introduced, and a new initiative to improve service standards with an extended range of performance indicators was launched this year.

Local government modernisation also provides an enhanced role for elected members in local authority policy formulation and review, in partnership with representatives of the social partners, through the establishment of strategic policy committees, SPCs. I intend to assist the spread of best practice in respect of SPCs through provision of policy focused training for elected members when the current strand of induction training for new councillors is completed. I will also be stressing the importance of executive policy support for the committees in my discussions with local authority management.

The role of the locally elected representative has been further strengthened by the creation of a single mandate for councillors from the recent local elections and also by the improved financial support framework and better training/information opportunities. Additionally, local authorities have a lead role and wider sphere of influence in the county/city development board system aimed at a more integrated approach to economic, social and cultural development. The CDBs allow elected members a direct input into the services provided by other public bodies at local level.

A number of initiatives, implemented as part of the modernisation programme, are specifically centred on improved service provision. These include, for example: the decentralisation of services by local authorities to area level with €31 million in support from my Department for a one-stop-shop programme; substantial investment in e-local government, including €9.8 million from my Department under the initiatives fundfocused on the use of technology to improve efficiency and effectiveness in service delivery, particularly in an on-line context; and the requirement on local authorities to produce customer action plans.

In addition, as part of quality customer service, local authorities have progressively taken action, as the opportunity has arisen, to provide better facilities for private discussions with customers. This has been particularly so where local authorities are replacing or modernising their offices

or decentralising their services to the local area level through one-stop shops.

My predecessor established a Customer Services Group in May 2003 with the objective of developing and improving customer service across the local government sector. Arising from the group's work local authorities are obliged from 2004 onwards publicly to report their performance against 42 service indicators across their principal functions. I believe that councillors, as the boards of directors of local authorities, have a central and pivotal role in making this initiative work. They will be able to compare the performance of their authority vis-à-vis other local authorities and ensure that necessary corrective actions are taken in good time. The Customer Services Group will also shortly begin preparing guidelines for local authorities on customer surveys, customer consultation, complaints, appeals and redress systems. These guidelines, which will be presented to me in the new year, will take account of best practice, including relevant guidance issued by the Ombudsman.

It is my aim, over the lifetime of the Government, to build on progress to date and, in particular, to promote improvements in performance and in service delivery by local authorities to their communities.

#### **Litter Pollution.**

26. **Ms Lynch** asked the Minister for the Environment, Heritage and Local Government if he is proposing to introduce a compulsory charge on chewing gum makers rather than a levy on individual packets of gum as a means of addressing the need for funds to clean chewing gum from the streets; if such proposals represent a shift in Government policy; and if he will make a statement on the matter. [27328/04]

61. **Ms McManus** asked the Minister for the Environment, Heritage and Local Government the outcome of his recent meeting with representatives from the chewing gum industry concerning the introduction of a specific levy on chewing gum to fund the cleaning of gum from the streets; if he discussed with them the introduction of a compulsory charge on chewing gum makers for this purpose; and if he will make a statement on the matter. [27329/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Question Nos. 26 and 61 together.

The consultancy report commissioned to carry out an analysis and recommend appropriate economic instruments to tackle problematic litter items identified in the 2003 Litter Monitoring Body report, that is chewing gum, fast food packaging and automated teller machine, ATM, receipts, was released for public consultation on 23 September 2004.

In relation to chewing gum, the consultants' report proposed two options: (i) a mandatory 10% levy on chewing gum sales, an average 5 cent

per pack, to be collected at manufacturer/importer/distributor level, which would generate an estimated €4.5 million per annum for use in paying towards the clean-up costs of chewing gum litter, or (ii) a negotiated agreement between my Department and the industry involving the putting in place of a comprehensive action plan, incorporating intensive education and awareness campaigns, and including agreed funding levels with agreed tangible targets and timeframes, aimed at changing consumer behaviour in relation to chewing gum disposal and reducing gum litter.

The purpose of the public consultation process was to obtain the views of relevant stakeholders and other interested parties on the report's recommendations. The deadline for the receipt of comments and submissions under the public consultation phase was 29 October 2004.

During the public consultation phase, I held a meeting with representatives of the chewing gum industry to discuss the consultants' report. The industry outlined measures and solutions that it was prepared to implement by way of a negotiated agreement as a means of addressing the chewing gum litter problem.

It is intended that a final decision will be made on this matter before the end of the year on foot of evaluating the submissions received during the public consultation process.

### **Rural Housing.**

27. **Ms Enright** asked the Minister for the Environment, Heritage and Local Government the representations he has received on the issue of one-off rural housing since his appointment; and if he will make a statement on the matter. [27553/04]

69. **Mr. J. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government if he intends to meet with An Taisce to discuss the issue of one-off housing; if he is satisfied with the activities of An Taisce on this issue to date; and if he will make a statement on the matter. [27551/04]

83. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government if he will report on the progress of the consultation initiated by his predecessor on one-off rural housing. [27349/04]

97. **Ms Enright** asked the Minister for the Environment, Heritage and Local Government if he has plans to re-examine the guidelines on one-off rural housing; and if he will make a statement on the matter. [27552/04]

107. **Mr. Noonan** asked the Minister for the Environment, Heritage and Local Government the number of planning applications for one-off housing that have been accepted and rejected broken down by year, since 1997; and if he will make a statement on the matter. [27554/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 27, 69, 83, 97, and 107 together.

In accordance with normal practice, the Guidelines for Planning Authorities on Sustainable Rural Housing, published on 4 March 2004, were issued in draft form to give all those interested an opportunity to comment before the guidelines are finalised in statutory form. Submissions in relation to the draft guidelines were to be submitted to my Department by 30 April 2004. In view of the importance of the rural housing issue, my predecessor requested planning authorities and An Bord Pleanála to have regard to the draft guidelines with effect from their date of publication. The guidelines are a material consideration both in relation to development plans and in the consideration of planning applications. Planning authorities are required to review and vary their development plans, where necessary, to ensure that their policies on rural settlement are consistent with the policies set out in the guidelines.

A total of 105 submissions in relation to the draft guidelines have been received by my Department from interested organisations and individuals. The submissions have been examined in detail by my Department. I intend to carefully consider any suggestions for clarifying or improving the guidelines before they are finalised. It is my intention that the guidelines will be issued in their final statutory form by the end of this year.

I do not have any specific plans at this time to meet An Taisce in relation to the issue of rural housing. My Department received a submission on the draft guidelines from An Taisce which will be considered along with all other submissions received. The CSO's Planning Permission Quarterly Statistical Release has included information on the number of permissions granted for one-off houses since the second quarter of 2002. My Department does not collect statistics on the total numbers of planning applications for one-off housing received by planning authorities nor on the number of such applications which are refused permission. However, last year a sample of planning authorities were contacted by the Department and asked to provide information on the numbers of decisions in 2002 on rural housing applications and the percentage of these decisions that were granted or refused. The information provided by the planning authorities sampled was as follows: on average 75% of applications for single rural houses made to the planning authorities surveyed were granted, the highest grant rates were in the westernmost planning authorities with grant rates falling somewhat in the more urbanised areas to the east; most planning authorities in the western half of the country grant around four out of five applications; and where permission is refused, the reasons for refusal generally relate to issues such as traffic

[Mr. Roche.]

safety, public health or protection of the natural and cultural heritage.

My Department is currently considering ways of developing a detailed statistical database to assist policy development and monitoring of trends in relation to rural housing.

#### **Local Authority Staff.**

28. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government his plans to review the selection, interview, and recruitment procedures for local authority staff; and if he will make a statement on the matter. [27347/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The recruitment and appointment processes of the Civil Service and certain bodies in the public service have been reformed and modernised under the Public Service Management (Recruitment and Appointments) Act 2004. The provisions of the Act were recently commenced and provide a modern and efficient framework for public service recruitment to ensure that the high standard of recruitment and selection is maintained. Recruitment and selection to senior posts in local authorities is carried out by competition conducted by the Public Appointments Service in accordance with the provisions of the Act. The remaining posts are filled by local authorities in accordance with well established recruitment and selection procedures, which will be kept under review having regard to experience in the implementation of the new legislation.

#### **House Prices.**

29. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government the progress he has made in implementing the recommendations of the All-Party Joint Oireachtas Committee on the Constitution's report on property issues. [27587/04]

57. **Mr. Rabbitte** asked the Minister for the Environment, Heritage and Local Government the action that has been taken following the report of the All-Party Committee on the Constitution on the cost of building land; the specific measures that have been implemented arising from this report; and if he will make a statement on the matter. [27342/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I propose to take Questions Nos. 29 and 57 together.

I refer to the reply to Questions Nos. 7 and 9 of 30 September 2004. The position is unchanged.

*Question No. 30 answered with Question No. 22.*

#### **Greenhouse Gas Emissions.**

31. **Mr. Murphy** asked the Minister for the Environment, Heritage and Local Government the amount by which Ireland's carbon emissions have risen since 1990 and since 1997; and if he will make a statement on the matter. [27566/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** With the exception of 1993, greenhouse gas emissions increased each year during the period 1991-2001, at which point they were 31% above 1990 levels. The figure fell to approximately 29% in 2002, and preliminary figures released by the Environmental Protection Agency in July 2004 indicate that emissions for 2003 were down to 24.7% above 1990 levels. This is equivalent to approximately 7.4% above 1997 levels.

#### **Flood Relief.**

32. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government if he is satisfied that sufficient warning was given to residents and commuters in Cork city and county of the flooding that occurred there in late October 2004; and if he will make a statement on the matter. [27557/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Indications of the storm which affected Ireland on 27 and 28 October were given by Met Éireann in its media broadcasts as early as 24 October. Once sufficient degree of certainty of the forecast had been established, Met Éireann issued a severe weather warning to all local authorities and to the media at 10 o'clock on Tuesday October 26. I understand that public warnings on foot of this would have emanated from local authorities and media in the areas at risk.

The warning covered both Wednesday, 27 and Thursday, 28 October and forecast rainfall totals in excess of 50 millimetres, with parts of Munster and Leinster having possible totals of up to 80 millimetres. Strong winds of up to 55 miles per hour, with gusts of up to 70 to 80 miles per hour were forecast. The warning specifically mentioned that high seas and high tides would lead to coastal flooding, particularly in the south and east of the country.

At 9.30 a.m. on Thursday, October 28, an update to the severe weather warning was issued, forecasting a continuation of the heavy rain and strong winds in the south and east.

I consider that the forecasts issued by Met Éireann were appropriate and professional in terms of the conditions predicted, the areas predicted to be at most risk and the advance warning given. I have also asked my Department to review the recent episode to determine if any further improvement in our warning system can be made.



### Planning Issues.

33. **Ms Burton** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to recent claims from the Irish Rural Dwellers Association that British planners working for An Bord Pleanála may not possess appropriate training to adjudicate on planning appeals here; if the majority of one-off housing appeals are dealt with by non-national planners; and if he will make a statement on the matter. [27319/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** An Bord Pleanála is a body established by statute under the Planning and Development Act 2000 which operates independently in performing its functions. Members are appointed on the basis of nominations involving 37 bodies.

An Bord Pleanála is required to make an independent determination of appeals on planning authority decisions. In dealing with an appeal, the board must consider all submissions on the file, together with the inspector's report and recommendation. The board reaches its own conclusion in each case, in accordance with the proper planning and sustainable development of the area. The board must also have regard to ministerial policy and guidelines, including the recently published draft Sustainable Rural Housing Guidelines.

*Question No. 34 answered with Question No. 25.*

*Question No. 35 answered with Question No. 22.*

### Architectural Heritage.

36. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he will review the current funding for architectural protection grants; and if he will make a statement on the matter. [22326/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The scheme of architectural protection grants is administered by local authorities and is available to owners of protected structures. The scheme is resourced by my Department: the relevant overall provision for 2003 was €2.888 million and for 2004 it has been increased to €4.4 million, an improvement of some 52% over the 2003 provision. Funding for this scheme will be kept under review.

### Local Authority Funding.

37. **Mr. Coveney** asked the Minister for the Environment, Heritage and Local Government the level of direct provision of funding to local authorities over the past seven years in absolute terms and as a percentage of total expenditure of local authorities; and if he will make a statement on the matter. [27540/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The following table sets out details of the total amount of State grants current and capital, paid to local authorities and the percentage this represents of total local authority expenditure for the years in question.

Year	Grants Paid**	% of Total Expenditure
	€m	%
1997	1,243.86	40.1
1998	1,341.59	38.4
1999	1,776.16	42.4
2000	2,303.91	43.8
2001	3,054.13	45.4
2002	3,703.69	49.6
2003*	3,575.63	48.6

\* Provisional Estimate.

\*\* Excludes income from motor tax, driver licence duties etc. under Local Government Fund (1999-2003) and Local Government (Equalisation) Fund (1997-1998) arrangements.

### Social and Affordable Housing Programmes.

38. **Mr. Gogarty** asked the Minister for the Environment, Heritage and Local Government if he will provide sufficient funding to acquire, enable and provide 10,000 social housing units in 2005. [27586/04]

96. **Mr. Crowe** asked the Minister for the Environment, Heritage and Local Government if the local authority housing rental stock has declined in the past five years; if the Government is committed to retaining at least the current level of 105,000 units; and if so, the number of units that must be built each year to compensate for the depletion of social housing stock through tenant purchase and other factors. [27384/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I propose to take Questions Nos. 38 and 96 together.

The Government has responded actively to the increased level of social housing need by expanding social and affordable housing output significantly. Spending on housing has increased substantially in recent years, with capital spending in 2004 at four times the 1998 level. The focus of the Government's spending on housing is on responding to the needs of low income groups and those with social and special housing needs through a broad range of targeted initiatives. It is anticipated that through these measures the needs of over 13,000 households will be met in 2004, compared with some 8,500 households in 2000. This includes over 10,000 households assisted through various forms of social rented accommodation, involving new local authority and voluntary and co-operative housing and vacancies arising in existing local authority houses.

[Mr. N. Ahern.]

The Government is committed to the continued expansion of the social rented housing stock through local authority and voluntary and co-operative housing. The decision to introduce five-year multi-annual capital investment programmes provides an important opportunity to ensure a structured basis for the planning and delivery of all social and affordable housing programmes. Consequently, to maximise the benefits of this multi-annual approach, local authorities have been requested to prepare five-year social and affordable housing action plans for the period 2004 to 2008.

The main objective in developing these action plans, is the need to ensure that the investment available for these programmes achieves the desired effect in the long term by tackling real need and breaking cycles of disadvantage and dependency having regard to the funding available under the five-year multi-annual capital envelopes. The Department is currently assessing the draft action plans submitted by the local authorities with a view to finalising them by the end of the year.

The expanded social and affordable housing provision over recent years has had a beneficial impact on the social rented housing stock. Returns from local authorities would indicate that the number of occupied local authority dwellings has increased in recent years. The number of occupied local authority dwellings at end 2003 was in the order of 105,000, compared with over 99,200 at the end of 1998. Having regard to activity on the tenant purchase scheme over the past four years, an average of 1,500 units are required each year to replace units disposed of through the scheme.

### **EU Environmental Legislation.**

39. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government the progress he has made in the timely and correct implementation as well as proper application of EU environmental legislation since assuming office. [27590/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Government is firmly committed to ensuring that all measures agreed at EU level are transposed within the timeframe agreed at the Council of Ministers and implemented correctly. I am keenly aware of the importance of timely transposition and effective implementation of EU environmental legislation. Some 200 pieces of EU environmental legislation, including more than 140 directives, have by now been transposed.

There are currently five outstanding directives in my Department's area of responsibility which have yet to be transposed. These include, Directive 2003/53/EC relating to end-of-life vehicles, ELVs, which contains two stages of transposition, the first by 21 April 2002, for new vehicles sold after 1 July 2002, and the second by January 2007, for

all other vehicles. There have been difficulties in reaching agreement with the motor industry on ELV take-back arrangements required by the directive. However written agreement was recently reached on a scheme to provide for free take-back of all end of life vehicles from 1 March 2005, some 22 months ahead of the 2007 deadline. It is intended that the directive will be transposed in the first quarter of 2005.

Another Directive 2002/49/EC relates to the assessment and management of environmental noise. Drafting of regulations to transpose this directive is well advanced and transposition is intended in early 2005.

A further Directive 2002/88/EC relates to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery. Draft regulations are nearing completion with a view to circulation to relevant bodies for observations prior to the year-end. It is intended that the directive will be transposed in the first quarter of 2005.

Two further related Directives 2002/95/EC and 2002/96/EC, respectively, concern restrictions on the use of certain hazardous substances in electrical and electronic equipment and arrangements for dealing with waste electrical and electronic equipment. Legislative proposals approved by Government for the transposition of both directives are now in drafting.

I intend to give a high priority to completing work on the transposition of directives as rapidly as possible, and to improving national enforcement arrangements, in particular through supporting the work of the Office of Environmental Enforcement, OEE, within the EPA. The main functions of the OEE include improving overall compliance with environmental protection legislation, auditing and reporting on the performance of local authorities in the discharge of their environmental protection functions and taking action, where necessary, and prosecuting, or assisting local authorities to prosecute, significant breaches of environmental legislation in a timely manner.

### **Local Authority Funding.**

40. **Mr. Sherlock** asked the Minister for the Environment, Heritage and Local Government the extent to which local authorities have not drawn down their allocated funding from the local government fund; the reason the funding has not been drawn down; and if he will make a statement on the matter. [27346/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The local government fund is used primarily to fund general purpose grants and non-national road grants to local authorities. All the general purpose grants due to local authorities for 2004 — namely a total of €751,545,894 — have been paid in full.

In 2004, the total allocation for non-national roads from the local government fund is €428

million. Grant claims are submitted each month by local authorities on the basis of expenditure incurred by them. A sum of €246,877,240 has been paid to date from the fund in respect of non-national roads and I expect that the balance of €181,122,760 will be paid by the end of the year.

*Question No. 41 answered with Question No. 17*

#### **Waste Management.**

42. **Mr. R. Bruton** asked the Minister for the Environment, Heritage and Local Government if he has been in contact with Wicklow and Kildare County Councils regarding the direction sent to them by the Office of Environmental Enforcement; and if he will make a statement on the matter. [27571/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I have not been in contact with these local authorities as the question of waste enforcement activities in individual cases is primarily a matter for the local authorities concerned and the OEE.

#### **Decentralisation Programme.**

43. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government the sections or divisions of his Department which are to be decentralised to Kilkenny, New Ross, Waterford, and Wexford respectively; and if he will make a statement on the matter. [27343/04]

47. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government the timetable for the proposed decentralisation of his Department to Kilkenny, New Ross, Waterford, and Wexford; and if he will make a statement on the matter. [27344/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 43 and 47 together.

All Dublin based operations of my Department are being decentralised, with the exception of Met Éireann, ENFO, the Private Rented Tenancies Board and a small co-ordination section which it is proposed to retain in Dublin to assist with the Department's Dáil and other Dublin business.

Under the Department's implementation plan it is intended that the Minister, Ministers of State, Secretary General and assistant secretaries, environment division, policy/co-ordination support for each of the other divisions along with personnel, corporate development and finance will be located in Wexford. Heritage and planning division and local government division will be based in Waterford. Water and natural heritage division will be located in New Ross and housing division in Kilkenny. The Department will be co-operating with the Department of Finance, the Decentralisation Implementation Group, DIG, and the Office of Public Works to ensure implementation of the programme within agreed times-

cales. In this regard it is expected that the DIG will report shortly to the Cabinet sub-committee on decentralisation outlining its views on sequencing and timing of moves.

#### **Local Authority Housing.**

44. **Mr. Ferris** asked the Minister for the Environment, Heritage and Local Government when he envisages that the 48,000 persons on local authority housing waiting lists will be housed; and if he will make a statement on the matter. [27397/04]

45. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government when he expects to meet the requirements of families currently on the various local authority housing lists in view of the fact that some of them have been on such lists for up to 12 years, if he has satisfied himself that their needs are likely to be met in the near future; if so, the way in which; and if he will make a statement on the matter. [27393/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I propose to take Questions Nos. 44 and 45 together.

Information published as part of the last assessment of local authority housing need undertaken at the end of March 2002 indicates that approximately 60% of households assessed as in need of local authority housing were on the local authority waiting list for less than two years. It is however the case that some applicants for local authority housing are on waiting lists for longer periods on the basis that their housing need has a relative lower priority compared with the needs of households who have been allocated housing. The relative priority of households on the local authority waiting lists is determined in accordance with the authorities' schemes of letting priorities, the making of which is a function reserved to the elected members.

The Government has been conscious of the increased level of social housing need and has responded actively to this situation by expanding social and affordable housing output. For example, it is anticipated that total social housing output this year taking account of new local authority housing, vacancies arising in existing houses and output under other social housing measures will meet the needs of around 13,000 households. This compares with some 7,000 households catered for in 1993.

#### **Local Authority Funding.**

46. **Dr. Twomey** asked the Minister for the Environment, Heritage and Local Government if he has given consideration to the Chambers of Commerce of Ireland's recent proposal on a site value tax to fund local government; and if he will make a statement on the matter. [27541/04]



**Minister for the Environment, Heritage and Local Government (Mr. Roche):** While I am aware of the recent call by the Chambers of Commerce of Ireland for the introduction of a site value tax, I have received no formal proposal from the CCI in this regard. My predecessor appointed Indecon International Economic Consultants in association with the Institute of Local Government Studies to carry out an independent review of local government funding, which will be completed early next year. I understand that CCI recently held discussions with the consultants and has submitted proposals to them in the context of the study.

*Question No. 47 answered with Question No. 43.*

*Question No. 48 answered with Question No. 17.*

#### **Litter Pollution.**

49. **Mr. Broughan** asked the Minister for the Environment, Heritage and Local Government the measures he is taking to reduce the amount of cigarette debris on streets here due to the introduction of the smoking ban in view of the recent national litter survey carried out by his Department; if he has managed to receive data from all local authorities on this matter in view of the fact that only 34 responded to the original survey; and if he will make a statement on the matter. [27317/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keefe):** While a range of national anti-litter initiatives is being pursued by my Department through the framework of the Government's litter action plan, (including implementation of a national litter monitoring system and support for a range of education-awareness initiatives) under the Litter Pollution Act, 1997 primary responsibility for management and enforcement responses to litter pollution lies with local authorities. Accordingly, it is a matter for each local authority to decide on the most appropriate public awareness, enforcement and clean-up actions regarding litter, including the problem posed by cigarettes.

The results of the National Litter Pollution Monitoring System Survey 2003 were published in August of this year. This report is based on an analysis of data received from 34 local authorities (compared to 30 local authorities in the 2002 survey); most of the major local authorities responded to the survey. While the results do not cover all local authorities, they provide a reliable overview of the litter problem and demonstrate clear patterns from which conclusions may reasonably be drawn.

I expect that the system survey results report for 2004 will include information submitted from almost all local authorities and will enable an

accurate assessment to be made of the impact on litter of the smoking ban.

#### **Nuclear Safety.**

50. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government if and the way in which the Irish Presidency of the European Union raised the issue of Sellafield; and if he will make a statement on the matter.

[27548/04]

53. **Mr. McCormack** asked the Minister for the Environment, Heritage and Local Government if he has considered raising the issue of Sellafield at EU level to bring pressure to bear on the United Kingdom to close its facility at Sellafield; and if he will make a statement on the matter.

[27547/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 50 and 53 together.

During its EU Presidency, Ireland was actively involved in seeking to develop a sound consensus in the European Council's Atomic Questions Working Group on two proposed directives, one relating to safety of nuclear installations and the other to the safe management of spent fuel and radioactive waste. In the event, because a blocking minority of States opposed the principle of a legal instrument and, despite intensive efforts by the Irish Presidency, it was not possible to secure a consensus in the working group for adoption of the directives.

However, the Council of the European Union, at a meeting on 28 June, 2004 under the Irish Presidency, adopted conclusions on nuclear safety and on the safety of the management of spent nuclear fuel and radioactive waste. These conclusions reaffirmed the commitment of the Community and its member states to a high level of nuclear safety and to the safe management of spent fuel and radioactive waste.

While the EURATOM Treaty, already envisages the promotion of nuclear energy, Ireland seeks to avail of all opportunities at EU level to steer Euratom activities in the direction of nuclear safety and radiological protection and away from expansion of the nuclear industry. This approach is in line with the Agreed Programme for Government.

The Irish Government has taken significant steps to bring about the closure of Sellafield. This objective was given added impetus by the legal actions taken by Ireland against the UK under both the OSPAR Convention and the UN Convention on the Law of the Sea. As the House will be aware, the action under the OSPAR Convention has been heard already but the action under UNCLOS is currently adjourned pending resolution of a jurisdictional issue raised by the European Commission which is now the subject of litigation by the Commission against Ireland before the European Court of Justice.

### Alternative Energy Projects.

51. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the details of new planning guidelines aimed at creating a five-fold increase in the State's output of wind energy in relation to the announcement in August 2004; if these new guidelines are in place; if he plans to proceed with the construction of wind farms in areas designated as areas for natural heritage; and if he will make a statement on the matter. [27333/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Draft guidelines for planning authorities on wind energy development were published for public consultation on 4 August 2004. A total of 65 submissions were received by the closing date for the receipt of submissions on 30 September 2004; they are now under consideration by my Department. It is intended to publish the finalised guidelines in early 2005; planning authorities and An Bord Pleanála will be required to have regard to them thereafter.

Regarding areas designated for natural heritage protection, the draft guidelines state that the designation of a site for conservation of natural or geological does not preclude the development of wind energy. The draft guidelines advise that "the best results in relation to incorporation of heritage considerations into development proposals in designated sites are achieved where prospective applicants and planning authorities work together to identify whether the development may impinge upon particular aspects of heritage, with a view to agreeing on any measures that may be needed to avoid or minimise any potential adverse impacts on heritage."

*Question No. 52 answered with Question No. 20.*

*Question No. 53 answered with Question No. 50.*

*Question No. 54 answered with Question No. 9.*

### House Prices.

55. **Ms O'Sullivan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to recent reports that purchasers of new homes under stage-payment schemes are being charged an average of €7,000 for the construction industry practice; if he has plans to abolish stage payments; and if he will make a statement on the matter. [27335/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I am concerned to ensure that house purchasers are not being adversely affected by any practices that might make it more difficult or expensive to access a home in certain circumstances.

A structured consultation process is now being initiated with key stakeholders to examine all aspects of stage payments, to identify the exact nature of the issues involved, and to consider fully the implications of different options including potential legislative action. The overall impact on the home buyer will be the central consideration in this process, in particular, to ensure that consumers are not being disadvantaged by any undesirable market practices.

The figure referred to in the question was contained in an opinion commissioned by the Law Society of Ireland and I have noted the points made in this opinion.

### National Spatial Strategy.

56. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government if Drogheda Borough Council will be included in all future discussions in relation to the development of the greater Dublin area. [27562/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** While emphasising the importance of Drogheda as a primary development centre within the Border region, the regional planning guidelines for that region adopted earlier this year also point out that Drogheda's strategic position within the Dublin-Belfast economic corridor, its location relatively close to the greater Dublin area, and its much improved road and rail connections to and from the capital, mean that factors outside the Border region will also be significant in driving Drogheda's future development. The guidelines suggest that the future growth of the town should be focused on achieving a compact urban form with a good balance of development between the northern and southern environs of Drogheda. In this context the guidelines endorse the preparation of an integrated strategic land use and transportation framework for Drogheda and its environs in Louth and Meath, which broadly conforms with the national spatial strategy, the Border regional planning guidelines and those of the greater Dublin area. Work on the preparation of such a framework is now under way.

The regional planning guidelines for the greater Dublin area also adopted earlier this year recommend that inter-regional co-ordination committees should be established to discuss co-ordination of inter-regional proposals and their monitoring and implementation. In particular the guidelines recommend, in view of the ongoing preparation by Drogheda Borough Council, Louth County Council and Meath County Council of an integrated land use and transport framework for Drogheda, that a co-ordination committee involving those authorities, the Border Regional Authority and the Greater Dublin Area Review team should be established.

My Department is in the process of finalising, in consultation with regional and local authorities, best practice guidance on the implementation of regional planning guidelines. Within this

[Mr. Roche.]

it is intended to cover the question of the putting co-ordination arrangements in place to address planning policies and proposals for areas which straddle the boundaries of two or more regional or local authorities. It is my intention to issue this guidance to regional and local authorities by the end of this year.

*Question No. 57 answered with Question No. 29.*

*Question No. 58 answered with Question No. 18*

### **Social and Affordable Housing Programmes.**

59. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government the progress he has made in providing 10,000 new homes under the Sustaining Progress agreement. [27589/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Substantial progress continues to be made on the affordable housing initiative under the Sustaining Progress agreement. Part V affordable units are also an important contribution to the initiative. More than 50 projects on State and local authority lands are planned at this stage which, together with some 2,100 affordable Part V units, will deliver a total of approximately 8,900 units under the initiative. My Department is engaged with a number of other Departments and State agencies with a view to securing further lands to reach the agreed target of 10,000 units. In particular, the Department of Health and Children is examining an inventory of health board lands to identify lands which could potentially yield 1,500 units to the initiative.

Construction has commenced on the Finglas Road site. A number of other projects have been advertised for expressions of interest, including the St. Bricin's military hospital site which was advertised as part of the O'Devaney Gardens redevelopment. Following a short-listing process, it is understood the request for proposals for the St Bricin's site will be issued this month. The Jamestown Road and Infirmary Road projects were advertised for expressions of interest in late September. Collectively, it is estimated that these four projects have the potential to yield more than 700 affordable housing units under the initiative. All projects are being progressed as a priority with activities being paralleled as necessary with a view to early delivery of units.

A number of additional strategies, put forward by the Construction Industry Federation, including the possibility of land swaps, which may accelerate delivery of housing units, are currently being examined as a matter of urgency.

My Department will continue to work with the parties to the pay agreement to expedite effective implementation of the initiative. There is a strong commitment in Government to deliver on this

initiative and I believe that the substantial progress made to date emphasises this commitment.

### **Appointments to State Boards.**

60. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if he has examined the possibility of a conflict of interest arising from the appointment of a person (details supplied) to the board of the EPA following their previous employment with a prominent company in the incineration industry. [27381/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The directors of the Environmental Protection Agency are appointed by the Government following a statutory selection process which is set out in the Environmental Protection Agency Act 1992. The Act provides for the establishment of a statutory selection committee whose function is to select not more than three suitable candidates from which the Government will make an appointment to the appropriate director post. The Environmental Protection Agency (Selected Procedures) Regulations 2004 require the selection committee to advertise publicly for applicants. In the case of the two most recent appointments to the board of the agency, the Civil Service Commission provided operational assistance to the selection committee in relation to the recruitment process.

I am, therefore, satisfied that the recruitment process is manifestly fair, open and transparent. I am also satisfied that the conduct of the process was carried out properly and in accordance with the relevant statutory provisions.

The employment of all the directors of the agency is, in accordance with the terms and conditions of their contract, subject to the high standards set out in the code of conduct for directors and staff of the Environmental Protection Agency, which was adopted by the agency. The code requires that all staff must, *inter alia*, comply with the statutory obligations under the Ethics in Public Office Acts 1995-2001 to avoid a conflict or potential conflict between their interests and the interests of the agency. The provisions of the code are in addition to those set out in sections 37 and 38 of the 1992 Act which set out requirements in relation to declaration and disclosure of interests.

*Question No. 61 answered with Question No. 26.*

*Question No. 62 answered with Question No. 14.*

### **Regional Development.**

63. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government his views on the report of the Dublin Regional Authority and Dublin Employment Pact that calls for the creation of a greater Dublin authority; if he has plans to implement any of the report's recom-



mentations; and if he will make a statement on the matter. [27561/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I assume the question refers to Agenda for Dublin, published on 19 October 2004 by the Dublin Regional Authority and the Dublin Employment Pact. The recommendations in this report involve a range of Ministers and will be a matter for each of them to consider, as appropriate. The establishment of a greater Dublin authority for land use and transport planning would be a matter in the first instance for my colleague, the Minister for Transport.

In so far as the policy areas within my remit are concerned, the national spatial strategy supports Dublin's pivotal role as a strong and internationally competitive city region, driving both its own economy and overall national development. The strategy endorses the need for the enhancement of Dublin's national role through improved mobility, better urban design, good social mix and top class international and regional connections. To achieve this, it calls for the physical consolidation of Dublin, supported by effective land use policies, to underpin the area's competitiveness and the ability of its public transport system to function more effectively.

The Dublin and Mid-East Regional Authorities have collaborated, under the provisions of the Planning and Development Act 2000, to produce strategic planning guidelines for the greater Dublin area, which were adopted in May 2004. These guidelines, which provide a more detailed long-term planning framework for the area within the overall vision of the national spatial strategy, also provide an illustration of how existing legislation can be utilised to ensure effective strategic planning at the regional level.

The Government has responded actively to the increased level of social housing need by expanding social and affordable housing output significantly. Spending on housing has increased substantially in recent years, with capital spending in 2004 at four times the 1998 level. The focus of the Government's spending on housing is on responding to the needs of low income, groups and those with social and special housing needs through a broad range of targeted initiatives. It is anticipated that through these measures the needs of over 13,000 households will be met in 2004, compared to some 8,500 households in 1998.

In addition, local authorities have been requested to prepare five-year social and affordable housing action plans to provide a framework for delivery of social and affordable housing measures for the period 2004 to 2008. The main objective in developing these action plans is the need to ensure that the investment available for these measures achieves the desired effect in the long term by tackling real need and breaking cycles of disadvantage and dependency.

As part of the homeless strategy, a homeless agency was established for the Dublin area to manage and co-ordinate the delivery of all services by both statutory and voluntary agencies to homeless persons in Dublin. The agency recently finalised its action plan for 2004 to 2006, which concentrates on four main areas. These are the provision of more housing rather than beds, the development of preventative strategies, the improvement of interventions when people become homeless, and an improvement in the collection and collation of data on homelessness.

Having regard to spatial planning and the other policies within my remit, regional co-ordination and co-operation is increasingly the norm. In this context, the Dublin Regional Authority, working closely with the Mid-East Regional Authority and the four Dublin local authorities, will continue to co-ordinate the provision of public services in the region.

### Housing Grants.

64. **Mr. Hogan** asked the Minister for the Environment, Heritage and Local Government the total spent on the disabled persons housing grant, broken down by county, in 2003; and if he will make a statement on the matter. [27531/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** The total spent on the disabled persons grant scheme in 2003 is set out in the following table.

Local authority	Expenditure €
<i>County Councils</i>	
Carlow	213,045
Cavan	1,684,852
Clare	623,016
Cork (n)	1,719,645
Cork (w)	1,053,000
Cork (s)	2,384,778
Donegal	3,143,992
Dún Laoghaire/Rathdown	1,751,899
Fingal	819,938
Galway	1,145,176
Kerry	1,033,939
Kildare	1,110,686
Kilkenny	503,410
Laois	499,597
Leitrim	1,300,488
Limerick	713,534
Longford	914,071
Louth	576,435
Mayo	1,366,888
Meath	1,353,254
Monaghan	1,421,993
North Tipperary	818,982
Offaly	747,208
Roscommon	1,418,820
Sligo	470,753

Local authority	Expenditure €
South Dublin	2,544,886
South Tipperary	927,602
Waterford	844,160
Westmeath	967,940
Wexford	693,824
Wicklow	1,291,689
<i>City Councils</i>	
Cork	834,072
Dublin	10,993,203
Galway	902,172
Limerick	663,313
Waterford	546,000
<i>Borough Councils</i>	
Sligo	457,320
<i>Town Councils</i>	
Bray	25,378
Total	50,480,958

The administration of the disabled persons and essential repairs grant schemes is a matter for individual local authorities. The framework for the operation of the schemes is laid down in statutory regulations and, as far as practicable, is designed to give an appropriate degree of flexibility to local authorities with regard to their administration. It is a matter for the authorities to decide on the level of funding to be provided for the scheme in their areas from within the allocations notified to them for this purpose by my Department and to manage the operation of the schemes within these allocations. My Department recoups to local authorities two thirds of their expenditure on the payment of individual grants and it is the responsibility of the authorities to fund their one third contribution from their own resources from amounts provided for that purpose in their annual estimates of expenditure.

#### Waste Management.

65. **Mr. Rabbitte** asked the Minister for the Environment, Heritage and Local Government his view on plans by a subsidiary of a company (details supplied) to deal with three separate illegal dumps on its lands in west Wicklow by creating a special landfill on the site; his further views on the amount of illegal waste on this site, specifically the amount of hazardous material; and if he will make a statement on the matter. [27341/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The licensing of relevant waste facilities is a matter for the Environmental Protection Agency, which is independent in the exercise of its statutory functions in this regard. I am specifically precluded from involvement in this licensing process.

With regard to the consequences of unauthorised waste activities, I shall shortly be issuing statutory guidance to local authorities and the

agency on the appropriate treatment and remediation of unauthorised waste sites.

#### Planning Issues.

66. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government if the needs of children will be recognised in his preparation of a new guidance manual for planning authorities. [27588/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** New development management guidelines — a review of the development control guidelines of 1982 — are at an advanced stage of preparation by my Department. These guidelines are intended to give advice to planning authorities, planning practitioners and the general public on various areas of planning control and development management. The guidelines deal with the best ways to handle planning applications and other planning control issues, and will not deal with issues relating to any particular section of society.

The needs of children are provided for in the planning context by the guidelines for planning authorities on child care facilities and by the Planning and Development Act 2000. The child care guidelines were published by my Department in July 2001 and are designed to assist planning authorities in making suitable provision for child care facilities in their development plans and to ensure a consistency of approach throughout the country to the treatment of planning applications. Among other things, the guidelines state that a standard, with regard to new housing areas, of one child care facility with a minimum of 20 child care places for approximately 75 dwellings may be appropriate. The Planning and Development Act 2000 provides that planning authorities include objectives in their development plans for the provision, or facilitation of the provision, of services for the community including schools, crèches and other education and child care facilities.

My Department is currently finalising guidelines for planning authorities on development plans, which will be published in draft form for public consultation in the near future. The guidelines will aim to improve the standard and consistency of development plans and thereby improve the quality and consistency of decisions taken on the basis of those plans. They will refer, *inter alia*, to the mandatory objectives which planning authorities must include in the development plan with regard to community services including schools, crèches and other education and child care facilities. The guidelines will also refer to other community facilities, including facilities for children's play, such as playgrounds, skateboard parks and other such facilities. The guidelines will indicate to planning authorities that they must respond to the circumstances of their own communities when formulating development plans. Under section 48 of the Planning and Development Act 2000, planning authorities may levy

development contributions on developers to fund the provision of community facilities, including playgrounds.

My Department also assists the National Children's Office to administer the playgrounds grants scheme, which aims to increase the range of public play opportunities available to children. The scheme will provide funding for the provision of new playgrounds or refurbishment of existing playgrounds. An additional sum of €2 million was made available this year in my Department's budget for play facilities, to coincide with the launch of the national play policy in March 2004.

### Radioactive Materials.

67. **Mr. Deenihan** asked the Minister for the Environment, Heritage and Local Government his views on the potential for the development of a so-called dirty bomb here and the importation of the components of such a device into the country; the advice he has been offered by the Radiological Protection Institute of Ireland on the detection of such components at point of entry into the country; and if he will make a statement on the matter. [27549/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The term "dirty bomb" refers to a device created by mixing conventional explosives with radioactive materials so that the detonation of the explosives would result in the dispersal of radioactive materials. National regulatory authorities worldwide and relevant international organisations fully recognise this threat and a number of initiatives have been taken to combat it. For example, the International Atomic Energy Agency has produced a code of conduct on the safety and security of radioactive sources, which Ireland has formally endorsed. This code is intended to help guide national regulatory authorities to develop strategies to ensure that holders of radioactive materials have appropriate safety and security arrangements in place.

Under the Radiological Protection Act 1991, (Ionising Radiation) Order 2000, the Radiological Protection Institute of Ireland, RPII, is responsible for regulating the custody, use, transport, importation, exportation, distribution, disposal, and so on, of radioactive substances, nuclear devices or irradiating apparatus, as specified in the order. Under the order, any such activity is prohibited, save under licence issued by the RPII.

In this context, the RPII has taken a number of steps to improve security in situations where radioactive materials are stored, transported or used in Ireland. Licensed holders of such materials have been instructed by the RPII to pay increased attention to arrangements for ensuring security of the materials held in this country. In addition, the frequency of RPII inspections of radioactive materials and the licensees' storage arrangements has increased. The RPII also proposes to introduce new licensing conditions,

which will require the licensee to undertake more frequent inventory checks of all their licensed radioactive materials. This will help to ensure a greater level of security is in place for such radioactive materials, whether in use or not. The RPII has also provided briefing to senior members of the Garda crime prevention unit, including advice on the security hazards posed by different radionuclides and practices.

Radioactive materials imported into Ireland must comply with international requirements in regard to packaging and must be clearly labelled. Obviously, materials being imported for use in the making of a dirty bomb may not be so labelled. In this regard, earlier this year, the RPII held preliminary discussions with the customs authorities to advise them on how they might look out for and detect illegal imports. Security will be further strengthened when the EU high activity sealed sources directive is implemented in national law. This directive, the provisions of which must be enshrined in national law by the end of 2005, requires, *inter alia*, that customs authorities must be trained in methods for detecting radioactive materials.

The RPII's regulatory services will continue to keep the matter of the security of radioactive sources under constant review and maintain best practice in accordance with international and EU standards and advice.

### Housing Grants.

68. **Mr. Hogan** asked the Minister for the Environment, Heritage and Local Government the total spent on first-time buyer's grant payments in 2003, broken down by county; and if he will make a statement on the matter. [27530/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** The information requested is set out in the following table.

County	No. of grants	Value
Carlow	140	533,372.35
Cavan	154	586,716.30
Clare	286	1,089,620.50
Cork	1,047	3,987,604.35
Donegal	287	1,101,794.70
Dublin	3,482	13,266,099.26
Galway	620	2,385,991.55
Kerry	249	944,812.07
Kildare	549	2,095,443.91
Kilkenny	354	1,348,693.39
Laois	273	1,038,827.88
Leitrim	42	160,011.31
Limerick	490	1,866,829.69
Longford	27	102,858.15
Louth	393	1,497,301.56
Mayo	329	1,253,447.34
Meath	817	3,112,730.50



County	No. of grants	Value
Monaghan	122	464,799.46
Offaly	212	805,152.88
Roscommon	78	297,169.73
Sligo	155	590,527.09
Tipperary	211	803,861.81
Waterford	232	883,901.83
Westmeath	288	1,097,255.51
Wexford	410	1,562,049.44
Wicklow	247	941,045.51
Total	11,494	43,817,918.07

*Question No. 69 answered with Question No. 27.*

### **Waste Management.**

70. **Mr. Hayes** asked the Minister for the Environment, Heritage and Local Government the implications of the recent EPA annual report for waste policy here; and if he will make a statement on the matter. [27570/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The EPA's annual report for 2003 reviews the activities of the agency in that year and the many environmental issues on which it was engaged. With regard to waste management, the report highlights the continuing progress in the rollout of the waste licensing system, for which the agency has statutory responsibility. It also draws attention to the establishment within the agency in 2003 of the Office of Environmental Enforcement and the emphasis that office is placing on tackling illegal waste activity. The report also draws attention to the National Waste Database Report for 2001, also published, in 2003, by the EPA, and the need it highlights to further increase recycling activity. It may be noted in this context that an interim National Waste Database Report for 2002, which deals primarily with municipal waste and was published by the EPA in June 2004, records further progress in this regard. For example, the recycling rate of municipal waste is estimated to have advanced to 20.7% in 2002. This is a significant increase in recycling of this waste stream when compared to the EPA report for 2001 which indicated a municipal waste recycling rate of 13.3%.

These reports indicate significant progress since local authorities have begun implementing their waste management plans and, when taken together with my Department's recently published policy statement, Waste Management — Taking Stock and Moving Forward, clearly demonstrate the advances made in delivering the requisite services and infrastructure to ensure we can manage our waste in a modern and sustainable manner.

### **Communications Masts.**

71. **Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government if he proposes to change existing legislation with regard to the distance between new masts and housing units. [25583/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** There are no standards in primary or secondary legislation relating to distance between masts and housing units. The guidelines for planning authorities on telecommunication antennae and support structures of 1996 advise that “in the vicinity of larger towns and city suburbs, operators should endeavour to locate in industrial areas or in industrially zoned land.” They also advise that “only as a last resort should free standing masts be located in a residential area or beside schools”.

### **National Parks.**

72. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government the details of the new management plan process for the State's national parks; the measures that have been put in place to ensure the new five-year plans for the six parks are complied with; and if he will make a statement on the matter. [27332/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Government's national parks strategy includes the establishment of a management plan process for each of the country's six national parks, at Killarney, Glenveagh, the Wicklow Mountains, Connemara, the Burren, and Ballycroy, County Mayo. Hitherto, Killarney National Park was the only national park subject to a management plan, which was published in 1990. That plan acted as an important catalyst and framework for the many improvements that have been made in the park in the ensuing period.

Changes in EU and national legislation since then, together with unprecedented levels of economic development, warrant a new and more participative approach to management planning for all our national parks. My Department therefore decided to establish a formalised consultative structure to elaborate draft management plans for each of the parks. This strategy involves the establishment of a national park liaison council for each park, three of which are already in place, in the Wicklow Mountains, Killarney and Connemara national parks. The role of these councils is to work with the national parks and wildlife service, NPWS, of my Department on preparing, and subsequently implementing, five-year management plans for the parks. Each draft plan will be the subject of widespread public consultation prior to final adoption and implementation. Once the management plan has been finalised and published, the council will continue to meet with park management to review the ongoing implementation of the plan.

An important element of this review process will involve the presentation by the NPWS regional manager of an annual business plan to the council outlining the park's proposed work programme for that year and the corresponding estimated cost involved, with direct reference to the strategies and targets elaborated in the plan. This review process is designed to achieve an inclusive and consultative approach to protecting and improving our national parks. Moreover, it is intended that, towards the end of the five-year implementation stage, a full assessment of progress achieved will be undertaken and a new management plan will be elaborated.

The management plan for each national park will be introduced on a phased basis. The management plan for the Wicklow Mountains National Park for 2005 to 2009 is the first plan under this strategy to have undergone the full cycle of approval by the park council, as well as a widespread public consultation process. Final editing of this plan is under way and I am hopeful that I will be in a position to formally launch it before the end of the year.

The draft management plan for Killarney National Park was launched by my predecessor in September 2004 and is available for public consultation. Following this, submissions received will be analysed and amendments made as considered appropriate. Once this process has been completed, I envisage that this plan will be published early in 2005.

Work is under way on the preparation of the draft management plans for Connemara and Glenveagh National Parks and a liaison council will soon be established for Glenveagh. My Department hopes to commence the management plan process for both the Burren National Park and Ballycroy National Park, County Mayo in 2005.

#### **Water and Sewerage Schemes.**

73. **Mr. Deenihan** asked the Minister for the Environment, Heritage and Local Government the position regarding the impoundment of the Smerlagh River at Ardydonegan and Derrindaffe, Duagh, Listowel, County Kerry; and if he will make a statement on the matter. [27348/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The site investigation and construction phases of the Smearla dam, an element of the north-east Kerry regional water supply scheme, stage one, phase two, were included in 15th and 21st places, respectively, in the list of 22 water and sewerage schemes submitted by Kerry County Council in response to my Department's request to all local authorities in 2003 to undertake fresh assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of the assessments.

The priority lists were taken into account in the framing of the water services investment programme for 2004 to 2006, published in May 2004. Given the rating afforded to the Smearla pro-

posal by the county council, it has not been possible to include it in the programme.

#### **Environmental Policy.**

74. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that the Aarhus Convention provides for the right to challenge in a court of law public decisions that have been made without respecting environmental law (details supplied); his views on whether the system here by which challenges to public decisions may incur huge legal costs is contrary to the Aarhus Convention; and if he will implement a public interest law mechanism whereby important points of environmental law can be dealt with quickly and without the threat of costs being awarded against citizens attempting to do their civic duty by ensuring Ireland's environment is afforded the highest level of protection. [27593/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Ireland signed the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters on 25 June 1998. Progress towards ratification of the convention is closely aligned with work at EU level. To date, the European Union has adopted two directives as part of its ratification process for the convention. These deal with public access to environmental information, 2003/4/EC, and public participation in certain environmental decision-making procedures, 2003/35/EC. Work is continuing in my Department on the transposition into Irish law of these two directives. Transposition will be required by February 2005 in the case of Directive 2003/4/EC and by June 2005 in the case of Directive 2003/35/EC.

With regard to the access to justice pillar of the convention, work is continuing at EU level in drafting a directive which would, in due course, be transposed into the national law of the different member states. The issues raised in the question will be borne in mind in this context.

#### **Planning Issues.**

75. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government if he intends to introduce legislation regarding planning; the purpose and main provisions of such legislation; and if he will make a statement on the matter. [27316/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Planning and Development Act 2000, which was based on a widespread consultation process, represented the most far-reaching reform of the planning system since the original 1963 Act. The Act revised, extended and consolidated the legislative basis for the Irish planning system. There are no plans for widescale amendment of primary planning

[Mr. Roche.] legislation, although this is kept under review in my Department.

However, the Department is considering submissions received on draft regulations which will amend the Planning and Development Regulations 2001. These regulations contain proposals to further streamline the planning application process. In particular, a standard planning application form is proposed for use by all planning authorities. The draft regulations are available on my Department's website at [www.environ.ie](http://www.environ.ie).

The Department has also been examining legislation on development consent for major projects to ensure we have the best possible system for the timely and cost effective delivery of infrastructure. Having examined the problems that have arisen in the area, it is considered that legislation is desirable to address some issues arising in the approval process. In general terms, it is intended in this proposed legislation to reduce the time required for obtaining development consent for necessary major public projects and to co-ordinate and streamline the different procedures now involved, while respecting the requirements of environment and heritage protection and the need for adequate public consultation.

#### End-of-Life Vehicles.

76. **Mr. Sherlock** asked the Minister for the Environment, Heritage and Local Government if he intends to introduce regulations on end-of-life vehicles; the communications he has had with the EU Commission in regard to the proposed regulations; and if he will make a statement on the matter. [27345/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Enabling provisions to facilitate implementation of European Parliament and Council Directive 2000/53/EC on end-of-life vehicles were incorporated in the Protection of the Environment Act 2003. My Department has been in ongoing communication with the EU Commission with regard to the transposition of the directive into national legislation. It is intended to make regulations as soon as possible which fully transpose the directive provisions and facilitate its full implementation in 2005.

#### Waste Management.

77. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government if he intends to take action with regard to illegal dumping in County Wicklow resulting in a reported loss of €20 million to the taxpayer due to the necessity to re-route planned new roads as a direct result of this illegal dumping. [27573/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Enforcement action, including the taking of legal proceedings, in particular cases is a matter for the relevant local authority and the Office of Environmental

Enforcement. I have no function with regard to individual cases and as such it would not be appropriate for me to comment. On a more general level, I will be issuing statutory guidance to local authorities regarding the question of remediation of sites which have been the subject of unauthorised waste activities.

#### Planning Issues.

78. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government if he will drop the €20 fee for persons to comment on planning applications. [27592/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** On 23 January 2003, the European Commission issued Ireland with a reasoned opinion to the effect that the €20 fee for the making of a submission on a planning application which requires environmental impact assessment is contrary to the public participation provisions of Directive 85/337/EEC on environmental impact assessment, EIA. A reply to each of the points raised in the reasoned opinion, issued to the European Commission on 16 May 2003, set out our contention that the imposition of a €20 participation fee is not in conflict with the provisions of the directive.

On 22 July 2003, the European Commission issued a press release in which it stated its intention to refer the case to the European Court of Justice. However, no official communication has been received from the Commission to date. I have no proposal to amend the relevant regulations which reflect an approach endorsed by the Oireachtas in the context of the Planning and Development Act 2000.

#### Environmental Policy.

79. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government the way in which he proposes to act on the Government's commitment to provide a biological record centre for Ireland in view of the ongoing loss of biodiversity at sea and on land here. [27584/04]

110. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government the reason the proposed national biological records centre was allocated to Waterford; his views on whether the procedure by which this site was chosen was satisfactory; and if he will make a statement on the matter. [27331/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keeffe):** I propose to take Questions Nos. 79 and 110 together.

The national biodiversity plan, published in April 2002, contained a commitment to put in place a national biological data management system to be co-ordinated by a national biological records centre. Subsequently, in December 2003,



the Heritage Council, pursuant to sections 6 and 7 of the Heritage Act 1995, recommended to the previous Minister the establishment of a national biological records centre. In May 2004, the Minister responded, welcoming the council's initiative and requesting it to give more detailed consideration to issues such as funding, the composition of a management board and possible choices of location.

In June 2004, the Heritage Council recommended that the records centre be located in Waterford, under the aegis of the Heritage Council and in partnership with Waterford Institute of Technology. The council's choice of location was supported by the emergence of an environmental node in the south east, including the headquarters of the Environmental Protection Agency, the Heritage Council's own location by elements of the Government's decentralisation proposal, and by the capacity of Waterford Institute of Technology to bring state of the art IT and administrative support as well as a strong environmental pedigree to a partnership. In September 2004, the then Minister, having received further details from the Heritage Council on aspects of finance, governance, procurement and logistical matters, accepted the council's recommendations regarding the proposed location of the records centre subject to an appropriate contract between the Heritage Council and the institute which specified the infrastructure and facilities which the institute would provide and relevant performance indicators for the delivery of the contract.

The Heritage Council is working, in consultation with my Department, on the early finalisation of outstanding issues, including the structure of a management board and the arrangements for funding the centre.

#### **Waste Management.**

80. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the way in which he intends to deal with waste management; and if he will make a statement on the matter. [27392/04]

212. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government his medium and long term plans for waste management and disposal; and if he will make a statement on the matter. [27735/04]

224. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government his plans for waste management throughout Leinster; if disposal is likely to be by way of landfill, recycling or other means; and if he will make a statement on the matter. [27690/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 80, 212 and 224 together.

Government policy on waste management is set out in the policy documents *Changing our Ways*, 1998, *Preventing and Recycling Waste: Delivering Change*, 2002, and *Taking Stock and*

*Moving Forward*, 2004. The Government's approach is based on the internationally recognised waste management hierarchy of prevention-minimisation, significantly increased levels of recycling, energy recovery and utilising landfill as the last resort for residual waste that cannot otherwise be recovered. Local authorities have adopted waste management plans which, informed by the performance targets set out in these policy statements, call for the provision of modern integrated waste management services and infrastructure. The implementation of these plans is a matter for the relevant local authorities.

#### **Private Rented Accommodation.**

81. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government the number of complaints that have been filed to the recently established Private Residential Tenancies Board against landlords concerning anti-social behaviour by their tenants; if this new system is providing speedier resolution of such disputes; and if he will make a statement on the matter. [27337/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** While there have been some queries to the recently established Private Residential Tenancies Board from the public regarding anti-social behaviour by tenants, the board is not yet in a position to accept dispute referrals, as the relevant part of the Residential Tenancies Act 2004 has not yet been commenced. It is intended to bring the remainder of the Act into operation after the deadline for registration expires on 1 December. Only when the dispute resolution service is operational will it be possible to provide statistics on the number of disputes referred to the board.

*Question No. 82 answered with Question No. 17.*

*Question No. 83 answered with Question No. 27.*

#### **Local Authority Housing.**

84. **Mr. Crowe** asked the Minister for the Environment, Heritage and Local Government the number of housing units for rent by local authorities which have been constructed in each of the past five years; and if he will make a statement on the matter. [27383/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Local authorities completed or acquired 3,207 housing units in 2000, 5,022 units in 2001, 5,074 units in 2002 and 4,972 units in 2003. Completions-acquisitions for 2004 are expected to be at the same level as for 2003. Detailed information on the number of local authority houses completed-acquired by individual local authorities for the years 2000 to 2003

[Mr. N. Ahern.]  
is published in my Department's annual housing statistics bulletins, copies of which are available in the Oireachtas Library.

### EU Directives.

85. **Mr. J. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government when he hopes to implement the energy performance of buildings directive; and if he will make a statement on the matter. [27567/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** An action plan to implement the Energy Performance of Buildings Directive-EPBD (2002/91/EC), according to a proposed timetable, is being developed by a working group, comprising senior officials drawn from my Department, the Department of Communications, Marine and Natural Resources and Sustainable Energy Ireland. I expect to receive the draft action plan within the next month or so. It will be appropriate to consider the implementation timescale for the action plan on its receipt from the working group.

### Greenhouse Gas Emissions.

86. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government if he expects Ireland will need to purchase on the international market quotas to avoid fines under the Kyoto Protocol; and the amount he expects Ireland will need to spend on such quotas; and if he will make a statement on the matter. [27565/04]

88. **Mr. Murphy** asked the Minister for the Environment, Heritage and Local Government if he expects Ireland will need to purchase on the international market quotas to avoid fines that will accrue due to its non-implementation of the Kyoto Protocol; the amount he expects Ireland will need to spend on such quotas; and if he will make a statement on the matter. [27564/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 86 and 88 together.

The Government's approach to meeting Ireland's greenhouse gas emissions target under the Kyoto Protocol includes the purchase of carbon allowances. The estimated amount of allowances to be purchased is equivalent to 3.7 million tonnes of emissions per year in respect of the protocol commitment period 2008 to 2012. As the allowances will be bought on the international market, the cost will be dictated by the market price at the time of purchase.

### Homeless Persons.

87. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government if he has received the action plan from the Homeless Agency proposing measures to tackle homelessness; his views on its proposals that local auth-

orities should purchase private houses and apartments for the homeless to take them off the street; and if he will make a statement on the matter. [27338/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I launched Making it Home: An Action Plan on Homelessness in Dublin 2004-2006, in July 2004. The plan contains a number of actions to increase housing options for homeless persons. One of these actions is to increase the supply of local authority housing in the short term through the purchase or lease, from private owners, of existing self-contained accommodation suitable for single person households.

The provision of appropriate long-term accommodation, whether provided by local authorities, voluntary bodies or the private sector, is necessary to enable people move out of homelessness. In relation to the private rented sector, it is considered that the potential benefits of the approach being adopted in the new rental accommodation scheme, RAS, could be significant in terms of applying greater effectiveness in meeting the needs of homeless households. I understand that the Homeless Agency is examining the potential of this scheme in the context of drawing up a plan to increase housing options for homeless households.

In relation to purchasing private property, local authorities have been advised by my Department that they may purchase private second-hand houses where the cost of the acquisition can be met from the authority's capital allocation and the acquisition represents a cost-effective and economical means by which the authority can meet the housing needs of persons on their waiting lists. It is a matter for individual local authorities to decide on the circumstances and conditions under which they purchase houses, given their knowledge of local housing markets, including prices, which can vary substantially from one area to the next. The approval of the Department is not required for individual purchases.

*Question No. 88 answered with Question No. 86.*

### Housing Crisis.

89. **Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government if, in view of the ongoing and endemic housing difficulties being experienced by persons across the State, he has plans to bring forward a national housing strategy to address all aspects of the housing crisis; and if he will make a statement on the matter. [27395/04]

109. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to a survey (details supplied) showing that house prices for first-time buyer's are rising by almost €2,000 per month around the country, and by almost €3,000 per

month in Dublin; if he has plans to implement a new strategy to reduce the spiralling costs of house prices here; and if he will make a statement on the matter. [27339/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I propose to take Questions Nos. 89 and 109 together.

The unprecedented demand for housing, fuelled mainly by rapid economic growth and demographic changes, has been the major driver of house price increases in recent years. The Government's strategy is to increase housing supply to meet demand and to improve affordability, particularly for first-time buyers, and in this way to seek to bring moderation to house price increases.

The measures introduced by this Government to boost supply, including significant investment in infrastructure, improving planning capacity and promoting increased residential densities, are having effect. The year 2003 was the ninth record year for house completions. Output continues to remain high in 2004 with 47,645 units completed in the first eight months of this year, up 15% on 2003 levels. The rate of house construction in Ireland, namely, 17 houses per 1,000 population, is among the highest rates being achieved in Europe.

While the rate of house price increases is still problematic, this has moderated considerably since the late 1990s when price increases peaked at 40% per annum in 1998. A number of market commentators, including the Central Bank, are now predicting greater balance in the housing market over the next few years, as increased supply has a restraining effect on house prices. Indicative data available to the Department show that first-time buyers continue to have a significant presence in the housing market.

In addition to measures to support a market response to the unprecedented demand, the Government has placed a particular emphasis on the delivery of targeted schemes of affordable housing. Output has increased under the shared ownership and the 1999 affordable housing scheme which are targeted at purchasers with low and modest incomes. Over the coming years, the availability of affordable housing options will be further expanded with units coming on stream through Part V of the Planning and Development Act and the affordable housing initiative. In addition to the units already acquired to date under Part V, 1,600 affordable units were planned or in progress at the end of June, indicating the increased momentum of delivery of this initiative. At the same time, the Government is concerned to ensure that the broad spectrum of housing needs is met.

The total amount of funding available for social and affordable housing measures in 2004 is €1.884 billion. This is over four times the amount provided in 1997 and an increase of 5.4% on the 2003 provision, reflecting the strong commitment of

the Government to continue to meet the needs of low income groups and those with social and special housing needs. It is anticipated that the needs of over 13,000 households will be met through these measures in 2004, compared to almost 8,500 in 1998.

The Government will continue to focus on measures to maintain a high level of housing supply in keeping with demand and ensuring that the demand for housing is met in a sustainable manner, and we will continue to monitor and review housing developments and policies as necessary.

#### **Environmental Policy.**

90. **Mr. M. Higgins** asked the Minister for the Environment, Heritage and Local Government the number of legal proceedings being taken against the Government for its failure to comply with EU legislation designed to protect the environment; and if he will make a statement on the matter. [27323/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** There are currently nine cases in respect of which the European Commission has initiated legal action in relation to EU environmental directives, eight of which are the responsibility of my Department. This figure includes one case where the Commission has applied to the Court for a daily fine in relation to the incomplete transposition of the EIA, environmental impact assessment, directive.

The following are the eight cases for which my Department has responsibility. The dangerous substances in water case relates to a directive on water quality. It is substantially implemented in the context of the Local Government Water Pollution Act and related legislation. For the purposes of this directive, water quality standards have been established for phosphorous and 14 other substances. However, EPA monitoring indicates that dangerous substances are generally not a problem in Irish waters. The directive is being further implemented in the context of implementation of the water framework directive.

With regard to the directive on the assessment of the effects of certain public and private projects on the environment, commonly known as an environmental impact assessment, or EIA, the points at issue relate to one aspect of the implementation of the directive, with specific regard to peat extraction. The Commission applied to the European Court of Justice on 7 July 2003 seeking the application of a daily fine of €21,600 for each day of delay in implementing measures in relation to the environment impact directive. There is ongoing communication with the Commission to resolve the matter.

Three cases relate to alleged failures to designate areas for conservation. The first case concerns the failure to fulfil obligations under the birds directive and the habitats directive and relates specifically to the effects of sheep overgrazing in the Owenduff and Nephin Beg regions.



[Mr. Roche.]

My Department is in communication with the Commission with a view to satisfying the requirements of the Court. The second case relates to the designation of a sufficient number of special areas of conservation under the habitats directive. My Department has worked to meet the requirements of the directive and has to all intents and purposes satisfied the requirements of the Court judgment in this case. The third case, proceedings in which were initiated by the Commission during October 2004, relates primarily to allegations that insufficient special protection areas have been classified under the birds directive and the habitats directive and that the protective mechanisms in place are insufficient. The defence in this case is currently being prepared.

With regard to a number of related waste issues, the Advocate General delivered his opinion on this case to the European Court of Justice on 23 September 2004. With regard to end of life vehicles, it is intended to make regulations later this year fully transposing the directive's provisions and facilitating its full implementation in 2005. Regarding reporting requirements under an EU Regulation on ozone depleting substances, a response to the most recent judgment of the ECJ is being prepared.

The ninth case relates to matters for which the Department of Communications, Marine and Natural Resources has responsibility and concerns the shellfish waters directive. The Irish authorities have responded to the letter of formal notice of September 2004, providing clarification to the Commission on the areas in which the Irish implementation programme was deemed to be deficient.

#### **Local Authority Housing.**

91. **Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government the number of units of local authority social housing rental stock which are currently unoccupied; the average length of time such units are left unoccupied between tenancies; and if he will make a statement on the matter. [27394/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** The management and maintenance of their rented dwellings, including the control of vacant dwellings, is the responsibility of the housing authority concerned. The most recent provisional figures available to my Department from local authorities indicate that at the end of December 2003 there were 4,499 local authority dwellings vacant nationwide, of which 2,465 were de-tenanted for planned refurbishment or major regeneration programmes in rundown estates. While my Department does not have details of the average length of time such units are left unoccupied, short-term vacancies do occur on an ongoing basis where dwellings require renovations-improvement to bring them up to an

acceptable standard before re-letting. The number of casual vacancies let as first time lettings by local authorities in 2003 was 3,795. Local authorities are encouraged by my Department to ensure that units which become vacant are re-let as quickly as possible.

My Department introduced a special initiative this year for the next two years to allow local authorities to undertake the renovation of houses vacant for periods longer than six months which require major refurbishment. It is expected that funding will be provided for the refurbishment of some 150 such dwellings this year. This step is one of the measures which local authorities have been asked to consider as part of the five year action plans to address social and affordable housing needs.

*Question No. 92 answered with Question No. 22.*

#### **Presidential Elections.**

93. **Mr. F. McGrath** asked the Minister for the Environment, Heritage and Local Government if he will report on plans to bring forward constitutional amendments to make the election for the Presidency more inclusive and democratic; and if he will make a statement on the matter. [24181/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I have no plans to bring forward proposals to amend the Constitution in relation to presidential elections.

#### **Departmental Expenditure.**

94. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government the total underspend by the Government in 2003; the reasons for the underspend; and if he will make a statement on the matter. [27536/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The gross expenditure provision for my Department in 2003 was €2,341.511 million, of which €2,341.193 million was actually spent. The resulting underspend of €318,000 or 0.01% of provision is relatively insignificant in this context.

*Question No. 95 answered with Question No. 14*

*Question No. 96 answered with Question No. 38.*

*Question No. 97 answered with Question No. 27.*

*Question No. 98 answered with Question No. 9.*

*Question No. 99 answered with Question No. 14.*

### Nuclear Safety.

100. **Mr. Broughan** asked the Minister for the Environment, Heritage and Local Government the efforts made to ensure that a shipment of nuclear waste shipped from the US to France in September 2004 did not pass through Irish waters; the Government's position in relation to shipments of such waste passing through Irish waters in view of the potential risk of nuclear shipments; and if he will make a statement on the matter. [27318/04]

106. **Mr. McCormack** asked the Minister for the Environment, Heritage and Local Government if he has complained to the British Government regarding the transportation of hazardous toxic waste through the Irish Sea on a vessel (details supplied) and other ships; the risk to Irish persons were such a ship to sink or be attacked; and if he will make a statement on the matter. [27546/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 100 and 106 together.

This recent shipment between the United States and France arose from an agreement between the US and Russia in regard to the decommissioning of nuclear weapons. The weapons grade plutonium arising from the decommissioning process was shipped from the US to France for fabrication into MOX nuclear fuel for application in US nuclear reactors.

The shipment passed through international and French territorial waters at the European end. My officials sought and received assurances from the US and France that the shipment would not enter Irish territorial waters. In addition to the information received from the US and France, the United Kingdom Government advised my officials of the dispatch of the two ships from the UK to collect the shipment from the US for transport to France. This communication was on a government to government basis and no direct communication took place with British Nuclear Fuels Limited.

The Irish Government has long been concerned about the shipment of nuclear materials. It is also concerned about the risk of a major accident or security incident and about the potential for damage to public health, the environment and the economy arising from any such accident or incident.

The question of imposing a ban on the passage of ships carrying nuclear materials in international waters has proved difficult given the right of passage enshrined in the UN Convention on the Law of the Sea. The Irish Government's opposition to such shipments of radioactive material will continue to be voiced in the appropriate international arena and it will continue to press for detailed information about such shipments. Such information is vital in regard to national emergency preparedness and response in the event of any accident or incident.

The concerns of the Irish Government about nuclear shipments in general have been highlighted on numerous occasions at meetings of rel-

evant international organisations such as the International Maritime Organisation and the International Atomic Energy Agency, IAEA, and also at the EU. Ireland, along with a number of like-minded coastal states, has been particularly active in recent years at annual meetings of the IAEA general conference in promoting the adoption by the IAEA of resolutions on the shipment of radioactive materials. These resolutions acknowledge the concerns of a number of states about the potential for damage arising from an accident or incident involving shipments of radioactive materials. In promoting these resolutions, Ireland and like-minded states have sought detailed information from the shipping states on all movements of nuclear materials on the international seas.

The 2004 General Conference of the IAEA again saw Ireland adopting a key role in the drafting of the resolution on transport safety, which addresses the issue of communication on shipments between shipping and coastal states. I am pleased to say that this resolution was ultimately sponsored by Chile, France, Ireland, Japan, New Zealand, Peru, the UK, the USA and Turkey. It received widespread support from all of the other member states of the EU as well as numerous other delegations at the conference. It was adopted at the plenary session of the general conference by consensus on 24 September last. While the issue will continue to prove difficult, I believe this resolution provides a basis on which to address the concerns of coastal states and Ireland with like-minded states will continue to pursue these issues at the IAEA and other relevant international fora.

*Question No. 101 answered with Question No. 25.*

*Question No. 102 answered with Question No. 22.*

*Question No. 103 answered with Question No. 20.*

### Housing Grants.

104. **Mr. Crawford** asked the Minister for the Environment, Heritage and Local Government the reasons behind the variation between the 2003 estimate provision and the 2003 outturn for private housing grants and subsidies of €19,288,000; and if he will make a statement on the matter. [27532/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** The increased requirement for private housing grants and subsidies of over €19 million referred to in the question arose from an increased volume of payments in 2003 under the first-time buyer's grant for new houses, in an increased demand under the disabled persons and essential repairs grant schemes.

The new house grant for first-time owner occupiers was abolished with effect from 14 November 2002. However, where a contract to purchase a new house or a contract to build was

[Mr. N. Ahern.] entered into on or before 14 November 2002, or in the case of a “self build” house where the foundations were poured on or before 14 November 2002, grant applications were accepted up to close of business on 4 December 2002. A total of 13,827 new house grant applications were received in the housing grants section of my Department in the three-week period between 15 November 2002 and 4 December 2002. The deadline for the completion and occupation of the house was later extended from 13 November 2003 to 2 April 2004. These arrangements led to a large increase in the number of grants to be paid in

2003. The allocation for the scheme was supplemented and €11.46 million was paid on top of the original estimate of €32.38 million.

Demands under the disabled persons and essential repairs grant schemes also proved higher than anticipated in 2003, and the original Exchequer allocation of €40.75 million was consequently increased by over €8.5 million to facilitate payments. A review of the disabled persons grant scheme has been under way in my Department and will be completed shortly.

The following table gives a breakdown of estimates and outturn for 2003 for the schemes.

Housing Expenditure 2003.

	REV	Outturn	Variation
Subhead	€'000	€'000	€'000
<i>B.2. Private Housing Grants &amp; Subsidies, etc.</i>			
1. New House Grants	32,381	43,841	11,460
2. Disabled persons/essential repairs/improvement grants	40,749	49,335	8,586
Total (Capital)	73,130	93,176	20,046
3. Subsidies and loan guarantees	18	6	-12
4. Rent Tribunal	84	30	-54
5. Support for Private Rented Sector (pay)	250	13	-237
non-pay	729	292	-437
Total (Current)	1,081	341	-740
GROSS TOTAL — B.2.	74,211	93,517	19,306

### Electronic Voting.

105. **Ms Burton** asked the Minister for the Environment, Heritage and Local Government his views on the annual report of the Comptroller and Auditor General in relation to the Government's stewardship of the electronic voting project after the system was withdrawn prior to the local and European elections earlier in 2004; his further views on the Comptroller and Auditor General's belief that the project should have been subjected to more rigorous cost benefit analysis; and if he will make a statement on the matter. [27320/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I have noted the assessment of the electronic voting and counting project by the Comptroller and Auditor General as set out in his annual report for 2003 which considers a number of issues in relation to the planning and implementation to date of the project.

As regards financial aspects, the report records the analysis by my Department of estimated costs and savings, associated with the introduction of electronic voting and counting, which was carried out in the course of the planning of the project; it also acknowledges that the Government decision to move to electronic voting and counting was influenced primarily by factors other than cost. I am satisfied that this decision was fully justified on the basis of a range of identified

benefits which, in addition to savings achievable over the longer term, include providing a higher level of service to the public, improving accuracy, flexibility and speed in the voting and counting processes, and making greater use in electoral administration of modern information and communication technologies.

*Question No. 106 answered with Question No. 100.*

*Question No. 107 answered with Question No. 27.*

### Private Rented Accommodation.

108. **Ms O'Sullivan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the practice whereby landlords are passing on to their tenants the €70 fee they are required to pay to register with the Residential Tenancies Board; if he plans to take action against landlords who are found passing this fee on to tenants; and if he will make a statement on the matter. [27336/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Landlords may only seek from tenants the rent or other charges agreed to at the commencement of the letting. Under Part 3 of the Residential Tenancies Act 2004, which will come



into operation later this year, a rent review may only occur once per annum unless there has been a substantial change in the nature of the accommodation in the interim. It will also be unlawful to seek a rent greater than the open market rate, so a rent increase would not be possible if the market trend is stable or downward. In any event, competitiveness in the market should preclude registration costs being passed on.

The registration fee under Part 7 of the 2004 Act, which came into operation on 1 September 2004, is €70 per tenancy. The net cost can be as low as €10.15 per tenancy per annum because the fee will cover a tenancy for up to four years and is a tax-allowable letting expense. The single, and potentially multi-annual, registration fee of €70 per tenancy replaces an annual fee per tenancy of €51 that landlords had previously been liable to pay to local authorities. For many landlords, therefore, registration cost may be significantly reduced.

*Question No. 109 answered with Question No. 89.*

*Question No. 110 answered with Question No. 79.*

#### **Nuclear Plants.**

111. **Mr. G. Mitchell** asked the Minister for the Environment, Heritage and Local Government if he has visited Sellafield nuclear facility in his current capacity; if he plans to visit in the future; and if he will make a statement on the matter. [27542/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I have not visited the Sellafield nuclear facility either in my current capacity or previously in any other capacity, nor is such a visit planned.

In relation to the Irish Government's ongoing campaign against the Sellafield nuclear plant, the current focus is on fostering the successful completion of ongoing discussions between Irish and UK officials aimed at improving co-operation and consultations between the two countries in regard to Sellafield. These discussions arise from the provisional measures order granted to Ireland in June 2003 by the arbitration tribunal in the context of legal proceedings being brought by Ireland against the UK under the UN Convention on the Law of the Sea, UNCLOS, in regard to the Sellafield MOX plant.

This order also made provisions for reports on progress towards developing the improved co-operation and consultation structures to be submitted by both Ireland and the UK to the tribunal on specified dates. The next report is due to be submitted by both parties to the tribunal by 30 November 2004. Preparation for this is on schedule. The ongoing discussions and reports remain confidential to both parties and to the tribunal. However, it is my intention to report on any initiatives arising from this process in due course.

As the House will be aware, the substantive hearing of Ireland's legal action against the UK under UNCLOS is currently adjourned pending resolution of jurisdictional issues raised by the European Commission and which are now the subject of litigation between Ireland and the Commission before the European Court of Justice.

#### **Water and Sewerage Schemes.**

112. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government the grants available for group sewerage and water schemes; his plans to review these grants; and if he will make a statement on the matter. [21415/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Grants of up to 100% of approved cost are available to privately sourced group water schemes for the provision of essential water treatment and disinfection facilities. Grants of up to 85% of cost are available for related civil works, such as buildings, reservoirs and pipelines, for works associated with connecting group schemes to local authority water mains and for the provision and upgrading of group water schemes generally. All grants are subject to a maximum eligible cost of €7,618 per house. While I am keeping the grant levels under continuing review in consultation with the national rural water monitoring committee and the national federation of group water schemes, there are no proposals at present for an increase.

Group sewerage scheme grants of up to 75% of approved cost, subject to a maximum grant of €2,031 per house, are available for the provision of common or shared waste water disposal systems.

The national rural water monitoring committee is overseeing the implementation of a pilot programme by local authorities to test a range of new, small-scale waste water collection and treatment systems. In total, 12 villages in six counties have been selected as locations for the pilot programme and construction is expected to commence shortly.

Subject to a satisfactory outcome to the pilot testing, the national rural water monitoring committee envisages a potential role for group sewerage schemes in the collection of domestic wastewater from households outside the immediate catchment of such treatment systems. Confirmation of such a role for group sewerage schemes and any review of the associated grants must await the outcome of the pilot programme.

#### **Planning Issues.**

113. **Mr. Ferris** asked the Minister for the Environment, Heritage and Local Government the number of child care places delivered as a result of compliance by planning authorities with Childcare Facilities: Guidelines for Planning Authorities. [27398/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The information sought is not available in my Department.

114. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to recent figures from the Central Statistics Office showing that one-off houses accounted for 25% of planning permissions granted for new homes throughout Ireland in the second quarter of 2004; if his attention has further been drawn to the fact that at the same time the number of apartments built fell by over 2%; his views on whether these statistics are in keeping with the Government's residential density guidelines which call on local authorities to facilitate schemes delivering higher densities than standard suburban norms; and if he will make a statement on the matter. [27340/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The CSO planning permissions quarterly statistical release sets out information on planning permissions granted for houses and apartments. The following tables

summarise the relevant information. It is noteworthy that the number of apartments for which permission was granted has almost doubled as a percentage of the total number of dwellings granted permission, from under 16% in 1998 to over 30% in 2003 and the first two quarters of 2004.

The CSO publication has included information on the number of permissions granted for one off houses since the second quarter of 2002. The data shows that permissions for one off houses has been broadly within the range of 18% to 30% of permissions for all dwellings in that period. The guidelines for planning authorities on residential density are aimed at increasing residential density in urban and suburban locations. This data clearly indicates that there have been significant changes in housing patterns in these areas, with more traditional suburban forms of development being replaced by more mixed forms of higher density development. As evidence of this, the number of apartments for which permission has been granted has almost doubled as a proportion of the total number of permissions for dwellings. It is clear that these trends are broadly in conformity with the guidelines.

Table 1: Number of apartments granted planning permission as a percentage of all dwellings (houses and apartments) granted planning permission in each year.

	No. of apartments granted	No. of houses granted	Total No. of dwelling units granted	Apartments as % of all dwellings granted
1998	7,431	39,958	47,389	15.7
1999	12,801	63,795	76,596	16.7
2000	17,415	73,828	91,243	19.1
2001	17,780	60,666	78,446	22.7
2002	18,259	51,055	69,314	26.3
2003	28,749	49,605	78,354	36.7
2004 (First 2 Quarters)	15,660	35,707	51,367	30.5

[Source: CSO planning permissions statistical release series.]

Table 2: Number of one off houses granted planning permission as a percentage of all dwellings (houses and apartments) granted planning permission in each quarter

	No. of one off houses granted	No. of houses (excluding one offs) granted	No. of Apartments granted	Total No. of dwelling units granted	One offs as % of all dwelling units granted
Q2 2002	3,781	11,455	5,163	20,399	18.5
Q3 2002	4,677	8,824	4,771	18,272	25.6
Q4 2002	3,944	6,269	4,125	14,338	27.5
Q1 2003	4,093	5,418	4,030	13,541	30.2
Q2 2003	4,336	8,782	7,484	20,602	21.0
Q3 2003	4,653	9,741	10,065	24,459	19.0
Q4 2003	4,480	8,102	7,170	19,752	22.7
Q1 2004	5,841	11,213	8,347	25,401	23.0
Q2 2004	6,483	12,170	7,313	25,966	25.0

[Source: CSO planning permissions statistical release series.]

### Proposed Legislation.

115. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government in

relation to the proposed Strategic National Infrastructure Bill, the aspects of the legislation he envisages will be of benefit to the projects undertaken by his Department; and if he will make a statement on the matter. [27005/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** There is a wide consensus that we should have a regulatory system for major infrastructure projects that delivers projects in the right place at the earliest possible time and in a cost effective way. In addition, the system must of course be capable of mitigating the impact of any major project on the environment and on people, and complying with all relevant national and international legal requirements. Having examined the problems that have arisen in the area, it is considered that legislation is desirable to address some issues arising in the approval process. Because of the complexity of the issues involved and the need to consult widely among my colleagues the preparation of draft legislative proposals has taken some time.

In advance of the Government making a decision on these proposals, it would be inappropriate to elaborate on their detail, including details of the types of national infrastructure that might be included in the proposed legislation. In general terms however, it is intended to reduce the time required for obtaining development consent for necessary major public projects and to co-ordinate and streamline the different procedures now involved, while respecting the requirements of environment and heritage protection and the need for adequate public consultation.

#### **Health Board Allowances.**

116. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the estimated total cost of paying arrears of the blind welfare allowance due to the misinterpretation of the Blind Welfare Allowance Circular 4/79 by the Department of Health and Children; if her Department has held discussions with the Department of Health and Children in this regard; when funding will be provided for; the number of persons that are affected; and if she will make a statement on the matter. [27628/04]

118. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if she has contacted the Department of Finance in relation to securing funding for the payment of arrears of the blind welfare allowance due to the misinterpretation of the Blind Welfare Allowance Circular 4/79; the estimated cost of the total arrears payment; the number of persons affected nationwide; and if she will make a statement on the matter. [27630/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I propose to take Questions Nos. 116 and 118 together.

The Department of Health and Children has received from the health boards an estimation of the cost of implementing the revised methodology of calculating blind welfare allowance. The estimated cost of the arrears is €4.3m affecting approximately 700 individuals. The matter is under consideration within the Department.

#### **Health Board Services.**

117. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when orthodontic treatment will be made available to persons (details supplied) in County Limerick. [27629/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Responsibility for the provision of dental treatment to eligible persons in County Limerick rests with the Mid-Western Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

*Question No. 118 answered with Question No. 116.*

119. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children if she will urgently address an issue (details attached); and if she will make a statement on the matter. [27636/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** As the Deputy will be aware, the provision of health services in the Rialto area is, in the first instance, the responsibility of the South Western Area Health Board acting under the aegis of the Eastern Regional Health Authority. My Department has, therefore, asked the chief executive of the authority to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

#### **Medical Cards.**

120. **Mr. Connaughton** asked the Tánaiste and Minister for Health and Children if an application for a medical card on behalf of a person (details supplied) in Dublin 16 has been received by the Eastern Regional Health Authority at Lord Edward Street, Dublin; and if she will make a statement on the matter. [27639/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Responsibility for the provision of a medical card is, by legislation, a matter for the chief executive officer of the relevant health board or authority. My Department has therefore asked the regional chief executive of the Eastern Regional Health Authority to investigate the matter raised by the Deputy and to reply to him directly.

#### **Hospital Staff.**

121. **Mr. Murphy** asked the Tánaiste and Minister for Health and Children when she intends to authorise the Cork University Hospital to recruit a much needed secretary and pain nurse for the intensive care and pain relief services (details supplied). [27665/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The provision of hospital services, including the appointment of staff at Cork University Hospital is, in the first instance, a matter for the Southern Health Board. My Department



[Ms Harney.]  
has, therefore, asked the chief executive officer of the Southern Health Board to reply directly to the Deputy in relation to the information requested.

### Hospital Services.

122. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in Dublin 17 will be admitted to the Rehab centre in Dún Laoghaire for treatment of head injuries resulting from an accident. [27673/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** My Department has made enquiries into this matter and the National Rehabilitation Hospital has recently confirmed that the individual in question is on its waiting list and that it is not possible at this time to indicate when the individual will be admitted. The Deputy will appreciate that the scheduling of admission to the hospital is a matter for the consultant concerned and is determined solely on the basis of medical priority.

### Medical Aids and Appliances.

123. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the reason for the delay in providing a special bed in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [27710/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The provision of aids and appliances for people with disabilities is a matter for the Eastern Regional Health Authority and the health boards. Accordingly, a copy of 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 case and reply directly to the Deputy as a matter of urgency.

### Infectious Diseases.

124. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children, further to Question No. 73 of 28 October 2004, the assistance, financial or otherwise which is given to the families of patients who contract MRSA while in hospital and as a result become severely ill leading to a longer stay in hospital and financial pressure on such families; and if she will make a statement on the matter. [27716/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The strategy for the control of antimicrobial resistance in Ireland, SARI, was launched in June 2001. Approximately €16 million in funding has been made available to health boards since then — of which €4.5 million was provided in the current year — to implement the strategy. Much of this funding is designated for improving hospital infrastructure for control of

infection and for appointing the additional microbiologists, infection control nurses and other health care professionals required for effective control of infection in hospitals.

MRSA infection is generally confined to hospitals and, in particular, to vulnerable or debilitated patients including those in intensive care units, on surgical, burns or orthopaedic wards, elderly and-or very sick patients and those who have open wounds, etc. Carriage of MRSA does not generally pose a risk to family members — unless they are suffering from a debilitating disease — or hospital staff of an affected patient or their close social or work contacts. MRSA does not harm healthy people, including pregnant women, children or babies. MRSA can affect people who have certain long-term health problems. Visitors to patients with MRSA infection should be advised by the local nursing-medical staff to wash their hands thoroughly after visiting patients so as to avoid spreading MRSA.

Infection with staphylococcus aureus or MRSA bacteria can be prevented by practising good hygiene as follows: keeping hands clean by washing thoroughly with soap and water; keeping cuts and abrasions clean and covered with a proper dressing — a bandage — until healed; and avoiding contact with other people's wounds or material contaminated by wounds.

While financial assistance as such is not given, assistance is given to patients and their families by way of advice. Both patients and families of patients who contract MRSA should ensure they practise good hygiene standards. Hand hygiene is a key component in the control of MRSA and the SARI infection control sub-committee has recently released national guidelines for hand hygiene in health care settings. These guidelines have been widely circulated by the NDSC and are available on the its website, [www.ndsc.ie](http://www.ndsc.ie). Each health board — authority region has a regional SARI committee and these are responsible for regional interventions to control hospital infection, including MRSA.

In 1995 my Department prepared a set of guidelines in respect of MRSA which have been widely circulated and include an information leaflet for patients. The SARI infection control sub-committee is currently updating national guidelines on the control of MRSA in health care settings. A draft version of these guidelines will be distributed for consultation shortly and will also be available on the NDSC website. The key recommendations cover such areas as environmental cleanliness and overcrowding, sufficient isolation facilities, hand hygiene, appropriate antibiotic use, early detection of MRSA through surveillance and laboratory detection of MRSA.

Senior hospital and health board managers have corporate responsibility for ensuring that appropriate infection control measures are implemented.

### Public Service Staff.

125. **Mr. R. Bruton** asked the Minister for Finance, further to Question No. 22 of 14 October 2004, the staff positions which have been suppressed under his decision of December 2002; the public service numbers at December 2002, December 2003 and the forecast for December 2004 and December 2005 under the agreed programme in the various elements of the public ser-

vice; and the location of the posts yet to be suppressed. [27622/04]

**Minister for Finance (Mr. Cowen):** In December 2002, in order to control public service numbers, the Government decided to cap numbers at the existing authorised level and to reduce numbers by 5,000 across all sectors by the end of 2005. In July 2003 the Government decided on the timing and location of 4,300 of these posts as follows:

	Reduction in 2003	Reduction by 2004	Total Reduction by 2005
Health	200	400	600
Education	200	550	1,000
Civil Service	200	550	1,000
Garda Síochána	0	0	0
Defence Forces	80	220	400
Local Authorities	333	667	1,000
Non-Commercial State- Sponsored Bodies	60	165	300
Total	1,073	2,552	4,300

The baseline for the reduction was the number of authorised posts in December 2002. While there have been increases in some sectors to reflect ongoing policy developments there has been progress as set out below.

The baseline and the end 2003 numbers are as follows:

	Baseline end 2002	Target end 2003	Serving end 2003
<i>Public Service</i>			
Civil Service [Non-Industrial]	36,874	36,622	35,269
Civil Service [Industrial]	2,186	2,186	2,007
Health Sector	96,000	95,800	96,773
Education Sector	78,350	78,150	78,786
Defence	11,800	11,720	11,559
Gardaí	12,200	12,200	12,017
Local Authorities	34,300	33,970	33,303
Non Commercial Semi-States	9,541	9,481	9,428
Total	281,251	280,129	279,142

The health sector number serving at end 2003 includes staff taken over by health boards who were previously employed by voluntary agencies.

The targets for end 2004 and end 2005 are as follows:

	Target end 2004	Target end 2005
Civil Service [Non Industrials]	36,269	35,824
Civil Service [Industrials]	2,163	2,142
Health Sector	96,950	97,550
Education Sector	77,800	77,350
Defence	11,580	11,400
Gardaí	12,200	12,292
Local Authorities	33,633	33,300
Non Commercial Semi-States	9,376	9,241
Total	279,971	279,099

I will now outline the changes that have taken place. The authorised numbers in the health sector have increased to take account of the staffing

implications arising from the commissioning of new health units, additional disability posts associated with August 2003 and budget 2004

[Mr. Cowen.]

funding packages and staff taken over by health boards who were previously employed by voluntary agencies. The authorised numbers of gardaí have increased to reflect the decision to increase the number of gardaí to 14,000 by 2008.

The targeted reduction in the Civil Service has been revised slightly upwards from the original figure of 1,000 to reflect in the main the omission of the industrial Civil Service category from the original baseline set at December 2002. The targets for the education sector at end 2004 and 2005 will be reviewed in the light of agreed increases in special needs teachers and assistants.

### Tax Yield.

126. **Mr. Kenny** asked the Minister for Finance the amount of capital acquisition tax received by the State in each of the past ten years; the percentage of this which was inheritance tax in each year and the percentage paid by children of deceased members in each such year; and if he will make a statement on the matter. [27623/04]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that the net receipt of capital acquisitions tax, CAT, and the percentage of this which was inheritance tax, in each of the past ten years is as follows:

Year	Total CAT Yield €million	Inheritance Tax as a Percentage
		%
1994	74.8	71
1995	75.6	67
1996	103.5	59
1997	112.6	72
1998	141.8	69
1999	192.3	70
2000	222.9	69
2001	167.7	72
2002	150.9	85
2003	213.2	61

The total CAT yield comprises inheritance tax, gift tax, discretionary trust tax and probate tax, although it should be noted that probate tax was abolished in respect of deaths occurring on or after 6 December 2000.

I understand that the Deputy's reference to deceased "members" is to be taken as meaning deceased "persons". I am informed by the Revenue Commissioners that it is not possible to separately identify the yield relating to children of deceased persons in the overall inheritance tax yield.

### Tax Code.

127. **Ms Burton** asked the Minister for Finance the number of taxpayers paying tax at the higher rate in 2004; the percentage of taxpayers this represents; and the equivalent figures for each of the previous four years. [27634/04]

**Minister for Finance (Mr. Cowen):** It is assumed that what the Deputy requires is the number of higher rate taxpayers as a percentage of all income earners on the tax record. I am advised by the Revenue Commissioners that the information requested by the Deputy is as provided in the following table.

Distribution of income earners by higher tax rate, 2000-01 to 2004.

Tax Year	No	Higher Rate
		%
2000/01	540,000	30.6
2001†	535,000	29.9
2002*	487,000	26.7
2003*	555,000	29.8
2004*	614,000	32.6

† Short tax "year" from 6 April 2001 to 31 December 2001.

\* Provisional and subject to revision.

It should be noted that a married couple who has elected or has been deemed to have elected for joint assessment is counted as one tax unit. The numbers of income earners above have been rounded to the nearest thousand as appropriate.

### Garda Stations.

128. **Mr. Durkan** asked the Minister for Finance if the revised sketch scheme for the new Garda station at Leixlip, County Kildare is or will be finalised; when he expects the construction of the Garda station to commence; and if he will make a statement on the matter. [27652/04]

**Minister of State at the Department of Finance (Mr. Parlon):** A revised brief was received from the Department of Justice, Equality and Law Reform which has increased the scale of the Garda station. Negotiations are ongoing with Kildare County Council with a view to maximising the development potential of the station site to better accommodate the proposed station. On completion of these negotiations, a revised sketch scheme will be issued to the Department of Justice, Equality and Law Reform for approval.

### Tax Code.

129. **Mr. O'Shea** asked the Minister for Finance his proposals to allow tax relief on payments into pension schemes made by legally separated spouses in cases in where the only income is maintenance payments (details supplied); and if he will make a statement on the matter. [27662/04]

**Minister for Finance (Mr. Cowen):** Relief from income tax is available for contributions to a pension by an individual with earnings from a trade, profession or employment. The rationale is that a pension is designed to replace earnings made before retirement. Maintenance payments are not classed as earned income. Maintenance payments should not stop at the normal retirement age.



Moreover, if a person had some of these non-maintenance earnings from a trade, profession or employment in addition to maintenance, tax relief would be available on the pension contributions from the non-maintenance source. The Family Law Acts provide that where a spouse is entitled to a pension, a portion of the benefits can be “earmarked” for the dependent spouse by the courts.

### National Monuments.

130. **Mr. N. O’Keeffe** asked the Minister for Finance if a caretaker will be appointed to look after an abbey (details supplied); and if remedial works will be carried out to the road leading to the abbey, which is the property of the OPW. [27663/04]

**Minister of State at the Department of Finance (Mr. Parlon):** The abbey in question is not owned by the Office of Public Works. It is in the ownership of the local authority.

### Tax Code.

131. **Mr. Durkan** asked the Minister for Finance if and when a tax balancing statement for year ending 31 December 2003 will issue in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [27676/04]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that a PAYE balancing statement for the year ending 31 December 2003 issued to the taxpayer at his home address on 18 May 2004. A duplicate of the balancing statement will issue in the coming days.

### Disabled Drivers.

132. **Mr. Durkan** asked the Minister for Finance, further to Question No. 308 of 29 September 2004, the changes that are required in the application by a person (details supplied) in County Kildare to qualify for entitlement under the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994; and if he will make a statement on the matter. [27709/04]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that an application form for reliefs under the disabled drivers and disabled passengers (tax concessions) scheme, dated 23 August 2004, submitted by the applicant on behalf of his wife has been properly completed. However, the person concerned must submit a receipt covering the adaptation of the vehicle and the original vehicle registration certificate. The application will be processed immediately on receipt of these. The person concerned has been advised accordingly.

### Telecommunications Services.

133. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his views on a recent newspaper article regarding

the inadequate response by his Department and Eircom to the urgent need for the early provision of broadband facilities throughout the country, with particular reference to the inadequacy of the investment programme required; and if he will make a statement on the matter. [27675/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** In a liberalised market, it is a matter in the first instance for the market players to provide telecommunications and broadband services. Recognising, however, that the pace of high speed broadband rollout to the regions was not sufficient to attain the Government’s national broadband goals as set out in New Connections and in its broadband strategy, in March 2002, the then Minister announced the regional metropolitan area network programme. Against the backdrop of this concern, later in 2002, Forfás and the Department of the Taoiseach engaged SJS Consulting Incorporated to review that programme and the policy options for national broadband rollout generally.

As part of this process, the consultants held discussions with my Department, Eircom and other service providers. Officials from my Department met Eircom representatives on a number of occasions to discuss the options put forward by the consultants. The consultants and officials from my Department also met other market players and a number of public consultations under the aegis of IBEC’s telecoms and Internet federation and Forfás were also held.

Negotiations were not entered into with Eircom or any other party at any stage. At no stage were terms such as those postulated in *The Sunday Business Post* article on offer nor did the Government offer to fund Eircom directly or indirectly through subsidised loans, tax breaks or any other means. This has also been publicly confirmed by Eircom.

The Government at the time was dissatisfied with the speed of broadband rollout and decided to intervene with a view to bringing forward proposals to address this problem. Government policy is that it favours investment in open access infrastructure which all operators have access to on similar transparent terms. That is the idea behind the Government’s open access metropolitan area network programme, which is rolling out high speed broadband infrastructure to all 120 towns and cities regionally.

*The Sunday Business Post* article of 31 October last to which the Deputy refers, contends, *inter alia*, that the Government offered Eircom a €1.8 billion deal to roll out broadband nationally. It also contends that Eircom was offered a range of incentives such as tax breaks, subsidised loans, amendments to the building regulations and price increases as “carrots”. These claims are untrue.

Consultancy advice contained in a report to a Government subcommittee, agency or a Department should not be misconstrued as Government policy. The telecommunications market is a regulated market and, thus, action by Government

[Mr. N. Dempsey.]

has to be consonant with national and EU regulation. Accordingly, the Government is not in the business of entering exclusive contracts of the kind inferred by the article with any market entities.

134. **Mr. McHugh** asked the Minister for Communications, Marine and Natural Resources if he will engage with Eircom to bring about a situation whereby Eircom poles creating traffic hazards and preventing development works being carried out are removed by the company at its own expense; and if he will make a statement on the matter. [27697/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The matter raised by the Deputy is an operational matter between Eircom and the relevant local authority. I have no function in these matters.

135. **Mr. McHugh** asked the Minister for Communications, Marine and Natural Resources the progress being made on the pilot broadband project being carried out (details supplied); and if he will make a statement on the matter. [27698/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Under the terms of a grant agreement drawn up between my Department and the Electricity Supply Board, the company has constructed a 1,300 km. fibre optic trunk network, providing low-cost backhaul for broadband service providers in many parts of the country. In addition to the fibre trunk network, the grant agreement also provides for the installation of power line carrier technology, which is under way in 100 premises in Tuam, County Galway. The technology has been, by and large, proven in other countries and is being assessed for technical and commercial suitability under Irish conditions. The project in Tuam is ongoing and the company is addressing technical and network issues as they arise. A full report will be published following completion of the installation.

#### **Electricity Generation.**

136. **Mr. J. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources his views on whether there is a cause for concern in regard to electricity blackouts in view of electricity blackouts in recent times affecting several European countries and states in the US; and the steps being taken to ensure that blackouts can be avoided here. [27727/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Major electricity blackouts are usually the result of a number of contingencies. These include generation shortages, transmission network failures or other operational difficulties. While no electricity power system can be fully protected from such

events, I am satisfied adequate measures are in place to reduce the risk of a major blackout occurring on the Irish power system.

The Commission for Energy Regulation, CER, continues to monitor the security of electricity supply situation. Demand for electricity is forecast to increase at an annual rate of between 2.9% and 4.3% over the period 2004-2010 and the supply-demand balance will vary on a real time basis throughout the year depending on demand and generation availability. The current supply-demand balance is deemed to be workable, though not ideal.

The CER has initiated positive actions to redress possible generation capacity shortfalls in the short, medium and longer term, as forecast by ESB National Grid in its Generation Adequacy Report 2004-2010. 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 mobile 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 respectively. In addition, the two new peat plants, with a combined capacity of 250 MW, are due to be commissioned by December 2004 and February 2005 respectively.

An ESB plant productivity programme is in place to enhance its availability from 76% in 2003 to a target of 82% during 2004. The CER will impose penalties on a progressive basis to make sure the action programme delivers. The ESB is also undertaking a significant networks investment programme of €4 billion up to 2007 to bring 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 to ensure the supply-demand balance over the coming years. 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, as a priority, which when operational will further enhance security of supply. The desirability and feasibility of increased interconnection between North and South is being investigated.

At EU level, the Commission has brought forward a draft directive concerning measures to safeguard security of electricity supply and infrastructure investment. The draft directive, which Ireland supports, forms part of a new energy infrastructure and security of supply legislative

package, designed in the main to promote investment in the European energy sector with a view to both strengthening competition and helping to prevent the reoccurrence of electricity blackouts. Many of the elements of the proposed directive form part of the electricity regulatory framework in Ireland.

In the event of an emergency, the transmission system operator, ESB National Grid, as part of its licence conditions, has in place a number of specific emergency plans which can deal with the incident quickly and effectively. Procedures for activation and implementation of the plans, as well as communication procedures, are tested and reviewed at regular intervals. For instance, a key element of the plans is to ensure, in the event of a shortage of generation capacity, load shedding is kept to the minimum necessary to make sure the power system remains in a stable operating mode at all times.

### Alternative Energy Projects.

137. **Mr. J. O’Keeffe** asked the Minister for Communications, Marine and Natural Resources his policy on the development of biofuel; if grants or supports are available to encourage its production on a pilot or other basis; if licences are necessary for such production and refining; and if so, from whom. [27728/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I am committed to the development of an integrated strategy to increase market penetration of biofuels in Ireland. To this end, an interdepartmental group has been set up by my Department comprising officials from my Department, Sustainable Energy Ireland, and the Departments of Environment, Heritage and Local Government, Transport, Agriculture and Food and Finance. The group is considering policy options for the development of a biofuels sector in Ireland and to increase the penetration of biofuels in the transport fuel market.

In March 2004, my Department secured an amendment to the Finance Act 1999, which provides for the introduction of a scheme for excise tax relief for biofuels. The purpose of the scheme is to allow qualified and conditional relief from excise of biofuel used in approved pilot projects for the production of biofuel or the testing of the technical viability of biofuel for use as a motor fuel. My Department is finalising details of the scheme with the Department of Finance. The European Commission has confirmed that the scheme would represent a state aid and consequently its approval is required. The EU energy tax directive 2003 envisages such tax relief and the Commission has approved schemes for excise relief of biofuel in other EU member states. Formal application for Commission approval will be made shortly by the Department of Finance and, assuming approval is granted, the necessary commencement order will then be signed.

Sustainable Energy Ireland is also funding a number of biomass projects and studies through its renewable energy research development and demonstration programme. Under the programme, Sustainable Energy Ireland offers capital grant aid for biofuels market demonstration projects in the pure plant oil, biodiesel and bioethanol categories. The Department of Communications, Marine and Natural Resources has no role in the issuing of licences for the production or refining of biofuels, which is a matter for the Revenue Commissioners. Biofuel is a “mineral oil”, as defined in mineral oil tax law, and is, therefore, an excisable product subject to the provisions of the law relating to mineral oil tax and to general excise law. In addition, bioethanol is subject to the provisions of alcohol product tax law. These are matters for the Revenue Commissioners. Further information and applications for authorisations and for licences may be made to the applicant’s local Revenue office.

### Energy Resources.

138. **Mr. J. O’Keeffe** asked the Minister for Communications, Marine and Natural Resources the position in relation to the allocation of the additional 140 megawatts of renewable energy under AER 6; and if it is his intention to encourage small-scale procedures in relation to this allocation and under other aspects of renewable energy policy. [27729/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Green Paper on Sustainable Energy, 1999, established a target to add 500 megawatts, MW, of new renewable energy based electricity generating plant to the electricity network by 2005. Subsequently the market was notified of proposals to allocate support for a further 140 MW of AER projects generally and 50 MW and 28 MW for offshore wind energy and biomass fed combined heat and power, CHP, projects respectively, subject to state aids clearance.

The 500 MW target had prior EU state aids clearance. The necessary state aids clearance for the additional capacities was received recently and I will shortly announce the allocations, by category and applicant, of all the remaining unallocated capacity. I cannot comment further until a formal decision is made. However, once that decision is made, formal allocations within categories to individual projects will be done in accordance with the published AER VI reserve lists. These reserve lists are available on my Department’s website, [www.dcmnr.ie](http://www.dcmnr.ie)

### Sudanese Famine.

139. **Mr. J. O’Keeffe** asked the Minister for Foreign Affairs the humanitarian situation in Sudan; the response of the Government of Sudan to the demands of the United Nations and the response generally to the UN consolidated funding appeal. [27730/04]



**Minister for Foreign Affairs (Mr. D. Ahern):** The humanitarian situation in Sudan, particularly the Darfur region, remains at the top of the agenda for Ireland. We have used all avenues open to us to urge action in improving the humanitarian, security and political challenges which exist there.

The Government has provided almost €10 million in funding to Sudan in 2004. The sum of €6 million has been provided in emergency assistance to meet the immediate needs of some of the most vulnerable populations in Darfur. Assistance amounting to over €3 million is being provided to other areas of Sudan, where needs are also great. Sudan has received the most significant level of Irish Government humanitarian support in 2004. In addition, I would also underline that the Irish people have been extremely generous in their private contributions to aid agencies.

The recent progress in meeting immediate humanitarian needs has been put in some jeopardy by an escalation in security incidents over the last few days. Field missions by international organisations have been suspended by the UN security co-ordinator until further notice. The security situation in all three states of Darfur remains highly volatile, and we are keeping in close touch with Irish NGOs operating there about the situation.

This recent deterioration follows on improvements in the humanitarian situation in September and early October. In September the UN World Food Programme, WFP, provided food to 1.3 million people in the Darfur region, exceeding its own target of 1.2 million and recording its largest food distribution since the humanitarian crisis began. Over 1.5 million people are now thought to be displaced within Darfur and 200,000 have crossed the border into Chad. Those affected will need continued humanitarian assistance for some considerable time to come. The needs remain huge and almost one half of all families do not have sufficient food. According to the WFP, 22% of children under five years are malnourished. The WFP remains a key partner for Ireland.

The UN Consolidated Appeal for Sudan for 2004 estimates that approximately US\$720 million will be required for humanitarian programmes in Sudan, including Darfur. To date over US\$490 million, 68%, has been contributed to this appeal. This does not include the significant funding being delivered to Sudan via NGOs and other international organisations such as the Red Cross family.

It is clear that the Government of Sudan needs to do more to meet its obligations under UN Security Council Resolutions 1556 and 1564. The most recent report by the UN Secretary General's Special Representative for Sudan, Jan Pronk, presented to the Security Council on 5 October, showed no real improvement in the overall situation in Darfur and a continuing failure by the Sudanese authorities to disarm the

Janjaweed militias and bring those responsible for serious human rights violations to justice. The international community must therefore continue to maintain pressure on the Sudanese Government including, if necessary, through sanctions, to meet its obligations and support all efforts to put an end to the conflict between the Government and local rebel groups. It is also incumbent on the rebel groups to engage constructively in the peace process.

UN Resolution 1564 also calls on the UN Secretary General to set up an international commission of inquiry which will investigate claims of human rights abuses and also genocide. The Government of Sudan has pledged its co-operation with this commission. Ireland fully supports the work of the international commission and looks forward to its producing a report at the earliest opportunity.

### **Community Employment Schemes.**

140. **Mr. McHugh** asked the Minister for Enterprise, Trade and Employment the position in relation to persons over the age of 55 seeking positions on community employment schemes who have been participants in schemes previously; and if he will make a statement on the matter. [27699/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The community employment, CE, programme provides work experience and training opportunities for the long-term unemployed and other disadvantaged persons with the aim of progressing participants to a job in the open labour market. Participants move from the programme after an agreed period of support and development, which is usually from one to three years.

The terms and conditions of participation on CE are currently under review. In this regard there has been extensive consultation with key stakeholders and the social partners over the past year on the future direction of FÁS labour market programmes. All submissions received as part of this process are being fully considered and will help inform the outcome of the review.

### **Social Welfare Benefits.**

141. **Mr. O'Shea** asked the Minister for Social and Family Affairs his proposals to extend social welfare benefits to legally separated spouses whose only income is the maintenance payments from the other separated spouse and who still pay the health levy at 2% and PRSI at 3% of income (details supplied); and if he will make a statement on the matter. [27656/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Legally enforceable maintenance payments paid by one spouse to another are assessable as reckonable emoluments, as provided for under the Social Welfare (Consolidation) Act 1993 and liable for social insurance contributions at PRSI class S. Section 23 of the Social Welfare

Act 2000 provided for new PRSI arrangements relating to legally enforceable maintenance payments between spouses. Previously a charge for PRSI arose by both the payer and the recipient of a maintenance payment, amounting in effect to a double payment of PRSI. The revised provisions ensure that PRSI is not charged twice on maintenance payments and that a refund is available to the payer where such occurs. The maintenance recipient continues to be liable for PRSI at class S on the amount of maintenance received. This measure brought liability for PRSI in line with previously existing arrangements for the health contributions and income tax.

Where the recipient of a maintenance payment is in insurable employment and already paying employee contributions at PRSI class A, the recipient is exempted from liability for class S PRSI. In such a case, no social insurance contributions are due on the maintenance payments received. Where a maintenance recipient has income arising from a trade or profession, the maintenance payment is accumulated with other class S income, with liability to social insurance contribution arising accordingly. These arrangements allow the recipient to build an entitlement to social welfare contributory pensions on an individual basis. Payment of class S contributions will enable a self-employed contributor to accrue personal entitlements, most notably to old age contributory pension. Others benefits payable include: widow's or widower's contributory pension; orphans contributory pension; maternity benefit; adoptive benefit; and bereavement benefit.

Any extension of the range of benefits for self-employed contributors who are legally separated from their spouses would have to encompass all self-employed contributors and could give rise to significant additional costs to the social insurance fund.

To extend the range of benefits for self-employed contributors would in any event necessitate an appropriate increase in the rate of PRSI class S contribution. There are no plans at present to extend coverage for further benefits to the self-employed contributors. A self-employed contributor may claim an assistance based payment, such as one parent family payment, unemployment assistance or supplementary welfare allowance. Entitlement to these payments is contingent on fulfilling relevant qualification criteria and satisfying a means test. Income received by way of maintenance from an separated spouse would be assessable as means.

The Department of Health and Children has responsibility for the health levy.

142. **Mr. Kenny** asked the Minister for Social and Family Affairs the numbers in receipt of family income supplement as against numbers applicable five years ago; if the eligibility threshold of 1999 is comparable to the threshold of 2004; the

way in which this index is calculated; his views on increased cost of living being factored into such eligibility threshold; and if he will make a statement on the matter. [27608/04]

143. **Mr. Kenny** asked the Minister for Social and Family Affairs the income threshold for eligibility for family income supplement for couples with one, two or three dependent children; if he will provide a breakdown of the way in which and the comparative by which this threshold is determined; the cost of living factors included in this assessment and the standard by which this is determined; and if he will make a statement on the matter. [27609/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 142 and 143 together.

Family income supplement, FIS, is designed to provide cash support for employees on low earnings with families and thereby preserve the incentive to remain in employment in circumstances where the employee might only be marginally better off than if s/he were claiming other social welfare payments. The range of improvements to the family income supplement scheme instituted in recent years, including the assessment of FIS on the basis of net rather than gross income and the progressive increases in the income limits, have made it easier for lower income households to qualify under the scheme.

Budget 2004 provided for further increases in the FIS income limits with effect from January 2004. These increases raised the weekly income limits by €28 at each point, adding an extra €16.80 to the payments of most existing FIS recipients. The minimum FIS weekly payment was also increased by €7, from €13 to €20. The average weekly payment now stands at €74.16 per week, with a total of 14,303 families — end October 2004 — receiving a supplement under the scheme.

The weekly income thresholds for families with one, two and three children are €407, €433 and €458 respectively. At end December 1999 there were 14,686 FIS recipients compared to 14,303 at end October 2004. To ensure that employment remains an attractive option to people with families, FIS thresholds have been increased in line with increases in the rate of unemployment assistance, UA, relevant to each family size, which have exceeded cost of living increases in recent years.

The following tables demonstrate that the 2004 thresholds compare favourably with the 1999 rates when increase in the consumer price index is taken into account, Table 1, and list the numbers of FIS recipients each year from December 1999 to October 2004, Table 2. Any decision to increase FIS thresholds will be taken in a budgetary context and in the context of

[Mr. Brennan.] priorities generally, having regard to available resources.

Table 1: FIS Thresholds 1999 and 2004.

Family size	1999	1999 Updated to 2004 using CPI*	2004
	€	€	€
1 Child	279.34	341.91	407
2 Children	304.73	372.98	433
3 Children	330.13	404.07	458
4 Children	355.52	435.15	483
5 Children	387.27	474.01	515
6 Children	412.66	505.09	541
7 Children	434.25	531.52	562
8 or more	455.83	557.93	584

\* Consumer Price Index

Table 2: Number of Recipient Families of Family Income Supplement.

	Number
December 1999	14,686
December 2000	13,181
December 2001	11,880
December 2002	12,043
December 2003	12,317
October 2004	14,303

### Special Savings Incentive Scheme.

144. **Mr. J. Breen** asked the Minister for Social and Family Affairs if payments accruing from the Government's SSIA scheme will be liable to be means-tested for pensioners; and if he will make a statement on the matter. [27640/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I have recently asked my Department to carry out a comprehensive examination of the current arrangements for assessment of capital, particularly in so far as they apply to SSIA's, and I will consider what action needs to be taken on foot of it. I expect that this examination will be concluded in the near future.

In assessing means for social assistance purposes, account is taken of any cash income the person may have, together with the value of capital and property. Capital may include the following: stocks and shares of every description, which are assessed according to their current market value; savings certificates — bonds — national instalment savings which are assessed according to their current market value; money invested in a bank, building society etc. Amounts held in SSIA accounts are treated in the same manner as other capital outlined above.

In assessing the value of capital, significant disregards are applied. The first €12,697.38 of capital is disregarded and the assessment is on a sliding scale for amounts above this. In the case of old

age pension, for example, a single pensioner with capital of up to €20,315.80 qualifies for a full pension while a single pensioner with capital of up to €68,565.84 qualifies for a minimum pension. These amounts are doubled in the case of married pensioners.

### Social Welfare Benefits.

145. **Mr. Durkan** asked the Minister for Social and Family Affairs, further to Question No. 267 of 7 October 2004, the reason it transpires that arising from a budgetary increase in social welfare, the tenants' rent support is reduced, thereby wiping out the increase a tenant received in budget 2004; and if he will make a statement on the matter. [27659/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Rent supplements are provided through the supplementary welfare allowance scheme which is administered by the health boards on behalf of my Department. The regulations governing rent supplements stipulate that, in addition to a minimum contribution, currently €13.00 per week, each recipient is required to contribute towards his or her rent any additional assessable means he or she has over and above the appropriate basic supplementary welfare allowance rate. In instances where there is a reduction in the level of household income a greater amount of rent supplement may be payable. Where the level of means in excess of the appropriate basic supplementary welfare allowance increases from any source, there is a corresponding reduction in the amount of rent supplement payable.

In the case identified by the Deputy in Question No. 267, the recent reduction in the amount of rent supplement payable to the person concerned is unrelated to the budget 2004 rate increases. She had been in receipt of a reduced rate of disability allowance and is now in receipt of full rate invalidity pension. This increase in the level of her household income necessitated a reduction in her rate of rent supplement.

146. **Mr. Durkan** asked the Minister for Social and Family Affairs if his attention has been drawn to the fact that recipients of free schemes may not be able to obtain free telephone rental allowance in certain circumstances; and if he will make a statement on the matter. [27660/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I understand that the Deputy is referring to persons who may be eligible to receive a telephone allowance from this Department but who have their telephone account with a service provider who is not participating in the scheme.

In October 2003, my predecessor introduced a change in the structure of the telephone allowance to make it a cash credit on bills and not attributable to any particular component of the bill. This change paved the way for eligible clients



to switch from Eircom to another participating service provider if they so desired.

A new service, known as wholesale line rental, WLR, was launched by Eircom in August 2004. This enabled single billing for standing charges and calls by additional licensed operators. In practice, this means that these operators purchase WLR from Eircom wholesale on behalf of their customers. In these circumstances, where a customer is eligible for a telephone allowance, he will receive an integrated bill from the operator which will have the telephone allowance credited against it.

Esat BT, Smart Telecom and Access/Gaelic Telecom are now participating, through WLR, in the telephone allowance scheme. Four other companies have signalled their intention to join the scheme on completion of necessary development work and required testing. One has opted not to participate in the telephone allowance scheme.

The decision whether to participate in the telephone allowance scheme rests entirely with the individual operators.

147. **Mr. Durkan** asked the Minister for Social and Family Affairs the reason for the reduction of dietary allowance in the case of a person (details supplied) in County Kildare. [27692/04]

**Minister for Social and Family Affairs (Mr. Brennan):** As stated in my previous reply to the Deputy on 14 October 2004, a review of the person's diet supplement was carried out in May 2004 during which it came to light that an incorrect amount of diet supplement was in payment. The amount of supplement was duly corrected and a revised supplement was awarded from June 2004.

Based on new information about the income of the person concerned, the health board is reviewing his supplement entitlements again now and will contact him shortly in this regard.

148. **Mr. Durkan** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Kildare has had their rent allowance reduced; and if he will make a statement on the matter. [27694/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Rent supplements are provided through the supplementary welfare allowance scheme which is administered by the health boards on behalf of my Department.

Supplementary welfare allowance is not normally payable to people in full-time employment. However, special arrangements have been in place for a number of years which allow people on approved schemes such as community employment, CE, retain a portion of their rent supplement on a tapered basis, subject to a gross household income limit of €317.43 per week and certain other conditions.

Participants in CE schemes may opt for assessment under this tapered withdrawal system or the

standard supplementary welfare allowance means test, 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 per week of additional income from part-time employment is disregarded in the means test, with the aim of ensuring that a person is better off as a result of taking up such an opportunity. CE is regarded as part-time employment for these purposes. There are also earnings disregards applied to the one-parent family payment to the person concerned.

The South Western Area Health Board was contacted regarding this case and has advised that the amount of rent supplement in payment to June 2004 was based on the person's income from his one-parent family payment only. The board reviewed his entitlement when it became aware he was participating in a CE scheme and reduced his rent supplement in respect of July and August 2004.

The board has further advised that the person concerned was unsuccessful in appealing against the decision to reduce his rent supplement.

He was also requested to provide documentation confirming his continued participation in the CE scheme. To date, he has not provided the details sought and accordingly payment of his rent supplement has been suspended. His case will be fully examined on receipt of the requested information and if he has an entitlement to rent supplement, payment will be made at the appropriate level with immediate effect.

149. **Mr. Durkan** asked the Minister for Social and Family Affairs if rent allowance will be reviewed on foot of recent decision to refuse same in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [27714/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The South Western Area Health Board was contacted regarding this case and has advised that the person concerned had been requested to provide clarification relating to the lease arrangements on his shared accommodation. He has now provided the clarification sought and consequently rent supplement is now being put in place.

#### **National Car Test.**

150. **Mr. McCormack** asked the Minister for Transport the position regarding the NCT testing of cars (details supplied); if he will correct the anomaly in the Road Traffic Act to allow a 1999 registered car which was in a garage but is only having the NCT test carried out now to allow the customer passing the NCT test to have a full two years on the test rather than having to test the

[Mr. McCormack.]  
car again in 2005; and if he will make a statement on the matter. [27723/04]

**Minister of State at the Department of Transport (Mr. Callely):** In accordance with EU Directive 96/96/EC, passenger cars are required to undergo a roadworthiness test when they are four years old and every two years thereafter. The age of the vehicle and consequently the first test due date are determined by reference to the date of initial registration with subsequent test due dates falling every two years after the first test due date. Under the provisions of the directive, non-use of a vehicle is not a criterion in determining the NCT test due dates. The first test due date for this vehicle was in 2003 on the anniversary of its first registration. In line with the directive's requirement it will be due a test in 2005.

The extension of the validity of a NCT certificate by any period a vehicle is not in use would be a departure from the test schedule laid down in the directive and, accordingly, I would not be in a position to change the existing arrangements.

#### **Taxi Regulations.**

151. **Mr. P. Breen** asked the Minister for Transport if London taxis will be the specification for wheelchair accessibility here; if it is possible to modify same; and if he will make a statement on the matter. [27633/04]

**Minister for Transport (Mr. Cullen):** The Road Traffic (Public Service Vehicles)(Amendment) Regulations 1998, S.I. No. 47 of 1998, set out the requirements for wheelchair accessible taxis.

The Taxi Regulation Act 2003 specifically provides that an objective of the Commission for Taxi Regulation is to promote access to small public service vehicles by persons with disabilities. In this regard, the commission will be tasked with the determination of future policy in relation to accessible taxis, including the consideration of possible revisions or improvements to the existing wheelchair accessible taxi specification. It is envisaged that this will necessitate specific discussions with both disability and taxi representative groups.

#### **Driving Tests.**

152. **Mr. Durkan** asked the Minister for Transport if an early driving test appointment can be offered to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [27667/04]

**Minister for Transport (Mr. Cullen):** The applicant is on my Department's waiting list for a driving test. No documentary evidence has been submitted to my Department indicating that an early driving test is required.

#### **Public Transport.**

153. **Mr. Durkan** asked the Minister for Transport if, arising from his comments to Dáil Éireann

following the tragedy at the bus stop-shelter at City Quay, Dublin, he will address on an early date the important issue of the provision of bus stops and shelters in accordance with health and safety standards at the various required locations throughout the country; and if he will make a statement on the matter. [27696/04]

**Minister for Transport (Mr. Cullen):** I refer the Deputy to my reply to Question No. 156, which I answered on Tuesday, 2 November 2004. The position is unchanged.

The Garda Síochána is the responsible authority for the location of bus stops in Dublin. This power is vested in the Garda Commissioner under section 85 of the Road Traffic Act 1961. Under that section, the Commissioner may issue a direction to a bus operator identifying the specific location of bus stops in respect of any bus route. I understand the gardaí engage in a consultation process with both the local authority and the bus service provider before issuing a direction under section 85.

The review of the location of bus stops following the Dublin Bus tragedy is ongoing by Dublin Bus and Bus Éireann. Dublin Bus has completed the development of a database to facilitate this review process. It is anticipated that this joint review will be completed by mid-2005.

To date there are in excess of 1200 bus shelters in the Dublin area. Dublin Bus is proposing to introduce a further 400 over the next five years. Dublin Bus has a contract with a shelter provider company to erect shelters at stops. The cost of erecting shelters is financed from the advertising revenue. I am informed by Dublin Bus that it is policy that all relevant planning and safety legislation is complied with.

To date there are in excess of 470 Bus Éireann shelters erected throughout the country. Bus Éireann is currently in the process of finalising the award of a contract for the design, manufacture, installation and maintenance of between 180 and 220 additional bus shelters at bus stops along the Bus Éireann route network.

There are a number of external factors that influence the erection of shelters. These include the width and condition of the footpath, the layout of the stop, and the fact that shelters are subject to planning permission and have to comply with local authorities' requirements regarding visual presentation of street furniture etc.

#### **Rural Transport Services.**

154. **Mr. McHugh** asked the Minister for Transport if a rural transport service will be put in place to cover the north east Galway region to enable elderly persons with no transportation of their own to be provided with transport to local towns and services; and if he will make a statement on the matter. [27701/04]

**Minister for Transport (Mr. Cullen):** Under the rural transport initiative, RTI, 34 rural community groups are being financed to operate pilot

rural transport services in their areas. Area Development Management Limited, ADM, administers the initiative on behalf of my Department and makes specific allocations to individual project groups from funding provided by my Department. The RTI is now operational in almost all counties and it is for each RTI group to decide on the specific services to be funded from its allocation.

As many of the RTI pilot projects only became fully operational in 2003, the scheme has recently been extended to the end of 2006 in line with the principal recommendation of an evaluation report undertaken by Fitzpatrick's economic consultants and the ending of the national development plan. The extension will facilitate a more comprehensive appraisal of the initiative to take place at that stage. It would be premature, therefore, to consider an expansion of the initiative until the pilot phase has been completed.

### Driving Tests.

155. **Mr. Penrose** asked the Minister for Transport the validity of a registered driving instructor status, within the driver testing and standards authority, of a person (details attached) in County Westmeath; the position in relation to same; and if he will make a statement on the matter. [27715/04]

157. **Mr. McCormack** asked the Minister for Transport the status of the driver instructor register; and if he will make a statement on the matter. [27720/04]

158. **Ms Shortall** asked the Minister for Transport if his attention has been drawn to concerns of driving instructors who are registered with the driving instructor register of Ireland that their qualifications may not be recognised by the proposed driver testing and standards authority; the position regarding the validity of the RDI status; and if he will make a statement on the matter. [27732/04]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 155, 157 and 158 together.

I refer the Deputies to my reply to Question No. 154 of Thursday, 14 October 2004. Proposals being developed by my Department for the regulation and quality assurance of driving instruction will involve a test of the competence of individual instructors. A working group comprising representatives of my Department and of instruction interests has formulated the design of the standards a driving instructor must meet. I am considering what arrangements will be put in place to oversee implementation of the standard in the context of the establishment of the driver testing and standards authority. The Driver Testing and Standards Authority Bill 2004, which provides for the establishment of the authority, was published on 6 July 2004 and the Second Stage debate commenced on the 14 October 2004. Regulations will be required to give effect to the proposals for introducing regulation of driving instruction and

the position of existing driving instructors will be considered in the context of the drafting of the regulations.

### State Airports.

156. **Ms O'Sullivan** asked the Minister for Transport if he will meet with the Mid-West Regional Authority as requested to discuss issues related to Shannon Airport; if he has investigated its assertion that Aer Lingus is in breach of the transatlantic charter regulations in its new Dublin to Florida route; the action he intends to take on this issue; and if he will make a statement on the matter. [27717/04]

**Minister for Transport (Mr. Cullen):** The Mid-West Regional Authority recently wrote to me regarding the proposed Aer Lingus charter service to Orlando, as well as some other issues, and has requested to meet me to discuss the Ireland-US bilateral air transport agreement. My office is in touch with the authority with a view to arranging a date for a meeting to discuss all of these issues.

*Questions Nos. 157 and 158 answered with Question No. 155.*

### Grant Payments.

159. **Mr. Durkan** asked the Minister for Agriculture and Food if he will review the decision with respect to a REP scheme payment in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [27668/04]

**Minister for Agriculture and Food (Mary Coughlan):** Farmers in the rural environment protection scheme undertake a five-year contract, which may be terminated only in limited and specified exceptional circumstances which are laid down in the scheme. Under the EU regulations governing REPS, a participant must make an application for each annual payment. Failure to do so means the contract must be terminated and all payments recovered, unless exceptional circumstances apply.

In the case in question, my Department wrote to the person named on 13 September 2001, advising him that he had to lodge his third year payment application form by 31 October 2001. As he failed to do so, my Department had no option but to terminate his participation in the scheme and seek to recover all the payments he had received. The person named has not previously asked my Department to take the state of his health into account. If appropriate medical evidence is now put forward, the case will be reviewed.

### Garda Investigations.

160. **Ms Burton** asked the Minister for Justice, Equality and Law Reform the number of tax assessments raised in conjunction with the work of the Criminal Assets Bureau; the number and



[Ms Burton.]

values of such settlements; and if any of all of these settlements have been disclosed when they are above the limit set by the Revenue Commissioners for disclosure of settlement. [27661/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that the number of tax assessments made by revenue bureau officers from the inception of the Criminal Assets Bureau in 1996 to 31 October 2004 is 1,017. However, this figure does not necessarily represent 1,017 individual cases as there could be a number of separate assessments in different years against one individual chargeable person.

Not all of tax assessments result in settlements. The tax collection process carried out by the Criminal Assets Bureau following on those assessments will include court action for judgment in many cases. In other cases, collection will involve the use of attachment notices seeking payment to the bureau of debts owed to the chargeable person by third parties. Some cases will involve agreed payments and some but not all of those agreed payments will involve formal settlements.

The overall sum for tax collected by 31 October 2004 by the Criminal Assets Bureau since 1996 is €69,262,409. I am also informed by the Garda authorities that it is not possible to be specific as to how much of that recovered sum represents formal settlements as the variety of agreements reached to recover taxes will vary widely across the different types of cases with which the bureau deals.

The revenue bureau officers are subject to strict rules of secrecy under the law attached to their work. This was only lifted by the Oireachtas under the Taxes Consolidation Act to allow the publication of specific types of tax settlements reached with the Revenue Commissioners. Those provisions relaxing the general rule of Revenue secrecy only apply to tax settlements or agreements entered into by the Revenue Commissioners in excess of €12,700. The provision allowing disclosure does not apply to tax settlements entered into with the Criminal Assets Bureau as the law now stands. The Criminal Assets Bureau believes the current position is operationally useful.

#### **Child Care Services.**

161. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform if a decision will be made on the application lodged by a child care committee (details supplied) in County Sligo for funding under the equal opportunity child care programme to ensure that it can proceed with its quality child care facility. [27631/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I understand a capital grant application for more than €1.3 million was submitted by the group in question to my Depart-

ment some time ago. An application for staffing grant assistance was also submitted by the group. The equal opportunities child care programme 2000-06 is a seven-year development programme which aims to increase the availability and quality of child care to support parents in employment, education and training. The progress of the programme was commented upon very favourably by the mid-term evaluators of both the regional operational programmes and the National Development Plan 2000-2006 and, following the mid-term review, additional funding of approximately €12 million was made available for the child care measures. This brings the total funding available for the programme to €449.3 million, which includes increased provision for capital developments for which €157 million has been allocated.

Since 2000 my Department, with the technical assistance of ADM Limited has processed and I have approved 1,253 applications for capital grant assistance of more than €120 million and 997 applications for staffing grant assistance totalling €103 million. Almost €45 million has been allocated for quality projects.

A list of outstanding capital applications is being finalised and my Department will write to the applicants in early December. In the meantime, the funding position for this programme will be discussed by the relevant officials in the Departments of Justice, Equality and Law Reform and Finance. In the interim, it would be premature to comment further on the capital grant application in question.

#### **Visa Applications.**

162. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform if it is a requirement of his Department that in order for non-EU nationals, validly issued with work visas, to bring their spouses and children here they must be in receipt of a net income equivalent to the eligibility limit on income for family income supplement from their employer; if so, the way in which his Department assesses this as being an income necessary to live on; the way in which this breakdown is assessed for cases of a spouse and one child and a spouse and two children respectively; and if he will make a statement on the matter. [27635/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have responsibility for policy on family reunion, that is, the policy on granting permission to enter and remain in the State to the spouses and children of non-EEA nationals who are legally resident in the State. This includes the spouses and dependant children of non-EEA nationals who have entered the State for work purposes.

I fully acknowledge that family reunion policy should recognise the needs of persons coming to Ireland to work and be in accordance with the broad needs of the Irish economy, including the safeguarding of public resources. In the case of

visa required family members of non-EEA national workers, the general rule is that it is only after the worker has been in the State for 12 months and has been offered employment for a further 12 months that they may be joined by their families. This is subject to the worker being able to support the family without recourse to public funds.

There is no general time restriction in operation with regard to family reunion where the family members in question are not visa required. The only caveat, again, is that the worker in question must be in a position to support the family without recourse to public funds.

When assessing applications for family reunification, the visa officer will consider, amongst other things, whether the level of salary of the worker would come within the ambit of qualifying for payment from public funds. In this regard, the criteria set by the Department of Social and Family Affairs for eligibility for family income supplement payment, FIS, is used. The criteria, which may change from time to time, are available on that Department's website [www.welfare.ie/publications/sw22.html](http://www.welfare.ie/publications/sw22.html). If the level of the worker's income as evidenced by his or her payslips or P60 would qualify for FIS payments, the application for family reunification is generally refused as it is evident that the family can seek recourse to public funds.

#### Departmental Reports.

163. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the content of urgent reports he has sought from the Garda authorities and the prison authorities about a person (details supplied); and if he will make a statement on the matter. [27643/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I wish to confirm that reports have been sought and received on the matter from both the Irish Prison Service and the Garda Síochána. It would appear from examining the reports that there was a breakdown in communications in conveying the fact that the individual concerned had been charged with new offences. The parties concerned are reviewing their procedures to avoid any recurrence of this type of situation.

#### Garda Strength.

164. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of gardaí unavailable for service due to illness, ill health, incapacity, maternity leave, adoptive leave or otherwise on 25 October 2004; and if he will make a statement on the matter. [27645/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities who are responsible for the detailed allocation of resources, including personnel, that the number of gardaí unavailable for service due to illness, ill health, incapacity, maternity

leave, adoptive leave or otherwise on 25 October 2004 was: illness, ill health and incapacity — 76; and maternity or adoptive leave — 70. The figure for the number of gardaí who were unavailable for service due to illness, ill health or incapacity refers to those members who are on long-term sick leave and had not been available for duty for more than 183 days on 25 October 2004.

165. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of fully trained members of the Garda Síochána in the force at 25 October 2004; and if he will make a statement on the matter. [27646/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Garda trainees are attested to the force on successful completion of phase three of their training. On attestation, a Garda trainee becomes a serving member of the force with full Garda powers. Formal graduation takes place following the completion of the fifth and final phase of training. The serving strength of the force at any given time, therefore, includes those who have been attested following completion of phase three of their training but have not yet formally graduated. The strength of the force as at 25 October 2004 was 12,108, all ranks. When an additional 190 gardaí are attested on 26 November, the force strength, already at a record high, will have reached or exceeded 12,200.

With regard to Garda resources generally, I am very pleased that 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 An 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 areas with a significant drugs problem and a large number of public order offences in particular, 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. I have already promised 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.

#### Proposed Legislation.

166. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform if he has plans to reform family law legislation in order that it is more supportive of parties who engage with that legislation through the courts; his views on whether the more supportive approach of the English legal system in this area of law should be

[Mr. J. O’Keeffe.]  
adopted here; and if he will make a statement on the matter. [27647/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Our family law legislation is designed in such a way as to support as far as possible parties involved in or contemplating proceedings in court. The legislation on separation, 1989, divorce, 1996, and guardianship, 1997, is framed to ensure that couples are fully aware of the alternatives to judicial separation, divorce, custody and access proceedings and to assist attempts at reconciliation. It encourages couples to think in terms of agreeing the key elements of a separation or divorce or the care of a child in advance of court proceedings, and where proceedings come before the court, an adjournment is possible to assist reconciliation or agreement on the terms of a settlement. The Legal Aid Board makes the services of solicitors and, where necessary, barristers available to persons of modest means at relatively little cost.

The Family Mediation Service facilitates couples to resolve amicably the terms of a separation or divorce, including the position concerning children. The Family Support Agency, established under legislation in 2001, gives statutory backing to the Family Mediation Service and the agency provides financial assistance to voluntary bodies engaged in family mediation and counselling. Substantial funding from the Exchequer is provided to the Courts Service, the Legal Aid Board, the Family Mediation Service and Family Support Agency to ensure support for families who are in dispute.

The operation of the family law systems I have mentioned are kept under review in the relevant Departments, including the Department of Justice, Equality and Law Reform.

#### **Legal Aid Service.**

167. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the long delays for persons seeking family law and other assistance through legal aid; his views on whether this causes hardship and exacerbates pre-existing legal problems; the proposals he has to remedy the situation; and if he will make a statement on the matter. [27648/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Legal Aid Board continuously monitors the operation of its law centre network and where waiting times at a law centre, for whatever reason, become excessive, the position is examined by the board with a view to taking remedial action.

The board operates a procedure whereby priority is accorded for certain categories of cases, for example, domestic violence, child care, child abduction and other cases where there are time limits. These cases are dealt with immediately and such applicants are not placed on a waiting list.

Such a system for priority treatment is necessary to ensure that persons subjected to domestic violence and cases involving the care of children are provided with a speedy service. It is important to note that in 2003, priority appointments offered by law centres were approximately 1500, or almost 22% of the total number of appointments offered to new clients during the year.

In addition, managing solicitors at law centres have authority to give priority to any case on the waiting list at their centre. If, for example, an applicant is gravely ill or in cases where an applicant is in danger of losing assets or of losing title to a legal remedy if services are delayed, the managing solicitor can accord such cases priority status.

The level of resources provided to the Legal Aid Board has increased significantly in recent years. In 1997, the grant-in-aid available to the board was €10.656 million. The figure of €18.388 million for 2004 represents an increase of almost 73% over that allocation. I envisage the funding for the board being further increased in 2005.

#### **Telecommunications Masts.**

168. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if the Garda authorities will report on their failure to provide information requested by Dublin City Council’s planning enforcement section about the telecommunications antennae at a location (details supplied) in Dublin 1, specifically the antennae there belonging to commercial mobile phone companies and the absence of an emissions audit on the mast; and if he will make a statement on the matter. [27651/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am advised by the Garda authorities that they are unaware of any request for information from Dublin City Council’s planning enforcement section about commercial mobile phone companies telecommunications antennae on Garda masts.

The Garda Síochána has engaged the services of an independent engineering company to carry out surveys of the electromagnetic field strengths on masts located at a number of Garda stations. These assessments were conducted against the guidelines set down by the International Commission for Non-Ionising Radiation Protection, ICNIRP, and the EU recommendation on electromagnetic fields, 1999/519/EC. A number of Garda masts were surveyed and, in all cases, the survey findings showed that the cumulative electromagnetic field strengths emitting from the Garda masts were thousands of times below both the public and occupational guidelines.

A number of Garda masts are surveyed on an annual basis to ensure compliance with the recommended guidelines. I am advised that the antennae on the mast at the Garda station referred to by the Deputy is due to be surveyed shortly in this regard.



### Asylum Applications.

169. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform when a person (details supplied) in County Kildare will be reunited with their son; and if he will make a statement on the matter. [27653/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question, accompanied by a daughter and son then aged seven and four respectively, arrived in the State and made an asylum application in June 2000. She gave birth the following August 2000. She withdrew her asylum application and successfully applied for permission to reside in Ireland based solely on her parentage of an Irish born child. The visa application in question relates to a 15 year old son who wishes to join her in the State. No supporting documentation was submitted with the visa application form.

Following the decision of the Supreme Court in the case of L&O, the separate procedure which then existed to enable persons to apply to reside in the State on the sole basis of parentage of an Irish born child ended on 19 February 2003. The Government also decided that the general policy of allowing such parents to be joined in the State by other family members would no longer apply. Accordingly, the immigration division of my Department does not generally approve visas in respect of such visa applications.

### Garda Operations.

170. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will report on the full and final cost to the State of the Garda security operations in relation to the June 2004 US Presidential visit during the US-EU Summit. [27655/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that it is not yet possible to provide a full and final cost of the Garda policing arrangements relating to the US Presidential visit in June 2004, as a small number of claims and suppliers' invoices remain outstanding. However, I am also informed that, as at 31 October, 2004, the cost of the Garda policing arrangements relating to the visit of the US President was €7.703 million.

### Asylum Applications.

171. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he will defer plans to deport a person (details supplied) in County Mayo; if his attention has been drawn to the life threatening situation to which this family is likely to be exposed in the event of proceeding with the proposed deportation; and if he will make a statement on the matter. [27693/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy will be aware, applications for refugee status in the State are determined by an independent process compris-

ing the office of the refugee applications commissioner and the refugee appeals tribunal. A final decision on this application for refugee status will be made upon receipt of the decision of the refugee appeals tribunal. Accordingly, at this stage the question of deportation does not arise.

172. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he will reconsider the application for refugee status in the case of persons (details supplied) in County Kildare; and if he will make a statement on the matter. [27708/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question, accompanied by her daughter, arrived in the State on 16 April, 2003 and claimed asylum. I should explain that in the asylum process, a claim for refugee status by a child is considered in tandem with that of a parent. Following an interview, the Office of the Refugee Applications Commissioner recommended that she should not be declared as a refugee and she was notified of this recommendation on 30 December 2003. This recommendation was appealed to the Refugee Appeals Tribunal. Following an oral hearing, the original recommendation was affirmed and she was informed of this decision on 28 April, 2004.

In accordance with section 3 of the Immigration Act 1999, as amended, the mother was informed on 27 September 2004, that it was proposed to make a deportation order in her case and that of her daughter. She was given the options of making representations within 15 working days setting out the reasons as to why they should not be deported; leaving the State voluntarily before orders were made; or consenting to the making of deportation orders. On 19 October 2004, representations were received on behalf of both mother and daughter from their legal representatives requesting humanitarian leave to remain in the State and including medical reports in relation to both as well as country of origin information.

The case file will now be considered by my Department taking account of section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996 dealing with prohibition of *refoulement*. The file will be submitted to me for decision shortly and the persons concerned will then be informed of the outcome.

### Garda Regulations.

173. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform if persons without leaving certificate maths can be considered for entry to the Garda Síochána; if an exception can be made for those without it; and if he will make a statement on the matter. [27712/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Entry to the Garda Síochána is governed by the An Garda Síochána (Admissions

[Mr. McDowell.] and Appointments) Regulations 1988, as amended. The educational requirements for entry to the Garda Síochána are set out in Regulation 5(1)(d) of the 1988 regulations which provides that the Commissioner shall not admit a person as a trainee unless the person has, before the first day of September in the year in which the said advertisement was so published, obtained: (i) in the leaving certificate examination of the Department of Education and Science or the leaving certificate vocational programme examination of that Department — (1) a grade not lower than C3 at foundation level, or a grade not lower than D3 at a level other than foundation level, in Irish, (2) a grade not lower than B3 at foundation level, or a grade not lower than D3 at a level other than foundation level, in mathematics, and (3) a grade not lower than D3 in at least three other subjects, including English; or (ii) a grade not lower than the merit grade in the leaving certificate applied of the Department of Education and Science; or (iii) grades in at least five subjects, including Irish, mathematics and English, in another examination of a kind that is in the opinion of the Minister, of a standard not lower than the standard of either of the examinations referred to in clause (i) of this subparagraph, the grades aforesaid being grades that are in the opinion of the Minister, equivalent to the grades specified in the said clause (i); or (iv) a grade in another assessment of a kind that includes Irish, mathematics and English and is, in the opinion of the Minister, of a standard not lower than the standard of the assessment referred to in clause (ii) of this subparagraph, the grade aforesaid being a grade that is, in the opinion of the Minister equivalent to the grade specified in the said clause (ii). These are the statutory regulations and the Commissioner is precluded from admitting to the organisation a candidate who does not comply with the regulations.

#### **Prisoner Transfers.**

174. **Mr. J. Breen** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) in County Clare currently serving a four year jail sentence in Limerick prison will be moved to an open prison; and if he will make a statement on the matter. [27713/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed that there is no record of this person applying through the governor of Limerick Prison for a move to an open centre. If such an application is received through the normal channels, it will be considered at that stage.

#### **Reunification Applications.**

175. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform the reason an application submitted by a person (details supplied) in

County Westmeath seeking permission to remain in the State, has been refused. [27724/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to my response to Question No. 176 of 21 October 2004 in relation to the applicant in question. As I stated in that reply, 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 immigration division of my Department wrote to the person concerned on 19 October 2004 to ascertain if she has any other basis for seeking permission to remain in the State. A response was received on 2 November confirming this to be the case. Further information has now been requested from the person in question to enable the Department to make a decision on this new application.

#### **Passport Applications.**

176. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the number of parents of non-nationals who, having arrived pregnant in Ireland, had sought and obtained passports prior to leaving the country with their Irish born citizen children, in each of the past five years; and if he will make a statement on the matter. [27733/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The information sought by the Deputy is not available to me nor to my colleague, the Minister for Foreign Affairs who is responsible for the issuing of passports.

#### **Special Educational Needs.**

177. **Mr. Murphy** asked the Minister for Education and Science her views on whether she should provide more funding for nursing care in special schools; and if she intends doing so. [27610/04]

**Minister for Education and Science (Ms Hanafin):** I wish to advise the Deputy that the issue raised by him is a matter for my colleague, the Minister for Health and Children.

#### **School Transport.**

178. **Mr. Murphy** asked the Minister for Education and Science if her attention has been drawn to the fact that there is a serious shortfall in bus escort grants in schools for special need children; and her plans to alleviate this problem. [27611/04]

**Minister for Education and Science (Ms Hanafin):** My Department understands that the Deputy is referring to a particular school in mind. Payment of the escort grant aid in respect of 2004-05 school year for the school in question is being processed.

#### **Special Educational Needs.**

179. **Mr. Murphy** asked the Minister for Edu-

cation and Science when she will make a start-up grant available for new classes at a school (details supplied) in County Cork. [27612/04]

180. **Mr. Murphy** asked the Minister for Education and Science the grants which will be made available for children with autism. [27613/04]

181. **Mr. Murphy** asked the Minister for Education and Science if further staff or training of existing staff and a capital grant for accommodation for persons with severe challenging behaviour who are attending a school (details supplied) in County Cork will be made available. [27614/04]

182. **Mr. Murphy** asked the Minister for Education and Science her views on whether all special schools should be allocated a home school liaison teacher; the situation regarding approval for a school (details supplied) in County Cork; and her further views on whether students in special schools need a variety of professional persons to provide multidisciplinary support. [27615/04]

183. **Mr. Murphy** asked the Minister for Education and Science if she has plans to reduce the pupil-teacher ratio for children with autism at a school (details supplied) in County Cork. [27616/04]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 179 to 183, inclusive together.

In general, the following grants are available to schools who establish special classes for pupils with autism: start-up equipment grant of €635 per class and capitation grant of €589.50 per pupil. In addition to this, my Department's building unit fund a once-off equipment and furniture grant of €6,348.69 when a new autistic class is established. The school concerned has recently re-organised classes to facilitate the setting up of an additional autistic class. My officials are liaising with the Department's inspectorate regarding a set-up grant and a decision will be conveyed to the school authorities shortly.

I have authorised a major expansion in the range of postgraduate training for teachers working with pupils with special needs in four colleges of education and UCD. In addition, I have authorised the introduction of a range of new training programmes to provide a mix of intensive induction training and more advanced training in specific areas. I have also established a special education support service, headquartered in the Laois Education Centre, to manage, co-ordinate and develop a range of supports in response to identified training needs. The service is developing training teams to deliver training in specific areas. In addition, the service supports a range of local initiatives including the use of e-learning which provides courses on-line during the school year.

My Department is funding temporary accommodation at a cost of €780 per month for the school concerned to facilitate special autism classes. The building project for the school concerned is at an early stage of architectural plan-

ning. It has a band one rating. In order to progress the project, a meeting has been arranged between my Department's technical staff, the school authorities and school's design team. 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 with a view to including them as part of a multiannual programme from 2005. All projects are being assessed against the published prioritisation criteria, agreed earlier this year with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the programme from 2005. Following conclusion of the current Estimates and budgetary process, I intend to publish the 2005 building programme which will operate in a multiannual framework.

The home-school-community liaison scheme is a preventative strategy, initiated in 1990 to prevent and counter educational failure in certain designated areas of socio-economic disadvantage. It is targeted at pupils who are at risk of not reaching their potential in the educational system. The scheme is concerned with establishing partnership and collaboration between parents and teachers in the interests of children's learning. It focuses directly on the salient adults in children's educational lives and seeks indirect benefits for the children themselves. Some 176 local co-ordinators are assigned to 309 primary schools in disadvantaged areas to work with school staff, parents and relevant community agencies in advancing the educational interests of children. Since children in special schools can come from different socio-economic backgrounds these schools are not designated disadvantage and were not considered for inclusion in the home-school-community liaison scheme.

However, a family with a child with special needs living in a designated disadvantage area would be visited by a home-school-community liaison scheme co-ordinator in that area. Where children are in special classes in mainstream designated disadvantaged schools the home-school-community liaison scheme co-ordinator works to support parents in parenting, to develop curricular skills with parents and to form groups of parents whose children have special needs.

Special schools in the country have access to professional inputs from physiotherapists, occupational and speech and language therapists etc. Decisions concerning the level of such support rests with the relevant health boards. Children in schools served by the national educational psychological service have access to its service, free of charge, which includes the provision of individual psychological assessments where appropriate. Unfortunately, my Department is not yet in a position to offer this service to all schools. As an interim measure, my Department funds the scheme for commissioning psychological assessments. This scheme is primarily available to those schools that do not yet have access to the national educational psychological service. In order to allow all the eligible schools to have the opportunity to access the available funding,



[Ms Hanafin.]

the number of assessments per school is determined by the number of pupils.

The pupil-teacher ratio for children with autism is 6:1. In addition, two special needs assistants provide care support to a maximum of six pupils. My Department's priority has been and will continue to be the implementation of the fundamental legislative and structural measures which are essential to underpin the development and delivery of services for persons with autism.

The Education for Persons with Special Educational Needs Act 2004 sets out the rights and entitlements of children with special needs, including autism, to an appropriate education service and providing the necessary framework for effective service delivery. The national council for special education, which will have a local area presence, will play a key role in the development and delivery of services for persons with special needs, including persons with autism. It will have a research and advisory role and will establish expert groups to address particular areas of special needs provision. It will also establish a consultative forum to facilitate inputs from the education partners and other interested parties.

Significant progress has been made in the establishment of the national council. Seventy special education needs organisers have recently been recruited. These people will be a focal point of contact for schools and parents. They will process individual applications for resources for special educational needs. It is anticipated that the council and the special education needs organisers will become operational shortly.

### School Transport.

184. **Ms Enright** asked the Minister for Education and Science the number of vehicles in use in the school bus transport fleet; the age of each of the buses in use; the amount spent on new vehicle purchases and vehicle upkeep for each year since 1999; the amount spent on vehicle rental for each year since 1999; and if she will make a statement on the matter. [27617/04]

**Minister for Education and Science (Ms Hanafin):** There are approximately 3,000 vehicles in use each day providing school transport services on behalf of my Department under the school transport scheme. This fleet is made up of Bus Éireann school buses and contractors' vehicles. The bulk of this fleet comprises minibuses provided by contractors, while most large buses are provided by Bus Éireann.

Bus Éireann has informed my Department that the average age of its school bus fleet of large capacity buses is 15.5 years, while the average age of similar large capacity contractors' vehicles is now approximately 18 years. Other categories of contractors' vehicles such as cars and minibuses have a younger average age because large capacity buses have a longer operational lifespan. Since 1999, Bus Éireann has spent over €4.5 million on purchasing vehicles as part of an ongoing school bus fleet replacement programme to continually improve the age profile and condition of their school bus fleet. In addition to this, the Bus

Éireann school bus fleet has some 400 large capacity buses that were transferred from their general service fleet into the dedicated school transport bus fleet. Over 250 of these buses were transferred from 1999 to 2003, valued in the region of €5 million, and they represent another valuable source of replacement buses over this period. This investment has produced a perceptible improvement in the condition of the fleet generally.

Contractors provide the largest number of vehicles used to provide school transport services, and as individual private transport operators, they are responsible for the upkeep of their own vehicles. Consequently, Bus Éireann has informed my Department that it is not possible to provide the cost of this vehicle upkeep. Payments to contractors engaged by Bus Éireann to provide services under the school transport scheme amounted to €28.4 million in 1999, €33.3 million in 2000, €40.7 million in 2001, €47.3 million in 2002, and €52.9 million in 2003.

### Special Educational Needs.

185. **Mr. Moloney** asked the Minister for Education and Science the position regarding the application for a one-to-one personal teacher and personal assistant for a person (details supplied). [27618/04]

**Minister for Education and Science (Ms Hanafin):** I wish to advise the Deputy that my Department is considering an application for special educational needs supports for the pupil in question. My Department's inspectorate has been liaising with the school authorities and officials in the special education section of my Department in the context of the application. This communication is continuing and a decision on the application will be conveyed to the school as soon as the process has been completed.

### Schools Building Projects.

186. **Mr. Grealish** asked the Minister for Education and Science if a letter of guarantee for a grant of €70,000 will be provided to a school (details supplied) in order to carry out the addition of two classrooms to the school; and if she will make a statement on the matter. [27624/04]

**Minister for Education and Science (Ms Hanafin):** My Department's planning section determined in 2003 that the school to which the Deputy refers required one additional temporary classroom to address the short-term accommodation needs in this school.

In July 2003 approval issued to the school authority to purchase one prefabricated classroom of 76 square metres to address this shortfall. The grants are made available to schools on the grounds that the schools have no alternative accommodation available to them to meet their immediate needs. To date, the school authority has not provided this accommodation. Failure by the school authority to address this need in the current year will in fact result in the loss of grant aid.

However, it is open to the school authority to reapply for consideration from within the remit of the 2005 capital programme. To date, no application has been received and the closing date for such applications is 5 November 2004.

### **Schools Refurbishment.**

187. **Mr. Neville** asked the Minister for Education and Science the position regarding upgrading and major refurbishment to achieve basic standards for a school (details supplied) in County Limerick. [27625/04]

**Minister for Education and Science (Ms Hanafin):** The application for upgrade and refurbishment at the school to which the Deputy refers is being considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme with a view to including them as part of a multi-annual programme from 2005. All projects are being assessed against the revised prioritisation criteria, published earlier this year following consultation with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the multi-annual programme.

Following conclusion of the current Estimates and budgetary process I intend to publish the 2005 building programme which will operate in a multi-annual framework.

### **Special Educational Needs.**

188. **Mr. Deenihan** asked the Minister for Education and Science if additional hours will be provided for a special needs assistant at a school (details supplied) in County Kerry; and if she will make a statement on the matter. [27664/04]

**Minister for Education and Science (Ms Hanafin):** I can 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 application will be considered by my Department and a decision will be conveyed to the school at the earliest possible date.

189. **Mr. McHugh** asked the Minister for Education and Science if a special needs pre-school will be put in place at a location (details supplied) in County Donegal; and if she will make a statement on the matter. [27700/04]

**Minister for Education and Science (Ms Hanafin):** I wish to advise the Deputy that the issue raised by him is a matter for my colleague, the Minister for Health and Children.

### **Schools Building Projects.**

190. **Mr. J. Breen** asked the Minister for Education and Science if she will make funding available for an extension to the principal's office at a school (details supplied) in County Clare; and if she will make a statement on the matter. [27711/04]

**Minister for Education and Science (Ms Hanafin):** An application for grant aid towards an extension 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 with a view to including them as part of a multi-annual programme from 2005. All projects are being assessed against the revised prioritisation criteria, published earlier this year following consultation with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the multi-annual programme. The accommodation needs of the school referred to are being considered as part of this review.

Following conclusion of the current Estimates and budgetary process I intend to publish the 2005 building programme which will operate in a multi-annual framework.

### **Special Educational Needs.**

191. **Mr. McCormack** asked the Minister for Education and Science if she will make a statement on the discrimination against the allocation of special education teachers to girls' primary schools in which the ratio is 1:200; and if she has plans to reduce this ratio and bring it in line with boys' schools and mixed schools. [27718/04]

**Minister for Education and Science (Ms Hanafin):** As the Deputy will be aware, the proposed new system for resource teacher allocation involves a general weighted allocation for all primary schools to cater for pupils with higher incidence special educational needs, borderline mild and mild general learning disability and specific learning disability, and those with learning support needs, that is, functioning at or below the 10th percentile on a standardised test of reading and-or mathematics. It will also allow for individual allocations in respect of pupils with lower incidence special educational needs.

The proposed allocation mechanism is as follows. In the most disadvantaged schools, as per the urban dimension of Giving Children an Even Break, a teacher of pupils with special educational needs will be allocated for every 80 pupils to cater for the subset of pupils with higher incidence special needs. In all-boys schools, the ratio will be one teacher for every 140 pupils. In mixed schools, or all-girls schools with an enrolment of greater than 30% boys, one for every 150 pupils; and in all-girls schools, including schools with mixed junior classes but with 30% or less boys overall, one for every 200 pupils.

In addition, all schools will be able to apply for separate specific allocations in respect of pupils with lower incidence disabilities.

The rationale for a pupil-teacher ratio of 150 pupils for every teacher in mixed schools to support pupils with higher incidence special educational needs and learning difficulties-delays is that the pupil-teacher ratio for a learning support teacher was approximately 300 pupils. Some 10% of pupils would be expected to have learning dif-

[Ms Hanafin.]  
 difficulties in the fields of literacy and numeracy and, on that basis, approximately 15 out of a group of 150 pupils would be expected to have learning difficulties. This is considered half of a teacher's caseload. A further 3%, or four or five pupils, in this cohort would be expected to have higher incidence special educational needs and would expect to receive 2.5 resource teaching hours per week. This would account for the other half of a teacher's caseload.

The rationale for the different pupil teacher ratios in boys', 140:1, and girls', 200:1, schools is twofold. International literature on the incidence of disability indicates that, across all disability types, there is a greater incidence in boys than in girls. International and national surveys of literacy and numeracy have found that these difficulties are more common among boys than girls.

The rationale for the level of support proposed for schools in areas of urban disadvantage is that evidence shows that there is a significantly higher incidence of literacy and numeracy difficulties in urban disadvantaged compared to other schools, including those in areas of rural disadvantage.

It is important to emphasise that applications may be made for specific resource teacher allocations in respect of pupils with lower incidence special educational needs, regardless of gender of pupil or status of school.

I am conscious of difficulties that could arise with the proposed model, particularly for children in small and rural schools, if it were implemented as currently proposed. Accordingly, I will review the model to ensure it provides an automatic response for pupils with common mild learning disabilities without the need for cumbersome individual applications, while at the same time ensuring that pupils currently in receipt of service continue to receive the level of service appropriate to their needs. The review will involve consultation with educational interests and the National Council for Special Education before it is implemented next year.

### Third Level Sector.

192. **Mr. McCormack** asked the Minister for Education and Science if she has plans for the development of a third level college in Sligo to cater for the international market in areas of tourism, hospitality, conference and business event management; and if she will make a statement on the matter. [27719/04]

**Minister for Education and Science (Ms Hanafin):** I have no plans for the development of a new third level college in Sligo. As the Deputy is aware, Sligo Institute of Technology provides a range of industry relevant programmes to cater to the needs of the local catchment population. Any proposals for the development of new programmes by Sligo Institute of Technology will be dealt with by my Department in the normal way.

### Schools Recognition.

193. **Mr. McCormack** asked the Minister for Education and Science her proposals to certify a

school (details supplied) in County Sligo in order to avail of the industrial buildings allowance which would secure the future of this college; and if she will make a statement on the matter. [27721/04]

**Minister for Education and Science (Ms Hanafin):** Previous correspondence did not make clear the context in which recognition was being sought, and it was recommended to the college that the question of recognition, in terms of accreditation of awards, could be addressed by making an application to the Further Education and Training Awards Council.

Section 843 of the Taxes Consolidation Act 1997 provides for capital allowances for buildings used for third level purposes. However, the Act confines such allowances to approved institutions in receipt of public funding which provide courses which are approved under the higher education grants schemes, and to qualifying expenditure approved for that purpose by the Minister for Education and Science following receipt of advice from the Higher Education Authority. In addition, section 32 of the Qualifications (Education and Training) Act 1999 provides that before making an order for the purpose of establishing an educational institution as a college, the Government is required to establish a committee to consider whether an educational institution should be established and to advise the Higher Education Authority in that regard.

As the allowances are confined under the Act to publicly funded third level institutions, it is not considered that the college in question would be eligible for the relief.

### Special Educational Needs.

194. **Mr. O'Shea** asked the Minister for Education and Science the proposals she has to provide a choice for students who wish to become speech and language therapists to study through the Irish language in order that when qualified they can provide a service in Gaeltacht schools (details supplied); and if she will make a statement on the matter. [27734/04]

**Minister for Education and Science (Ms Hanafin):** In May 2002 the then Minister for Education and Science announced the provision of 175 additional therapy training places to tackle shortages of physiotherapists, occupational therapists and speech and language therapists as identified by the report Current and Future Supply and Demand Conditions in the Labour Market for Certain Professional Therapists, prepared by Dr. Peter Bacon and Associates in 2001.

As part of this initiative, an additional 75 speech and language therapy places were provided at University College Cork, University of Limerick and the National University of Ireland Galway. Intake to these courses commenced in the 2003-04 academic year. The Bacon report set out to address the immediate issue of a shortage of therapists. It recommended that initiatives be set up as a matter of urgency to increase the supply of qualified personnel in each of the three therapy professions. It did not specifically address



the provision of services through Irish. As the pre-existing overall shortage of therapists is beginning to be addressed, the issue of meeting the needs of those who require speech and language therapy in a language other than English is only in the early stages of development. I am aware that the colleges concerned are beginning to consider this issue.

More generally, an inter-agency working group on the development of third level education through Irish, comprising representatives from my Department, the Department of Community, Rural and Gaeltacht Affairs, Údarás na Gaeltachta and the Higher Education Authority recently reported to my predecessor and to the Minister for Community, Rural and Gaeltacht Affairs. The working group made several recommendations on the provision of third level education through Irish and these are under consideration.

### Defence Forces Equipment.

195. **Mr. Timmins** asked the Minister for Defence his plans to replace the Learjet; and if he will make a statement on the matter. [27642/04]

**Minister for Defence (Mr. O'Dea):** The Learjet, which was acquired late last year for the ministerial air transport service, provides an excellent service for short and medium-haul flights and has proven extremely reliable since it entered service in January this year. The Learjet replaced the Beechcraft KingAir, which is now being used as a training aircraft and for some MATS flights when necessary. During the course of the EU Presidency, the Learjet performed 78 missions, mainly to various European locations and had 100% dispatch reliability over the period. The aircraft proved to be an essential asset in meeting the needs of Ministers who attended numerous meetings throughout Europe during our EU Presidency and it will continue to be required in the future. There are no plans to replace the aircraft.

196. **Mr. Timmins** asked the Minister for Defence the number of nuclear, biological or chemical protective clothing suits available in the State; and if he will make a statement on the matter. [27669/04]

**Minister for Defence (Mr. O'Dea):** The Defence Forces have available to them equipment for monitoring and protecting their members in dealing with nuclear, biological or chemical threats identified from time to time. They hold an extensive range of modern nuclear, biological or chemical equipment that meets their current requirements. This range includes approximately 7,000 nuclear, biological or chemical suits which are available to the Defence Forces. In addition, the Defence Forces have a sufficient stock of respirators for each individual soldier. They also have some 100 of the most technologically up-to-date chemical agent monitors and Defence Forces personnel have been trained in their operation. Other equipment on hand includes biological agent detector and scre-

ening kits, group decontamination equipment and personal decontamination equipment.

The requirement for additional nuclear, biological or chemical equipment is kept under continuous review by the Defence Forces. A programme for the purchase of nuclear, biological or chemical equipment is ongoing and whatever equipment deemed necessary is purchased expeditiously to meet the changing requirements. The Garda Síochána has the primary responsibility for law and order, including the protection of the internal security of the State. Among the roles assigned to the Defence Forces is the provision of aid to the civil power — meaning in practice to assist, when requested, the Garda Síochána — which duties include the protection and guarding of vital installations, the provision of certain security escorts etc.

The most important defence against any attack is external vigilance, detection and prevention by the security forces. All the necessary resources of the Garda Síochána and the Defence Forces are deployed to this end.

### Defence Forces Strength.

197. **Mr. Timmins** asked the Minister for Defence the personnel strength of the Army, including Reserve Forces; the personnel strength of the Air Corps; the personnel strength of the Naval Service; the strength of any other Reserve Forces available; and if he will make a statement on the matter. [27670/04]

**Minister for Defence (Mr. O'Dea):** The strength of the Permanent Defence Force, comprising the Army, Air Corps and Naval Service and of the Reserve Defence Force as of 30 September 2004 is set out in the following table:

	Number
Army	8,477
Air Corps	872
Naval Service	1,070
Total P.D.F.	10,419
First Line Reserve	408
F.C.A.	12,945
Slua Mhuirí	403
Total R.D.F.	13,756

### Electoral Register.

198. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government if he will introduce measures to provide for the proper identification of persons voting in elections and to streamline the electoral register; and if he will make a statement on the matter. [27644/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I refer to the replies to Questions Nos. 153 of 29 April 2004 and 1174 of 29 September 2004. I am concerned to ensure that the legislative and administrative arrangements in place in relation to the accuracy of the register of electors and the accessibility of

[Mr. Roche.]  
voting arrangements are as flexible as possible while maintaining the security and integrity of the electoral process. I will continue to keep current practice, including the scope for further improvements, under review.

### Local Electoral Boundaries.

199. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government if he will appoint a commission to examine local election boundaries in order, in particular, to take account of the major shifts in population to urban areas. [27598/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Local Government Act 2001 provides for the establishment of a Local Government Commission to carry out functions regarding *inter alia*, the alteration of local electoral areas. Under section 23 of the Act the Minister may, by order, divide local authorities into local electoral areas and fix the number of members to be elected for each electoral area but this may only be done following a report by the local government commission. It is intended to commence the relevant provisions of the 2001 Act, including arrangements for the establishment of the local government commission, as soon as possible.

The June 2004 local elections took place on the basis of the existing local electoral boundaries and there are currently no proposals for examination of these boundaries. Unlike the situation regarding Dáil constituencies, there are no constitutional or statutory requirements for the frequency of local electoral area reviews.

### RAPID Programme.

200. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government if

he will make a statement on the progress to date of the RAPID programme in local government; and if he will extend RAPID to other areas.  
[27599/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** There are a number of measures in place in my Department to support the RAPID programme at national and local level. Such measures include the funding of the local co-ordinators for each RAPID area, managing the co-ordination of the programme across the Department, and ongoing consultation with senior management in the local authorities concerned. My Department is examining projects under both strands of the programme which have been received from the local area implementation teams. These proposals mainly relate to social housing, local road improvement measures and environmental issues which are delivered on the ground by local authorities.

The nature and scale of many of these projects, some of which are subject to detailed design and will require phased implementation, has necessitated extensive evaluation as well as consultation with local authorities and with the Area Development Management Ltd. RAPID support team. This evaluation and consultation process is ongoing to ensure that RAPID projects are prioritised in the context of the Estimates provisions for 2005 and onwards. A significant number of RAPID projects have been approved or are under active consideration by my Department and local authorities, as appropriate. Details, as available, are set out in the following table.

In addition to RAPID projects, public agencies, including local authorities, are already providing a wide range of services in all RAPID areas. Extension of the RAPID programme to other areas is a matter for my colleague the Minister for Community, Rural and Gaeltacht Affairs who has overall responsibility for the programme.

RAPID Area (Strand I)	Project No.	Subject	Report / Position
Cork — Blackpool/The Glen/Mayfield	CKBG008	Waste & Recycling — Bring Facilities	Approved for grant assistance under the Waste Management Capital Grants Scheme — total allocation (incl. CKFG053) of €107,000.
Cork — Blackpool/The Glen/Mayfield	CKBG011	Estate Management Mediation Service	Funding of €42,500 in total approved for this, together with projects CKFG 17, CKKC16c & CKTM 28.
Cork — Blackpool/The Glen/Mayfield	CKBG017	Provision of Kurzweil Machine (Mayfield Library)	In July 2003, D/EHLG issued details of grant scheme for purchase of optical scanning facilities to all library authorities. Matter for local authorities to purchase and seek recoupments.
Cork — Blackpool/The Glen/Mayfield	CKBG035	Glen Regeneration Phase 2 & 3	€18.2 million approved for phase 1. Work underway and expected to be completed in early 2004. Proposals awaited from City Council in respect of Phase 2 and 3.
Cork — Fairhill/Garranabraher/Farranree	CKFG017	Estate Management — Mediation Service	Funding of €42,500 in total approved for this, together with projects CKBG 11, CKKC16c & CKTM 28.
Cork — Fairhill/Garranabraher/Farranree	CKFG018	Provision of the Kurzweil Machine (St. Mary's Road)	In July 2003, D/EHLG issued details of grant scheme for purchase of optical scanning facilities to all library authorities. Matter for local authorities to purchase and seek recoupments.

RAPID Area (Strand I)	Project No.	Subject	Report / Position
Cork — Fairhill/Garranabraher/ Farranree	CKFG051	Civic Amenity Site — northside	Funding of €365,000 approved for a site in Blackpool to service north Cork City area, under the Waste Management Capital Grants Scheme.
Cork — Fairhill/Garranabraher/ Farranree	CKFG053	Improved availability of Bring Site	Approved for grant assistance under the Waste Management Capital Grants Scheme — total allocation (incl. CKFG 08) of €107,000.
Cork — Fairhill/Garranabraher/ Farranree	CKFG055	Farranree Housing Project for the Elderly	Approved for funding by Minister, 3/12/03.
Cork — Knocknaheeny/ Churchfield	CKKC007c	Cork CC Area Housing Office	Office fully staffed and opened for business 02/10/02 — approved funding of €177,763 paid.
Cork — Knocknaheeny/ Churchfield	CKKC016c	Estate Management — Mediation Service	Funding of €42,500 in total approved for this, together with projects CKBG 11, CKFG 17 & CKTM 28.
Cork — Knocknaheeny/ Churchfield	CKKC018d	Knocknaheeny Regeneration Plan	Funding of €2.05 million provided under Remedial works scheme for window/door replacement in Blocks A, B and C. Revised design plans for Block D are under examination by the Department.
Cork — Knocknaheeny/ Churchfield	CKKC019d	Knocknaheeny Regeneration Block D	
Cork — Knocknaheeny/ Churchfield	CKKC024c	Liaison for Community Participation	Approval for Liaison Officer given for Knocknaheeny project.
Cork — Togher/ Mahon	CKTM004	Togher Community Services Centre	Budget cost approved for sum of €390,000 issued 25th June 2004.
Cork — Togher/Mahon	CKTM005	Consultation on Deanrock Regeneration	Council currently developing outline proposals. D/EHLG is liaising with the City Council on these proposals.
Cork — Togher/ Mahon	CKTM028	Estate Management Mediation Services	Funding of €42,500 in total approved for this, together with projects CKBG 11, CKFG 17 & CKKC16c.
Cork — Togher/Mahon	CKTMD108	Childcare/CC Offices (part of Deanrock proposal)	Outline proposals for regeneration of Deanrock are being examined. [Project also referred to DJELR].
Ballymun	DUBBAENV/01	Rediscovery Centre — Waste Management Strategy	The Department is currently in the process of considering this application with a view to advising the applicant of the outcome as soon as possible. Under active consideration.
Ballymun	DUBBALSOC/01	Social Supports Initiative	Funding of €65,047 approved.
Finglas	DUBFING011	Traveller Community Centre at Avila Park	Approved as part of 6 house scheme Avila Park Phase iv.
Northeast Inner City	DUBNEIC001	Improvements flat complexes	D/EHLG is currently funding redevelopment work to a number of flat complexes in the inner city involving part demolition, new build and regeneration. €123m in total (1999 prices) provided over the period 1999- 2003.
South West Inner City (Canals)	DUBSW027	Supporting the Regeneration process in St. Michael's Estate	Dublin City Council are preparing proposals to undertake the redevelopment of St. Michaels Estate on the basis of a public private partnership. The Department has already given approval to the City Council for the demolition of a number of flat blocks as part of the regeneration programme.
South West Inner City (Canals)	DUBSW028	Supporting the Regeneration process in Fatima Mansions	The City Council signed a contract in August, 2004 for the redevelopment of the complex as a Public Private Partnership project. The Department has already given approval to the City Council for the demolition of a number of flat blocks as part of the regeneration programme.
Dún Laoghaire/Rathdown	DRDUNL034	Redevelop the housing stock at Laurel Avenue	Funding of €13.41million approved.



RAPID Area (Strand I)	Project No.	Subject	Report / Position
Limerick — Kings Island	LIMKI 048	Establishment Anti-social Unit	Housing Management Initiative grant approved on 31 May 2004 for funding up to €21,600 in respect of salary of an anti-social behaviour official.
Limerick — Southside	LKS029	Phase II and III O'Malley Park Remedial work Scheme	Phase 1 completed. Approval to proceed to tender for Phase 2 issued July 03. Dedicated Project Officers are being recruited to implement the regeneration plan.
Clondalkin	SDCLON017	Environmental Improvements Prog — Establish and maintain a Recycling Centre (6 bottle & can banks)	Provision of 13 Bring Centres in SDub Co. Co. area approved under the Waste Management Capital Grants Scheme — total allocation €48,000.
Clondalkin	SDCLON019	To implement the Traveller Accommodation Programme in Kishogue	Tender Approved, expected to start 2005.
Clondalkin	SDCLON020	To implement the Traveller Accommodation Programme in Lynche's Lane	Approved to go to tender.
Clondalkin	SDCLON023	In-fill housing prog — increase housing availability & decrease sites of anti-social behaviour	Eligible for NDP funding. Various proposals being processed, some under construction.
Clondalkin	SDCLON025	To enhance the funding available for the LA housing refurbishment programme in Shancastle & Greenfort	Approval has been conveyed to South Dublin County Council to proceed to a first phase of 100 houses in Shancastle and Greenfort under the Remedial Works Scheme at an estimated cost of almost €2.8 million. Work has already commenced on a number of houses.
Clondalkin	SDCLON026	To enhance the funding available for the LA housing refurbishment programme in Moorfield	Has been approved for Remedial Works Scheme funding. Budget of €3.2m approved.
Tallaght	SDTALL030	Refurbishment of Cushlawn Estate, Killinarden	Approval has been conveyed to South Dublin County Council to proceed to a first phase of 100 houses in Cushlawn Estate under the Remedial Works Scheme at an estimated cost of almost €2.8 million. Work has already commenced on a number of houses.
Tallaght	SDTALL033	Provision of Traveller Accommodation — Kiltipper	Completed June 2004.
Tallaght	SDTALL034	Provision of Traveller Accommodation — Fortunestown	Approved in principle. Awaiting cost plans from Local Authority.
Tallaght	SDTALL035	Provision of Traveller Accommodation — Belgard	Under construction.
Tallaght	SDTALL036	Extend existing Traveller Accommodation in Brookfield	Tender Approved August 2004.
Tallaght	SDTALL040 SDTALL046 SDTALL048	Environmental Awareness Campaign, Killinarden, Jobstown and Fettercairn.	In 2003 €20,000 was allocated from the Department together with €5,000 matching funding from South Dublin County Council to a scaled down environmental awareness programme incorporating the three designated areas of Killinarden, Jobstown and Fettercairn. The programme of environmental awareness activities will be undertaken by Dublin South County Council environmental awareness officer.
Drogheda	LTHDRO008	Estate Management Training (residents), Home management training (homemakers), Environmental Awareness Involving schools/youth and community, House Maintenance Course	Housing Management Initiative grant approved for an Estate Management Officer and various training initiatives. Funding of €32,576 paid.

RAPID Area (Strand I)	Project No.	Subject	Report / Position
Drogheda	LTHDRO18	Remedial Housing works scheme	Approval given. Council considering tenders for a pilot phase of 37 houses. Work has started on the construction of 16 old persons' dwellings at St. Finians Park. Funding of €1,918,103 allocated.
Waterford	—	Refurbishment scheme at Clonard Park, Ballybeg	Refurbishment scheme at Ballybeg involves the general refurbishment of some 215 dwellings. A Pilot project was approved in November 2001 for 14 dwellings. Approval issued Feb. 04 to accept tender for a further 66 houses.
Waterford	—	Development of an integrated action plan for Larchfield/Lisduggan	Funding for the appointment of an Estates Officer with responsibility for the development of an integrated action plan for Larchfield/Lisduggan was approved under the Housing Management Initiatives Grants scheme on 16 July 2002.
Waterford	WATFC033	Community Facilities — Manor St. John.	The Department has indicated its commitment to providing funding of €0.5 million for the refurbishment of the Community Facility at Manor St. John. It is understood that there is a Childcare Facility on this site.
Waterford	—	Provision for Water and Drainage Infrastructure — Kilbarry Development Area	Contract Documents are awaited in the Department. The Local Authority is currently re-examining local requirements in advance of submitting Contract Documents for approval.
Waterford	—	Link Road to centre of Ballybeg	Funding approved.
Waterford	WATFC035	Larchville/Lisduggan Area Plan	Manor St. John — New Housing. The Department has funded the construction of 47 houses for Manor St. John and the Scheme was completed in 2003 at a cost of over €5 million. Infill Housing and Environmental Upgrade. It is understood that a further infill housing scheme is being developed by Waterford City Council for submission to the Department. This will also include environmental works to the area. Detailed consideration will be given to the matter when specific proposals are received from the City Council.
Bray	WKBRA003	Estate Management Development Officer for Bray	Funding of €38,700 for the appointment of an Estate Development Officer and tenants/staff training approved. Project is now completed.

RAPID Area (Strand II)	Project No.	Subject	Report / Position
Bray	WKBRA004	Audit of Housing Stock in RAPID Area (Bray Town Council)	Funding of €25,000 approved. Project is now completed.
Bray	WKBRA005	Audit of Housing Stock in RAPID Area (Wicklow County Council)	Project WKBRA004 (above) has recently been extended to include dwellings owned by Wicklow County Council in the Bray RAPID area. Project is now completed.
Carlow	CW CRLW 014	Housing Management Initiative	Department has received a housing management initiative grant application from Carlow County Council (& Carlow Town Council) for funding under the 2003 Scheme. Funding up to €45,330 approved in Aug 2003.
Cavan	CN CAVN 002	Construction of Social Housing — Fair Green	Approval has issued to the Council to provide 4 apartments and 6 houses at Fair Green Hill, Cavan. The scheme is scheduled to be completed in 2004. Funding of €1.2million approved.

RAPID Area (Strand II)	Project No.	Subject	Report / Position
Cavan	CN CAVN 003	Construction of Social Housing — Tullacmongan	Construction of 18 houses was completed in July, 2004 at an estimated cost of €1.9m.
Cavan	CN CAVN 007	Construction of Central Library and Heritage Centre	Total grant-aid approved for this project is €4,742,495. Project under construction.
Cavan	CN CAVN 008	Construction of Housing at Mount St. Francis — Stage II	Under Construction.
Mallow	CK MALL 014	Estate Management — Powerscourt	Funding of up to €23,000 approved. Fully paid Aug 2003.
Youghal	CK YOUNG 008	Remedial Works Scheme — Raheen Park	Works have been approved under the Remedial Works Scheme Approval of Tender and Budget cost of €137,087 issued March 04.
Youghal	CK YOUNG 029	Estate Management — Greencloyne & Chestnut Drive	Funding up to €46,000 approved in Aug. 2003 under Housing Management Initiative Grant Scheme 2003.
Mallow	CK MALL 038	Gouldshill/Town Council Local Agenda Environment Partnership Fund.	This project received €1,250 from the Department's Local Agenda 21 Environmental Partnership Fund in 2003 (€2,500 with local authority co-financing). A further grant of €7,680 was awarded on 10.03.04.
Youghal	CK YOUNG 046	Local Agenda 21 Partnership Fund-Reduce Youghal's Waste Initiative	This project has received €1,250 from the Department's Local Agenda 21 Environmental Partnership Fund in 2003 (€2,500 with local authority co-financing). The LA21EPF Funding has been received. Applications for further funding for this project were invited in November 2003. A further grant of €5,000 was awarded on 11.12.03.
Galway	GY GLWY 012	Refurbishment of Walter Macken Flats (96 no. dwellings)	Construction work on the refurbishment works to 96 dwellings at Walter Macken Flats, Galway has commenced. The refurbishment works include the replacement of the existing flat roof, the installation of central heating, plumbing, rewiring, internal refurbishment and upgrading of the general environment of the estate. Funding of €6.3 million has been approved.
Galway	GY GLWY 013	Refurbishment of 44 no. maisonettes at Mervue	Approval has been given to the City Council to accept a tender for the refurbishment works to 44 maisonettes at New Mervue, Galway. The refurbishment works include the installation of central heating, rewiring, smoke alarms, internal refurbishment and upgrading of the general environment of the estate. Funding of €1.4 million approved.
Galway	GY GLWY 014	Housing Development at Merlin Park, Ballybane; construction of 114 houses	This development is a mix of local authority, voluntary and affordable units. The final Phase 1, Stage 3 has recently been completed at an estimated cost of €4.3m. 62 local authority houses have already been completed in Stages 1 and 2. The estimated cost of the scheme is €11.27m.
Galway	GY GLWY 015	Proposed construction of 268 new dwellings at Merlin Park	Work has commenced on the 1st phase of 52 houses at an estimated cost of €6.2m.
Galway	GY GLWY 016	Ballybane Neighbourhood Centre	The Department is providing funding of €250,000 to Galway City Council under the One Stop Shop Programme towards this development. Construction commenced. Expected completion of library and medical centre, end 2004.
Galway	GY GLWY 017	Refurbishment of 24 no. local authority houses at St. Finbarr's Terrace, Bohermore	Designated for funding under the Remedial Works Scheme. Approval issued to the City Council in June, 2004 for a tender for a pilot phase of 24 houses at an estimated cost of €3.8m.



RAPID Area (Strand II)	Project No.	Subject	Report / Position
Galway	GY GLWY 018	Housing Management Initiative Grant, Ballinfoile	Funding of up to €45,600 approved under the Housing Management Initiative Grant scheme in 2002. €30,600 paid in 2003.
Galway	GY GLWY 019	Construction of 236 no. units at Bóthar na gCóiste, Ballinfoile	This scheme includes local authority, voluntary and affordable houses — all 126 local authority units are now completed. The total estimated cost of the scheme is €34.5m.
Galway	GY GLWY 020	Construction of 19 no. social housing scheme for elderly people and people with disabilities at Sandyvale, Ballinfoile	This scheme was completed in 2003 at a cost of €2.3m.
Galway	GY GLWY 021	Westside Housing Inclusion Project	Funding of up to €39,161 approved under the Housing Management Initiative Grant scheme in 2002. €28,639 paid in 2003.
Galway	GY GLWY 022	Westside Bris Project	Paid €8,800 in Dec 2003.
Galway	GY GLWY 025	Library at Westside	Library officially opened 23.1.04
Galway	GY GLWY 027	Redevelopment of Hillside Park and development of three group schemes	It is understood that the National Building Agency in conjunction with Galway City Council are currently formulating proposals for this major development. At early design stage.
Galway	GY GLWY 028	Construction of three group units at Bóthar na gCóiste	This scheme was recently completed at a cost of €560,000.
Tralee	KY TRAL 016	Earth Education Project	Grant of €19,020 was awarded in March 2004 in respect 2003 application.
Tralee	KY TRAL 026	Affordable Housing Proposal — Application for Site Study	Subsidy approved 9th July 2003.
Athy	KE ATHY 008	Remedial Works Scheme at Townspark and Carbury Park	An allocation of €100,000 has been made to Athy Town Council in 2004 for the scheme. Departmental approval issued in July 04 to enable the Council seek tenders for the project.
Athy	KE ATHY 009	Employment of Tenant Liaison Officer	Funding up to €31,750 approved in Aug. 2003 under the Housing Management Initiative Grant Scheme 2003. €28,800 paid in Nov. 2003.
Kilkenny	KY KLKY 011	Traveller Accommodation	Approval to go to tender 18.3.04. Expected to go to Tender before end of 2004.
Kilkenny	KY KLKY 027	Ossory Park Remedial Scheme	Work on pilot phase of 16 houses currently underway for completion by end of 2004. Detailed plans and costings awaited from the Council for Phase 2.
Longford	LDLGFD 026	Housing Management Initiative	Funding of up to €16,000 approved in Aug. 2003 under the Housing Management Initiative Grant scheme 2003.
Clonmel	ST CLON 005	Estate Management Initiative	An application has been received for funding under Housing Management Initiative Grant scheme 2003. €30,600 paid in Sept 2003.
Tipperary	ST TIPP 001	Housing Management Initiative, Tipperary Town	Funding of up to €7,500 approved. €7,500 paid in 2003.
Carrick-on-Suir	ST CKSR 010	Ballylynch Renewal Programme	Works have been approved under the Remedial Works Scheme and approval to proceed to tender stage with a pilot scheme of 10 houses was issued Oct 03. In May 04 approval was given for phase 1A of the scheme which involves the provision of central heating in 73 LA owned houses and the replacement of doors and windows in both the rented and privately owned homes. Under the terms of the RWS private householders must pay 50% of the cost of works.

RAPID Area (Strand II)	Project No.	Subject	Report / Position
Athlone	WM ATHL 005	Redevelopment of St. Mel's Terrace	Grant aid of €50,000 has been approved under the Local Authorities PPP Fund, for a feasibility study to examine the redevelopment of St. Mels Terrace, using a Public Private Partnership approach. The study was completed in June 2004.
Athlone	WM ATHL 006	Athlone Civic Amenity Facility	Grant assistance of €860,703 approved (2003) for this project under the Waste Management Capital Grants Scheme.
Athlone	WM ATHL 028	Battery Heights Windows Replacement Programme	Major refurbishment works to Battery Heights under the Department's Remedial Works Schemes was completed in the late 1990's. Approval was given to the Council in July 2003 to undertake window replacement to 33 houses in the estate. It is understood that the Council are considering proposals for the regeneration of the estate. Plans at an early stage.
New Ross	WD NEWR 007	Tenant Participation Officer	Approved May 2004.
New Ross	WD NEWR 008	Bosheen Housing Estate whole estate refurbishment under the remedial works scheme	Scheme designated for funding under the Remedial Works Scheme in 1997. A comprehensive schedule of works based on the cost plan is to be submitted by the Council. New Ross T.C. plan to carry out scheme for 12 houses (specifically for Old Age Pensioners). Surveyed by National Building Agency within the last 2 months who are currently drawing up specifications. Budget to be forwarded to the Department.
New Ross	WD NEWR 017	Construction of a Waste Water Treatment Plant and inceptor sewer	Site investigation complete. An advertisement requesting interest from service providers has been published and short listing has taken place. Contract Documents are awaited in the Department from the County Council. This scheme is scheduled to commence construction late 2005.
Wexford	WD WEXF 015	Wolfe Tone Environmental Works	Refurbishment works under the Remedial Works Scheme has been completed. Approval to seek tenders for environmental works issued by the Department in January, 2004 including the construction of 5 infill houses. The local authority are to seek tenders for the project shortly.
Wexford	WD WEXF 026	Tenant Liaison Officer	Funding up to €38,195 was approved in Aug 2003 under the Housing Management Initiative Grant scheme 2003.
Wexford	WD WEXF 028	Local Agenda 21	Grant of €12,500 awarded in February 04.

### Local Government Funding.

201. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the steps he intends to take to provide better value for money in local government. [27600/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** While local authorities have primary responsibility for delivering value for money in their activities, my Department is actively involved on a range of fronts to ensure that this is achieved. Key initiatives by my Department include: full implementation in 2004, in co-operation with local authorities, of new financial management systems based on accrual accounting principles and incorporating balance sheets, which is designed to

deliver better management information, enhanced performance management capacity and to facilitate improved value for money measurement. The introduction of five-year multi-annual capital investment programmes which provide a structured basis for the planning and delivery of all capital programmes, in a way that ensures that best value for money is achieved.

In the housing area, to maximise the benefits of this multi-annual approach, local authorities have been requested to prepare five-year social and affordable housing action plans for the period 2004-08. This plan-led approach will focus on achieving maximum output under the programmes and ensure that this output is delivered in a coherent, integrated and sustainable manner. In the area of water services, in order to deliver

infrastructure more speedily and to improve operation and maintenance standards, my Department has adopted design, build and operate as the standard form of procurement for all new treatment facilities to be provided by local authorities. Public private partnerships are also being used in the areas of waste management and housing.

The first phase — demonstration and capacity building — of the local government e-procurement strategy which was adopted by my Department in 2003 is under way. The strategy will generate value for money in the local government sector through better management of the procurement process including the sourcing of lower prices, lower transaction costs and improved control of inventories. The implementation of the change agenda recommended in a report on the management of the local authority fire service published in 2002 will facilitate the development of the fire and rescue service in a way which will deliver value for money through results and continuous improvement.

My Department has encouraged local authorities to apply value for money principles in an environmental context, chiefly through the development and implementation of environmental management systems such as the eco-management and audit scheme which aims to ensure best use of all resources that have an environmental impact for example in terms of energy conservation. The use of the needs and resources model in the allocation of general purpose grants from the local government fund encourages efficient use of resources by local authorities. The introduction of local authority performance measurement indicators across a range of services will foster increased emphasis on value for money in service delivery. Economy, efficiency and effectiveness in the local government system are key elements in the terms of reference of a major independent review on local government funding which was commissioned this year. The appointed consultants are due to report early next year.

#### **Local Authority Housing Sites.**

202. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the steps he will take to encourage the provision of private sites by local authorities. [27601/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** It is open to local authorities to provide housing sites at reasonable cost to assist persons in housing need to provide their own housing. Some authorities have a limited capacity to provide housing sites at reasonable cost to individuals who wish to provide their own housing because of the land requirements for a significantly increased number of projects involving the provision of social and affordable housing directly by local authorities. It is estimated that local authorities will provide around 100 sites for

sale in the current year. My Department will continue to keep this measure under review.

#### **Fire Brigade Services.**

203. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government his plans to improve local fire services. [27602/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Since the publication of the report Review of Fire Safety and Fire Services in Ireland, my Department has implemented a number of the important recommendations. These include the enactment of the Licensing of Indoor Events Act 2003, which addressed a number of legislative changes called for in the review. The Department is currently working to develop a coherent strategy to implement other key fire safety and fire services elements of the review recommendations. The continuing major capital investment in the fire service, including €91 million since 1997, is an indication of the Government's commitment to delivering a better service locally with improved infrastructure and additional appliances.

#### **Water and Sewerage Schemes.**

204. **Mr. Crawford** asked the Minister for the Environment, Heritage and Local Government when funding will be made available for the extension of the water scheme in Carrickmacross, County Monaghan; and if he will make a statement on the matter. [27620/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Carrickmacross water supply scheme has been approved for funding in my Department's water services investment programme 2004-06 under the rural towns and villages initiative with an estimated cost of €1.9 million. Monaghan County Council's preliminary report for the scheme is under examination in my Department and will be dealt with as quickly as possible.

205. **Mr. Crawford** asked the Minister for the Environment, Heritage and Local Government when funding will be provided for the Monaghan town sewerage scheme; his views on whether the lack of proper collection system in Monaghan is the main cause for housing scarcity and high priced housing in the area; and if he will make a statement on the matter. [27621/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Significant funding has been allocated under my Department's water services investment programme 2004-06 to facilitate new house building in Monaghan. The Monaghan town sewerage scheme has been approved to begin construction in 2005 at an estimated cost of €13.2 million. Monaghan County Council's preliminary report for the scheme is under examination in my Department and will be



[Mr. Roche.] dealt with as quickly as possible. The scheme will eliminate constraints in existing collection system and pumping capacity and will allow additional loads from the town to take up the spare capacity currently available in the town's wastewater treatment plant.

The water services investment programme 2004-06 is also funding two wastewater schemes with a combined estimated value of €5 million, under the serviced land initiative which is designed to open up additional areas for housing development. The Old Armagh Road/Castleblaney project, which is already in progress, will provide services for up to 1,000 new residential sites. The second scheme will service a further 600 residential sites in the north eastern collection area and I understand that Monaghan County Council is currently preparing detailed proposals for submission to my Department for approval. These proposals will be given early attention on receipt. Both serviced land initiative projects can be implemented independently of the Monaghan town sewerage scheme and neither is dependent on the increased collection system or pumping capacity being provided under that scheme.

206. **Mr. Grealish** asked the Minister for the Environment, Heritage and Local Government the current status of the Clarinbridge water supply connection to the Tuam regional water supply scheme; and if he will make a statement on the matter. [27626/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Tuam regional water supply scheme and extension to Clarinbridge is included in my Department's water services investment programme 2004-06 to commence construction in 2005. My Department is awaiting receipt of additional information requested from Galway County Council in May 2004 to enable it to finalise its examination of the contract documents for the scheme.

207. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government the position regarding the provision of a sewerage scheme for Adare, County Limerick. [27627/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I refer to the reply to Question No. 496 of 2 November 2004.

#### **Housing Grants.**

208. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government the reason a new house grant has not been granted to persons (details supplied) in County Galway; and if he will make a statement on the matter. [27638/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Subject to the other conditions

of the new house grant scheme, which was terminated as and from 14 November 2002, a grant may be approved where a contract to purchase or to build a house was entered into, or in the case of a self built house, where the foundations were poured on or before 14 November 2002 and the application for the grant was received in my Department on or before 4 December 2002. In this particular case, a new house grant cannot be allowed as the contract to purchase the house was effected subsequent to 14 November 2002.

#### **Planning Issues.**

209. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if he is considering extending the town council boundaries of Drogheda, County Louth; if his attention has been drawn to the considerable private development already occurring immediately outside the current town council boundary; and his views on whether there is a need for extension to allow for social and affordable housing as well as green spaces and recreational development. [27672/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Under the provisions of Part V of the Local Government Act 1991 and the associated regulations, it is open to a local authority to initiate a proposal for the alteration of its boundaries. This involves preparation of a formal boundary alteration proposal by the authority concerned including financial, organisational and other implications; invitation of public submissions; and consultation with the other local authorities affected by the proposal, prior to submitting a formal application to the Minister. While a number of town boundary alterations have been made in recent years, no boundary application from Drogheda Borough Council is currently before my Department.

It should be noted that Drogheda Borough Council, Meath County Council and Louth County Council have jointly commissioned the preparation of an integrated strategic land use and transportation framework for Drogheda and its environs in Louth and Meath which broadly conforms with the national spatial strategy, the Border regional planning guidelines and the regional planning guidelines for the greater Dublin area. As part of the development plan process, housing strategies have been prepared at county level which cover the projected requirements of private, social and affordable housing in each county, taking into account demographic and economic trends. The housing strategy for Louth, therefore, covers the delivery of social and affordable housing by both the county council and Drogheda Borough Council. In addition, these authorities have prepared five-year social and affordable housing action plans for the entire area for the period 2004-08 to maximise the potential arising from the Government's decision to introduce five-year multi-annual capital invest-

ment programmes. These are currently under consideration in my Department with a view to agreeing them by the end of the year.

### **Childhood Development Initiative.**

210. **Mr. O'Connor** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the publication of the research project, *How are our Kids?*, by the Tallaght West Childhood Development Initiative; if he will examine the recommendations in relation to the remit of his Department; if he will consult South Dublin County Council in the matter; and if he will make a statement on the matter. [27674/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I am aware of the research project referred to in the question. I will refer to its recommendations which fall within my remit.

The Department of the Environment, Heritage and Local Government is involved in significant housing projects in south Dublin and west Tallaght. Its commitment is indicated by the increased funding provided to South Dublin County Council for the construction of new local authority housing in recent years. The council spent €20 million providing new local authority housing in 2000, for example, and €55 million is being given to the council this year for that purpose. As a result of the record funding, the council will build over 600 houses this year. Many new houses are being provided in areas of west Tallaght such as Cushlawn, Fortunestown, Jobstown and Fettercairn. Almost 600 new houses have been completed recently or are under construction in such areas. The new housing schemes are being provided with appropriate community and crèche facilities which are essential to ensure the success of the developments, given the large number of young children who will live in the new estates. The total value of the investment in west Tallaght is over €100 million.

As well as building new houses, the council plans to upgrade and refurbish a large proportion of its many existing houses. The Department of the Environment, Heritage and Local Government approved funding of €8.7 million in 2003 for refurbishment work to over 300 houses in a number of estates in the county. The refurbishment of 100 houses in an estate in Cushlawn in west Tallaght, at a cost of €2.8 million, is well under way. The local authority is promoting a special programme to install central heating in 1,000 of its houses. It expects to install central heating in over 800 houses by the end of the year under the programme. Installation is nearing completion in over 270 units in a number of estates in west Tallaght, including Killinarden, Donomore, Dromcarra, Drumcairn, Bawnlea and Kilcarrig.

In addition to the local authority housing programme, I have approved funding of over €48 million this year for two voluntary housing pro-

jects at Kiltipper and Fortunestown, involving the provision of 268 dwelling units for households on the council's waiting list. Work on the projects is under way and the Fortunestown project should be completed early next year.

Local authorities, including South Dublin County Council, have been asked by the Department of the Environment, Heritage and Local Government to produce five-year action plans relating to the full range of social and affordable housing programmes and supporting measures between 2004 and 2008. The plans will ensure that a fully strategic approach is taken by local authorities and that they avail of the certainty provided by multi-annual expenditure programmes. The main objective of the action plans is to ensure that the investment available for the programmes achieves the desired long-term effect by tackling real need and breaking cycles of disadvantage and dependency. Funding is available under the five-year multi-annual capital envelopes to that end. The action plans identify areas of need and set out how local authorities proposes to address such needs over the period of the plans. The Department of the Environment, Heritage and Local Government is assessing the draft action plans with a view to finalising them by the end of the year.

The Government is committed to the better integration of service provision and the promotion of an expanded social inclusion role for local government. The county and city development boards which have been established in each county and city, including south Dublin, are led by local government. The boards bring together the public sector agencies, the social partners, local government and local development agencies to co-operate and plan for the betterment of communities. The community and voluntary forum which has been established to facilitate community representation nominates two members to the south Dublin development board. Following extensive consultation, the board produced a ten-year strategy for the economic, social and cultural development of the county, *A Place for People*. The strategy is being implemented by the board's member agencies. The south Dublin development board is involved in co-ordinating the RAPID programme in its area.

Strategic policy committees have been established by South Dublin County Council as part of the local government modernisation programme. Through their representation on the committees, local communities can have a real say in local authority policies, plans and programmes that affect their areas. Local authorities are drawing up corporate plans, which will be the blueprint for the delivery of their services over the next five years. They have been required to place social inclusion at the heart of the plans so that it will be part and parcel of the day-to-day work of elected members and staff.

The main objective of the pilot social inclusion unit which has been established by South Dublin

[Mr. N. Ahern.]

County Council is to embed social inclusion across the policies and services of the local authority. All local authorities are members of the local government anti-poverty learning network which was established by the Combat Poverty Agency in 2000, in conjunction with the Departments of the Environment, Heritage and Local Government and Social and Family Affairs. The network has played a key role in helping local authorities to embed social inclusion in their work.

### **Architectural Heritage.**

211. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of heritage projects being promoted by his Department; his plans in this regard in 2005; and if he will make a statement on the matter. [27677/04]

218. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of heritage projects in County Kildare which are supported by his Department; and if he will make a statement on the matter. [27684/04]

220. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he has examined proposals for the restoration and improvement of heritage sites or buildings in County Kildare; and if he will make a statement on the matter. [27686/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 211, 218 and 220 together.

An ongoing programme of capital investment works, involving the restoration and improvement of heritage sites in State care, is conducted by the Office of Public Works in agreement with the Department of the Environment, Heritage and Local Government. Under the programme, the OPW has two projects in County Kildare, at Jigginstown House in Naas and Castletown House in Celbridge. My Department also supports conservation projects under the architectural protection grants scheme which is administered by the local authorities.

The total original provision for the architectural protection grant scheme in my Department's Vote for 2004 is €3.9 million. Additional funding of €500,000 has since been made available to the scheme. It will not be possible to indicate the levels of funding which will be available for the architectural protection and conservation grant schemes in 2005 until the 2005 Abridged Estimates Volume has been published. Information on details of the allocations from the overall fund are a matter for the relevant local authorities.

My Department operates conservation grants under the urban and village renewal measure

which is part of the local infrastructure sub-programmes of the regional operational programmes which run between 2000 and 2006. The total provision in my Department's 2004 Vote for the conservation grants under the urban renewal measure is €1 million. Grants of €10,000 for each of Castletown schoolhouse No. 1 and Castletown schoolhouse No. 2 were allocated in County Kildare under the scheme.

*Question No. 212 answered with Question No. 80.*

### **Recycling Policy.**

213. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent to which he intends to provide facilities for recycling of building materials; and if he will make a statement on the matter. [27679/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The identification of the need for facilities to increase recycling of waste materials, including construction and demolition waste, is a matter in the first instance for local authorities in the context of their regional waste management plans, which were developed following consultation with local sectoral interests and stakeholders. The provision of such facilities in line with identified needs is primarily a matter for the private sector.

While a number of waste transfer stations accept construction and demolition waste for recycling, greater capacity is required for this waste stream. The co-operation between the construction industry and the statutory authorities in recent years on the recycling of construction and demolition waste is reflected in the significant progress which has been made in increasing the levels of recycling. An estimated 65.4% of construction and demolition waste was recovered in 2001. The industry has acted positively in establishing the National Construction and Demolition Waste Council, as a voluntary producer responsibility initiative, to oversee a comprehensive range of measures aimed at progressively increasing the recycling of construction and demolition waste.

I intend to encourage local authorities to engage proactively with local sectoral interests and stakeholders in the context of the forthcoming review of the respective local and regional waste management plans to ensure that construction and demolition waste recycling facilities are increased.

### **Road Network.**

214. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent to which he expects to be in a position to protect heritage sites or buildings likely to be affected by new road plans or other developments; and if he will make a statement on the matter. [27680/04]



**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Development projects, including roads projects, require consent under the planning and roads legislation and other relevant legislation. An environmental impact assessment is required in the case of major development projects, in accordance with the requirement of EU Directive 85/377/EEC, as amended. The directive requires, *inter alia*, the preparation, by the proposer of the development, of an environmental impact statement setting out the details of the project and the likely significant effects of the development on the environment. This process allows for adverse effects, including those on built and natural heritage, to be identified at an early stage and necessary changes to be made on foot of recommendations made by the Department of the Environment, Heritage and Local Government or other consultees. The environmental impact statements must be taken into account by the local planning authorities, An Bord Pleanála and other consenting authorities when they are making decisions on proposed projects.

The Department of the Environment, Heritage and Local Government is a statutory consultee under planning, roads and other legislation in respect of individual planning applications and other specific development projects. It is consulted on the heritage implications of such projects. Recommendations made by the Department on built and natural heritage in this way are taken into account by the consenting authority in the decision-making process. Regulations made in July 2004 transpose into national legislation EU Directive 2001/42/EC, commonly known as the SEA Directive, which relates to the assessment of the effects of certain plans and programmes on the environment. The Department is one of a number of designated authorities which must be consulted by planning authorities at various stages of the SEA process, by reference to my Department's responsibility for the protection of architectural and archaeological heritage and nature conservation. The comments of environmental authorities on draft plans and programmes and associated environmental reports must be taken into account before the plans or programmes are adopted. I refer also to my reply to Questions Nos. 249 and 250 of 30 September 2004.

215. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent to which a geo-technical or other investigative surveys are carried out on the proposed routes for new motorways with the objective of minimising impact on historic sites with consequent considerable savings to the Exchequer; and if he will make a statement on the matter. [27681/04]

219. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if

he has ensured the use of modern geo-technical or other scientific methods to ensure the protection of historical or otherwise sensitive sites likely to be affected by new motorway proposals in County Kildare; and if he will make a statement on the matter. [27685/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 215 and 219 together.

Geophysical survey techniques are used, where appropriate, to assess the archaeological potential of the routes of proposed motorways. The use of such methods has increased in recent years and they are now used extensively during the environmental impact assessment stage and also when archaeological investigations are carried out on approved road developments. Geophysical survey techniques are used to assess the subsurface archaeological potential on the routes of proposed motorways. Other survey methods employed include the use of aerial photography, detailed topographic surveys of archaeological sites and field walking by experienced archaeologists. The records of my Department — the sites and monuments record, including the statutory record of monuments and places — and the National Museum are consulted, as are other published sources including early maps. Archaeological test excavations are carried out on the routes of approved road developments to locate sites that are not visible on the surface and to confirm the archaeological nature and extent of sites that may have been located by geophysical surveys.

Geophysical surveys were carried out in County Kildare in the corridor proposed for the M9-M10 proposed road development to inform the selection of the exact route for the motorway. Such surveys were also used on the N7 Naas Road widening and new interchanges scheme to assess the impact on archaeology and to inform the archaeological test excavation programme. The use of ground penetrating radar is being considered on the Athy inner relief scheme to locate certain features.

*Question No. 216 answered with Question No. 25.*

#### **Development Levies.**

217. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent to which his Department is likely to curtail funding to the various local authorities throughout the country arising from the sharply increased development levies introduced by the authorities with his Department's approval; and if he will make a statement on the matter. [27683/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** As I indicated

[Mr. Roche.]  
in my response to Question No. 255 of 7 October last, income from development levies is not taken into consideration when determining grant support for local authorities. There are no proposals to alter this.

*Question No. 218 answered with Question No. 211.*

*Question No. 219 answered with Question No. 215.*

*Question No. 220 answered with Question No. 211.*

### **Architectural Heritage.**

221. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to discussions relating to the possible future restoration of Donadea Castle and building in County Kildare; if he has been in touch with the owners in this regard or *vice versa*; if his attention has further been drawn to the groundswell of local support for such a proposal; and if he will make a statement on the matter. [27687/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I refer to the reply to Question No. 259 on 2 June 2004.

Donadea Castle and its associated buildings are an integral part of Donadea Forest Park, which is owned and managed by Coillte Teoranta. Any development proposals in respect of the property would, in the first instance, be a matter for that organisation. My Department has not been approached by Coillte Teoranta regarding the possible restoration of the castle.

### **Local Authority Housing.**

222. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of families rehoused by the various local authorities in each of the past five years on foot of funding provided by his Department or from other sources; the extent to which the number of families on the housing lists has

increased or decreased in this period; and if he will make a statement on the matter. [27688/04]

223. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government his plans to meet the housing needs of families on housing waiting lists; and if he will make a statement on the matter. [27689/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I propose to take Questions Nos. 222 and 223 together.

The results of the statutory assessment of local authority housing need, which was undertaken by local authorities in March 2002, indicated that a total of 48,413 households were in need of housing, of which 32,891 were households consisting of two or more persons. The total social housing output for the years 2000 to 2003, taking account of new local authority housing, vacancies arising in existing houses and output under other social housing measures, met the needs of over 8,600 households in 2000, 11,500 households in 2001, 12,700 households in 2002 and 13,600 households in 2003. It is anticipated that in 2004 the housing needs of around 13,000 households will be met.

I also refer to the reply to Questions Nos. 44 and 45 on today's Order Paper.

*Question No. 224 answered with Question No. 80.*

### **Water and Sewerage Schemes.**

225. **Mr. McCormack** asked the Minister for the Environment, Heritage and Local Government the position regarding the provision of a sewerage scheme for the town of Clifden, County Galway, where raw sewage is being disposed of in the bay; and if he will make a statement on the matter. [27722/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Clifden sewerage scheme is included in my Department's water services investment programme for 2004 to 2006, to commence construction in 2005. My Department is awaiting receipt of additional information requested from Galway County Council in September 2003 to enable examination of the revised preliminary report for the scheme to be finalised.