

DÁIL ÉIREANN

*Dé Céadaoin, 17 Samhain 2004.
Wednesday, 17 November 2004.*

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

*Paidir.
Prayer.*

Leaders' Questions.

Mr. Kenny: The Taoiseach told the House yesterday that his Government since 1997 was the most left-wing ever in the country. It was interesting that he chose not to mention his partners in Government.

The Taoiseach is very fond of regaling this House with statistics about the money the Government has spent over the past seven years. He is correct that spending by the Government has doubled in those seven years but it is a policy of containment instead of a policy of reform. If one looks at the key delivery areas where this socialist Government has a front-line role it is easy to see a litany of wastage, poor decisions and administrative staff being prioritised over front-line staff.

Does the Taoiseach accept a few simple facts that have been outlined by Deputy Richard Bruton, for instance that €2.2 billion extra is being spent on hospitals yet only 500 extra beds have been added? In 2003, a total of 33,000 fewer people attended accident and emergency units yet they are in chaos around the country. Spending in the criminal justice area is up by €500 million but under the Government one is more likely to be a victim of crime than to have that crime solved. People are more likely not to report crimes in the first instance and one is unlikely to find a garda when one wants one. Failure to properly deliver on road projects has added to overruns of over €4 billion in the past three years yet nobody on that side of the House has even blinked.

The Taoiseach will read from his brief the statistics on the expenditure of containment, which the Government has spent. What does he have to say to the parents of Lewis O'Carolan whose case was in, yesterday's, *The Irish Times*? He is an autistic boy who has been waiting for months for a hearing on services, which would be available if the Government has been spreading equality to the disadvantaged and marginalised.

What does the Taoiseach have to say to the six young boys I met last Thursday aged from eight

to 11, all of whom have been forced to carry drugs across this city, one of whose mother is a prostitute in a council house, three of whose parents have attempted suicide and are alcoholics and the remainder are on drugs? How has his socialist Government dealt with that problem? These are the realities of life and the Taoiseach has failed to grasp them.

The Taoiseach: The Deputy has moved from health to justice, to the economy and autism. I am not sure if that falls within the category of a question.

Mr. Kenny: The marginalised and disadvantaged.

The Taoiseach: The reality is that the Government has operated on the basis of creating wealth so that it can be redistributed. We have successfully done that. As I said yesterday in reply to Deputy Rabbitte, the desire to spread wealth in a fairer and more equitable way across society is a core of left of centre political ideology.

Mr. Rabbitte: The Taoiseach should change the page.

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

Mr. D. Ahern: Have some manners.

The Taoiseach: Opposition Deputies appear to resent that we have 30,000 more people working in the health service.

Mr. Durkan: This is a joke.

The Taoiseach: Deputy Kenny said we had invested an extra €2 billion in the health service, which they also appear to resent. In fact, we have moved from a position of €4 billion to almost €11 billion. It took from the foundation of the State in 1921 for 68,000 people to be employed in the health service, but in the seven years under my watch we have moved from 68,000 to 106,000.

Mr. Neville: That makes it even worse.

The Taoiseach: Those people are providing health services day-in, day-out to people. They are looking after the 1.2 million people availing of outpatient services and the hundreds of thousands of people availing of inpatient services. They are looking after, as best they can, all of the people in need of cardiac services, cancer treatment, maternity care and in all the other areas and they are doing so to the very best of their ability.

I will not give a litany of figures because Deputy Kenny cannot take them in, but the reality is that this year we are spending €500 million—

Mr. Durkan: The Taoiseach obviously cannot take them in. Although there are 30,000 extra people, there is nothing to show for it. The Taoiseach should be ashamed of himself.

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

The Taoiseach: —more on the capital programme in health. We are investing more in health all over the country.

Deputy Kenny raised the matter of Garda numbers. We recently announced an increase in Garda numbers which will appear in the Book of Estimates tomorrow.

(Interruptions).

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

The Taoiseach: Why can I not have the same silence as the other Deputies? Why is that?

Deputies: Hear, hear.

Mr. D. Ahern: They are fascists.

The Taoiseach: Is it because they have five minutes on television on Wednesday morning and they feel they have to shout me down? They were not even here yesterday.

Mr. Timmins: The Taoiseach is never here.

The Taoiseach: And they will not be here tomorrow. They are never here.

Mr. D. Ahern: The truth is bitter.

The Taoiseach: The Opposition never wants to listen to me when I am here. Opposition Deputies never wants to listen to facts.

Mr. D. Ahern: They are only here for the television.

Mr. R. Bruton: Only half the Cabinet is here.

Mr. D. Ahern: We were here yesterday.

An Ceann Comhairle: Allow the Taoiseach to speak, please. Deputy Kenny was allowed submit his question without any interruption whatsoever. The Taoiseach is entitled to exactly the same courtesy and Deputy Kenny is entitled to hear the Taoiseach's response.

Mr. Kenny: The Taoiseach made disparaging remarks, a Cheann Comhairle.

(Interruptions).

An Ceann Comhairle: The Chair will have to take the appropriate action if Members want to interrupt.

The Taoiseach: I have listened to a considerable amount of disparaging remarks already this morning so I am sure I am entitled to reply. It is the Parliament.

We now have a historically high number of gardaí in the State. I thought Deputy Kenny would have wished to raise the case of the garda who had just completed the excellent training course and who last week single-handedly confronted a serious criminal in this city who has many allegations against him and who was subsequently arrested. He might also have raised the issue of the gardaí who were shot last week apprehending robbers in a filling station and who do this job every day. I am very proud of the gardaí.

Mr. Neville: Tell us something about the criminals.

Mr. Durkan: That has nothing to do with the Taoiseach's performance.

The Taoiseach: I also read the article last Saturday about the life of Lewis O'Carolan and the effect of his autistic spectrum disorder on him and his family. The young man attended St. Paul's special school in Beaumont, where I worked on the accounts many years ago. He attended there from November 1996 until February 2003, when he was, withdrawn by his parents. While in St. Paul's, he was placed in a class of six children with one teacher and two special needs assistants as per the guidelines with other children. He also had a special needs assistant assigned solely for his needs on a one-to-one basis. To state that a good effort was not made by the State in this case is wrong. I acknowledge my time has concluded but I will come back if Deputies make any sane points.

Mr. Kenny: I will take up the Taoiseach's challenge to make a sane point. I will make a challenge to him and the Minister for Justice, Equality and Law Reform. Last Thursday at 6 o'clock, before the Taoiseach conducted the celebrations for the presidential inauguration in Dublin Castle, I visited tower block 4 in St. Michael's estate in Inchicore. Of the 48 apartment units in that block, 40 are closed behind steel barriers and eight residents remain. The lift does not work and I walked through human excrement, urine and strips of tin foil for cooking cocaine to the top floor where a woman lives with her two children.

An Ceann Comhairle: Deputy, that is a different question. Standing orders are quite specific and provide for one topical issue.

Mr. Kenny: No garda has climbed those stairs, neither has the Minister for Justice, Equality and Law Reform. The Taoiseach and his socialist Government regard these people as an underclass

of violent nobodies. Where is the wealth when the Government cannot spread it to people who cannot go outside their doors at night because there are junkies on the stairs and screaming outside? Will the Taoiseach send the Minister for Justice, Equality and Law Reform, Deputy McDowell, to the estate in order that he might learn something about the reality on the streets, rather than issuing his volcanic eruptions about Fine Gael and everyone else? Will the Taoiseach visit this tower block in his own city where these people have been cast aside, their only security a squad car driving through the estate on an irregular basis?

Mr. N. Ahern: Fine Gael city councillors are involved there.

Mr. McDowell: Fine Gael city councillors run that estate.

Mr. Kenny: The Taoiseach should go to the estate and deal with the drug pushers and killers on the ground. He should take up that challenge and deal with it if it is a sane fact.

Mr. Durkan: I bet that hurts the Minister for Justice, Equality and Law Reform.

(Interruptions).

An Ceann Comhairle: Allow the Taoiseach to answer without interruption.

Mr. McDowell: The Deputy's party's city councillors run that estate.

Mr. Kenny: The Minister was never down there. He knows nothing about these people.

Mr. N. Ahern: There is a huge pattern of regeneration in the area which is being blocked by Fine Gael.

Mr. O'Dea: Deputy Kenny was only there for half an hour.

(Interruptions).

An Ceann Comhairle: Allow the Taoiseach without interruption.

The Taoiseach: Deputy Kenny asked me a fair question about St. Michael's estate. I know the estate, I represent it and I have knocked at every door in it. The reason why 20 of the apartments are boarded up is that the Government is taking down the building and giving the residents new homes.

Deputies: Hear, hear.

Mr. McGinley: The estate was only built 20 years ago.

Mr. Durkan: The Minister for Justice, Equality and Law Reform — one of the socialists — is leaving.

(Interruptions).

An Ceann Comhairle: Allow Deputy Rabbitte without interruption.

Mr. Rabbitte: Will the Taoiseach inform the House whether Aer Lingus will be the biggest casualty of the in-fighting in the Cabinet and between the two parties comprising this coalition? As the Taoiseach seeks to re-position Fianna Fáil, the national airline is left leaderless after the management — whatever one thinks of its direction — sought a clear indication from the Government as to the way forward, only to receive mixed signals in response. As a result of the resignations, the value of Aer Lingus has been shot to shreds and the prospect of finding a quality person to lead the company is virtually nil. The shareholder has lost confidence in the management without having any clear direction itself.

As the Taoiseach seeks to re-position Fianna Fáil and jettison the Progressive Democrats, there is no answer from the Government as to what is the future of the national airline. We have a very successful private airline in this country but we do not want a second Ryanair because, as an island nation, we have strategic trade interests. When the management sought direction, it was given conflicting signals. The former Minister for Transport, Deputy Brennan, wanted to privatise the company and negotiated with the unions through the national press. He was moved from his position by the Taoiseach after the June elections and the new Minister was given the opposite riding instructions. It is clear from the exchanges on "Morning Ireland" this morning that a direct head on conflict is involved in this case. When the Taoiseach informed the House that he shot down the notion of a management buy-out, he did so four days after Mr. Willie Walsh advised the Department of Transport that he was withdrawing it. That is typical of the Taoiseach's decisiveness after the event.

The Taoiseach: The day Mr. Willie Walsh and his colleagues proposed the MBO, I shot it down.

Mr. Rabbitte: What did the Taoiseach tell the House?

The Taoiseach: As a result of the actions of the Government and the former Minister for Transport, Deputy Brennan, in supporting the management of Aer Lingus, which has been in place for just a few years, and its predecessors, in a short period of time we turned Aer Lingus from being a loss-making commercial semi-State body to one which made a profit of €90 million last year and €100 million this year. I checked the Official Report last night which showed that even when,

[The Taoiseach.]
as late as a few weeks ago there were calls in this House for the management to resign, I defended it in Leaders' question for three separate weeks.

Mr. S. Ryan: Who called for the resignations?

The Taoiseach: The Deputy should check the record. Deputy Rabbitte has just said he checked the record, therefore, the Deputy should do the same.

I congratulate the management for the job it did. The current business plan seeks to maximise the competitiveness of Aer Lingus as a low cost carrier with much lower costs achieved through out-sourcing. Negotiations on the industrial relations implications of this approach have been continuing at the LRC for some time. The unions are not convinced that this business model is necessarily the best. They are concerned about the impact on working conditions and believe that the management's negotiating style is deliberately aggressive.

I have read with interest some of the articles in this morning's newspapers but they are badly informed about what has really been going on. There has been a very difficult IR position. The workers and the unions are concerned that the very people they were dealing with as management wanted to sell out to make themselves extremely rich. That was the underlying position of the trade union movement to which I have been listening all year.

Ms Shortall: The Taoiseach is scapegoating Mr. Willie Walsh.

The Taoiseach: The level of trust between management and unions is non-existent. There is huge resentment that the management team has claimed virtually all the credit for the rescue of Aer Lingus after the events of 11 September 2001, ignoring the huge effort by union leaders and staff to make the changes work. That is what I have been dealing with. They are also determined not to yield up savings which they perceive are intended to enrich a management team concerned with its own position rather than the company's future.

Ms Shortall: The Taoiseach is dumping on management.

The Taoiseach: If I made this speech outside the House, I would be accused of not coming before it. I am trying to give the facts of what is happening on a daily basis at the Labour Relations Commission and in the trade unions and what is the real story. If the House wants to hear it, I will continue but if it does not, I will sit down.

The question of why a State owned airline might make sense in current circumstances has not yet been fully addressed. The Goldman Sachs

report has been with the Government for just about a month. It is obvious that national flag carriers are fewer in number as a result of competition from low cost carriers and poor management and operations. However, for an island nation heavily dependent on trade, overseas investment and tourism, there are important strategic issues, which must be satisfactorily resolved. If somebody is in a hurry to go somewhere else, it is not——

Ms Shortall: When did the Taoiseach discover this?

An Ceann Comhairle: I will ask the Deputy to leave the House if she does not remain silent and allow the Taoiseach to speak.

The Taoiseach: I have great regard for Deputy Shortall. In reply to her question, that is the reason we have sought a number of strategic reports, including the report we commissioned from Goldman Sachs last May. If Aer Lingus were privatised, there would still be point to point connections from Ireland to major international destinations. Connectivity to Ireland, especially for the business traveller, both direct and through the main hubs, is a consideration from a competitiveness point of view.

There is much evidence of some unease in the business community about the reduction in both the nature and quality of the connections. The Government is trying, based on last month's Goldman Sachs report, to make the necessary and right decision — it is a big decision for the staff, management, the board and the country — on the national airline. I will not just click my fingers because some right wing economists believe we should privatise it.

Mr. S. Ryan: The Taoiseach has scuttled the management and now he is scuttling the Progressive Democrats.

Mr. D. Ahern: You want it every way.

(Interruptions).

Mr. S. Ryan: You are pathetic; you are destroying it.

An Ceann Comhairle: Deputy, allow your party leader to submit a question.

Mr. S. Ryan: It is no wonder Deputy McDowell moved over to this seat.

An Ceann Comhairle: Deputy, you are not the party leader.

Mr. J. O'Keeffe: Deputy McDowell moved to the left.

Mr. Timmins: You have moved away, Michael.

Mr. J. O'Keefe: He is not welcome over there.

Mr. Rabbitte: When did the Taoiseach get worried about selling State companies and executives getting fat? He was not very concerned about it when he dismantled Telecom Éireann. Many people got fat but it was not the ordinary shareholders. This is an extraordinary change—

Mr. N. Ahern: Yes, that is your—

The Taoiseach: I can remind you of a few companies that went down the tubes.

Mr. Rabbitte: The older brother is getting upset. Every morning he acts as a ventriloquist on the shoulder of the Taoiseach.

The Taoiseach: A great one liner.

Mr. Rabbitte: The Taoiseach has lost the leaders of this company, although he says he defended them in the House. However, look at the value of Aer Lingus today in the market. How does the Taoiseach propose to recruit a chief executive when the shareholder does not know what it wants? Will he have the same success as he had in recruiting a chief executive for the health agency?

There is a serious sunder in the Government now. Two clearly opposite positions were expressed on the radio this morning. The reason the Taoiseach is in secret negotiations with a number of Independent Deputies is to provide protection for when the Progressive Democrats will be forced out of the Government. That is the reality. The Taoiseach knows that even the most heroic Independents will not vote themselves out of this House, so he will survive without the Progressive Democrats.

Mr. J. Breen: Test us.

Mr. Rabbitte: We would not have to put up too much of a test.

Mr. McHugh: Who gave Deputy Rabbitte a mandate to speak for us?

Mr. F. McGrath: We will save Aer Lingus.

An Ceann Comhairle: Deputy Rabbitte to conclude.

Mr. Rabbitte: That is what is under way. The two positions in Government cannot be reconciled. Will the Taoiseach retain State control of Aer Lingus? Is that what he is now telling the House since the conversion at Inchdoney?

Mr. O'Dea: You went through a few conversions in your time.

The Taoiseach: Deputy Rabbitte would like to think that the Minister, Deputy McDowell, and myself have some differences on this—

Mr. Stagg: Comrade McDowell.

The Taoiseach: —as if there were only two options. The Goldman Sachs report suggests about ten, so it is not so simple.

Mr. Quinn: Will you publish the report?

The Taoiseach: I will outline the position because it is important for the staff of Aer Lingus. The Goldman Sachs report is premised on the State examining whether it should invest equity. It is clear that such investment would be acceptable under State aids and I said as much in the House a month ago. State guarantees would be a form of State aid, which would not involve cash investment. The report then goes on to consider various forms of equity injections. It looks at privatisation and a number of different models. It is up to the Government to go through those and make a decision.

The Government has been engaged actively and comprehensively in the review of the policy on Aer Lingus and wider aviation issues. We thank and were pleased with Willie Walsh and his colleagues who worked on this—

Mr. S. Ryan: What do you mean? On how many occasions have you—

An Ceann Comhairle: Allow the Taoiseach without interruption.

The Taoiseach: A Cheann Comhairle, will you give Deputy Ryan an hour tonight to speak? All he does is interrupt. He has not made a speech in months. Give him an hour so he can speak.

Mr. S. Ryan: That is typical. You come out with things like that but you should read the Official Report.

Mr. D. Ahern: We cannot hear you.

An Ceann Comhairle: Does Deputy Ryan wish to leave the House?

Mr. S. Ryan: No.

An Ceann Comhairle: It appears to the Chair that you do.

Mr. S. Ryan: The people of Dublin North put me here and I will stay here.

The Taoiseach: Aer Lingus is a success story thanks not only to the management but also to the union leadership and the industrial relations machinery, which made a major successful transformation possible through agreement. Of necessity, there will be a need for continuing

[The Taoiseach.]
change in all airlines as the industry evolves. We are aware of that from aviation trends worldwide. No player is indispensable. A new management team will be appointed and the Government will proceed to take the necessary decisions as shareholder. We will complete our discussions on the Goldman Sachs report. Aviation policy and, by extension, the future of Aer Lingus are major strategic questions for an island nation that is heavily dependent on trade, investment and tourism. Policy decisions will be taken with an eye to the long-term future. We will not be stampeded by anyone.

Ms Shortall: Meanwhile, you are destroying the company.

The Taoiseach: The Government is close to making the necessary strategic decisions based on a report it received just a few weeks ago. It is important that those who are currently negotiating changes in the airline continue to address the necessity for change and flexibility so the future can be secured for everybody in Aer Lingus. That is our position.

Mr. J. O'Keeffe: The Government could not run a sweet shop.

Mr. Durkan: Does comrade McDowell agree with that?

Mr. J. Higgins: Many of today's newspapers were kind enough to point out that I was not in the House yesterday when the Labour Party leader asked the Taoiseach about his new found commitment to socialism. Ironically, I was abroad for several days on political work to advance the cause of socialism.

Mr. Rabbitte: Did the Deputy have the Government jet?

(Interruptions).

Mr. J. Higgins: You can imagine, a Cheann Comhairle, how perplexed I was when I returned to find my wardrobe almost empty. The Taoiseach had been busy robbing my clothes. Up to recently the Progressive Democrats did not have a stitch left due to the same Taoiseach but we never expected him to take a walk on the left side of the street.

The Taoiseach: Extreme left.

Mr. J. Higgins: He said: "I am one of the few socialists left in Irish politics". Immediately, Tomás Ó Criomhtháin came to mind, as he lamented the last of the Blasket Islanders: "Ní bheidh ár leithéidí arís ann". I then thought: "Good, Taoiseach. There are two of us in it and we will go down together."

Sadly, I had to take a reality check. If this conversion was genuine we would have to go back 2,000 years to find another as rapid and as radical. Saul's embrace of Christianity on the road to Damascus stood the test of time but the Taoiseach's embrace of socialism on the banks of the Tolka hardly will.

I was not impressed with the Taoiseach's answers yesterday so I will set him a test on three brief points to check if he is a socialist. On public ownership, the Taoiseach stated—

The Taoiseach: Is the Deputy inquiring if I am a positive or a negative socialist? He is a socialist of the negative kind.

Mr. J. Higgins: We will see if the Taoiseach answers in the positive. Public ownership is crucial for socialists and the Taoiseach stated that he likes the idea that the Phoenix Park and the Botanic Gardens are publicly owned. As has been stated, however, he gave our telecommunications industry to venture capitalists to play around with. Will the Taoiseach answer the question to which he failed to reply just now? The Government is split on Aer Lingus and the Minister for Justice, Equality and Law Reform, Deputy McDowell, wants it to be in private hands. Will the Taoiseach—

An Ceann Comhairle: The Chair is reluctant to intervene but the Deputy's time is concluded.

Mr. J. Higgins: The second test is that democratic socialists never support imperialist invasions and certainly those of the type launched by the US military which is wading in blood through Falluja. The Taoiseach helped the US military to get there. Will he now denounce that atrocity and condemn the murder of an innocent Iraqi as we this morning condemned those obscurantists who murder innocent hostages?

On equality, the Taoiseach stated that he is happy that the children in Rutland Street school are given breakfast there. Why should they be obliged to depend on the school for their breakfast? It is because he has presided over one of the most unequal regimes in the western world which has given huge concessions to big business while poverty remains in our State.

The Taoiseach has three minutes in which to reply. I suggest that he devote one minute to each of the three tests and I will judge his replies at the end.

The Taoiseach: I would never consider that I subscribe to the same kind of politics or ideology as Deputy Joe Higgins.

Mr. M. Higgins: The Taoiseach has scored a "D" grade already.

The Taoiseach: My politics and ideology might be closer to those of Deputy Michael D. Higgins. I have watched and listened to Deputy Joe

Higgins with interest for three decades but I have never heard him say anything positive. He displays what I believe to be a far left or "commie" resistance to everything. He does so in the hope that some day the world will discover oil wells off our coast which will fall into the ownership of the State, thereby allowing us to run a great market economy with the State at its centre. That utopia does not exist.

What I said yesterday when the Deputy was not present is that——

Mr. J. Higgins: I read what the Taoiseach said yesterday. He should just answer the questions I have put to him now.

The Taoiseach: ——at the core of left centre political ideology is the desire to spread the wealth more evenly. That means that people must be encouraged to create the wealth. When this is done, they are taxed and the money collected, is used to resource them.

(Interruptions).

An Ceann Comhairle: Deputies should allow the Taoiseach to continue, without interruption.

The Taoiseach: Deputy Joe Higgins is against wealth creation and, as a result, he favours high unemployment, high expenditure and high borrowing. Any of the tests the Deputy would set me fail on the grounds that he does not believe in them. That is the issue. What we do is create the wealth, thereby allowing ourselves to employ 100,000 people in the health services to care for others, tens of thousands of teachers, many community care professionals and resource and home liaison teachers and teachers to look after the disadvantaged in our schools. That is what our brand of socialism allows us to do. The Deputy's brand of socialism has changed so much in recent years. As he is aware, one of the reasons for the rise in oil prices is because his friends in Russia have decided that the market economy can afford \$50 a barrel.

(Interruptions).

Dr. Cowley: We had oil well wells off the coast and the Taoiseach gave them away.

The Taoiseach: The Deputy is a right-wing doctor.

Mr. D. Ahern: And a well paid one.

The Taoiseach: That is what is wrong with Deputy Joe Higgins's policies. I would be delighted to discuss the matter with him on the Blaskets or elsewhere whenever he likes.

Dr. Cowley: I am concerned about a man in County Mayo——

An Ceann Comhairle: Deputy Cowley should allow Deputy Joe Higgins to continue, without interruption.

Dr. Cowley: I want to discuss the case of a man——

An Ceann Comhairle: The Deputy is out of order.

Dr. Cowley: The man in question has been obliged——

An Ceann Comhairle: The Chair will be obliged to ask the Deputy to leave the House if he does not resume his seat. These are Leaders' Questions. The Deputy is not permitted to speak. I call Deputy Joe Higgins.

Dr. Cowley: Ceann Comhairle, this man has been obliged to——

Mr. F. McGrath: The Ceann Comhairle should ask the Taoiseach to withdraw the remark he made about the Deputy.

Dr. Cowley: Ceann Comhairle, this man is going to die because——

An Ceann Comhairle: The Deputy is out of order. He must resume his seat. He cannot raise that matter at this time.

Mr. O'Dea: Doctors are making too much money from the GMS.

Mr. F. McGrath: What about the Minister's legal eagle friends? They are not poor, are they?

Mr. J. Higgins: The basic advice a teacher gives to a pupil who is going in to do an examination is not to spend the entire time on one question.

An Ceann Comhairle: Unfortunately, under Leaders' Questions the Taoiseach must focus on one question and not on three.

Mr. D. Ahern: The problem is that one cannot sack a teacher.

(Interruptions).

Mr. J. Higgins: It was one question, divided into parts (a), (b) and (c). The Taoiseach, not being able to answer parts (a) or (b), spent all of his time trying to answer (c). On that alone, he has flunked the test. He has also flunked his history test by putting my type of socialism in the same gallery as that of the Russian Stalinists. I do not have time — unless the Ceann Comhairle will provide it — to educate the Taoiseach about that matter. He referred to my friends in Russia.

The Taoiseach: They are not communists any longer, they joined the WTO.

Mr. O'Dea: Trotsky was the same.

Mr. J. Higgins: My friends were murdered by the Stalinists. Trotsky and other fine socialists were killed because they stood for democratic socialism.

An Ceann Comhairle: The Deputy's minute is exhausted.

Mr. J. Higgins: The Taoiseach stated that he has spread the wealth around. That is a curious statement, particularly as he has given €600 million to big business in corporation tax cuts, allowed tax exiles to get away with murder while ordinary people are obliged to pay through the nose and allowed stud farm owners and the rest to operate tax free while ordinary people are obliged to pay out massively through stealth taxation and in other ways. The Taoiseach should do the honest thing and withdraw the ludicrous claims he made at the weekend. Let us return to normal. Socialism is not a flag of convenience to be used after one's party has been battered in the local and European elections in order to pretend that one is a friend of working people.

Dr. Cowley: I would like the Taoiseach to withdraw the remark that I am a right-wing doctor.

An Ceann Comhairle: This is Leaders' Questions. Deputy Cowley is out of order and I ask him to resume his seat. He will have to find another way to raise the matter. If he does not resume his seat, I will have no option other than to ask him to leave the House.

Dr. Cowley: Ceann Comhairle, I was obliged to give up my practice. I am in the Dáil—

Mr. D. Ahern: The Deputy decided to enter public life. He should either stick with it or return to this practice.

An Ceann Comhairle: If the Deputy wishes to leave the House, the Chair will facilitate him.

Dr. Cowley: I am a Member of the Dáil because I am interested in obtaining equality for people. That equality is not being achieved.

An Ceann Comhairle: I ask the Deputy to resume his seat and allow the Taoiseach to conclude Leaders' Questions.

Dr. Cowley: People are not obtaining equality—

An Ceann Comhairle: The Deputy must resume his seat.

Dr. Cowley: Ceann Comhairle—

An Ceann Comhairle: I am asking the Deputy for the final time to resume his seat.

Dr. Cowley: Ceann Comhairle, what I am—

An Ceann Comhairle: It is obvious to the Chair that the Deputy wishes to leave the House. I ask him to do so now.

Dr. Cowley: I will leave the House. However, I just want to say that I am not—

An Ceann Comhairle: The Taoiseach must be allowed to conclude Leaders' Questions.

Dr. Cowley: Ceann Comhairle, I am—

An Ceann Comhairle: As the Deputy will not leave, I move: "That the Deputy be suspended from the service of the Dáil." Is the motion agreed?

Deputies: No.

An Ceann Comhairle: Under Standing Order 61, any division is postponed to take place immediately before the Order of Business on the next sitting day. The Deputy must leave the House now.

Dr. Cowley: Ceann Comhairle, the man to whom I referred earlier—

An Ceann Comhairle: The Deputy must leave the House. If he does not do so, I will have no choice but to suspend the sitting.

Dr. Cowley: I accept the Chair's ruling. However, I must state that—

(Interruptions).

An Ceann Comhairle: I ask Deputy Cowley to leave the House.

Dr. Cowley: The man in question is—

An Ceann Comhairle: Does the Deputy wish me to suspend the sitting?

Dr. Cowley: I will leave the House. Go raibh maith agat.

The Taoiseach: In reply to Deputy Joe Higgins's question—

Mr. F. McGrath: The Taoiseach should withdraw the remark he made.

The Taoiseach: What remark?

Mr. F. McGrath: The remark about the Deputy being a right-wing doctor.

The Taoiseach: The Deputy is a doctor.

An Ceann Comhairle: Allow the Taoiseach, please.

The Taoiseach: If he gets that upset, the House can imagine what I feel every day.

Mr. F. McGrath: Withdraw the remark.

A Deputy: Deputy McGrath is becoming very precious.

Caoimhghín Ó Caoláin: The Deputy is a medical doctor, not a spin doctor.

The Taoiseach: In reply to Deputy Joe Higgins, my point is that one cannot distribute resources to education, health and social welfare unless wealth is generated. Deputy Higgins's outrageous accusation against me that corporation tax has been lowered is not true. The facts are that corporation tax has soared from 4% to 9% of GNP during my period as Taoiseach. The Government through its policies has taken far more from the corporate tax sector by having lower taxes and generating far more activity in the economy. There are over 400,000 more in employment and lower unemployment figures——

Ms Burton: The recent corporation tax yield is down. That is a matter of fact.

An Ceann Comhairle: Please, Deputy Burton, allow the Taoiseach without interruption.

The Taoiseach: The Government has been given the resources to spend far more.

Ms Burton: The Taoiseach is wrong. His ready reckoner is wrong.

The Taoiseach: That is how we can have more doctors, more nurses, more therapists and more teachers. When the then Minister for Finance, Mr. McCreevy, halved the rate of capital gains tax, the Government gained four times more revenue.

Mr. D. Ahern: QED.

The Taoiseach: By having lower taxes, we were able to spend more. I quoted a figure yesterday in the House in the Deputy's absence which proves that the average industrial wage is now €10,000 more than it was seven years ago. Even taking the tax rate then and the different tax rate now, a person on that salary is paying €300 less. This shows the success of what we do. I know the Deputy is actually an admirer of that also.

Mr. D. Ahern: That is our legacy.

An Ceann Comhairle: That concludes Leaders' Questions. Perhaps the Chair should read out the Standing Order relating to Leaders' Questions for the benefit of Members. The Standing Order allows for a brief question on one matter of topical public importance from the leaders of Fine Gael, the Labour Party and the designated leader

of the Technical Group. The overall time limit is 21 minutes. The time ran 17 minutes over time this morning. I ask Members to keep in mind the Standing Order. If they wish to change it, they know how to do so. The number of interruptions is totally unacceptable. This is a national Parliament and Members are entitled to be heard with courtesy and with silence. In future the Chair will insist that we carry out our responsibility under Standing Order 26A in regard to Leaders' Questions. I ask Members to allow Members on all sides of the House to speak without interruption and that Members would try to stay within the time. The Chair is flexible, as Members know, but not to the extent that we can go 17 minutes over time. In future the Chair will have to take a tougher line because we cannot allow this to continue.

Questions — Ceisteanna.

Code of Conduct for Office Holders.

1. **Mr. Kenny** asked the Taoiseach if he has plans to amend the code of conduct for office holders; and if he will make a statement on the matter. [21443/04]

2. **Mr. Sargent** asked the Taoiseach if he has plans to amend the code of conduct for office holders; and if he will make a statement on the matter. [26390/04]

3. **Mr. Rabbitte** asked the Taoiseach if he has plans for amendments to the code of conduct for office holders; and if he will make a statement on the matter. [27854/04]

The Taoiseach: I propose to take Questions Nos. 1 to 3, inclusive, together.

The code of conduct for office holders has applied since 3 July, 2003. Given the code's relatively short period of application, I have no plans to amend it.

Mr. Kenny: Will the Taoiseach agree that the code of conduct should be updated and should make specific reference to the fact that politically appointed advisers should not sit on selection boards? There was quite a deal of controversy about a number of incidents in the past. Will the code of conduct be updated to take account of this?

An Ceann Comhairle: The House cannot have a debate on the contents of the code of conduct.

Mr. Kenny: I did not debate it.

An Ceann Comhairle: The Deputy is suggesting what might be in it.

Mr. Kenny: I asked the Taoiseach if he agreed it should be updated.

An Ceann Comhairle: Just updated.

Mr. Kenny: The Ceann Comhairle has had a very good run during the 17 minutes of over time but I did not say what was in the code of conduct; I asked the Taoiseach whether it would be updated.

Mr. R. Bruton: The word “amend” is in order.

The Taoiseach: In reply to Deputy Kenny, the code is only 18 months in operation. I take Deputy Kenny’s point that special advisers should not sit on interview boards for posts. I will investigate the matter. I do not know if they have done so. The Deputy quoted an example where this happened. They would not sit on an interview board for Civil Service positions. I will look at the matter.

Mr. Sargent: The code of conduct was published on 4 July 2003. It does not allow the commission to impose any sanctions and I wonder if there are plans to change that. It states that the Oireachtas may impose a sanction. Given that Ministers are members of the Government, it is hardly likely that such a motion would be carried in the Dáil. If it is left to the Oireachtas to impose sanctions, is the Government serious about this code, given that the office holders are members of the majority in the House? Would it not be more realistic to allow the commission to make a judgment independently and to impose sanctions accordingly?

The Taoiseach: The code does not stand in isolation, being part of the wider ethics framework established by the Ethics in Public Office Act. Section 10(7) of the Standards in Public Office Act 2001 binds office holders to have regard to and to be guided by the code. The point raised by Deputy Sargent was foreseen and was nailed in section 10(7). Anything in the code may be taken into account and may be used in examination of a Member. If a Member is under investigation by the House or by a tribunal or court, the code may be taken into account. The wording of section 10(7) binds office holders to have regard to and to be guided by the code. In the case where the code cannot impose any new requirements which are not legislatively based, it can however be used by the commission as guidance as to whether a complaint made under section 4 of the Act should be investigated. An issue in the code, which is not tied in the legislation can be taken and used in full investigations. I have brought this to the attention of colleagues because people may not realise they are bound by an Act when strictly interpreted. According to section 10(7) one is responsible if it is in the code of conduct. A Member or his legal representative cannot simply read the Act and the code.

The Standards in Public Office Commission, which oversees implementation of the Act and

guidelines has specific statutory powers to investigate and make findings in respect of failures of compliance with the Act and also the code. The penalties available to the commission are those specified in the 1995 Act which under section 24 involves making a report to a committee of the House. The code is clearly admissible in any proceedings before a court or other tribunal or a committee of the House or the Standards in Public Office Commission. It is important that Members understand this because initially people believed that the code did not have that power.

Mr. Rabbitte: Does the code expressly forbid office holders being engaged in any other business while they are office holders? Is the Taoiseach satisfied that the terms of the code are being complied with? Is that quite distinct from office holders being in receipt of income from other sources while office holders?

The Taoiseach: The rules for the involvement of office holders in business are set down under the legislation and in the Cabinet handbook rather than in the code. There is a clear separation. They are entitled to receive income from companies, which they may own, providing they have made a clear and full declaration. One of my colleagues had a difficulty when he omitted to declare and the tribunal found against him on that basis. He should have declared the full content of shares and involvement. On that basis one can receive an income but it is clear that one cannot be involved in business under the legislation. Equally important is that the declaration must show clearly one’s involvement and the means by which one is deriving an income. Also, one must declare fully any such income on an annual basis.

Mr. Sargent: On the misdemeanours found to have occurred in regard to the Minister, Deputy Noel Dempsey, and the Minister of State, Deputy Fahey, which resulted in a number of calls for more clarification in the code——

An Ceann Comhairle: That does not arise out of these questions, Deputy.

Mr. Sargent: We are talking about changes to the code. Arising from those incidents——

An Ceann Comhairle: You are talking about specific incidents.

Mr. Sargent: I do not mean to talk about specific incidents. I am talking about a need for revision in the code to set out exactly what Ministers may do at election time. That call was made at the time and I understood it was being followed up. Has there been any revision of the code to make it more specific on what Ministers and Ministers of State may do at election time?

The Taoiseach: It is a matter for the commission in the first instance to investigate such matters when they arise. There is no point in having a commission with strong powers, as it has, if they are investigated by somebody else. Depending on a particular finding, and not wishing to mention a particular case, if any complaint is made the commission has to carry out the investigations. In the cases the Deputy mentioned, the commission made a ruling and received an apology but the commission has full powers to investigate and then make a ruling on what should happen.

In reply to Deputy Sargent, it is important to make the point that after the issue was brought to my attention highlighting requirements in the code of conduct regarding the uses of official facilities, I pointed out the ruling of the commission to all my ministerial colleagues and the restrictions that are in place. That was the first election in which this arose but those restrictions now apply.

Deputy Rabbitte asked me a question yesterday on which I had not got the note but I have it on this particular file. It concerned the matter of an adviser moving to a job, and I gave a brief answer. I got the matter checked last night. This is a matter which is covered by the Civil Service code of standards and behaviour. Deputy Rabbitte raised this issue in the House last year and I undertook at that stage to raise the point because it is valid and important in terms of clarity for the individual and so as not to imply that somebody was doing something improper. It has been clarified in the September document on the Civil Service code of standards and behaviour.

The law now states that special advisers are subject to the same restrictions as civil servants when taking up outside employment. They are now subject to this, which was not the case previously. Stated briefly, the code requires that if, within 12 months of retiring or resigning, they wish to take up a position with an outside business with which they had official dealings or an outside business that might get an unfair advantage by engaging them, they must inform the appropriate authority of that. They must take the initiative in that regard. The appropriate authority is either the Secretary General of a Department for officers below Assistant Secretary level or an outside appointments board for those at or above Assistant Secretary level. With most people, that will now be an outside appointments board and the approval by an appropriate authority to take up the position may be unconditional or conditions may be attached. They cannot just sail from one job to the other—

Mr. Rabbitte: Within 12 months.

The Taoiseach: —and it must be conditional. If they go, conditions could be put on their leaving.

My view is that it is better to have certainty in this matter and the best way to achieve that, beyond doubt, is that they should inform the outside appointments board and then let that board decide whether conditions should be attached, rather than take the chance. At least we would have certainty then and it would avoid conflict. I had a problem myself some years ago with one of my advisers, as Deputy Rabbitte will recall, and it is better that this issue is absolutely clear and that people do this with certainty. More people will move in and out of these jobs and now it is covered in the code, as it is for the Civil Service. Unlike civil servants, however, these people can move in and out of jobs so they should take this particular action. That provides them with certainty, and in terms of the protection of the system.

Departmental Expenditure.

4. **Mr. Kenny** asked the Taoiseach the total expenditure by his Department since January 2004; the way in which this figure compares with that provided in the Estimates; and if he will make a statement on the matter. [21445/04]

5. **Mr. Sargent** asked the Taoiseach the way in which the expenditure by his Department since January 2004 compares with the figure provided in the Estimates; and if he will make a statement on the matter. [26391/04]

6. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the likely out-turn for his Department's Estimate for 2004. [27855/04]

7. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his Department's Estimate for 2005. [27856/04]

8. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his Department's spending in 2004 and the way in which it compares with the Estimate allocated to it; and if he will make a statement on the matter. [28842/04]

9. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will make a statement on his Department's Estimate for 2005. [28843/04]

The Taoiseach: I propose to take Questions Nos. 4 to 9, inclusive, together.

Expenditure by my Department up to the end of October was €21.5 million compared with a total Estimates provision of €37.5 million. While fluctuations in spending occur from month to month and some expenditures do not fall due until the end of the year, I am satisfied that overall spending by my Department for 2004 will remain within the agreed Revised Estimates for the year.

The Estimates for 2005 for my Department will be published in the Abridged Estimates Volume tomorrow. I look forward to addressing specific issues relating to the Estimates provisions when they are considered in the usual way by the Committee on Finance and the Public Service. I also

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look forward to responding to questions which Deputies may wish to table separately in relation to specific aspects of the work of my Department.

Mr. Kenny: I do not want to know the details of the Estimates in advance of their being published but could I get a guarantee from the Taoiseach that in respect of the National Forum on Europe, he will ensure that sufficient resources will be made available to it to allow it to do its job? The Taoiseach will recall that in 2001, we got things badly wrong when insufficient information was given to the electorate at large about the first Nice referendum. In terms of the decision to have a referendum on the new constitution of Europe, this will be a complex matter in the minds of many people and they are entitled to the fullest level of information available. In that sense, the National Forum on Europe has a critical role to play. Can the Taoiseach give the House an assurance that he has seen to it that sufficient resources are contained in the Estimates to be published tomorrow to allow the forum to do its job thoroughly?

The Taoiseach: “Yes” is the answer to the question. Deputy Kenny has raised this matter. For this year we did that. At this stage, as we go into the last six weeks of the year, the National Forum for Europe is below profile. Obviously, next year’s expenditure will be heavier and the Department of Foreign Affairs also has an allocation because it will publish a more detailed booklet. Already, it has had a good run on the current booklet and I understand it will do more of those. It has gone into the community and I welcome the good take-up on that by the public. That is helpful to community organisations and schools in particular. I am assured, both by the chairman, whom I met recently, and the Department that matters are in order but I agree Deputy Kenny that we have to provide adequate resources to ensure people have the information and that it is explained properly to them.

Mr. Kenny: Can the Taoiseach assure the House that the forum will be able to move around the country? An important element of its work is that it becomes involved in local radio stations in community locations throughout the country so that school children, young people and the public in general can have an opportunity to hear the debates on the proposed constitution from the forum’s perspective.

The Taoiseach: Yes. When the chairman came to see me as part of the Estimates process and other matters he made the point that that is the intention of the forum. He also said, and I support this, that when the forum travels around the country it should also engage with other organisations — the IFA, the ICMSA, the chambers of commerce and political parties. The forum will

pay the cost of holding the function but it will also involve other organisations to try to get a wider audience in their travels.

Mr. Sargent: I agree the National Forum on Europe must be given the necessary resources to provide the comprehensive information required to allow people to make up their minds. Has the allocation for the operation of the forum been increased given that the 2004 Estimate increased by 25% compared to 2003? Can the Taoiseach provide an absolute or estimated figure for 2005? The allocation for consultancy services decreased by 33% between 2003 and 2004. Is there a reason or explanation for the greater need for consultancy services in 2003?

The Taoiseach: Is the Deputy referring to consultancy services for the National Forum on Europe or the Department’s overall allocation for such services?

Mr. Sargent: The allocation for the National Forum on Europe increased by 25% between 2003 and 2004.

The Taoiseach: The overall figure allocated to the National Forum on Europe was €1,151,000. At the end of October the profile figure was €847,000 and the forum had spent approximately €600,000, although some outstanding bills remain. It submitted a figure for public relations of, I believe, €49,500.

I hope I understood the Deputy’s question on consultancy services correctly. Expenditure on such services in my Department as of October 2004 was approximately €62,200. This relates mainly to the implementation of the employee opinion survey for 2004. Expenditure on the Presidency includes €72,286.34 on consultancy services and €36,653.65 was spent on public relations. In addition, some programmes under the Vote also contain expenditure on consultancy. The Information Society Commission expended €907,000 on consultancy services and €45,563 on public relations. The National Forum on Europe expended €47,780 on public relations. Under the e-Cabinet initiative expenditure on consultancy was €8,546.82, while nothing was spent on PR.

Mr. Rabbitte: What is the final cost of the EU Presidency?

The Taoiseach: The total estimated cost from all Departments and agencies in relation to the Presidency is estimated to be in the region of €60 million. This includes the costs of official meetings, travel abroad, hospitality in Ireland, security arrangements, cultural presentations in Ireland and Europe, information services and the Presidency website. I understand the final cost is close to the estimated cost.

Caoimhghín Ó Caoláin: Does the Taoiseach expect the full 2004 allocation of €50,000 for the National Forum on Peace and Reconciliation to be expended by the year's end? Will a further amount be included in the Estimates for 2005? Does the Taoiseach envisage that the forum will be reactivated in the future?

The National Forum on Europe was allocated €922,000 in 2004. Was this allocation drawn down in full? What are the Taoiseach's plans for the forum in 2005? Will it be reactivated, specifically with regard to the debate on the new EU constitution?

I note that a substantial sum of €1.67 million was allocated for 2004 for what are called the information society and e-Cabinet initiatives. Will the Taoiseach indicate the practical benefits to taxpayers of this expenditure?

The Taoiseach: With regard to the National Forum on Peace and Reconciliation, we have kept a provision for this purpose each year and will continue to do so because administrative costs always arise. The allocated figures have not been large but we will, if necessary, make further provision in the Department's Vote, even if we do not have a full Estimate.

The National Forum on Europe has an allocation of €1,151,000, of which approximately €600,000 has been spent. It appears the full figure for 2004 will not be expended. As I implied, however, additional costs will arise in 2005 because of the impending referendum in terms of information, sessions and ongoing work. There will, therefore, be a full year cost for this purpose.

With regard to the Information Society Commission, actual expenditure has not been as high as the figure in the Estimate. Approximately €348,000 had been expended by the end of October so it appears the final figure will be under profile. Most of the commission's beneficial work is in promoting the information society in the community and carrying out various surveys. It has launched a number of schemes, including the information society days in community centres and public libraries, and done research which is used widely in schools and elsewhere. All members of the board of the Information Society Commission work without payment — I believe they do not even get mileage costs. The costs incurred are, therefore, from research, surveys and the commission's work in the community.

Tribunals of Inquiry.

10. **Mr. Kenny** asked the Taoiseach the costs which have accrued to date to his Department in respect of the Moriarty tribunal; and if he will make a statement on the matter. [21448/04]

11. **Mr. Sargent** asked the Taoiseach the entire cost to the State to date for the Moriarty tribunal; the estimate for future costs to the State; and if he will make a statement on the matter. [22482/04]

12. **Mr. Rabbitte** asked the Taoiseach the total cost to date accruing to his Department arising from the Moriarty tribunal; if he has received an indication regarding the likely date for conclusion of hearings by the tribunal; and if he will make a statement on the matter. [23382/04]

13. **Mr. J. Higgins** asked the Taoiseach the total cost to his Department relating to the Moriarty tribunal; and if he will make a statement on the matter. [24149/04]

14. **Caoimhghín Ó Caoláin** asked the Taoiseach the total cost to his Department and the State of the Moriarty tribunal to date; the projected future cost; and if he will make a statement on the matter. [28844/04]

The Taoiseach: I propose to take Questions Nos. 10 to 14, inclusive, together.

The costs met by my Department to end October in respect of the Moriarty tribunal amount to €17,844,522. This includes fees paid to counsel for the tribunal and administration costs incurred to date since the establishment of the tribunal in October 1997. Total payment to the legal team is €13,302,609 to end October 2004.

As regards estimated future liabilities for costs, it is impossible to predict what costs may be awarded and to whom by the sole member of the tribunal. The annual running cost of the tribunal is under €4 million. Future costs will depend on the duration of the tribunal. The tribunal is due to conclude by January 2006.

Mr. Kenny: I thank the Taoiseach for informing us that the Moriarty tribunal has cost €17.8 million to date. Later, the House will discuss an amendment to the terms of reference of the Tribunal to Inquire into Certain Planning Matters and Payments. This tribunal, as the Taoiseach is well aware, has produced four interim reports, some of which were best-sellers as members of the public wished to know their findings as soon as possible. Why has there been no interim report from the Moriarty tribunal? It has been sitting for some years at the cost of over €17 million, yet people are confused about where it is heading. Legal fees for senior counsel, set at €2,500 per day, are now to be trimmed to €900 per day under new arrangements. Is the Taoiseach happy that the Moriarty tribunal will conclude in the time stated?

The Taoiseach: Over the summer the former Minister for Finance put in considerable work to bring conclusion dates to all the tribunals and introduce a new regime of fees, which work the Attorney General is continuing. With effect from 1 September last, the cost of all legal representation, including third parties, at newly established tribunals of inquiry, or other forms of inquiry, will be paid by way of a set fee payable for the entirety of the tribunal. The calculation of daily fees will not be based on this fee. This new fee structure will take up from when a new tri-

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bunal is appointed. With the Ferns and the Lourdes hospital inquiries and the Barr, Moriarty, Morris and Mahon tribunals, we have decided to come to realistic fixed dates of completion. This is based on detailed discussions and we can hold them to these dates. Whether the reports can be finished and the new fee structure introduced, I hope we can hold it both to the final report and to the fee structure.

I simply cannot answer the question on interim reports. The costs I gave for the Moriarty tribunal do not include future liabilities, such as costs awarded. Fees are mostly to the tribunal. However, the tribunal is in its eighth year and while I do not want to say that the costs may be high, it is a matter of concern. We have tried to get a firm fix on the Mahon tribunal. This is the first real attempt since the commencement of these inquiries to bring finality to them. It is an attempt to reach an understanding of what is required without undue interference. We want to introduce realistic deadlines to ensure we are not in a never-never position with costs and ongoing work. The date marked in for the completion of the Moriarty tribunal is 11 January 2006.

Mr. Sargent: In June 2003 the Taoiseach told the House that he expected public hearings to end by December 2003 and a report to be written then.

The Taoiseach: I was wrong.

Mr. Sargent: I take it matters have been severely revised in the interim. At the time, the Green Party was also looking for an investigation to include matters concerning Glending, County Wicklow. In the meantime, reports have circulated that a deal has been done for reduced fees for tribunal lawyers. Are additional lawyers proposed for the Moriarty tribunal? Have there been any developments in this regard, considering much of the attention in the recent past has focused on the Mahon tribunal?

The Taoiseach: The completion date for the Moriarty tribunal is 11 January 2006 and it is September 2006 for the Morris tribunal. There are enough staff on the Mahon tribunal to bring it to its finality by March 2007. However, the final report has to be written. As Deputy Kenny said, the tribunal has published interim reports and will continue to do so. No new staff will be appointed to the Moriarty tribunal. The effective date for the introduction of the new structure to the remaining tribunals and inquiries will be determined by the Government following communication between the Attorney General and the chairpersons of each tribunal of inquiry. We will be working to the dates he has agreed in these discussions.

Mr. Rabbitte: The former Minister for Finance received many headlines when he threw many shapes on this matter and announced to the Fianna Fáil Ard-Fheis that he would do the devil and all to reduce tribunal lawyers' fees. However, no tribunal lawyer's fees will be affected during the duration of any of the existing tribunals as the new provisions will not be brought into existence until their conclusion. After the beef tribunal, there was an informal understanding in the House that there would be no more tribunals. However, that changed for a variety of reasons. If there were another tribunal into a matter of public interest next year, would the new schedule of fees apply?

The Taoiseach: Deputy Rabbitte is correct in surmising that the new fee structure will not become effective until the dates of completion. The existing fee structure will exist until these dates are reached. Then it is a matter of consultation between the Attorney General and the chairpersons of the tribunals. However, if a tribunal went beyond these dates, we would argue that the new fee structure must apply. From 1 September 2004, the costs of all legal representation, including third party's, at newly established tribunals of inquiry, or other forms of inquiry, will be paid by way of a set fee payable for the entirety of the tribunal. The new schedule of fees will become effective as and from September for any new tribunal.

Mr. J. Higgins: When the Taoiseach says that the legal fees in the Moriarty tribunal have surpassed €13 million, will he acknowledge that his Government made a major error in allowing certain barristers to name any fee, no matter how exorbitant, they wished? Tribunals now make more millionaires than they investigate. Is it not obscene that certain barristers can name €5,000 to €10,000 as a price for a few hours' work? Does the Taoiseach understand the anger and resentment among taxpayers and ordinary workers in having to fund these demands? Does he understand how the 1,300 Aer Lingus workers, soon to be forced out of their jobs, feel about this squandering of public moneys?

An Ceann Comhairle: Does the Deputy have a question related to the five questions to the Taoiseach?

Mr. J. Higgins: Why does the Government not change the regime for charging barristers to a realistic level to match that at which ordinary people must survive? Is the Taoiseach concerned that the changes to the Mahon tribunal may mean that the Fitzwilton payment of €30,000 to Mr. Burke will not be properly investigated?

An Ceann Comhairle: These questions deal specifically with the Moriarty tribunal. I suggest

the Deputy submit a question on the Mahon tribunal.

The Taoiseach: In reply to Deputy Higgins, yes this is using up significant resources. There is no doubt about that. I do not think any of us believed in 1997 when the House agreed the terms of reference that we would still be here debating these issues as we head into 2005. At that time we took very senior and eminent people from the Bench and the Bar to undertake this work. We made the arrangements at the time and must wait until the tribunal concludes before we can end those arrangements. We have changed some of the arrangements, and that is the reason for this debate. The set fee to be paid to a senior counsel will be based on the annual salary of a High Court judge plus 15% in respect of a pension contribution, with related payments to other legal staff, including barristers and solicitors.

The specific annual remuneration packages have been negotiated on this basis for senior and junior counsel and solicitors. The Minister for Finance set out those figures recently. Having signalled his intention to curb the spiralling costs of tribunals, assuming that the awards of third party legal costs in ongoing tribunals is in line with such awards made in completed tribunals, the legal costs will be met by the taxpayer for all tribunals and inquiries, which could come to a figure of over €440 million by the end of this year.

We must look at the future position. The new measures will drastically reduce the legal costs of new tribunals and inquiries, and those of existing tribunals and inquiries from a future date. It is not possible to quantify the extent of the savings as it will depend on the operative date and ultimate duration in the case of existing tribunals and inquiries, and the legal representation employed by the new tribunals, but the new rates represent less than 40% of the maximum current rates paid to tribunals. While I acknowledge Deputy Joe Higgins's point, the present position remains, but in the future the position will be very different. This indicates the potential savings that will arise from the new position compared to the present one. The Minister for Justice, Equality and Law Reform, who has legislative responsibility for this area, will introduce the necessary enabling legislation.

Mr. J. Higgins: The Taoiseach is letting the big barristers off in the same way that he let the big property developers and speculators off.

Caoimhghín Ó Caoláin: Over €4 million was allocated to the Taoiseach's Department for the cost of tribunals in 2004. With the anticipated change in lawyers' fees and the review of the basis for future tribunals, does the Taoiseach anticipate that this sum will decrease significantly in 2005? Has the Taoiseach seriously considered what format he favours for inquiries into matters of public concern in the future, as against the

experience of the tribunals, which have been running for several years?

The Taoiseach: The answer to the first question is no, because most of the fees under the new regime will not kick in until 2006. It will be effectively 2007 before fees are reduced. If anything, the costs will spiral for the next few years because the third party claims in the Moriarty tribunal, for example, have not been decided. When that happens it will dramatically escalate the fees for the next three or four years, to judge by some of the other tribunals for which we are still paying because the figures are not forwarded very quickly.

To answer the second question, the new fees negotiated will take effect from the stated end dates and will apply to new tribunals and inquiries. The basis for those will be the new investigative arrangements on which we passed legislation. That will be far more streamlined and effective, involving more voluntary participation but allowing for the right to call witnesses and proceed in a legal way. I hope that system will be more efficient, speedier and cost-effective. That will apply to all new arrangements. We must go through the process for the next few years before the position is changed. Certainly in 2005, 2006, 2007 and probably 2008 the fees will be high.

Requests to move Adjournment of Dáil under Standing Order 31.

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

Mr. Morgan: I ask that the Dáil be adjourned under Standing Order 31 to discuss the following matter of public concern, namely, the necessity for all socialists to stand together to prevent additional funding being wasted through the expansion of misguided measures such as the national treatment purchase fund which means taxpayers pay twice, and the further need to dismiss the call from very wealthy consultants to increase the cost to the poor people forced to use accident and emergency services.

Mr. Healy: I request the adjournment of the Dáil under Standing Order 31 to discuss a matter of urgent importance, namely, the urgent need for the Government immediately to remove the three senior Aer Lingus executives from office in view of the clear and serious conflict of interest of these executives with their public service mandate as shown in their proposal for a management buy-out and their attempt to dictate to the Government and the people.

Mr. Gogarty: I ask that this House be adjourned under Standing Order 31 to debate an

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issue of national importance, namely, the need for strategic investment in indigenous research and development in the area of renewable energy to protect our economic well-being in light of oil shortages and price hikes in the near future, given our unhealthy dependence on oil and other imports for our energy needs.

Mr. Eamon Ryan: I ask that the business of the House be adjourned under Standing Order 31 to discuss a matter of urgent national business, namely, the inability of the Government to make a decision on the future of Aer Lingus.

Mr. Connolly: I propose the adjournment of the Dáil under Standing Order 31 to discuss the following matter of urgent public and national concern, namely, the transfer from Monaghan General Hospital of the complete surgical team, that is, junior doctors and consultants, to Cavan General Hospital, the implications that will have for the performance of surgery at Monaghan General Hospital and the further implications it will have for hospitals of a similar size nationally.

Mr. Durkan: I seek the adjournment of the House under Standing Order 31 to discuss the following issue of national interest, namely, the ongoing labour relations situation in An Post which is likely to jeopardise postal delivery services in the near future, with particular reference to the need to clarify conflicting information relative to the financial position within the company and the proposed restructuring proposals which are likely to result in redundancies, and ask the Minister to make a statement on the matter.

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

Order of Business.

The Taoiseach: It is proposed to take No. 14, motion re Tribunal of Inquiry into Certain Planning Matters and Payments, the Mahon tribunal; No. 25, the Road Traffic Bill 2004, Second Stage (resumed); and No. 26, the Disability Bill 2004 Second Stage (resumed). It is proposed, notwithstanding anything in Standing Orders, that the proceedings on No. 14, including amendments thereto, shall, if not previously concluded, be brought to a conclusion after 65 minutes by one question which shall be put from the Chair and which shall include only amendments accepted by the Minister for the Environment, Heritage and Local Government, and the following arrangements shall apply: the speeches shall be confined to the Minister for the Environment, Heritage and Local Government and to the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group, who shall be called upon in that order and who shall not exceed 15

minutes in each case; Members may share time; and the Minister for the Environment, Heritage and Local Government shall be called to make a speech in reply, which shall not exceed five minutes. Private Members' business shall be No. 36, Consumer Rights Enforcer Bill 2004, Second Stage (resumed), to conclude at 8.30 p.m.

An Ceann Comhairle: Is the proposal for dealing with No. 14, motion re Tribunal of Inquiry into Certain Planning Matters and Payments, agreed?

Mr. Gilmore: Just before we began, a revised Order of Business was circulated which includes reference to the question that will we put by the Chair. It states that it shall include only amendments accepted by the Minister for the Environment, Heritage and Local Government and that the following arrangements shall apply.

An Ceann Comhairle: Is that in regard to the tribunal of inquiry?

Mr. Gilmore: Yes, it is. I have tabled two amendments to the Government's motion. Will those amendments be accepted by the Minister? If they are not to be accepted, it appears that the order presented to us does not permit for the separate taking of those amendments. Will the Taoiseach clarify whether the two amendments which I have submitted will be accepted by the Minister?

The Taoiseach: I am not aware of the amendments the Minister will accept. That is a matter for the debate.

Mr. O'Dowd: Fine Gael has two amendments down and I support Deputy Gilmore in his request.

Mr. Sargent: If there is an attempt not to take amendments, that is unfortunate. Following discussions between the parties and the Minister, it should have been clear that it was insufficient to look for ways of shortening the inquiry without putting changes into the planning process that would take away the conditions which created much of the problem in the first place. Those conditions are still in place as land speculation is still providing enormous temptation for corruption. We should address the issue in a holistic fashion rather than trying to close down the tribunals, which is the impression.

Caoimhghín Ó Caoláin: Given the many hours the Mahon tribunal and its predecessor spent in addressing these issues, my concern is that we are being asked to make a substantive change in the course of the hearings of the Mahon tribunal in one hour and five minutes. It is not an adequate time to address the substantive motion presented by the Minister and it will certainly not allow us to address the amendments that other Deputies

have tabled. The Technical Group will only have five minutes to offer our views. That is too restrictive as this is a very important matter. The Government should reflect on this by extending the time to allow for a proper debate.

Mr. Gilmore: I am in a difficult position as a result of the Taoiseach's reply. The Taoiseach does not know whether the Minister will accept the amendment I have tabled and we are being asked to agree to a procedure under which those amendments would not be put separately to the House in the event of the Minister not accepting them. That procedure is not acceptable to the Labour Party. If the Minister does not intend to accept the amendments, we want an opportunity to put those amendments to the House so that it can decide them.

The Taoiseach: Unfortunately, I cannot help the Deputy.

Mr. Rabbitte: The amendments should be taken in the normal way.

The Taoiseach: Does the Deputy want to put the amendment at a particular time?

Mr. Howlin: At the same time.

The Taoiseach: I am happy to do that.

An Ceann Comhairle: Is it agreed that the amendments will be taken before the final vote?

Caoimhghín Ó Caoláin: Does that mean there will be an extension of time to address the issue properly or are we still restricted to 65 minutes?

The Taoiseach: There will be no change in the time limit.

Caoimhghín Ó Caoláin: I again appeal to the Taoiseach because the time limit is much too restrictive.

An Ceann Comhairle: Is the proposal, as amended, agreed?

Caoimhghín Ó Caoláin: No.

Question, "That the proposal, as amended, for dealing with No. 14 be agreed", put and declared carried.

The Taoiseach: The apparent murder of Margaret Hassan is a sickening and shocking crime. Since Margaret was abducted, her husband and her family have endured enormous distress, which is compounded by the horrific news of the past 24 hours. I have already had sympathy conveyed to Margaret's husband, Tahseen, and the Minister for Foreign Affairs, Deputy Dermot Ahern, spoke to Margaret's sister, Dierdre. As the House is aware, I met Tahseen and

Margaret's brother and sisters, Michael, Dierdre, Geraldine and Kathryn, who have shown immense resilience, dignity and determination since Margaret's capture. She was abducted four weeks ago. I am sure I reflect the unanimous view of this House when I say that our thoughts and sympathies and those of the Irish people are with them at this time.

I also extend my sympathy to Margaret's colleagues in Care International who worked tirelessly for the Iraqi people over many decades. I thank all the people in Care International who have kept so closely to us for the past four weeks. We have had daily contact with them and their many aid workers and staff in trying various initiatives. Tahseen Hassan told the Secretary General of the Department of Foreign Affairs that he greatly appreciates the assistance of the Houses of the Oireachtas over the past four weeks. He asked that I inform the House that as soon as it is appropriate for him, he would like to come to Ireland to thank the House and all the people for their assistance.

The family is obviously devastated. This is the worst news they could possibly get. They have tried to be brave over the past few weeks. I thank everyone with whom we had contact, including the Jordanians and the Egyptians who also tried everything they could, as did various members of the media in the area. Those responsible for taking Margaret Hassan's innocent life stand condemned in the eyes of all people of goodwill throughout the entire international community. I sympathise with Margaret's family and friends in Kerry, Cork and Dublin and in the UK and with her and Tahseen's friends in Iraq. This end is enormously sickening.

If it is as it seems, as members of her family accept it is, they have one remaining wish. They would like somebody somewhere to have the decency to allow her to be returned to her family so they can bid her farewell. That is all they ask. It does not seem too much for the House to ask that those who have not listened to us over the past four weeks might listen to this last request.

Mr. Kenny: I join the Taoiseach in this series of short statements. This is a black day for the people of Ireland and Iraq and for humanity itself.

The world is a much poorer place following the passing of Margaret Hassan who demonstrated low-key compassion for her fellow man and had an unflinching belief in the capacity of the human heart. Many people who knew her well summed her up well when they spoke of the quiet and courageous way in which she went about the serious business of affecting people's lives. In a million small ways, Margaret Hassan touched and changed the lives of an estimated 17 million people in Iraq over 30 years. She rejected what she considered to be the inhumanity of the sanctions against the Iraqi people and the inhumanity of many aspects of the war against their country.

[Mr. Kenny.]

That savage inhumanity has led to her apparent murder.

When Margaret Hassan was born in Holles Street, a stone's throw from this House, her parents could not have imagined the fate that awaited her. They could not have anticipated the inspiring way in which she led her adult life in Iraq, thousands of miles from Ireland.

In a newspaper today, Robert Fisk has asked "Who killed Margaret Hassan?". I regret that all of us might be responsible if we have failed to address the injustice, inhumanity and intransigence which are part of the Palestinian crisis, which is the crux of the Middle East problem. The tinder box of Gaza and the West Bank is fuelling violence and hatred throughout the Middle East, whether we like it or not. It is time for the European Union and the global community to commit to resolving the Palestinian crisis once and for all.

Margaret Hassan converted to Islam. The prayers at her funeral will ask for forgiveness for our living and our dead, those who are present and those who are absent, for our young and our old, and for our males and our females. On that occasion, we should interpret the word "our" as applying to all of us — Muslims, Christians, those of any religion and none — who are part of what has been shown in recent months to be the fragile community of man.

I do not doubt that during her life in Iraq, Margaret Hassan would have been aware of the Sufi mystic Rumi. Perhaps his words are most appropriate as I offer my deepest sympathy to her husband, Tahseen Ali Hassan, and her broken-hearted family in Ireland, Britain and her beloved Iraq:

Why cling to one life till it is soiled and ragged?

The sun dies and dies

squandering a hundred lives every instant.

God has decreed life for you and

He will give another and another and another.

Go ndéanfaidh Dia trócaire ar a hanam dílis agus go mbeidh sí ar suaimhneas na síoraí go deo.

Mr. Rabbitte: It appears that Margaret Hassan has been, killed by those who were holding her. I join the Taoiseach and Deputy Kenny in deploring this heinous crime. On behalf of the Labour Party and on my own behalf, I would like to offer heartfelt sympathy to Margaret's husband and the Fitzsimons family, including her three sisters and her brother.

Margaret Hassan devoted her working life to the people of Iraq for 30 years. She opposed sanctions and the war in Iraq and worked for the people of that country. For more than ten years, she headed up one of the most important agen-

cies, Care International, which provided therapeutic feeding, clean water, medicine and hospital services to those who desperately needed them.

It is clear that no possible purpose can have been served by the murder of Margaret Hassan. The cause of the people of Iraq has not been served in any way by the sacrifice of her life. All that has happened is that a good person, who was a friend to the people of Iraq and selflessly worked for that country's most vulnerable citizens, has been savagely murdered for no reason and no purpose.

My colleague, Deputy Michael D. Higgins, met Margaret Hassan and described her on a number of occasions as one of the most extraordinary women he has ever met. He said in an interview last night that when he met her in January 2003, before the most recent war, she was preparing contingency plans for the distribution of food. Her dedication to the people of Iraq was total, according to Deputy Higgins. He argued that her death is all the more devastating when one considers the tenacity and courage she brought to her adopted people. Our thoughts must now be with the heartbroken family she has left behind.

Mr. Sargent: The reported death of Margaret Hassan, which affects and shocks us all, defies any reasoning. More than anything, it brings home the futility of violence. It reminds us of the danger of dabbling in war, although that is a wider debate. It has often been said that although it is easy to start a war, it is difficult to win the peace. It is irresponsible to dabble in a war that is supposed to be in the national interest of the country in question. I believe that the death of Margaret Hassan is an effect of that.

Our thoughts are with Margaret Hassan's brother, Michael, and her sisters, Deirdre, Geraldine and Kathryn. We should recall her quiet and unassuming self-sacrifice and selfless generosity. She worked in Palestinian camps in the 1960s, living with and supporting refugees. She moved to Iraq in 1972 after she met her husband, Tahseen Ali Hassan, in London. She converted to Islam and became fluent in Arabic. I think her immense dedication to her work, coupled with her intense privacy, is worthy of sainthood. She will be seen as a martyr to many people.

I have read reports about children who have benefited from Margaret Hassan's work. It has often been said that Iraq's children haunted her. One report mentioned that she called the children of the embargo "the lost generation". Half the people of Iraq are below the age of 15. Margaret Hassan was childless, but she cradled many children who were stricken with Iraq's myriad of illnesses. That such problems have reached epidemic proportions since 1991 is linked to the destruction of water facilities and the use of chemically toxic and radioactive depleted uranium weapons. One could feel her passion to protect Iraq's children as her own. She told Robert Fisk despairingly that there will be a second gen-

eration of lost children as a result of current events.

Margaret Hassan leaves behind a reminder that cannot be ignored. Care International's last project, which was completed at Margaret Hassan's instigation, was a rehabilitation unit for patients with spinal injuries. In a poignant demonstration in support of an honorary Iraqi, some of the unit's patients painstakingly wheeled themselves into the street to hold up banners pleading for her release. She was the quiet, unassuming and determined best friend of Iraq. If ever there was an ambassador for Ireland who demonstrated what is best about the essence of Irish generosity, it was Margaret Hassan, who epitomised that spirit with her outreach work and her efforts to bring peace to the region. *Ar dheis Dé go raibh a hanam uasal.*

Caoimhghín Ó Caoláin: I join the other party leaders in the House and all Deputies in extending sincere sympathy, on my own behalf and on behalf of Sinn Féin, to the husband and family of the murdered Irish-Iraqi aid worker, Margaret Hassan. Her cruel captivity and death serve no cause. Her dedicated service to and embrace of the Iraqi people for over 30 years only emphasises the outrage of her murder. An opponent of the US-British invasion of Iraq, Margaret Hassan represented the overwhelming mass of Irish opinion. We have lost someone of whom we can be justly proud as a people. Her death demands a re-evaluation of this State's shameful assistance for and association with the US-led war in Iraq, not in response to her murder but because it is the right thing to do and because it is what Margaret Hassan would have wished. *Ar dheis Dé go raibh sí.*

Mr. J. Higgins: Perhaps I might, very briefly, on behalf of the Independent Deputies—

An Ceann Comhairle: There is unfortunately no provision to facilitate every Deputy who wishes to speak on a statement. Only a member of each party in the House is entitled to speak under Standing Orders.

Mr. J. Higgins: I am in a slightly different position since the Independent Deputies have asked me to say a few words.

Mr. Healy: The Independent Deputies have asked him to speak.

An Ceann Comhairle: The Chair does not wish to enter into confrontation over this matter. The tradition under the Standing Orders of this House is that the leader of each party is entitled to speak on a statement.

Mr. Healy: The exception proves the rule.

An Ceann Comhairle: Many Members have indicated that they would like to speak on various

statements that came before the House. It is not possible to facilitate every Deputy, and the Standing Order is quite specific.

Mr. J. Higgins: No one else is offering and it will take only 20 seconds.

On behalf of the Independent Deputies, I wish to extend our solidarity to the family and co-workers of Margaret Hassan and the thousands of Iraqi people who marched to demand her release and condemn absolutely the barbarism of that small, ultra-reactionary element in Iraq that uses the methods of kidnap, beheading and torture. That they claim to inflict them as a result of the barbarity of the actions of the US military does not justify them.

Resistance to occupation is absolutely justified, but slaughter of the innocent never is. We should remember — I hope that Irish people do so this morning — that they do not act on behalf of a majority of Iraqis any more than, 30 years ago, the Shankill butchers or those on this island who visited a similar fate on, for example, Mrs. Jean McConville, did not act in the name of the Irish people either.

Mr. Kenny: In addressing the House yesterday regarding the appointment of a director for the Health Service Executive, the Taoiseach said that the person in question, Dr. Aidan Halligan, is due to take up the top job in Britain. I understand that there is no truth in that. Perhaps the Taoiseach might like to correct that if he was misinformed that Dr. Halligan was to take up that office.

The Taoiseach: The position does not come up until next year.

Mr. Kenny: I am aware of that.

The Taoiseach: He is the favourite for the job.

Mr. Kenny: As I understand it, he might be the favourite in some people's eyes.

The Taoiseach: He is the favourite for the post in Britain.

Mr. Kenny: Yes, but I believe that he has no interest in it.

When does the Taoiseach expect to introduce the National Roads Authority Bill to update the legislation governing that organisation? I believe that it is due for publication in 2005.

The Taoiseach: The national roads infrastructure Bill is being drafted but will not be ready until well into next year.

Mr. Rabbitte: If the Taoiseach knows that Dr. Halligan is the favourite for the job in Britain, did he not know that before he offered him the job here? Are there any imminent plans to appoint a chairman to the Aer Lingus board?

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

Mr. Sargent: As winter conditions worsen, I would like to ask the Taoiseach about the energy (miscellaneous provisions) Bill. Ireland has the worst winter mortality in the EU owing to poor housing conditions. The Central Statistics Office, CSO, has stopped producing statistics for electricity generating stations' output.

An Ceann Comhairle: If the Deputy has a question on legislation, I will hear it, but we must move on. It is almost 12.30 p.m.

Mr. Sargent: There is energy illiteracy in this country. Will the Government take it seriously?

The Taoiseach: Early next year.

Mr. Stanton: The Taoiseach spoke of the need to introduce legislation to deal with people in nursing homes who have been required to pay money, possibly illegally. Has there been any advance on that, and when might we see it, if at all?

The Taoiseach: Not yet.

Mr. M. Higgins: Will the Taoiseach explain the difficulty regarding the diplomatic relations and immunities (amendment) Bill, which addresses a constitutional issue that arose from 1967 legislation? It has been on the Order Paper for a very long time, yet no time has been specified to take it.

The Taoiseach: The heads of the Bill were approved on 9 November, and the legislation will now be drafted.

Caoimhghín Ó Caoláin: Regarding the revenue Bill to update the legislative basis of the Office of the Revenue Commissioners, no publication date has been indicated. Does the Taoiseach have any further information on that promised legislation?

The Taoiseach: Decisions relating to that Bill and its publication will be considered in the context of the timing and availability of the report of the Moriarty tribunal.

Ms Enright: I have asked the Taoiseach several times about people working with children and vulnerable adults. He said that the outcome of legislation would be dependent on North-South Ministerial Council negotiations. A very good system is up and running in Northern Ireland. Since they have their system, can we not proceed with ours? When will the register of persons considered unsafe to work with children come before this House?

The Taoiseach: As I previously stated to Deputy Enright, a cross-departmental working group reported to the Minister on proposals for the reform of vetting of employees by the Garda, and the Minister for Justice, Equality and Law Reform, Deputy McDowell, has now appointed an implementation group to advise on the necessity for legislation. I will make the point that we could possibly proceed without waiting for the North-South Ministerial Council.

Mr. J. Higgins: The Taoiseach said at the weekend regarding promised legislation that people in relationships other than official heterosexual marriage should be accommodated in certain aspects of their lives by changes in the law of this State, and I agree. When will he introduce legislation to that end?

The Taoiseach: The issue is being considered by both the Law Reform Commission, which has produced an initial report, and by the Joint Committee on Justice, Equality, Defence and Women's Rights. When those reports have been issued, the question will be examined.

Mr. O'Dowd: What about the proceeds of corruption Bill promised in the Fianna Fáil manifesto to fight white collar crime and corruption in the public and private sectors?

The Taoiseach: I believe that it has now been incorporated into the Proceeds of Crime (Amendment) Bill 2003, which is currently before the Seanad.

Mr. Broughan: Does the Taoiseach intend for the electricity Bill to be brought to the House before the market opening? Would he arrange a time for the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, to address—

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

Mr. Broughan: He is the Leader of the House and can organise such things. Might it be possible for the Minister to give the House an account of his ongoing discussions with Eircom and An Post?

The Taoiseach: The heads of the electricity Bill have been approved and the legislation has been drafted, but I do not have a date for its presentation.

Mr. Boyle: Does the Government intend to introduce legislation on any proposal to change the status of either of the two remaining building societies that remain mutual?

The Taoiseach: The heads of the building societies (amendment) Bill to amend the provisions of the Building Societies Act 1989 have

been approved by the Government, and the legislation should be published this session, although I do not know when it will come before the House.

Ms Cooper-Flynn: I asked the Taoiseach last week about No. 55 on Tuesday's Order Paper. Has he had an opportunity to consult the Whips and will there be a debate on the matter given that the Minister for Finance, Deputy Cowen, met a delegation from the Council of the West to discuss the underspend in the Border, midland and west region?

The Taoiseach: I have asked the Whip to examine the possibility of a debate on that.

Mr. Stagg: There is no chance.

Ms McManus: There is a great deal of concern about the health Bill, which was agreed at Cabinet yesterday. Members have not received a copy of the Bill. Given that the HSC will be established on 1 January, what is the timeframe for the debate? When will it begin? When will there be a proper debate?

The Taoiseach: I gave the dates for the debate last week. I think it will be taken on 22 November. The Bill was cleared yesterday.

Ms McManus: Will it be 22 November? Does the Taoiseach know?

The Taoiseach: I will ask the Chief Whip to confirm the date. I read the dates last week but I do not have the notes.

Ms McManus: That is why I am asking.

An Ceann Comhairle: We cannot have a debate on this now.

The Taoiseach: The Bill was cleared at Cabinet yesterday and I will confirm the dates later.

Visit of Western Cape Delegation.

An Ceann Comhairle: Before proceeding with business I wish on my own behalf and on behalf of the Members of Dáil Éireann to offer a céad míle fáilte, a most sincere welcome, to our parliamentary colleagues from the Western Cape Provincial Parliament, who are here with us in the distinguished Visitors Gallery. The group is led by, their Speaker Shaun Edward Byneveltdt.

Planning and Development (Amendment) (No. 3) Bill 2004: First Stage.

Mr. Gilmore: I move:

That leave be granted to introduce a Bill entitled an Act to make further and better provision in relation to the preparation by planning authorities of draft development plans and the making and variation of development

plans, to abolish requirements as to the payment of fees in respect of submissions or observations on applications for planning permission, to amend the Planning and Development Act 2000 and to provide for related matters.

An Ceann Comhairle: Is the Bill opposed?

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

Question put and agreed to.

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

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

Question put and agreed to.

Tribunal of Inquiry into Certain Planning Matters and Payments: Motion.

Minister for the Environment, Heritage and Local Government (Mr. Roche): I move:

That Dáil Éireann resolves that the terms of reference contained in the resolution passed by Dáil Éireann on 7 October 1997 and by Seanad Éireann on 8 October 1997, as amended by the resolutions passed by Dáil Éireann on 1 July 1998 and by Seanad Éireann on 2 July 1998 and further amended by the resolutions passed by Dáil Éireann and Seanad Éireann on 28 March 2002 and by the resolutions passed by Dáil Éireann on 3 July 2003 and by Seanad Éireann on 4 July 2003 pursuant to the Tribunals of Inquiry (Evidence) Acts 1921 to 2004, be amended by the addition of the following paragraphs after paragraph I:

‘J. (1) The tribunal shall, subject to the exercise of its discretion pursuant to J(6) hereunder, proceed as it sees fit to conclude its inquiries into the matters specified below, and identified in the fourth interim report of this tribunal, and to set out its findings on each of these matters in an interim report or reports or in a final report:

(a) the Carrickmines I Module;

(b) the Fox and Mahony Module;

(c) the St. Gerard's Bray Module;

(d) the Carrickmines II Module and Related Issues;

(e) the Arlington-Quarryvale I Module;

(f) the Quarryvale II Module;

(g) those modules that are interlinked with the modules set out at paragraphs (a) to (f), and that are referred to in para-

[Mr. Roche.]

graph 3.04 of the fourth interim report of the tribunal.

(2) The tribunal shall, subject to the exercise of its discretion pursuant to paragraph J(6) hereunder, by 1 May 2005 or such earlier date as the tribunal shall decide, consider and decide upon those additional matters, being matters in addition to those set forth at J(1)(a) to (g) above and in respect of which the tribunal has conducted or is in the course of conducting a preliminary investigation as of the date of the decision, that shall proceed to a public hearing and shall record that decision in writing and shall duly notify all parties affected by that decision at such time or times as the tribunal considers appropriate.

(3) The tribunal may in the course of investigating any additional matter under paragraph J(2) or a matter being investigated under paragraph J(1) investigate any other matter of which it becomes aware when it is satisfied that such further investigation is necessary for the tribunal to make findings on any such additional matter or a matter referred to in paragraph J(1) above.

(4) Notwithstanding any other provision of these terms of reference the presentation to the Clerk of the Dáil of an interim report or reports, as the case may be, and of the final report on the matters identified at paragraphs J(1)(a) — (g), J(2) and, where applicable, J(3) shall constitute compliance by the tribunal with all its terms of reference, as hereby amended, and no further investigation or report shall be required of or from the tribunal on any other matter.

(5) Nothing in these amended terms of reference shall preclude the tribunal from conducting hearings or investigations into any compliance or non-compliance by any person with the orders or directions of the tribunal.

(6) The tribunal may in its sole discretion — in respect of any matter within paragraphs J(1), J(2) and J(3) of these amended terms of reference — decide:

(I) to carry out such preliminary investigations in private as it thinks fit using all the powers conferred on it under the Acts, to determine whether sufficient evidence exists in relation to the matter to warrant proceeding to a public hearing if deemed necessary, or

(II) not to initiate a preliminary investigation and-or a public hearing of evidence in relation to the matter notwithstanding that the matter falls within the tribunal's terms of reference, or

(III) having initiated a preliminary investigation in private, and whether same has been concluded, but prior to the commencement of any public hearing of evidence in the matter, to discontinue or otherwise terminate its investigation notwithstanding that the matter falls within the tribunal's terms of reference.

In exercising its discretion pursuant to this paragraph the tribunal may have regard to one or more of the factors referred to below:

(i) the age and-or state of health of one or more persons who are likely to be in a position to provide useful information, including, but not confined to, oral evidence to be given privately or publicly, including the age and-or likely state of health of any such person at such date in the future when that person or persons might be expected to be called upon to give oral evidence or to otherwise co-operate with the tribunal, and in particular the issue as to whether their age and-or state of health is or is likely to be an impediment to such person being in a position to co-operate with the tribunal or to give evidence to the tribunal in private or in public;

(ii) the likely duration of the preliminary investigation or public hearing into any matter;

(iii) the likely cost, or other use of the resources of the tribunal, of such investigation or any stage of the investigation into any matter;

(iv) whether the investigation into the matter is likely to provide evidence to the tribunal which would enable it to make findings of fact and conclusions and-or to make recommendations;

(v) any other factors which in the opinion of the tribunal would, or would be likely to, render an investigation, or the continued investigation into any matter inappropriate, unnecessary, wasteful of resources, unduly costly, unduly prolonged or which would be of limited or no probative value.

(7) subject to paragraph J(3) any matter not brought to the attention of the tribunal or of which it is not aware by 16 December 2004 shall not be the subject of any investigation by the tribunal.'

The purpose of the amendments is to expedite the work of the tribunal and to enable it to complete its work by 2007. The tribunal was established by the Oireachtas in 1997 to examine certain specific activities and letters that had aroused suspicions of corrupt acts in the planning process. The tribunal was also mandated to investigate

any other matters that came to its attention that could amount to corrupt acts in the period since 20 June 1985. The terms of reference were expanded in July 1998 at the request of the tribunal. As a result, the tribunal is mandated to investigate any allegation of corruption associated with the planning process in the Twenty-six Counties.

Notwithstanding the fact that the tribunal was expanded to include three members in 2001, the work of the tribunal, based on its terms of reference, has proved to be unwieldy. As a result, the tribunal, in its fourth interim report, requested a change to its terms of reference to allow it more discretion in the issues that it investigates to shorten the anticipated duration of the tribunal's activities.

The primary intention of the report issued by the tribunal on 15 June 2004 was to give an overview of the work on hand, including all those matters such as the investigation into the land rezoning at Quarryvale and so forth, that have been widely reported in the media. The tribunal also gave a broad overview of the work that remained on hand, for which no public hearings have begun. Although of necessity the tribunal was circumspect in the language it used, the report indicated the tribunal still has a large volume of work on hand which, if its mandate is played out to its fullest extent, would all have to be investigated.

The tribunal, therefore, indicated that the work could carry on until 2014, 2015 or beyond. The tribunal recognised this situation could not be allowed continue. As a result, it requested a change to its terms of reference, which would allow discretion not to pursue lines of inquiry. If the tribunal then decided that the continued pursuit of its inquiries were of limited or no further value in discharging its mandate, it sought the power to report that to the Oireachtas and to convey to the Oireachtas the wish of the tribunal that its investigations and inquiries should terminate on a date to be specified by the tribunal. In other words, it wanted to have more control over its own situation.

Following publication of the report, the Government mandated the Attorney General, who is the appropriate person to carry out such discussions, to consult the tribunal on changes to its terms of reference, as provided for under the 1998 tribunals legislation. The Attorney General was also asked to discuss with the tribunal the impact of the Government's decision in July 2004 to apply a new scale of fees to the legal teams of existing and future tribunals.

There have been three important outcomes from these discussions between the Attorney General and the tribunal, the proposed changes to the terms of reference, the indication by the tribunal that it intends to sit in divisions following completion of the current public hearings and the granting of additional resources and the date of

application of the new fees to the legal staff of the tribunal.

I refer to the proposed changes to the terms of reference. The tribunal currently has a mandate to investigate any allegation of an act of corruption associated with the planning process. Under the proposed changes which are the subject of the motion, a new paragraph J will be added to the terms of reference.

Paragraph J(1) enables the tribunal to complete its current investigations into planning issues in Dublin, including the Carrickmines and Quarryvale modules and interlinked matters. Paragraphs J(2) and J(7) provide for the introduction of two important deadlines. Under paragraph J(7), the final date for receipt of any new complaint or request for investigation is fixed by the terms of reference at 16 December 2004, that is, 30 days from today. The tribunal must decide what new matters on its books will proceed to a public hearing by 1 May 2005. After that date, no new investigation can be referred to public hearing by the tribunal.

However, there were concerns that the tribunal could discover something during its investigations that it feels must be investigated to allow it to complete its overall report and an inflexible deadline should not tie its hands in investigating something like that. For that reason, paragraph J(3) provides that, notwithstanding the dates in the terms of reference, the tribunal will be able to investigate something that it discovers during investigations if it is necessary to enable the tribunal to make findings on the matters it has investigated or has decided to investigate.

Paragraph J(4) provides that the presentation to the Clerk of the Dáil of an interim report or final report on the matters investigated under paragraphs J(1), J(2) and J(3) will constitute compliance by the tribunal with all its terms of reference and no further report shall be required of the tribunal on any other matter. Paragraph J(5) enables the tribunal to continue to conduct hearings or investigations into any issue of compliance or non-compliance by any person with the orders or directions of the tribunal.

Paragraph J(6) will enable the tribunal to exercise the discretion it sought in the fourth interim report on the matters that it proceeds to investigate, having regard, in particular, to the age or state of health of people who are likely to be in a position to provide useful information; how long the preliminary investigation or public hearing into any matter is likely to take; the likely cost; whether the investigation into the matter is likely to provide evidence to the tribunal which would enable it to make findings, reach conclusions or make recommendations; and any other factor which would, or would be likely to, render an investigation, or the continued investigation, into any matter inappropriate, unnecessary, wasteful of resources, unduly costly or unduly prolonged or which would be of limited or no probative value. I intend to bring a short

[Mr. Roche.]

Bill before the Oireachtas in the next few weeks to give legal backing to the discretion being granted to the tribunal to decide which issues within its terms of reference to investigate. These changes to the terms of reference set a firm time-frame for the work of the tribunal, which has indicated that the changes will allow it to complete its work by March 2007.

I refer now to the sitting in divisions. The tribunal has confirmed in writing to the Attorney General that it intends to utilise the power to sit in divisions when it is appropriate and practical to do so. This could not happen until after the hearings of the current modules. However, it is anticipated that the tribunal will begin to sit in divisions thereafter. We welcome this because it will allow the tribunal to cover more ground more rapidly.

The final issue is that of additional resources. To help the tribunal meet the new more challenging time frames, the Government has agreed to the allocation of an additional seven people to its legal team. The tribunal has stated that to achieve the level of work required to complete its tasks by March 2007, especially to allow it to sit in divisions, it will need these additional legal staff. The additional cost should be looked at in the context of the shorter time frame for completion of the tribunal's work — less than three years compared to ten years as indicated in the tribunal's fourth interim report.

The tribunal feels it will now be in a position to complete its public hearings by March, 2007. The Government has decided that the new fee scale for lawyers appearing at tribunals, which was approved by the Government in July 2004, will apply to the tribunal from 31 March 2007. This will happen if, therefore, the tribunal does not meet its own deadline.

The changes proposed today will allow the tribunal complete its mandate within a more, timely and certain framework. The changes will allow the tribunal reach findings and make recommendations to help ensure that events similar to the ones it has investigated cannot occur. I commend the motion to the House.

There were some exchanges on this matter on the Order of Business. As Members will know from the briefing I gave to the spokespersons of the groups, the arrangements for amending the terms of reference of the tribunal were specifically set down in an order of this House on establishment. We must respond positively to the tribunal's requests, but we cannot impose changes on it. Therefore, if I appear inflexible in some of my responses, it is because my hands are tightly tied by the decisions made by this House some time ago.

In paragraph J. (1), to delete “interim report or reports or in a Final Report” and substitute “interim report and in a Final Report”.

Before dealing with my amendments, I will respond to what the Minister has said. Local government has changed over the past 100 years. In the 1930s and 1940s the County Management Acts were introduced because of widespread allegations of corruption and jobbery in the system. The result of their introduction was that the process of power within local government shifted from the elected representatives to the officials so that we now have probably the weakest local government powers among the European nations. It is time for change, but I did not note in the Minister's proposals any proposal for fundamental change in the planning process or in the way we do business, in particular in dealing with development plans and rezoning issues, which are, effectively, at the root of the corruption which has been so well and clearly exposed by the Mahon tribunal.

I welcome the tremendous work done by Mr. Justice Flood and Judge Mahon in the tribunal. While the tribunal is expensive and is a serious burden, it is worthwhile because of the truth and transparency of its exposure of corruption at the heart of Government and the actions of Ministers. It has been traumatic but useful. What is wrong with this Government proposal is that there is no further proposal from the Minister to change the system and make a difference. That is what we want on this side of the House. We want to see a different planning system and want corruption exposed in a better and more efficient manner than through the tribunals. This is the heart of the issue.

The Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Noel Ahern, said recently that the social cost of bad planning and corrupt decisions in the 1960s and 1970s was approximately €160 million. We want proper sustainable development and real development plans. We want councillors to have real powers. We want an end to the back door unofficial system and approach. We want an end to the nod and wink planning that has been so clearly exposed in Dublin County Council and Dublin City Council through the tribunals. The Minister's proposals mean that the corruption before the tribunals will continue. The only difference is that the Standards in Public Office Commission will investigate some breaches of the law. The law should be stronger. The Government is failing in its duty. While ensuring that this phase of the tribunal comes to a natural end — I accept the Judge is on board with that — there is nothing to replace it. What has happened in the past will happen again. The Government is sadly lacking in this process.

We are debating a motion that sets out to achieve a speeding up of the work of the planning tribunal and brings the prospect of it ending its

work within three years. In his fourth interim report to the Oireachtas, Judge Mahon expressed a view that the current terms of reference of the planning tribunal did not afford it a discretion as to which acts it is required to investigate and upon which it should report. The tribunal requested the Oireachtas to amend its terms of reference to provide it with the discretion which would allow it to concentrate its inquiries into areas where it could comprehensively report on payments and acts associated with the planning process.

The motion before the House is the outcome of discussions between the Government and Judge Mahon. While my party had some preliminary consultations with senior Government figures in recent months on these issues, there was no detailed consultation and what we have before us is the product of an agreement reached between the Government and Judge Mahon.

It would have been preferable if the Government had been more inclusive in its contacts and had given the Opposition more opportunity to contribute to contacts with Judge Mahon. We must remember that it was the Oireachtas that established the tribunal and it is the Oireachtas to which it reports. It is not always possible to include everybody in consultations but, given the sensitivity of the issues involved, it would have been in the Government's interest to have had a greater involvement by Opposition parties.

Arising from the absence of detailed consultation, there are a number of issues my party would like to see clarified in this debate. We propose two amendments. The first lists a number of modules on which the tribunal will conduct public hearings. The amendment I have put forward suggests that after each of these modules is completed, the tribunal will issue an interim report. In the interests of natural justice, the tribunal should publish reports as soon as modules are complete and not wait until sometime in 2007 or 2008 to publish its reports on issues that have been in the public domain for a number of years. There are significant numbers of people from many walks of life whose names have been linked to matters before the tribunal. It is unsatisfactory that they should have to wait for years before the tribunal's conclusions on their involvement are known.

My second amendment requests the tribunal to provide the Oireachtas with recommendations on the effectiveness and improvement of existing legislation governing corruption. This is a key issue and the real lesson from the tribunals. What will change as a result of what we have heard? What proposals does the Government have in this regard? It has none.

The initial terms of reference of this tribunal provide at Paragraph 5 for the tribunal to make such recommendations if it finds corruption. The earlier reports made specific findings about corruption. We should not have to wait until 2007 or 2008 and the next Dáil before we hear the views of the tribunal on how corruption can be best

tackled through legislation. I would go so far as to suggest that, given the length of time this tribunal has been in operation, giving clear recommendations on preventing future corruption should be a priority for it.

Once the 30-day period for new complaints has expired, where should an individual who is concerned that corruption in the planning process may have taken place go with his or her complaint? Past history suggests the Garda was unable to investigate allegations of corruption adequately.

In the programme for Government, Fianna Fáil committed itself to bringing forward a proceeds of corruption Bill, which I understand is currently before the Seanad. Perhaps in his reply, the Minister might give the House the up-to-date position on the provisions he will include in the legislation to prevent and fight corruption.

The commissions of investigation legislation which will allow commissions of inquiry to be set up on an *ad hoc* basis has been enacted but it would appear to be contrary to the intent of that legislation that there would be a standing commission which could receive complaints and allegations of corruption in the planning process. It is important that we make the necessary legislative changes to provide a mechanism for complaints of corruption to be investigated. I have tabled amendments in an effort to direct the tribunal to the priority issues and I hope that the Minister will accept the points I have made.

I would also like the Minister to deal with a number of other points in his response. Will he explain why the specific modules at J(1)(a) to (f) have been identified? My presumption is that these modules have already been put in the public domain and, in the interest of due process and fair procedure, they must be continued in public. What is not clear from the amended terms of reference is whether some other high profile modules will be heard in public. Will the Minister give the House an indication as to whether Judge Mahon has signalled his intentions regarding the Golden Island issue? On 1 May 2005, in addition to seeing a list of modules, which will proceed to public hearings, will the Oireachtas be given any information, even on a coded basis which does not identify individuals, about the matters which the tribunal is not proceeding to investigate?

In the latter part of the summer, the former Minister for Finance, Mr. McCreevy, made an announcement concerning a reduction in fees payable to tribunal lawyers. Part of the agreement reached with Judge Mahon in regard to the planning tribunal involved the appointment of seven additional staff. Can the Minister confirm that these staff will be paid at the rate which is currently being paid to members of staff working at the tribunal and about which there is considerable public disquiet? Will the Minister explain why the new rates as set out by the former Minister, Deputy McCreevy, will not apply to these new staff members? Did this issue arise in dis-

[Mr. O'Dowd.]

cussions between the Government and Judge Mahon?

In the context of the commissions of investigation legislation, the Minister for Justice, Equality and Law Reform accepted an amendment from Fine Gael, which provided for legal staff tendering for work at commissions of inquiry. Would the Minister consider using this process for the recruitment of the seven additional staff?

The crux of this debate was put succinctly by, a county councillor from County Louth in speaking of the adoption of the county development plan for that county. He said that in the days prior to the adoption of the county development plan his house was inundated with landowners and developers coming to make their case to him. He said it was like spaghetti junction. A great deal of money can be made from rezoning. One can make millions of euro. There is a large and growing population on the east coast in towns like Drogheda and Dundalk and in the Minister's constituency. There are significant development pressures in these areas and sustainable development must also be taken into account.

What proposals will the Minister make to change the present situation in regard to meetings between developers and local authority members? One could argue that there should be no such contact in the context of county development plans or specific rezoning issues that are before a council for consideration. All contact on such issues should solely be through the council. There should be no impediment to a developer writing to a council to make his case or appearing before it. This should also be the case with landowners. Such exchanges should be made in a transparent and open way. At present we do not know which developers are approaching councillors.

Serious and important public issues remain at the core of this matter. As a start we could ask councillors to make a declaration before the council as to which developers had met or contacted them. There is supposed to be a national register but I suggest a register of developers and lobby groups should also be held at council level. This would result in total transparency regarding who is meeting whom and what they are saying. The overriding interest in all cases is the public interest, the public good and the issue of sustainable development.

We should examine how we can improve the planning process and make it more transparent. What added value can we, as Members of the Oireachtas, put into the process to improve it and make it more accountable and transparent? Many councillors are concerned about this issue. They are unhappy with the present situation, which must change. Councillors are prepared to take on the responsibility of making good planning decisions but in many cases the pressure they are being put under is unacceptable. This pressure is

localised and personalised. I urge the Minister to consider these issues which would be for the good of local authorities and for the greater good.

Many professional hours are invested in the development of local area plans. A great deal of experience goes into what the managers and their officials propose to councils, yet these can be overturned by a motion under section 140 or pressures for extra jobs. If jobs are needed in an area, then a decision will be taken to go against a sustainable development plan even though it may be considered to be the best plan. Pressures coming through the back door or a councillor's front door are unacceptable. It is important to focus on these changes.

The tribunal was first set up in 1997 but it could be 2007 before it makes recommendations, which is much too long. There has been no response in the interim from the political system, apart from the Commissions of Investigations Act. There has been no fundamental change. Corruption will not go away and human nature has not changed. It is the same throughout the world. We need to protect the public interest and ensure, in so far as we possibly can, that when this tribunal concludes, we will never have a need for another one. The only way we can do that is by changing our planning laws.

The planning process is much too cumbersome. I understand An Bord Pleanála has three or four times the number of appeals it had previously, notwithstanding that we have shortened the time within which it must make its planning decisions. We have a great deal of work to do and I hope we can do it together. Both sides of the House want to tackle this matter and bring back to public life the esteem, merit and worth it so richly deserves but is lacking because of corruption in the planning process and the lack of fine-tuning of some of the rules and regulations governing representation which has led to a spaghetti junction situation, so to speak, at councillors' doors. The area has fallen into disrepute and needs to be changed as a matter of urgency. It is the Minister's task to do it.

Mr. Gilmore: I congratulate the Mahon, formerly Flood, tribunal on its outstanding work to date. For years and perhaps decades there had been rumours and speculation about possible corruption in the Irish planning system. Journalists such as Joe McAnthony and Frank McDonald wrote about it. Some members of this House, including me, called for an official investigation or inquiry into it. The Garda investigated it in the early 1990s but nobody was able to make it stand up, produce the evidence, name names or identify corrupt payments associated with particular planning decisions. That was the case until the instigation of the Flood tribunal.

The tribunal has exposed a web of corruption in planning in Dublin involving some developers, public representatives and a former senior

1 o'clock

council official. The tribunal has done a great public service in exposing the wrongdoing and in hopefully helping to create a more open culture where such corruption should not occur again. It has taken a long time — the Mahon tribunal is now in its seventh year — and it has cost a huge amount of taxpayers' money. In April of this year, the Secretary General of the Department of Finance told the Committee of Public Accounts that all the tribunals and inquiries had so far cost €144 million, of which €103 million was for legal costs, and that a further €300 million was estimated for third party costs, bringing to more than €400 million the total cost of the tribunals to date.

The fourth report of the Mahon tribunal, which was submitted to the Dáil in June this year, sets out an estimate of the time it is likely to take to deal with and report on all the matters before it. It states that it will be 2009 before it is able to report on the matters it is hearing and on the modules, which are inter-linked. It goes on to state in paragraph 5.08: "The tribunal therefore estimates that on the basis that (a) it retains its present constitution of three members and that (b) the current terms of reference remain unaltered, the likely time scale for the completion of all the tribunal's currently identified workload is probably in the region of ten or 11 years, and that it is unlikely to conclude before 2014 or 2015."

Based on the figures given to the Committee of Public Accounts by the Secretary General of the Department of Finance, that would bring the estimated cost of this tribunal to approximately €1 billion.

It would be wrong for this House to permit the commitment of such a huge sum of taxpayers' money to the tribunals. We have to face up to the choice of whether €1 billion of taxpayers' money is to be paid to tribunal lawyers or to help solve the problems in our schools and hospitals or among those with disabilities. If even a fraction of this money were to be committed to properly resourcing the planning system at local government level, to include the employment of more professional planners, especially the employment and resourcing of planning enforcement officers, would we not end up with a more satisfactory and transparent planning process and one which is less amenable to corruption?

When this House previously addressed the issue of the tribunal's mounting costs and duration, it decided to appoint two additional judges in the belief that this would speed up the work. I had expected that the three judges would sit in parallel divisions and I have been surprised that they continue to sit as a three-member panel, although I understand that they are now required to do so until they complete the modules and matters which they commenced hearing on a three-member basis. I also note from the fourth report that if they were to sit in parallel, additional resources would be required to service parallel hearings, prepare for accelerated public

hearings and provide the additional premises to accommodate parallel hearings.

The tribunal, in its fourth report, identifies the tribunal's current wide and mandatory terms of reference, as the key source of delay. It draws our attention to the requirement that it must investigate everything and that it has little if any discretion. Chapter 7 of the fourth report sets out the amendments that the tribunal is seeking to its terms of reference and these are largely reflected in section 6 of the motion.

I agree it is necessary to amend the tribunal's terms of reference, which were clearly too wide and unworkable from the beginning. The original terms of reference in 1997 effectively expected the tribunal to climb every tree and those who had already been up "every tree in north County Dublin" should have known from experience just how fruitless all that climbing might prove. It makes sense to give the tribunal the discretion to decide what matters it should now pursue and to enable it to weed out the vexatious and the insignificant. After all it is somewhat absurd for a full tribunal to spend months, perhaps years, investigating, first in private and then for weeks in public, payments the amounts of which are sometimes less than the fee which one of the tribunal lawyers will get for a single day's attendance.

The Labour Party shares the general concern that the number of matters on the tribunal's agenda has expanded to grotesque and unmanageable proportions. Clearly there is a need to re-establish a sense of priorities and a realistic endpoint. As the Labour Party leader wrote to the Minister on Monday last, the Labour Party is concerned that: "While the amended terms of reference list a series of factors to be borne in mind by the tribunal when deciding whether or not to continue investigation of a matter, all six are factors that would justify discontinuation." I strongly argue in favour of some reference being made to criteria that would justify the continuation of an investigation. I believe we should not send a signal to the tribunal or the public that in the general haste towards a conclusion of tribunal business, serious and substantial matters should be jettisoned. This is particularly problematic where matters will be lost from consideration without the Houses or the public ever having been aware that they were on the tribunal's agenda in the first place.

I am thinking of something along the following lines — an amendment to paragraph J(6) which would add the following consideration: " , whether or not, having regard to the seriousness of the claims made, the public interest in arriving at the truth of the matter outweighs in importance the public interest in avoiding the expenditure entailed by such an investigation." A further amendment would add another consideration to state: " , whether any of the persons claimed to be involved in or connected to the matter are currently, or were recently, public representatives or public servants." These two amendments were,

[Mr. Gilmore.]

put by the Labour Party leader to the Minister on Monday last, arising from the briefing and subsequent correspondence we received last week. I am now formally moving these amendments to the terms of reference and I hope that the Minister will agree them. Furthermore, I hope that they will then, in turn be agreed by the tribunal, as the Dáil can only amend the terms of reference with the agreement of the tribunal itself.

In reply to the Minister's earlier response, I do not think he is prohibited from accepting these amendments. It is open to the House to amend the Government motion before us and thereafter to seek the agreement of the tribunal to the amended terms of reference. I would be surprised if the tribunal was not agreeable to such an amendment. These amendments are necessary to make it clear to the tribunal that, where the public interest requires it, certain inquiries should be continued.

This is especially necessary in view of paragraph (4) of the Government's motion, which effectively provides for the winding up of the Mahon tribunal after it has completed its examination of the issues relating to Dublin. As I interpret the paragraph, the Mahon tribunal is effectively being told not to continue its investigations outside Dublin. I am not surprised by, that because the Minister has spoken publicly on a number of occasions about Glending, for example. The terms of reference, which we propose to give to the tribunal would seem to prohibit the investigation of that particular case.

Similarly, I am concerned about the prohibition on the investigation of future matters. Any matter which is brought to the tribunal's attention after 16 December next will not be capable of being investigated by this tribunal, which is far too restrictive a condition to place on the terms of reference. It should also be noted that the formula for winding up the tribunal and for the submission of a final report, which is contained in paragraph (4) of this motion, is different from the formula which the tribunal itself proposed in its fourth report. The formula proposed by the tribunal itself is in paragraph (3) of its requested revised terms of reference, which appears on page 15 of the report. That formula provided that the tribunal would make a report to the House on the matters it had investigated and on the matters with which it did not feel it could get any further. It would then seek the authority of the House to wind up its business. For these reasons, therefore, it is important to make it absolutely clear to the tribunal and to the public that, while cost and proportionality are concerns of the Oireachtas with regard to the tribunal's work, the revised terms of reference should not be a message that significant wrongdoing in the planning system should not be examined and exposed.

The issue of cost and the choices that must be made as to the best use of taxpayers' money, centre on legal costs, particularly the fees paid to tribunal lawyers and those who are granted legal

representation at the tribunal. The tribunal is to be complimented on the decisive way it has dealt with outrageous claims for legal costs that were made by some of those who obstructed the tribunal and who, in effect, added to its costs.

People who are finding it hard to make ends meet have been scandalised by the enormous fees paid to lawyers at the tribunal. The release of information regarding these fees has given the public a glimpse of the excessive charging by some privileged members of a powerful profession, which serves to make access to the law the preserve of those with money and which also serves to perpetuate inequality and unfairness in society. That is a subject to which the Dáil should return.

Last summer, the Minister for Finance announced, to great media fanfare, that he would reduce the fees being paid to tribunal lawyers from the current rate of €2,000 to €2,500 per day for senior counsel to an annual salary of €213,098 for senior counsel, €176,000 for solicitors and €142,065 for junior counsel. These are not bad salaries by any standards. Under these new payments, a senior counsel at the tribunal would be paid almost three times the salary of a Deputy, a solicitor at the tribunal would be paid twice a Deputy's salary and a junior counsel would be paid the salary of a Minister of State.

However, it appears that some tribunal lawyers have cocked their noses at such salaries. Within six weeks the Government had backed down on the new scale of fees. The new scales will not now apply to the Morris tribunal until January 2006, the Barr tribunal until June 2005 and the Moriarty tribunal until September 2006. In the briefing material we received on the Mahon tribunal, we are told that the new rates of payment will not apply to that tribunal until 31 March 2007. Is it any wonder that the costs of the tribunals are already €400 million and that some estimates of the ultimate cost approach €1 billion?

It is time to put a stop to this gravy train. The new rates of payment should be brought in immediately and not later than 1 January next. There may be senior counsel who can earn more than €213,000 a year and solicitors who can earn more than €176,000 a year. If there are, they can stuff their wigs and get back to cleaning out their clients in the Four Courts. There must be good lawyers in Ireland who are prepared to work in the service of the people for tribunals established by the representatives of the people and for remuneration that is at the highest end of public service pay.

The Oireachtas needs to consider again the need for properly resourced parliamentary committees with the power to investigate and which can, like the DIRT inquiry, get to the bottom of wrongdoing in a manner that is effective, public and cost efficient. Will the Minister reconsider accepting the amendments I have tabled on behalf of the Labour Party and those which Deputy Fergus Flood—

Mr. O'Dowd: I thank the Deputy for the promotion.

Mr. Roche: He is not paid that much yet.

Mr. Gilmore: That was a Freudian slip. I agree with the amendments tabled by Deputy O'Dowd. It is open to the House to amend the Government motion and the amended motion could be put to the tribunal for its agreement. The amendment is necessary because what we are doing today is not providing a formula for the winding up of the tribunal but a formula for the continuation of its good work in a way that is more cost effective and efficient.

Mr. McHugh: I wish to share time with Deputies Connolly, Cuffe and Morgan.

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

Mr. McHugh: The fourth interim report of the Tribunal of Inquiry into Certain Planning Matters and Payments set alarm bells ringing when it stated that the work of the tribunal could continue almost indefinitely and almost certainly until 2014. There is no justification for any inquiry, regardless of how complex or detailed, to continue for so long. However, there is a message in this for all involved in establishing the tribunals, both Government and Opposition.

At the time of its inception, any logical argument that might have been put forward to ensure the tribunals were structured and focused would have met with cries of rigging and accusations of attempts to muzzle the tribunals in their work. If the intention of any action is to make the tribunals more efficient, there should never be cheap charges of rigging or muzzling. However, the hysteria surrounding the establishment of the tribunals did not permit logical, calm or reasoned thinking. I hope the Government and Opposition Members will learn the message from that for the future.

The main changes proposed have the support of the chairman of the tribunal and, as such, it would be foolhardy of the House to oppose them. The proposal to impose a deadline for receipt of new matters is sensible. Everybody who might have issues of concern will be afforded time within which to make their submissions. It was also a flaw in the terms of reference that the tribunal was obliged to investigate every matter, irrespective of its significance. It always seemed wasteful that three judges sat together rather than in parallel divisions where work could be progressed at a faster rate. I welcome the expectation that all public hearings will be completed by 31 March 2007 and, in advance, I wish the Minister a happy birthday.

Mr. Roche: I will not get the big fees on the day.

Mr. McHugh: My criticism of the new arrangement is that the legal profession will continue to

charge exorbitant fees. That is regrettable. It is certainly not in the interest of the taxpayer.

I am confining my remarks to the detail of what is before the House today. There are many areas one could address during this debate but we must bear in mind that the motion before the House has been agreed between the chairman of the tribunal and the Attorney General. Although I have the highest regard for Deputy O'Dowd and Deputy Gilmore, I question the wisdom of putting down amendments that have not been agreed in advance with the chairman.

I compliment the Minister on the manner in which he has dealt with this matter.

Mr. Connolly: I welcome the opportunity to speak on the changes in the terms of reference of the Mahon tribunal. The tribunal chairman's request for more discretion over which cases to investigate and the considerations of cost, corruption levels, likely time scale and likelihood of reaching a conclusion might allow certain individuals to evade exposure. Such individuals will rub their hands in glee at the prospect of not being brought to account.

The tribunal must end some time. The country's longest running saga must reach its inevitable conclusion but some practical means of bringing wrongdoers to book must be found. A clear signal must be sent that such individuals have not escaped. The Cherrywood module and other modules where people have not yet been exposed have still to be dealt with. What happens after 1 May if a major clanger is dropped? What will we do about it?

The tribunal's interim report raised the hopes and expectations of the public that the individuals adjudged to have received corrupt payments were to be made accountable. Such hopes have been somewhat diluted by the fact that these individuals have, in most cases, escaped the consequences of their actions. I trust that the proposed amendments to the tribunal's terms of reference do not serve to shield other possibly corrupt persons from the cold draught of justice appropriately applied. Despite having a staff of six barristers, three solicitors, four researchers and two paralegal personnel, the tribunal chairman described the tribunal as stretched to the limits, if not beyond.

The effect of the motion before the House is to approve changes to the terms of reference of the Mahon tribunal to ensure the tribunal's work is expedited. I am not sure if this is a good thing, even though the most recent interim report held out the possibility of the tribunal's public hearings continuing into 2014 or 2015. By setting the date of 1 May 2005 for decisions by the tribunal on matters to investigate and, in particular, the introduction of new investigations, the tribunal is, in effect, setting a limit on the degree of corruption it may unearth.

Mr. Cuffe: Without vision, the people perish. Without fundamental reforms of the planning system, corruption will continue to exist and thrive. It is not enough to change the terms of reference unless the underlying malaise in the

[Mr. Cuffe.]

land use and planning system is also changed. The vision to encourage such change must come from the top, namely, from the Government and the Minister for the Environment, Heritage and Local Government. At present, a proper planning system in this country has been substituted with a much too cosy relationship between developers and councillors. Unless the position is changed, we will continue to have tribunals from now until the cows come home.

A number of changes are needed. First, the All-Party Committee on the Constitution made strong and coherent recommendations regarding the rezoning of land. It stated that agricultural land, once rezoned, should not provide millions of euro for developers and that it should not attract a value 25% greater than that of the existing use value. If the changes recommended by the all-party committee are introduced, we could, in one fell swoop, deal with many of the conditions that give rise to corruption in the land use and planning system.

The second change I would suggest involves the establishment of a new body to vet development plans at national level prior to their approval. It is not good enough to have a Minister cast his or her eye over these plans to see whether they meet with his or her approval. It is not good enough that the Minister's predecessor directed Dún Laoghaire-Rathdown County Council to zone more land. We need a body similar to but separate from An Bord Pleanála to vet development plans. Prior to a development plan being approved, the said body's imprimatur would be required. This would help temper the excesses of the rezoning zeal some councillors bring to the planning process.

The third change I would suggest is that more planning staff must be recruited. Many local and planning authorities do not have the services of full-time planners. I was horrified to hear that the council in a town with which I am familiar, Bray, which straddles the border between Dún Laoghaire-Rathdown and County Wicklow, does not employ a planner and that the new development plan is being prepared by the town engineer. Such behaviour does not display the type of vision required to deal with a town, which will change dramatically during the next ten years and in which the population is increasing hugely. The broad spectrum obtained from properly trained planning staff is required and not just that provided by an engineer, regardless of how good are his or her credentials. Planners must guide and provide the vision in tandem with elected representatives at local level.

It is important that the changes before the House should be advertised and placed in the public domain by the Department. After all, a small advertisement placed in the newspapers eight or nine years ago by Colm MacEochaidh and Michael Smith led to the establishment of the Mahon tribunal. Everyone is indebted to these men for the work they did in terms of sowing the seeds for the tribunals. It is important that the changes will be publicly advertised. I support the

changes, which, I understand, are being drawn up by other Opposition parties.

Mr. Morgan: I wish to begin on a positive note. The tribunal process has brought into the public domain the corruption, which was endemic in the planning process in this State for many years and has created a climate in which corruption is no longer acceptable. However, there are many problems with the tribunal process as currently constituted. It is costly, its progress is slow and few prosecutions have resulted from its work. The Government has allowed the legal profession to exploit the tribunal process as a cash cow for far too long. The fees being charged by members of that profession are simply obscene.

In the context of the proposed amendments to the terms of reference of the Mahon tribunal, it has been clear for some time that something needs to be done if the process is not to continue indefinitely. The planning tribunals are taking so long because there was so much corruption in the planning system. In every avenue it has pursued, the Flood-Mahon tribunal has discovered more corrupt payments which needed to be investigated.

If we consider the flaws in the tribunal process on an individual basis, the first question we must ask is why the revised fees relating to barristers will not be implemented immediately. What is preventing this from happening? I look forward to the Minister's explanation in that regard. In light of the slowness of the process, why was the proposal to split the tribunal into three separate divisions not implemented when the new judges were appointed to sit with Mr. Justice Flood two years ago?

On examining the future of the Mahon and other tribunals, one must ask whether they are delivering justice. Many believe they are not doing so. Few prosecutions have resulted from the various tribunals held to date. Have the criminals whose activities were laid bare by the beef tribunal, for example, served time behind bars? The answer is that not one of them has done so. How much time has, been served behind bars by corrupt politicians and officials whose activities were exposed by tribunals? Is the Government concerned that the lack of prosecutions has undermined public confidence in the tribunal process?

In terms of the proposals put before the House by the Minister for the Environment, Heritage and Local Government, there are a number of matters in respect of which deep concern arises. We need to ensure that the chairman of the tribunal is not being given too wide a discretion in terms of deciding what to investigate and, perhaps more importantly, what not to investigate. If certain allegations are not to be investigated by the tribunals in public, we need assurances that they will be fully investigated by the Garda. It has been suggested in the media that it is unlikely the payment to Ray Burke, when serving as Minister for Communications, from Rennicks Manufacturing, in which media mogul Anthony O'Reilly has been implicated, will not now be investigated. The Minister must clarify the position in this

regard as a matter of urgency. Has the Minister considered giving a role in this process to a committee of the Dáil, particularly in respect of decisions regarding the matters that are not to be investigated? Will there be oversight regarding issues the chairman of the Tribunal of Inquiry into Certain Planning Matters chooses not to investigate?

I wish to make some brief comments about a facet of this issue which is rarely addressed, namely, the consequences of corruption and the victims of such corruption. I refer here to those people who continue to suffer because an official or Minister put his greed ahead of the welfare of the citizens of this State. Corrupt officials such as George Redmond accumulated huge personal fortunes on the back of the misery of ordinary citizens who continue to suffer today from the decisions taken in the past. If the Fianna Fáil-Progressive Democrats Government is sincere in showing us that it has moved away from the corruption of the past, it must prioritise addressing the social consequences of that corruption, which are still evident today.

While the amendments are welcome, they do not go far enough. This is unfortunate because it represents a major opportunity lost in terms of reviving public confidence, particularly in the entire tribunal process. I note that almost everyone who contributed to the debate raised a significant number of questions. It is not just Deputies who require answers; members of the public also want them. I hope there is time for the Minister to provide such answers.

Acting Chairman: It is now 1.30 p.m., the time at which we would normally suspend the sitting. However, if there is agreement to dispose of this item, we can perhaps accommodate the Minister by giving him five minutes in which to reply.

Minister for the Environment, Heritage and Local Government (Mr. Roche): I will do my best. I thank the Members for their contributions. It has been a good debate which has raised a series of issues. Unfortunately many of the issues, which were raised are outside the remit of this specific motion. I explained at the outset and during the course of the briefings that I was surprised how tightly tied our hands have been. Deputy McHugh made the point that it may be a salutary lesson for the House in that we did tie our hands and bind ourselves to previous legislation. The changes now being proposed are within that context.

Deputy O'Dowd's amendment would mean that the tribunal would have to repeat all its interim reports in its final report and this is unnecessary in my view. The tribunal's interim reports have been an effective method of producing reports on the modules as they were completed and I do not wish to tie its hands and make it unnecessarily complex.

On the matters raised by Deputy Gilmore, I received Deputy Rabbitte's letter this morning. It came to my office while I was in the House. The Deputy wished to add two specific considerations for the tribunal to bear in mind in exercising its

discretion. In my view both are unnecessary because the tribunal has been given the right to exercise more discretion in this. Deputy O'Dowd's other proposed amendment would ask the tribunal to make recommendations about legislation by 1 June 2005. I prefer not to tie the hands of the tribunal in that regard. In my view it should be allowed make its recommendations about legislation based on the overview of all the matters it has investigated.

Mr. O'Dowd: On a point of order. Will the Minister recommend that it come back as quickly as possible on that specific issue?

Mr. Roche: That would be my hope. However, I do not wish to tie it to a specific date. Deputy O'Dowd also made a very interesting contribution about all the changes in the local government system from the 1890s onwards. I would like to debate that topic with him, given that I made a career out of that subject for 21 years, teaching students in UCD. Deputy O'Dowd and others expressed concerns about the pressures put on councillors and it is a concern I share. An unfair level of pressures is put on councillors. We live in a very open democracy and it is very difficult to see how one could stop, for example, local residents' groups coming to see a councillor. This is probably an issue for a different day.

Deputy O'Dowd and others, Deputy Connolly in particular, are worried that there will be no possibility to carry out further investigations from allegations when this process has finished. This is not the case. Deputy Gilmore did not make a similar suggestion but he indicated his concern to know that there would be an ongoing process. As the House is aware, the Government has put in place a number of mechanisms to investigate allegations of corruption. In particular, the Minister for Justice, Equality and Law Reform, brought forward the legislation to allow commissions of inquiry to be established. They are far less cumbersome than this process and it has been a learning process.

Deputy O'Dowd also suggested that nothing had changed since the establishment of the tribunal. That is not true, in my view. Legislation will be introduced to tackle corruption in public service.

Mr. O'Dowd: The Planning Acts have not been changed.

Mr. Roche: The Planning Act 2000 introduced a new level of transparency in the planning system so I think the Deputy is being unnecessarily harsh with the entire system, which we as legislators have implemented. Deputy Gilmore is correct when he comments on the phenomenal costs and this point was also raised by Deputy Morgan in his final contribution. These phenomenal costs have caused some scandal rather than eyebrows to be raised among the general public. He is correct to state, as was Deputy Cuffe in his contribution, that these resources could have been used. Some €1,000 million was the figure mentioned by Deputy Gilmore. Those resources

[Mr. Roche.]
could certainly be used to better effect, whether by investing in resources or in better planning. We are where we are now.

Under the tribunals Act, the only changes the Minister can make are those which have been requested by the tribunal and where the tribunal has given its consent. Deputies Gilmore and Morgan spoke of the gravy train and the issue of fees. Both asked a reasonable question as to why the new fees are not being introduced immediately. The tribunal has warned it is likely that its legal staff would leave and the work of the tribunal would cease which would not be in anyone's interest. The general cynicism about the system would not be dealt with if we were to operate in that way.

Mr. Morgan: The lawyers are blackmailing us.

Mr. Roche: I am not saying that. I am simply saying it is a matter—

Mr. Morgan: I am saying it.

Mr. Roche: That is the Deputy's view and he is entitled to it. The reality is that people are not tied to desks and in a free society they have a right to walk if they wish and that is the danger. On the issue of planners and in reference to Deputy Cuffe's contribution, the Deputy is quite correct that there is a real difficulty getting people with the necessary skills and experience. At the end of 2003 there were 1,795 professional planners in the planning service, which is a phenomenal increase on the figures of previous years. There are still not enough. A lot has been done and undoubtedly there is more to do. At least we are moving in the right direction.

I do not like being inflexible, particularly when I am dealing with people who are being reason-

able with me but my hands are tightly tied. Deputy Gilmore commented that I could perhaps accept amendments and retrospectively go back to the tribunal but my advice is that I cannot do so.

Mr. Gilmore: What does the Minister mean? The letter from the Labour Party leader was sent to him on Monday, incidentally. He indicated he would consider these two amendments. What does he mean by that?

Mr. Roche: I did not intend to mislead the Deputy or the House in any way. I sought to explain the situation with regard to amendments to the Deputy and to his party leader. Under the Tribunals of Inquiry (Evidence) (Amendment) Act 1998, only changes which either (a) the tribunal has requested or (b) to which the tribunal has given prior consent, following consent by the Attorney General, can be put here. Whether or not I wished to do so I cannot retrospectively do what the Deputy requests.

Mr. Gilmore: Then unfortunately the House will have to divide.

Amendment put and declared lost.

Mr. Gilmore: I move amendment No. 2:

In paragraph J, to insert the following subparagraph after subparagraph (6)(v):

“(vi) Whether or not, having regard to the seriousness of the claims made, the public interest in arriving at the truth of the matter outweighs in importance the public interest in avoiding the expenditure entailed by such an investigation.”.

Amendment put.

The Dáil divided: Tá, 47; Níl, 64.

Tá

Breen, Pat.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.
Costello, Joe.
Crowe, Seán.
Cuffe, Ciarán.
Deenihan, Jimmy.
Durkan, Bernard J.
English, Damien.
Enright, Olwyn.
Gilmore, Eamon.
Healy, Séamus.
Higgins, Joe.
Higgins, Michael D.
Howlin, Brendan.
Kehoe, Paul.
Lynch, Kathleen.
McCormack, Pádraic.
McGinley, Dinny.
McGrath, Finian.
McGrath, Paul.
McManus, Liz.

Morgan, Arthur.
Moynihan-Cronin, Breeda.
Murphy, Gerard.
Neville, Dan.
Noonan, Michael.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Dowd, Fergus.
O'Keeffe, Jim.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Séamus.
Perry, John.
Quinn, Ruairí.
Ryan, Eamon.
Ryan, Seán.
Sargent, Trevor.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Wall, Jack.

Níl

Ahern, Noel.
 Ardagh, Seán.
 Brady, Johnny.
 Brennan, Séamus.
 Browne, John.
 Callanan, Joe.
 Coughlan, Mary.
 Cullen, Martin.
 Curran, John.
 Dempsey, Noel.
 Dempsey, Tony.
 Dennehy, John.
 Devins, Jimmy.
 Ellis, John.
 Fitzpatrick, Dermot.
 Fleming, Seán.
 Fox, Mildred.
 Gallagher, Pat The Cope.
 Glennon, Jim.
 Grealish, Noel.
 Hanafin, Mary.
 Harney, Mary.
 Haughey, Seán.
 Hoctor, Máire.
 Jacob, Joe.
 Keaveney, Cecilia.
 Kelleher, Billy.
 Kelly, Peter.
 Killeen, Tony.
 Kirk, Séamus.
 Kitt, Tom.
 Lenihan, Brian.

Lenihan, Conor.
 McEllistram, Thomas.
 McGuinness, John.
 McHugh, Paddy.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Fearghaíl, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donnell, Liz.
 O'Donovan, Denis.
 O'Flynn, Noel.
 O'Keefe, Batt.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Sexton, Mae.
 Smith, Brendan.
 Smith, Michael.
 Treacy, Noel.
 Wallace, Dan.
 Wallace, Mary.
 Walsh, Joe.
 Wilkinson, Ollie.
 Woods, Michael.
 Wright, G. V.

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

Amendment declared lost.

Mr. Gilmore: I move amendment No. 3:

In paragraph J, to insert the following subparagraph after subparagraph (6)(v):

“(vi) Whether any of the persons claimed to be involved in or connected to the matter are currently, or were recently, public representatives or public servants.”.

Amendment put and declared lost.

Mr. O'Dowd: I move amendment No. 4:

In paragraph J, to insert the following subparagraph after subparagraph (7):

“(8) The tribunal shall, not later than 1 June 2005, make recommendations as to the effectiveness and improvement of existing legislation governing corruption in the light of its inquiries to date.”.

Amendment put.

The Dáil divided: Tá, 49; Níl, 65.

Tá

Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 Burton, Joan.
 Connaughton, Paul.
 Costello, Joe.
 Crowe, Seán.
 Cuffe, Ciarán.
 Deenihan, Jimmy.
 Durkan, Bernard J.
 English, Damien.
 Gilmore, Eamon.
 Healy, Seamus.
 Higgins, Joe.
 Higgins, Michael D.
 Howlin, Brendan.
 Kehoe, Paul.
 Lynch, Kathleen.
 McCormack, Padraic.

McGinley, Dinny.
 McGrath, Finian.
 McGrath, Paul.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Moynihan-Cronin, Breeda.
 Murphy, Gerard.
 Naughten, Denis.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Dowd, Fergus.
 O'Keefe, Jim.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Pattison, Seamus.
 Perry, John.

Tá—continued

Quinn, Ruairi.
 Ryan, Eamon.
 Ryan, Seán.
 Sargent, Trevor.
 Sherlock, Joe.
 Shortall, Róisín.

Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Upton, Mary.
 Wall, Jack.

Níl

Ahern, Noel.
 Ardagh, Seán.
 Brady, Johnny.
 Brennan, Seamus.
 Browne, John.
 Callanan, Joe.
 Coughlan, Mary.
 Cullen, Martin.
 Curran, John.
 de Valera, Síle.
 Dempsey, Noel.
 Dempsey, Tony.
 Dennehy, John.
 Devins, Jimmy.
 Ellis, John.
 Fitzpatrick, Dermot.
 Fleming, Seán.
 Fox, Mildred.
 Gallagher, Pat The Cope.
 Glennon, Jim.
 Grealish, Noel.
 Hanafin, Mary.
 Harney, Mary.
 Haughey, Seán.
 Hoctor, Máire.
 Jacob, Joe.
 Keaveney, Cecilia.
 Kelleher, Billy.
 Kelly, Peter.
 Killeen, Tony.
 Kirk, Seamus.
 Kitt, Tom.
 Lenihan, Brian.

Lenihan, Conor.
 McEllistrim, Thomas.
 McGuinness, John.
 McHugh, Paddy.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Feargháil, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donnell, Liz.
 O'Donovan, Denis.
 O'Flynn, Noel.
 O'Keeffe, Batt.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Sexton, Mae.
 Smith, Brendan.
 Smith, Michael.
 Treacy, Noel.
 Wallace, Dan.
 Wallace, Mary.
 Walsh, Joe.
 Wilkinson, Ollie.
 Woods, Michael.
 Wright, G. V.

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

Amendment declared lost.

Question put and declared carried.

Sitting suspended at 2 p.m. and resumed at 2.30 p.m.

Ceisteanna — Questions (Resumed).

Priority Questions.

Overseas Missions.

55. **Mr. Timmins** asked the Minister for Defence the position on the request from the UN Secretary General, Mr. Kofi Annan, to supply troops to the EU battle group concept; and if he will make a statement on the matter.
 [29186/04]

Minister for Defence (Mr. O'Dea): I find the term “battle groups” misleading. At the Euro-

pean Council in Helsinki in 1999, member states set a headline goal that by 2003, co-operating together and voluntarily, they would be able to deploy rapidly and then sustain forces capable of the full range of Petersberg Tasks as set out in the Amsterdam treaty. These tasks range from humanitarian, rescue, peacekeeping and crisis management operations, including peacemaking. This included *inter alia* a capability to provide rapid response elements, available and deployable at high readiness. The EU's ambition to be able to respond rapidly to emerging crises is a key objective of the development of the European Security and Defence Policy. Having learned from historical experiences in the Balkans and Africa, the EU wants to be able to react faster when crises develop. Last year this was illustrated by the EU's first autonomous military operation conducted in Bunia in the Democratic Republic of Congo. The operation, undertaken at the request of the UN Secretary General and deployed in rapid circumstances, was successful in contributing to the stabilisation of the security environment and the improvement of humanitarian conditions in Bunia.

During his visit to Dublin on 14 and 15 October, the UN Secretary General, Mr. Kofi Annan, underlined the extent to which he believes regional organisations, such as the EU, can contribute to the UN's requirements in crisis management. At the Forum on Europe on 14 October, Mr. Annan specifically welcomed the development of EU capabilities in the context of European Security and Defence Policy. He stressed how important strengthened EU capacities, in particular rapid deployment capabilities, are to the UN. The following day, at an event in McKee Barracks, Mr. Annan paid tribute to Ireland's contributions over the years to the UN. He also highlighted Ireland's key role during our EU Presidency term in promoting co-operation between the EU and the UN in crisis management, and in particular the possible use of EU rapid response elements to support UN peacekeeping operations.

Given our long tradition of participation on UN peacekeeping operations, Ireland can make a positive contribution to EU rapid response elements. At yesterday's Cabinet meeting, the Government agreed that I should advise my EU counterparts of Ireland's preparedness to enter into consultations with partners with a view to participation in rapid response elements. A detailed analysis of the implications for an Irish contribution to a rapid response element is ongoing and will continue over the coming months. It will cover policy considerations such as potential costs, legislative aspects, questions relating to potential multilateral partners and deployability aspects. In addition, other aspects such as training and interoperability with potential partners will be analysed. Following completion of the necessary analysis, I will return to Cabinet with proposals regarding the level of such participation. Ireland's participation in such rapid response elements will remain subject to the usual requirements of a Government decision, Dáil approval and UN authorisation.

Mr. Timmins: From the Minister's reply, I take it that the Government has agreed in principle to participate in the so-called battle groups. I agree it is an unfortunate term but one that will stick. The Government will analyse the arrangements to see how many Army personnel, and in what form, can be contributed to this scheme. Under the UN standby arrangements system, UNSAS, Ireland has 850 Army personnel on standby for UN operations. Will this figure be extended for the EU battle group scheme? Will changes to legislation be necessary to facilitate our involvement in these battle groups? The Defence Forces have said that for Irish troops to train on foreign soil may require legislative change.

I am glad the Government has taken this decision as it is important that Ireland makes a contribution in this area. It should in no way be clouded by reference to the existing system of Dáil and Government approval for UN man-

dates. However, we must return to that issue later. Battle groups will consist of 1,500 personnel. If Ireland cannot provide that number in personnel, will the contribution be made through speciality fields such as signalling, artillery or transport in conjunction with another country? Will Ireland enter into negotiations with another EU member state on this matter?

Mr. O'Dea: I have a detailed note from the Department on the issue of legislative change which I will forward to Deputy Timmins. There are no plans to increase the number of personnel on standby from 850. We have not yet entered discussions with other EU member states as this concept was only formulated last June at the European Council. Some member states have been quick to signal their availability. However, Ireland still has a number of questions on the matter. My Department has raised questions with the EU civil service in Brussels and our EU counterparts, such as Finland and Sweden. Clear answers must be given to these questions. Other aspects will also be taken into consideration such as the need for legislative change, extra costs and with which country or countries should we link up. I will inform my fellow Defence Ministers of this in Brussels next Monday. If Ireland participates in this scheme, every request for troops to join a battle group will be decided by, the Government on a case-by-case basis and the triple lock will continue to apply.

56. **Mr. Sherlock** asked the Minister for Defence if he was requested by the UN Secretary General during his recent visit to provide troops for deployment in Iraq; if so his response to this request; the types of activities in which troops may be involved in Iraq; and if he will make a statement on the matter. [29185/04]

59. **Mr. Connolly** asked the Minister for Defence if a request has been received from the UN for Defence Forces personnel to serve in a peacekeeping capacity in Iraq; if consideration to the deployment of Defence Forces is being given; and if he will make a statement on the matter. [29357/04]

Mr. O'Dea: I propose to take Questions Nos. 56 and 59 together.

No request has been received from the UN for the provision of Defence Forces personnel for the UN assistance mission in Iraq. The question of deploying Defence Forces personnel to Iraq will not be considered at this time.

During the UN Secretary General's visit to Ireland last month, we discussed the security situation in Iraq and the difficulties this was creating for the UN assistance mission there. We both recognised the need for a much, expanded UN operation to support the rebuilding of Iraq. The UN Secretary General expressed the view that it would be difficult to mount an expansion of the UN mission in Iraq in the absence of greater

[Mr. O'Dea.]

security and stability in the region. The barbarous events of recent days have extended the time-frame in which it will be possible to reach stability.

In the event of the situation stabilising and becoming more secure with an expanded UN peace support mission with an appropriate Security Council resolution, the Government would consider a request from the UN for troops. Such consideration would be treated like all requests for support and the response would be within available resources and capabilities. Any deployment would be subject to the triple lock mechanism involving UN authorisation, Government and Dáil approval.

Mr. Sherlock: During his recent visit here the UN Secretary General asked the Minister to provide Irish troops for deployment in Iraq. Has the matter been discussed at Cabinet level and can the Minister assure the House that any decisions will require what he referred to as the triple lock? Does the triple lock refer to the Department and the Dáil or whatever? Will the Minister please explain what it means?

Mr. O'Dea: Triple lock means that three elements must be satisfied before we commit troops on a foreign peacekeeping, peacemaking or humanitarian mission. First, the Government must decide that it is appropriate to commit the troops; second, both Houses must authorise it after debate in the Dáil and the Seanad; third and very important, it must be a UN-established mission. It is not sufficient that it be a mission supported by the majority of UN countries or that it has widespread support within the United Nations. It must be established by the United Nations and for that to happen, the Security Council, which consists of five members, must decide unanimously that it will proceed. If any country vetoes it, the mission is no longer deemed to be established by the United Nations and the triple lock will come into play.

We have not discussed this at Cabinet because the situation remains hypothetical. I spoke generally to Kofi Annan and we agreed that the situation in Iraq is depressing and out of control. Kofi Annan said that the United Nations has a mission in Iraq to help the country claw its way back to some form of democracy. If the mission is successful, some form of democracy is established in Iraq and some form of stability or relative stability returns, the United Nations might decide that it would be desirable to send in a peacekeeping force. If that stage were reached, and the United Nations so decided, and the Government had to decide whether to contribute to that peacekeeping force, it would discuss the decision at Cabinet.

Mr. Sherlock: If that request were made, how would the deployment of Irish troops in Iraq dif-

fer from the role of Defence Forces in other UN peacekeeping missions? What is the Minister's view of the latest US offensive in Falluja?

Mr. O'Dea: It would not differ to any degree from present peacekeeping missions. The idea of peacekeeping is to keep the peace and to keep warring factions apart.

Mr. Sherlock: If the request came to send troops into Iraq, what would the Minister do?

Mr. O'Dea: If the United Nations made such a request, the Cabinet would decide on it. The Cabinet studies various factors to inform such decisions, for example, how many troops are requested, how many are available, whether a peacekeeping mission at that time would achieve the desired result and whether it is the most appropriate response. It would also consider the degree of risk to our own troops. That is important and would weigh heavily with the Cabinet.

Did the Deputy ask another question?

Mr. Sherlock: What are the Minister's views on the latest US offensive in Falluja?

Mr. O'Dea: That does not arise under the terms of the question as asked.

Mr. Sherlock: I thought the Minister would be more clear in his answer. If the request came and went to Cabinet, what would he do? Will the Minister please tell the Dáil what his views are on the deployment of troops to Iraq at this time?

Mr. O'Dea: There is no question of deploying troops to Iraq at this time. I thought I made that clear. There is no question of deploying troops to Iraq on a peacekeeping mission at this time. Kofi Annan admitted that to me. He said it may take several years for the situation to stabilise sufficiently to justify the United Nations making a request to supply troops to Iraq. At that hypothetical time in the future, if the situation were sufficiently stabilised and the request were to be made, the Cabinet would decide on the basis of the criteria I have outlined.

My views on the war in Iraq are well known and well ventilated in the public domain. I did not agree with unilateral action in Iraq and that remains the position.

Mr. Connolly: In that hypothetical situation, which may not be too far away, does the Minister agree that any peacekeeping in Iraq would be classified as high risk from an Irish point of view in contrast with the previous low-risk peacekeeping in Cyprus, Croatia, Bosnia, Lebanon and Liberia? Does he agree that people from the West, especially those who speak English, which would include Irish people, are perceived as or equated with US and UK invasion forces? Ireland effectively facilitated the US by allowing troops

to land at Shannon Airport, so much so that the US Government named Ireland as part of the "coalition of the willing".

Does the Minister agree that Iraqi resistance would regard Ireland and its UN peacekeeping troops as hostile and we would be committing them to enter what the fanatics have called "the gates of hell"? Does he share the concerns of the families of these peacekeepers? What are his concerns? He should voice his concerns at Cabinet and should enter into talks with Defence Forces personnel in the event that they are called upon. Under what circumstances would the Minister consider a commitment of Irish troops to a UN peacekeeping force in Iraq?

Mr. O'Dea: The Deputy is talking about a hypothetical situation which might not ever occur.

Mr. Connolly: It might not be that hypothetical.

Mr. O'Dea: I do not share the Deputy's view that it is just around the corner. Anybody who glances even cursorily at the stories about Iraq in the newspapers or elsewhere in the media knows that if ever the United Nations wanted to send troops, it would be a long way into the future. It would be madness for the United Nations to send in troops and expose them to risk in the present situation in Iraq. They would simply be lambs to the slaughter. The level of risk at a time in the future when such a request would come will have to be assessed.

I have already outlined to Deputy Sherlock and the House the yardsticks the Government uses in deciding whether to commit troops to the peacekeeping mission. Primary among those is the level of risk and danger to which we expose troops. I cannot answer Deputy Connolly's question about whether it would be riskier in Iraq than in the other areas he listed to which we traditionally sent our troops because I do not know what the situation in Iraq will be at this hypothetical time in the future when such a hypothetical request might be made. It would depend on the situation there at the time.

Mr. Connolly: Does the Minister regard the US forces there at the moment as peacekeeping forces?

Mr. O'Dea: No. Let us be clear on this. Our position on peacekeeping is that we do not get involved in military alliances or mutual defence pacts. We get involved in peacekeeping when the United Nations establishes a peacekeeping mission and when the Government decides and the Oireachtas authorises. There is no question of the United Nations having authorised what is happening in Iraq at the moment. Obviously I do not regard the present American activities in Iraq as peacekeeping.

Defence Forces Equipment.

57. **Aengus Ó Snodaigh** asked the Minister for Defence his views and the evidence he has reviewed on the question of whether to issue less lethal weapons to the Defence Forces. [28805/04]

Mr. O'Dea: The issue of less lethal weapons for use by the Defence Forces was previously raised by the Deputy in a parliamentary question on 19 October 2004. As I informed the Deputy in my reply to that question, the introduction of less lethal weapons for use by the Defence Forces in the course of aid to their civil power duties is the subject of ongoing consideration in my Department. The issue remains under consideration and no decision has yet been made.

As I previously explained to the Deputy, the consideration of the use of a limited less lethal capacity by the Defence Forces follows the proposal of the Minister for Justice, Equality and Law Reform, noted by Government in November 2002, to authorise the introduction of a limited range of less lethal weapons for use by the Garda emergency response unit where this is necessary to avoid the use of firearms. The less lethal weapons for use by the emergency response unit are the bean bag shot, a pepper spray device and a ferret pepper spray shot. Any decision to introduce less lethal weapons for use by the Defence Forces acting in aid to the civil power will be on the basis that the capabilities of the Defence Forces in this area will not exceed those of the Garda emergency response unit. Should a decision be taken to provide the Defence Forces with less lethal weapons, the lead will be taken from the Garda Síochána. We will provide the Defence Forces with the same weapons and they will deploy them only when acting in aid to the civil power in the same limited situations that the Garda intends to use them.

The Defence Forces have recently conducted evaluation tests on 40 mm bean bag ammunition. I await receipt of the evaluation report when a decision will be made on whether to proceed with the purchase of a small amount of such ammunition with which the Defence Forces can provide a graduated response acting in aid to the civil power while adhering to the principle of absolute minimum force at all times.

Aengus Ó Snodaigh: The Minister should be aware that the use of less lethal weapons on this island by military forces acting as a so-called aid to the civil power is a very controversial and emotive issue. Their use has resulted in the deaths of 17 Irish people in the Six Counties, eight of whom were children. There have been many more serious injuries and deaths throughout the world due to these weapons. As we know, these weapons are open to abuse. Last month, an unarmed female sports fan was killed by police in Boston, using so-called less lethal pepper spray, a weapon that the Garda have been authorised to

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use and which is being looked at by the Department of Defence. The PSNI have regularly used this same CS type spray in attacking nationalists in Derry in recent months.

In deciding to consider the introduction of these weapons for use by the Defence Forces against the Irish population, the Minister potentially has a major human rights issue on his hands. Has he consulted the human rights commission on this issue? Has he looked at the research compiled by the Pat Finucane Centre or the Committee on the Administration of Justice regarding the experience of people in the Six Counties at the receiving end of these weapons? Will he talk to those who have been injured and the relatives of those who have been killed? What human rights training and protocols for the use of these weapons is the Minister considering? The Minister for Justice, Equality and Law Reform has so far refused to publish the guidelines for their use. I hope the Minister for Defence will take the bold step to publish the guidelines if he makes the decision to purchase these.

Mr. O'Dea: I would have thought that this was a step in the direction of protecting human rights rather than the opposite. We are taking our lead from the emergency response unit of the Garda Síochána. Only lethal weapons such as guns and ammunition are currently available to the emergency response unit. We are trying to provide non-lethal weapons to replace those.

Aengus Ó Snodaigh: They are lethal weapons.

Mr. O'Dea: I will take my chances of being hit by one of those things rather than by live ammunition. Maybe the Deputy has more experience in these matters than I have. That is my information.

Aengus Ó Snodaigh: I doubt it. The Minister plays with guns every week.

Mr. O'Dea: When the Defence Forces are acting in aid of the Garda in maintaining order, we need a graduated response. At one level, we can give them batons and at the other level we can give them guns and live ammunition. There is a huge gap between the two methods of maintaining order. We are trying to find something in the middle. We are in the process of evaluating some of this material at the moment. To what extent it has the capacity to kill or seriously injure people will be considered. In any case, the Defence Forces will not go down this road unless the Garda lead, because the Defence Forces will only use these weapons in aid of the civil power, which is the Garda Síochána.

If a range of new weaponry is introduced for people who are sent out to maintain order, they have to be trained properly in the use of those weapons. They will be properly trained. I am not aware of the dialogue on publishing guidelines

between the Deputy and the Minister for Justice, Equality and Law Reform. I will talk to my people in the Department of Defence on publishing the guidelines. Unless there is something of which I am not aware, I do not have any objection to publishing guidelines in these matters. People are being trained to use certain weapons that I hope are non-lethal, in aid of the civil power. How we train them is certainly a matter of public interest and I readily concede that.

Aengus Ó Snodaigh: Will the Minister publish the list of weapons the Defence Forces are investigating and the findings on whether they are acceptable or not? Other jurisdictions have done so.

Mr. O'Dea: I will do that.

Cash Transport Escorts.

58. **Mr. Timmins** asked the Minister for Defence the amount of funding his Department receives from the banks for providing defence security for cash in transit; and if he will make a statement on the matter. [29187/04]

614. **Mr. Durkan** asked the Minister for Defence the number of cash transport escorts provided by the Defence Forces in the past 12 months; the costs involved and the degree to which the Exchequer was reimbursed by the financial institutions; and if he will make a statement on the matter. [29273/04]

Mr. O'Dea: I propose to take Question Nos. 58 and 61 together. To aid the civil power is among the roles assigned to the Defence Forces. This means to assist when requested, the Garda Síochána, which has the primary responsibility for law and order, including the protection of the internal security of the State. In this regard, the Defence Forces assist the Garda as required in duties which include escorting cash deliveries to banks, post offices and other institutions. An annual contribution of €2.86 million is paid by the banks for army escorts. This figure was set by the Department of Finance in the 1995 budget and has not been altered since. The contribution from the banks was designed to partially cover the total costs to the State of providing cash escorts. At that time, the contribution covered approximately 72% of the total cost arising to the Defence Forces, which includes pay and allowances. Based on annual costing by my Department, the relative level of the contribution has fallen in real terms over the years to the situation where it now only covers 43% of the total costs. My Department is currently in communication with the Irish Bankers Federation with a view to increasing the contribution.

The total cost of the provision by the Defence Forces of assistance to the Garda Síochána in protecting movements of cash for the years 2000-03 including pay, allowances, transport and aerial surveillance, was as follows. It was €5.7 million in

2000, €6.58 million in 2001, €6.87 million in 2002, €6.64 million in 2003. These costs related to the following numbers of requested escorts. There were 2,285 in 2,000, 2,488 in 2001, 2,516 in 2002 and 2,335 in 2003. For the first nine months of 2004, approximately 1,825 escorts took place. In any given month, approximately 1,592 army man-days are expended on these escorts.

Mr. Timmins: Is there evidence showing a significant threat to the movements of cash and to the security of our prisons, proving that it is still necessary to have these operations of aid to the civil power? These were set up following the difficulties we had in Northern Ireland. Has the threat been re-assessed? Does the Minister believe we should look at the concept of withdrawing the military support for these operations?

I know it is not the populist line to take and that most people believe the banks should pay for everything, but part of the Department's mission statement is to protect the security of the State. In a democratic society, there is an onus on the democratic authority to provide a secure environment so that economic activity can take place. This will go contrary to the populist view that the banks should pay because they are not the most popular at the moment. However, I have concerns that as we originally went down this road we will not know where to stop. What happens if the equivalent of a Don Tidey operation occurs again, where someone is kidnapped and the security forces have to carry out checks? Should the company then have to pay for that kind of operation? Could we be faced with a situation where if people can pay for it they can have it, but if they cannot then they will not?

Mr. O'Dea: I see the point the Deputy is making. The security forces came into this back in 1978 following a significant robbery in Limerick.

It was felt necessary to involve the security forces because of the fear of large sums of cash falling into the hands of paramilitary groups and terrorists. I agree with Deputy Timmins that the threat has receded somewhat. There are mixed views on whether the protection scheme is still necessary. Some people argue that dangers still exist and difficulties will recur if the banks have to rely on their own resources.

I understand Deputy Timmins's argument that the banks should be expected to contribute. They never agreed in principle that they should contribute, but the 1995 budget more or less forced them to make a contribution, which has never been increased. I appreciate that the State has a vested interest in this regard, as it does not want large cash sums to fall into the hands of undesirables, particularly paramilitaries. If the State did not provide this protection the banks would have to pay for it, which could be extremely costly. The banks are direct beneficiaries. Their initial contribution was 72% of the total cost to the State, but

it has fallen to 43% because the relevant sum has not increased since 1995.

The Deputy is aware that the Department of Justice, Equality and Law Reform also provides protection. The annual contribution given to the Department was set at approximately €950,000 in 1995, but that figure was recently increased to €3 million, or over 90% of the total cost, when an agreement was reached by the banks and the Department. It was felt, not unreasonably, that the banks should be asked to increase their contributions because they benefit substantially from the protection scheme. They receive 80% of the benefit and the post offices receive 20% of it. I will have preliminary discussions with the banks on the issue this evening. I hope the matter can be finalised in the next week.

Other Questions.

Overseas Missions.

60. **Mr. Boyle** asked the Minister for Defence if the Armed Forces will be participating in the EU's new battle groups; and if he will make a statement on the matter. [28810/04]

97. **Mr. Cuffe** asked the Minister for Defence if he will report on the Defence Forces September 2004 submission in favour of participation in the EU's new battle groups; and if he will make a statement on the matter. [28811/04]

105. **Mr. P. Breen** asked the Minister for Defence if Ireland will participate in EU-led groups that can intervene in a rapid manner to prevent the loss of life; the circumstances under which such participation might take place; and if he will make a statement on the matter. [28764/04]

109. **Mr. Broughan** asked the Minister for Defence the position with regard to Irish participation in proposed EU battle groups under a United Nations mandate; if Irish participation in the battle groups will be subject to the triple lock procedure; if he has plans to bring a proposal to the Cabinet on this issue; and if he will make a statement on the matter. [28821/04]

Mr. O'Dea: I propose to take Questions Nos. 60, 97, 105 and 109 together.

At a European Council meeting in Helsinki in 1999, member states set as a headline goal that, co-operating voluntarily, they would be able to deploy rapidly and sustain forces capable of the full range of Petersberg Tasks, as set out in the Amsterdam treaty, by 2003. Such tasks include being able to provide rapid response elements, which are available and deployable at very high readiness. The EU's ambition of being able to respond rapidly to emerging crises has been and continues to be a key objective of the development of the European Security and Defence

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Policy. The value of this effort was illustrated last year when the EU engaged in its first autonomous military operation in the Democratic Republic of the Congo. The operation, which was undertaken rapidly at the request of the UN Secretary General, successfully contributed to the stabilisation of the security environment and the improvement of humanitarian conditions in that region.

As Deputies are aware, the UN Secretary General, Mr. Kofi Annan, recently visited Dublin. He outlined clearly his belief that regional organisations such as the EU can contribute to the UN's crisis management requirements. At a meeting of the Forum on Europe on 14 October last, Mr. Annan specifically welcomed the development of EU capabilities in the context of European Security and Defence Policy. He stressed the importance of strengthened EU capacities, particularly rapid deployment capabilities, to the UN. He paid tribute to Ireland's contribution to the UN over the years at a meeting in McKee Barracks on 15 October. He highlighted the key role played by Ireland during its Presidency of the European Union in promoting co-operation between the EU and the UN in respect of crisis management. He referred in particular to the possible use of EU rapid response elements to support UN peacekeeping operations.

Given its long tradition of participation in UN peacekeeping operations, Ireland can make a positive contribution to EU rapid response elements. At yesterday's Cabinet meeting, the Government agreed that I should advise my EU counterparts in Brussels next Monday of Ireland's preparedness to enter into consultations with its partners with a view to participating in such elements. The ongoing detailed analysis of the implications of an Irish contribution to a rapid response element will continue over the coming months. The analysis will cover various policy considerations. I intend to submit proposals on the level of such participation to the Government after the necessary analysis has been completed. I emphasise that any Irish participation in rapid response elements will remain subject to the usual requirements — a Government decision, the approval of the Dáil and UN authorisation.

Mr. Gormley: It seems clear from the Minister's response that the Government is committed to EU battle groups. He should come out and say it clearly. Does the Minister agree the Government has done more than any other previous Administration to undo and dismantle Irish neutrality? We see examples of that in Shannon Airport almost every day. The apparent decision to participate in battle groups is another step in that direction, as is the new EU constitution. What is Ireland's role in the new European arms agency? Will the battle groups be part of the structured co-operation which forms part of the new European constitution? That important question also

needs to be answered. Does the Minister accept that a common defence, as defined in the new EU constitution, is on the way? It is no longer merely possible that we will be involved in a common defence, as the EU constitution states explicitly that we will be part of a common defence. Do these developments not demonstrate that the Government's commitment to neutrality is about as plausible as its commitment to socialism?

Mr. O'Dea: I do not really know what Deputy Gormley is committed to, on any front.

Mr. Gormley: I am committed to Irish neutrality.

Mr. O'Dea: He is obviously committed to not listening.

Mr. Gormley: I listened to the Minister.

Mr. O'Dea: If he listened carefully to my reply, he would have heard me make clear that I will talk to my European counterparts about the matter on Monday. When I have received answers to the various questions I want to ask—

Mr. Gormley: The Minister is very predictable.

Mr. O'Dea: There is no group as autocratic in this country as liberals. They do not want to hear anybody else's point of view.

Mr. Gormley: I am listening.

Mr. O'Dea: I ask the Deputy to keep listening. I will ask the various questions compiled by the Department, the responses to which we are still evaluating. When I have received the answers to the questions, I will discuss the matter at Cabinet level. I will not make the decision on Ireland's participation in the battle groups. I have views on the matter, but the decision will be taken by the Cabinet.

I reject Deputy Gormley's spurious contention that the Government is undermining neutrality. The Government's definition of neutrality, which has been upheld by the courts, involves non-participation in military alliances. That has been the policy of this country for the last 50 years and it continues to be its policy. Ireland is not involved in any military alliance and it will not be involved in such an alliance. It is not involved in any mutual defence pact and it will not be involved in such a pact. Ireland has not taken any action in respect of Iraq or anywhere else that was not taken by successive Irish Governments over the last 50 years. It is clear that is the reality.

I remind Deputy Gormley that those with certain beliefs are entitled to have them. I allow them to voice their opinions and I wish they would let me voice my opinion, rather than trying to shout me down. As far as I am concerned, such people are entitled to their opinions. I do not

send people around in the middle of the night to damage such people's property. My property was damaged on a number of occasions by people who, according to the Garda in Limerick, are associated with Deputy Gormley's party.

Mr. Gormley: Come on.

Mr. O'Dea: My property has been damaged simply because I happen to hold a different opinion.

Mr. Gormley: That is outrageous.

Mr. O'Dea: We live in a democracy. God help us if the Green Party, with its present autocratic attitude, is ever in charge.

Mr. Gormley: It is outrageous.

Mr. O'Dea: Deputy Gormley has asked for various——

Mr. Gormley: It is outrageous.

Mr. O'Dea: It is a matter of fact. If Deputy Gormley does not believe me, I will send him the evidence of the Garda in Limerick.

Aengus Ó Snodaigh: Charge them.

Mr. Gormley: Do something.

Mr. O'Dea: I will. Deputy Gormley and some of his colleagues in the mid-west who shout the loudest have been asking for a debate on neutrality. I have no difficulty with having such a debate at any time, in any place. I suggest the putative coalition partners in the next Government should have a debate among themselves first, so they can come to me with a common voice.

Mr. Timmins: Fine Gael definitely has a very clear view on this. Following the difficulties the UN encountered in the Balkans during the mid 1990s and the analysis carried out for the Brahimi report published in 2000, the UN realised that its traditional concept regarding preparing personnel and getting them out into the field of operation for peacekeeping no longer worked. Essentially it is trying to subcontract peacekeeping missions to various groupings or regional forces such as the African Union or the EU. It would be more beneficial to our Defence Forces and peacekeeping across the globe if the UN had forces on which it could call at short notice who had trained together and were properly equipped.

Mr. O'Dea: I agree with Deputy Timmins on the reason for greater regional emphasis, for example, the EU coming on board regarding Bosnia and the African support group coming on board from local countries regarding the situation in Sudan. In the changed conditions of the mod-

ern world, the UN must rely on having forces organised regionally. Kofi Annan explained during his recent visit to Ireland how that came about.

However, he also explained that the United Nations have no ambition to be in charge of a standing army. He wants the traditional situation to continue, but certain things have to change. For example, the earliest way that the United Nations had to put people in the field was to request various countries to deploy troops. That operation, from the time that the request went out until the troops could be deployed, took about four months. We know that, given the conditions of modern warfare with all the new types of weaponry available, such as gas and chemical weapons, sometimes hundreds of thousands of people are dead by the time those troops go into the field.

That is why the need for a more rapid response has arisen and peacekeeping has become regionalised in certain situations. We have no difficulty getting involved in any peacekeeping or even peacemaking mission, let alone humanitarian crisis management, regardless of whether it is organised at an EU or UN level, provided that it is a mission established and approved unanimously by the Security Council of the United Nations. That continues to be and will remain our position.

Mr. Sherlock: On Question No. 60, I have another brief linked supplementary question.

On 24 October it was stated — and not refuted by the Minister for Defence, Deputy O'Dea — that Kofi Annan had made a request to him. The Minister confirmed yesterday that when he met Mr. Annan during his recent visit to Ireland the Secretary General had asked him to consider Irish troops being sent to Iraq under a UN mandate. Was such a request, made by Mr. Annan, and what was the Minister for Defence's reply?

Mr. O'Dea: As I have already informed the House, Kofi Annan and I discussed the situation generally. He told me that at some time in the future the situation might stabilise to the extent that the UN might decide to send in a peacekeeping force. In that event, it might request our participation. That is what I told the House and the media when the story was published. How the media wish to interpret what I tell them is a matter for them. However, I am stating the factual position.

Aengus Ó Snodaigh: According to the latest edition of *The Sunday Business Post*, the Minister received a briefing document from his officials on key developments in Europe regarding European security and defence policy, including the European Defence Agency, the Helsinki headline goal and the new battle groups. The briefing document states that each development poses a set of

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policy, financial and operational challenges for Ireland.

Yet in answer to a question from me to both the Minister's predecessor, Deputy Smith, on 11 May and himself on 12 October 2004 regarding the financial implications, both Ministers for Defence stated that there would be no resulting increase in defence spending. However, both also confirmed that the Department had not undertaken a comparative cost analysis before making such commitments. How can the Ministers give an answer in the House that contradicts the internal briefing document from their own advisers?

Mr. O'Dea: I am aware of the briefing document to which the Deputy refers. I have discussed it with senior officials in my Department. I asked them squarely how the extra costs arose and to check out whether they will definitely be involved. That is a matter for them to consider in the context of our considerations as to whether to participate in what are wrongly termed "battle groups".

I forgot to reply to the Deputy's earlier question about the European Defence Agency. The purpose is to establish a single market for the purchase of armaments. Obviously, if people are going on peacekeeping missions, they will need certain armaments to protect themselves. Currently all the countries participating in peacekeeping compete to purchase arms from dealers. The primary purpose of the European Defence Agency is to establish a single purchaser that in theory and, one hopes, in reality, will make those armaments cheaper for the member states.

Mr. Gormley: I like to refer to it as the "European Arms Agency". I was on the defence working group that discussed it. It states explicitly in the new draft constitution that each member state will progressively improve its military capabilities. Is the Minister for Defence suggesting to the House that it could cost less money? It will cost more, and he should be up-front with the House, telling us how much more it will cost and where he will get the money.

The Minister did not answer my other question on structured co-operation. Instead he engaged in cheap smear and innuendo. I suggest that if he has any evidence of criminal activity on the part of members of my party, he go to the Garda Síochána and have those people charged instead of attending the House to take cheap shots.

Mr. O'Dea: I have done that. I have told the Garda Síochána.

Mr. Gormley: Now the Minister is interrupting me. Perhaps I might ask him about structured co-operation. "Battle groups" are the proper words. Are they not the first step in structured co-oper-

ation, and is that not the first step towards a common defence?

Mr. O'Dea: "No" is the answer to both questions.

Mr. Gormley: How can the Minister say "No" when it is quite explicit in the document?

Mr. O'Dea: The Deputy will not accept someone else's opinion.

Mr. Gormley: Please do not talk absolute nonsense. I cannot stand it.

Mr. O'Dea: "No" is the answer.

Mr. Gormley: It is not the correct or truthful answer. It is about time we had some truth in this regard.

Mr. O'Dea: Whether the Deputy approves of it is a matter of supreme indifference to me.

Mr. Gormley: The Minister sold out on Irish neutrality.

Mr. O'Dea: Whether the Deputy accepts that is a supreme irrelevance to me. "No" is the answer to both questions.

Mr. Gormley: We will see whether the Irish people accept it, because the Minister is not telling the truth.

An Leas-Cheann Comhairle: Let us move on to Question No. 61.

Mr. O'Dea: Do not encourage people to damage others' property.

Mr. Gormley: Will the Minister withdraw that outrageous remark? A Leas-Cheann Comhairle, he said that I was encouraging people to damage people's property.

Mr. O'Dea: I did not say that the Deputy did so, but his party.

Mr. Gormley: Yes, he said it. It is on the record. He said, "Do not encourage people to damage others' property." That is what he said. The Minister should withdraw that remark.

An Leas-Cheann Comhairle: Order, please.

Mr. O'Dea: People associated, according to the gardaí—

Mr. Gormley: Withdraw that remark.

Mr. O'Dea: According to gardaí in Limerick, people associated with the Deputy's party have damaged my property twice.

Mr. Gormley: On a point of order, I ask the Minister to withdraw that remark.

An Leas-Cheann Comhairle: If the remark was made in a personal way, it should be withdrawn.

Mr. O'Dea: I did not personalise it. I said "people associated with the Deputy's party".

Mr. Gormley: Yes, he did.

Mr. O'Dea: I said "people associated with the Deputy's party". How is that personal?

Mr. Gormley: No, he said, "Do not encourage people to damage others' property." He addressed the remark to me.

Mr. O'Dea: If the Deputy did not encourage them, I withdraw the remark. Does he condemn it?

An Leas-Cheann Comhairle: Order, please. I call Question No. 61.

Mr. Gormley: I would never encourage anyone to do that. Withdraw the remark.

Mr. O'Dea: Does the Deputy condemn it?

Mr. Gormley: Withdraw the remark.

Mr. O'Dea: Does the Deputy condemn it?

Mr. Gormley: Withdraw the remark.

Mr. O'Dea: I will do so when the Deputy condemns it.

Mr. Gormley: Does the Minister withdraw the remark?

An Leas-Cheann Comhairle: I call Question No. 61. Order, please. If the remark was meant in a personal way, it should be withdrawn.

Mr. O'Dea: Does the Leas-Cheann Comhairle intend to ask the Deputy to condemn such damage to property?

Mr. Sherlock: That is not the question.

Mr. O'Dea: The Deputy did not condemn damage to property.

Mr. Timmins: Can we go on with Question No. 61 now?

Mr. O'Dea: The Deputy did not condemn damage to property. Who damaged the aeroplanes at Shannon Airport? Did the Deputy condemn that?

An Leas-Cheann Comhairle: I call Question No. 61.

Mr. Gormley: I insist that the remark should be withdrawn. The Minister cannot accuse me of encouraging criminal activity.

Mr. O'Dea: Did the Deputy condemn the criminal activity of his party member at Shannon Airport?

Mr. Gormley: The Minister cannot accuse another Deputy of encouraging criminal activity. He should withdraw that remark.

An Leas-Cheann Comhairle: Order, please. I call Question No. 61.

Mr. O'Dea: Did the Deputy condemn the criminal activity at Shannon Airport for which people have been convicted?

Mr. Gormley: That has nothing to do with this. The Minister should withdraw the remark. I have never encouraged criminal activity of any description.

An Leas-Cheann Comhairle: Order, please.

Mr. O'Dea: One condones it if one does not condemn it.

Mr. Gormley: I am sorry, a Leas-Cheann Comhairle, there are rules in the House for which there should be respect. The Minister has damaged the House by the remark he made and he has damaged me. He said I encouraged criminal activity but I have never encouraged such activity.

Mr. O'Dea: One condones it when one does not condemn it.

Mr. Gormley: I ask the Minister to withdraw the remark.

Mr. O'Dea: I did not make the remark. I cannot withdraw what I have not said.

Mr. Gormley: The Minister must withdraw the remark because he has damaged me in the House.

Mr. O'Dea: I cannot withdraw what I have not said.

Mr. Gormley: The Minister would not say it outside the House.

Mr. O'Dea: I will say it outside the House.

Mr. Gormley: The Minister would never say outside the House that I encouraged criminal activity.

Mr. O'Dea: I have no hesitation repeating what I have said outside the House.

An Leas-Cheann Comhairle: Order, please. Deputy Gormley should resume his seat.

Mr. Gormley: On a point of order, there are certain standards in the House. The Minister has crossed the threshold and he has gone way beyond the Pale on this. He must withdraw the remark, Sir.

An Leas-Cheann Comhairle: I have asked the Minister, if the remark was personal, to withdraw it.

Mr. Gormley: It was made towards me. He said I encouraged criminal activity.

Mr. O'Dea: I withdraw any suggestion that the Deputy is encouraging criminal activity.

Defence Forces Reserve.

61. **Mr. M. Higgins** asked the Minister for Defence if he has plans to introduce a system whereby Army reservists would be used in overseas missions; his views on whether reservists may not have the same standard of training as full-time Army staff serving abroad; and if he will make a statement on the matter. [28825/04]

Mr. O'Dea: On 26 July 2004 my predecessor, Deputy Michael Smith, launched the Reserve Defence Force review implementation plan which is the start of a process that will radically change the structure and configuration of the reserve while preserving its traditional strengths. These include the spirit of voluntary commitment, the maintaining of strong links with local communities and a nationwide spread.

The permanent Defence Force is organised in a three-brigade structure and a Defence Forces training centre. The Reserve Defence Force will be similarly reorganised and restructured and it is envisaged the implementation of this plan will take place over the next six years. The plan defines the organisational framework of the new Army Reserve and provides for a greater concentration of units within each Army brigade area. There will be mergers both at battalion and company level as well as between sister technical support units. This will be the key to providing enhanced training facilities and opportunities for each member of the reserve.

The military authorities have taken due cognisance of the existing FCA presence within communities in producing detailed proposals for restructuring of reserve units within each brigade area. Consultation and communication have been a priority throughout the development of the plan. They will continue to be important if the proposed changes are to be carried through smoothly and effectively. Reserve units will be kept informed of developments on a regular basis.

Members of the FCA are experiencing the benefits of the reorganisation process in terms of

better clothing and improved equipment and more and better quality training. As the process develops additional benefits will accrue through a clearer role for the reserve, a better overall organisation structure and opportunities for suitably qualified personnel, who have received additional training, to serve overseas. There will also be benefits from the closer integration of the reserve with the Army.

As indicated in the White Paper on Defence, an important change recommended by the study of the reserve is that members of the FCA and Naval Service reserve should be considered for participation in overseas peace support missions subject to suitable qualifications, personal availability and appropriate advance training. Service by reservists on overseas peace support missions in other countries is common.

General criteria governing selection for overseas service come within the scope of representation and matters relating to overseas service by members of the reserve that come within the scope of representation will be raised with the representative associations at the appropriate forum. The question of the security of civilian employment for the members of the reserve who may wish to serve overseas will be considered as part of the ongoing implementation process.

Mr. Sherlock: Will reservists be called up to participate in missions, for example, in Iraq? Will they have sufficient training and experience to participate in such missions? Is the use of and reliance on reservists further evidence of the Government's cutbacks on Defence Forces strength to save money?

Mr. O'Dea: I was not aware the Labour Party favoured a larger Army but one lives and learns. Most countries who participate in peacekeeping give their reservists the opportunity to participate in overseas missions. The Reserve Defence Force implementation plan concerns the reorganisation of the reserve and this issue has been mooted at the request of the representative associations. No decision has been taken but the associations have mentioned they would be interested in such participation. A decision on whether to permit reservists to participate in peacekeeping will be discussed in more detail with the representative associations. No country, including Ireland, would send reservists abroad unless they were properly trained and equipped and the authorities were satisfied they would be as safe as the permanent defence forces. Appropriate measures would have to be introduced and a system put in place to ensure security of employment while reservists were abroad.

Mr. Timmins: The Minister referred to my concern about the security of employment at home for members of the reserve force who may serve abroad. I encourage him to introduce the necessary legislation for those employed by the State

to protect their pensions. Several European countries supply reservists to UN peacekeeping missions and they are adequate and successful.

Mr. O'Dea: This issue is of critical importance. The reserve is a volunteer force and, even though the force is being reorganised and we propose to give the force a clearer role and more training, etc., it would be unreal to offer reservists the prospect of overseas missions at the cost of jeopardising their jobs and pension rights.

Aengus Ó Snodaigh: Are missions envisaged within the State in aid of the civil power rather than sending reservists overseas on missions? Has there been a request to take part in such missions similar to the use of escorts?

Mr. O'Dea: No such request has been made. The Permanent Defence Force has a three-brigade structure and it is proposed that the Reserve Defence Force will comprise 12,000 members, of whom approximately 2,600 will be integrated with the Permanent Defence Force as a back up in contingency scenarios. The remainder will be organised similar to the three-brigade structure of the Permanent Defence Force. The 2,600 members could be used as an aid to the civil power but no decision has been taken in that regard.

Hearing Impairment Claims.

62. **Mr. S. Ryan** asked the Minister for Defence the number of claims for damages for deafness determined in court or settled out of court at the latest date for which figures are available; the amount paid out to date in damages or legal costs; the number of claims outstanding; and if he will make a statement on the matter. [28835/04]

Mr. O'Dea: On 31 October 2004 a total of 16,726 claims had been received in my Department from current and former members of the Defence Forces in respect of loss of hearing allegedly caused during their military service of which 332 claims have been determined in court and 15,070 have been disposed of out of court, mainly through settlement, leaving a total of 1,324 claims outstanding at that date. A sum of €277.3 million has been paid in respect of hearing loss claims, including €93.3 million in legal costs for plaintiffs.

Mr. Sherlock: When will the Department deal with the outstanding claims? What procedures are in place to expedite them? What is the estimated final cost of claims?

Mr. O'Dea: The Deputy will appreciate from the figures I have outlined that few claims are outstanding. New claims were coming in at a rate of 11 per week in 2002. The rate reduced to four per week last year and it is running at one per week currently. We are satisfied the claims will be wrapped up reasonably soon.

The early settlement system under which most people settled expired in July 2002. Our best estimate of the total cost, taking into account payouts and plaintiff costs, comes to under €300 million. That current projection is a considerable improvement on some of the figures predicted in the early stages of the process, which were doomsday figures.

Military Investigations.

63. **Mr. Quinn** asked the Minister for Defence the details of the investigation he has initiated into practices at a barracks (details supplied); the reason such an investigation has been initiated; when the investigation is likely to conclude; and if he will make a statement on the matter. [28833/04]

64. **Mr. G. Mitchell** asked the Minister for Defence if he will report on an ongoing investigation taking place at a barracks (details supplied) in Dublin; and if he will make a statement on the matter. [28771/04]

114. **Mr. Gormley** asked the Minister for Defence if he will report on the investigation he has initiated into practices at a barracks (details supplied) in Dublin; and if he will make a statement on the matter. [28807/04]

Mr. O'Dea: I propose to take Questions Nos. 63, 64 and 114 together.

The Chief of Staff approached me two weeks ago and outlined that he proposed to have an investigation carried out into the operation of the Army equitation school in McKee Barracks, Dublin. As Deputies will appreciate, when a situation such as has recently transpired in Irish showjumping hits the news, and with the series of events which has subsequently occurred, rumour and innuendo abound. The Chief of Staff advised me that some unattributed rumours were circulating which suggested that certain unacceptable practices were taking place in the equitation school. While he advised that there were no grounds for believing that anything untoward was happening in the school, as a proactive measure he felt it prudent to move quickly to safeguard the school's good name and reputation.

The investigation is being carried out by the Military Police in conjunction with two independent veterinary surgeons from the UCD veterinary college. The investigation is being carried out both at the equitation school in McKee Barracks, where almost 40 horses are stabled, and at the equitation detachment at the Curragh Camp in County Kildare, where up to 12 non-competition horses are kept. The investigation includes an examination of animal husbandry and interviews with all relevant personnel, including grooms and riding officers. It has been welcomed by the commanding officer of the equitation school, who has stated that the school has nothing to hide.

I understand that the investigation has just been completed and that a report is being for-

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warded to the Chief of Staff. I hope to have that report shortly. Pending receipt of that report, it would be inappropriate for me to comment further on the matter at this time.

Mr. Sherlock: The Minister has provided general details, but will he provide the exact details? I read a report, which stated that the Minister sanctioned the investigation. If he did, what progress has been made on it? The investigation appears to relate to animal welfare. Will the Minister confirm whether that is the case? Given the recent focus on the use of drugs in showjumping, will the Minister state whether drugs are an issue in the investigation?

Mr. O'Dea: The Chief of Staff approached me to inform me he wanted to launch the investigation because of unattributed rumours that were circulating. I told him to proceed and, therefore, I sanctioned the investigation. I understand that some of the rumours related to the allegation that illegal substances were being used to improve the performance of the horses. Therefore, the answer to the last part of the Deputy's question is "Yes". The rumours related to the illegal use of drugs.

We have launched a thorough investigation. The report will come to the Chief of Staff, who will then give it to me. I will publish the report when it is to hand, which I expect to be within days.

Mr. Timmins: I welcome the decision to carry out the investigation. I am confident that nothing untoward will be found because the equitation school has established a fine reputation over many years. Does the Minister agree that it is regrettable that because of the society in which we exist, we must almost do as President Bush did a number of years ago — carry out an investigation into himself to show he was clean? Is this a country that is becoming awash with rumours, whether over this or any other incident?

Mr. O'Dea: I agree this country is well known for rumours of various sorts, some parts of the country being worse than others. In the wake of the O'Connor controversy and the question as to whether the gold medal was won legitimately, certain rumours began circulating about the Army equitation school. Some of the rumours were specific in detail, but I hope they will prove to be unfounded. Nevertheless, they circulated widely enough and in sufficient detail to encourage the Chief of Staff to take pre-emptive action to protect the reputation of the Army equitation school. I hope the action he has taken will do that.

Mr. Gormley: Do some of the rumours relate to the practice of rapping, which is a practice used to make the horses jump higher? It was also alleged against Cian O'Connor. Does the Mini-

ster agree that this is an unacceptable horrific practice that should be condemned and that anybody found guilty of it should be punished?

Mr. O'Dea: Some of the rumours related to that practice. I agree it is unacceptable and represents the worst form of cruelty to animals. If any evidence of rapping is found, the guilty will be punished. I hope the investigation will vindicate the reputation of the Army equitation school, as it has been a thorough investigation. However, I do not yet know the result of the investigation. I do not know whether the report has reached the Chief of Staff's desk yet. When it comes to me, there will be no delay in publishing it.

Mr. Sherlock: Given that the Minister was aware these questions would arise today, how is it that he does not have up-to-date information on the investigation and when it is likely to be concluded?

Mr. O'Dea: The investigation is concluded and I said that in my reply. The report is on the way to the Chief of Staff and I imagine he will have it today or tomorrow. He will transmit it to me and I will publish it immediately.

Defence Forces Operations.

65. **Mr. Gogarty** asked the Minister for Defence if he will report on the Defence Forces participation in the Partnership for Peace to date in 2004; and if he will make a statement on the matter. [28814/04]

67. **Aengus Ó Snodaigh** asked the Minister for Defence the number of joint training exercises in which the Defence Forces have participated in each of the past ten years; the nature of the exercises in each case; and the other forces participating in each case. [28806/04]

Mr. O'Dea: I propose to take Questions Nos. 65 and 67 together.

Ireland's participation in Partnership for Peace to date is set out in our four individual partnership programmes, copies of which have been lodged in the Oireachtas Library. Ireland's fourth IPP, covering the period 2004 to 2005, was completed in consultation with the Departments of Foreign Affairs, Environment, Heritage and Local Government, Justice Equality and Law Reform, Health and Children, and Communications, Marine and Natural Resources. A total of 108 activities were chosen representing participation by the Department of Defence, the Defence Forces and the Department of the Environment, Heritage and Local Government. Activities consist of training courses, seminars, workshops, conferences, staff exercises and table top exercises.

Defence Forces personnel have participated in a number of staff, technical and crisis management exercises in the context of both the EU and

PfP as set out in the following schedule. In accordance with stated policy, the Defence Forces do not participate in multinational military field exercises.

Ireland also participates in the PfP planning and review process, known as PARP. In common with the other EU neutral states, Ireland is using the PARP in connection with planning for humanitarian and rescue tasks, peacekeeping and

crisis management, collectively known as the Petersberg Tasks. The scope of our involvement in PARP is focused on enhancing inter-operability and familiarity with operating procedures in a multinational environment.

Participation in Partnership for Peace activities is voluntary and is based on the principle of self-differentiation, that is, a state selects for itself the nature and scope of its participation.

Exercise Title	Exercise Type	Participating Nations	Host Nation
Viking (held in 2001 and 2003)	Computer-based crisis response exercise	PfP nations	Sweden
Combined Endeavour (held from 2001 annually to date)	Radio communications exercise (required to test DF communications equipment for inter-operability purposes in PSO)	PfP nations	Germany
Co-operative Lantern 2002	Peace support command post exercise for crisis response	PfP nations	Netherlands
Co-operative Nugget 2002	This exercised PfP nations on their planning and process and staff procedures.	PfP nations	Sweden
Co-operative Safeguard 2002	Maritime command post exercise based on response to a natural disaster	PfP nations	Iceland
Allied Action (2003 and 2004)	Exercise to deploy a peace support operation joint task force HQ.	PfP nations	Turkey
CMX (2001)	Crisis management exercise	PfP nations	In capitals
CME (2004)	Crisis management exercise	EU member states	
CME/CMX (2003)	Crisis management exercise	EU & NATO	In capitals
CME (2002)	Crisis management exercise	EU member states	In capitals

Mr. Gormley: Does the Minister agree that it is regrettable that Fianna Fáil did not honour its commitment to hold a referendum on the Partnership for Peace and our participation in it? Would he also agree that the Partnership for Peace is an important element of NATO strategy and is a stepping stone towards full participation in NATO?

Who are our permanent members and who participates in the Partnership for Peace on our behalf? Where are those members stationed? Are they based in Brussels? I visited NATO in Brussels some years ago and it was clear a number of Irish people were stationed there. Will the Minister elaborate on that?

Mr. O'Dea: Regarding NATO, we are talking about a partnership for peace not a partnership for war or for aggression.

Mr. Gormley: That is Orwellian use of language.

Mr. O'Dea: Membership of the Partnership for Peace does not imply membership of NATO. There is no institutional link between the Partnership for Peace and NATO. That is a fact.

Mr. Gormley: There is.

Mr. O'Dea: There is not.

An Leas-Cheann Comhairle: Order, please. We must conclude.

Mr. O'Dea: I emphasise that there is no institutional link between the PfP and NATO. All European countries involved in the Partnership for Peace and in peacekeeping co-operate with NATO. It is the practical thing to do because they need access to NATO's transport infrastructure, aerial capacity infrastructure etc. That is the basis on which all neutral European countries deal with NATO, and not only EU countries but also Switzerland, whose neutrality was never in doubt.

Mr. Gormley: Of course it is.

Mr. O'Dea: All EU member states are already co-operating with NATO in the context of participation in the stabilisation force in Bosnia, the Kosovo force and the PfP. The United Nations also has well established co-operation with NATO. The question of mutual defence commitments does not arise and there is no question of membership of the PfP being the slippery slope to membership of NATO. It is not. This is an old chestnut. All the unfounded rumours, fears and doubts that were expressed about this in the past have been found to be beside the point.

Mr. Gormley: What about the referendum?

Mr. O'Dea: It is true that in its programme for Government, the previous Government commit-

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ted itself to holding a referendum on this. It did not do so, although it met 99.9999% of its commitments in the programme for Government. We did not get around to doing one or two little things. However, the people adjudicated on that at the last election and we were returned.

Aengus Ó Snodaigh: The Minister said there is no link with NATO forces but is it true that the majority of countries participating in the Partnership for Peace are members of NATO? Although participation is voluntary, are all joint training exercises held under the auspices of the Partnership for Peace akin to membership of a military alliance?

Mr. O'Dea: It is not akin to any military alliance. It is a training ground for troops from countries who will be involved in peacekeeping, humanitarian tasks, crisis management etc. Sometimes it is necessary to go through certain exercises in training to see how something will work out in practice. Theory is fine but there is a practical element as well. It is not true to say that it implies membership of NATO or that this is the slippery slope to NATO.

I will send Deputy Ó Snodaigh a full list of the activities in which we will be engaged. I do not have any difficulty in making that available. The issue of whether most of those countries are members of NATO is beside the point. As I said, there is no institutional link between the EU and NATO and that is the reality.

In so far as Irish people being located in Brussels are concerned, I do not have any information on that but I will get it and communicate it to the Deputy.

Mr. Timmins: It is a bit confusing for the Minister to be attacked by one side for giving away neutrality when Fine Gael recognises that Irish neutrality is a myth in many respects. As members of the EU, we believe it is worth defending. I urge the Minister to keep an open mind on the common European defence policy. Should we not be one of the architects of that policy rather than be on the outside?

Mr. Gormley: It is incredible for the Minister to claim there is no institutional link between NATO and PfP.

Mr. O'Dea: I meant between the EU and NATO.

Mr. Gormley: I am glad the Minister qualified that but, in fact, he is not quite correct on that score either.

Mr. O'Dea: I am.

Mr. Gormley: It will make it very clear if he looks at the statement issued by the European Council dated 17 June 2004. It clearly states that

the operational doctrines of the EU's military forces will be "in coherence with NATO". How does the Minister square that with his last statement? If he looks at the various treaties to which we have signed up, including the new treaty, we have to have interoperability with NATO. Does the Minister not accept that?

Mr. O'Dea: I square it by my understanding of the English language from the *Oxford English Dictionary*. That statement does not imply an institutional link between the EU and NATO. That is the reality of it.

Mr. Gormley: The Minister should read the treaties.

Mr. O'Dea: The Deputy can interpret it whatever way he likes. I will interpret it my way. We still live in a democracy.

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 Pat Breen — the need for the Minister to provide extra funding from the local government fund in 2005 to Clare County Council; (2) Deputy Durkan — the need for the Minister to clear up the confusion arising from conflicting evidence regarding the financial position in An Post; (3) Deputy O'Dowd — the need for the Minister to respond to the fact that BSE risk material may have unsuspectingly entered the national food chain through the pipes of a Drogheda company (details supplied); (4) Deputy Ring — the need for the Minister to indicate when arrears of blind welfare allowances due to people for a number of years will actually be paid; (5) Deputy Upton — the need for the Minister to outline what criteria are used to assess the professional qualification and competence of members of An Bord Pleanála; (6) Deputy Neville — the need for the Minister to clarify the implementation of the Western Health Board's Cois Abhainn project in west Limerick in the context of the primary care strategy; (7) Deputy Crowe — the need for the Minister to clarify the background and circumstances under which three senior managers in Aer Lingus resigned from the company and when a replacement executive will be appointed; (8) Deputy Fiona O'Malley — the need for the Minister to discuss the continuation of the SRUNA project in Carrickgollogan Woods.

The matters raised by the Deputies Ring, Durkan, Pat Breen and Upton have been selected for discussion.

Road Traffic Bill 2004: Second Stage (Resumed).

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

Cecilia Keaveney: The Road Traffic Bill is of particular interest to me, in that my constituency experienced one of the highest rates of road death during the summer. Some 12 people were killed in as many weeks. I express my sincere sympathy to the families of those killed and injured. Many of the victims in these cases were very young but given that the inquiries into the specifics of those cases are ongoing I do not wish to say anything more about them.

Some aspects of the Bill need to be clarified on Committee Stage. I welcome the fact that Deputy Cullen now has responsibility for this area. However, I bemoan the fact that two Departments are involved in issues relating to roads. That is not a reflection on the Minister for the Environment Heritage and Local Government, Deputy Roche, whom I also commend. The fact that two Departments deal with roads can lead to difficulties when it is not clear which Department is responsible for issues of concern. The Ministers in question need to work in close co-operation.

I welcome the prohibition of the sale of vehicles to minors. This provision has been long awaited and will be especially welcomed in my constituency where minors have been able to get failed MOT cars for virtually nothing. Young people drive these cars around and eventually set fire to them. They are a danger to the young people involved and to the communities in which they drive their cars. We have had lucky escapes in regard to the access of minors to cars and any move to tighten up this area will be very welcome.

Previously, car dealers ran a scrappage scheme whereby people got £1,000 for trading in their old cars. The Department of the Environment, Heritage and Local Government should look at a scheme to encourage people to properly dispose of old cars, particularly failed MOT cars. This would reduce the potential number of vehicles for sale to minors.

The question could be asked as to the reason for the Bill in the first place. I come from a constituency north of Northern Ireland. I do not believe that jurisdiction intends converting speeding signs from miles to kilometres. It is not uncommon for accidents to be caused by people from abroad who are used to driving on the other side of the road. There is potential for confusion in Border areas, given that distance is confusingly measured in both miles and kilometres, depending on which side of the Border one is on. Moreover, signs indicating speed limits as 30, 40, 50, 60, 70, or 100 could refer to either mph or kph. It may not be confusing to people who do not live near the Border, but I defy officials from the Department to identify on which side of the Border they happen to be while driving in the

area. I would accept this provision if it were part of an overall strategy for an all-Ireland road traffic plan and that, when the Ministerial Council is back up and running, a similar provision was introduced in the North so that we could compare like with like in regard to speed limit signs. Otherwise, there is scope for confusion, which must have implications for road safety.

An all-Ireland traffic policy is very much needed. For example, the Dublin to Derry, N2 — A5, development is being dealt with on a two jurisdiction basis. However, without it the drive from Dublin to Donegal would be 244 miles instead of 170 miles. Moves must be made to co-ordinate and develop the N2 — A5 project and the link from Letterkenny to Lifford and from Letterkenny to Derry through Bridgend. In order to travel from Dublin to Donegal, I must travel through what is technically a different jurisdiction, which uses miles and depends on funds from that different jurisdiction. If this provision is part of an all-Ireland road policy, it would make sense that the Minister of State, Deputy Callely, co-operates with his counterpart when the Northern Ireland Executive is back up and running, which I hope it will be in the near future.

I have a problem with the proposal for all regional roads to change from a 60 mph speed limit to 50 mph. The Inishowen peninsula has fewer than ten miles of national primary or secondary roads, the remainder are regional or lower category roads. The road which links Derry, Buncrana, Carndonagh and Moville is a regional one on which I will have to change from travelling at 60 mph to 50 mph, which will have implications on my ability to get around. Although, it is stated that the point of this legislation is to make the roads safer, I can identify far more dangerous national primary and secondary roads than the regional roads in my constituency, yet I can legally drive faster on worse roads.

I appreciate that some Members will state that now that the money is spent on the signs, it cannot be wasted, but why not leave regional roads at 60 mph and only use signs where the council officials consider the roads dangerous enough to reduce the limit on them to 50 mph? The concept of the Bill is to reduce all limits to 50 mph, while giving local authorities the option to increase limits to 60 mph where they consider it safe to do so. However, should an accident occur, I would not like to be a member of a local authority which decided to increase a speed limit from 50 mph to 60 mph because I would be held culpable by people seeking compensation. However, if the speed limit was set at 60 mph and could be reduced to 50 mph, it would be a different argument.

I acknowledge that the Minister is re-examining the issue of regional roads because he understands that they are of varying standards. However, the roads to which I refer are well able to justify a 60 mph limit in the vast majority of locations and it is not right for the speed limits to

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be reduced to 50 mph, unless the local authorities — if it is to them that decisions will be delegated — are strongly supported when they propose increases from 50 to 60 mph

I acknowledge that there have been many deaths on our roads. I am sure the Department has the relevant statistics, but I do not believe that most accidents are caused by, drivers travelling at 65 mph in a 60 mph zone. I may be proved wrong by the statistics, but I believe the vast majority of accidents are caused by, people who were driving vastly in excess of the speed limit or had consumed alcohol or drugs. A speed limit of 60 mph is not an unreasonable one for most roads, although there is a different argument in respect of more minor roads.

One of the key issues which needs, to be addressed is the visibility of gardai and the belief among drivers that they can be caught breaking the speed limit. The penalty points system should operate as a deterrent and people should know that if they flaunt the law significantly, they will be caught. The threat of Garda patrols and the “hairdryer” speed detection unit should affect drivers’ behaviour, although ultimately drivers should be responsible and should not need that threat to comply with the law. Nevertheless, the reality is that we need Garda visibility.

Many roads throughout the country have improved greatly. Some years ago, Donegal County Council had its LIS money taken back by the then Minister of State, Bobby Molloy, on the basis that it was not spending significant amounts on any particular road but in a piecemeal manner. However, in many cases, the money is still being spent piecemeal by the Department because some major roads have been receiving small amounts of money every year, when it would be much better to grab the bull by the horns and make funds available to improve the road properly. As county councillors at the time, we felt penalised. The LIS gave discretion to the council as to which roads were repaired but it was informed that not enough was being spent. However, the Department was doing exactly the same in the way it was spending money.

More money should also be diverted into areas, which are well-known for accidents. A number of examples spring to mind — there is a 90 degree bend at Quigley’s Point on the road to Carndonagh and there is a blind junction just outside Malin on the Glengad road. Such areas should be prioritised, as they have been by the council. However, because they are not national primary and secondary roads, we seem to be fighting a difficult battle in regard to the money allocated for safety measures. Why not focus on recognised accident black-spots and invest significant money in the short term since it will have a much more beneficial result?

One of the biggest gripes people have with the penalty points system is that it is often people travelling at 35 mph in a 30 mph zone or 45 mph

in a 40 mph zone who are caught, while people passing them at 90 mph or 100 mph in a 60 mph zone do not seem to be touched. Why not focus on where the problems are and address them?

I do not know the Naas dual carriageway well, but I do not understand why any dual carriageway has a 40 mph limit where it has two or three lanes. Perhaps there are good reasons for it and I am not up to speed on them, if Members will pardon the pun. However, dual carriageways and motorways are of a standard that can cater for traffic travelling at relatively high speeds of 75 miles per hour. I would probably have increased the speed limit on a motorway to 80 mph but I welcome the proposed increase. If a road is suitable for speed, there should be no problem in permitting it.

I did a little research on changing speed limits. America increased the speed limit and it did not cause the anticipated problems. According to a US Department of Transportation pamphlet on speed zoning, research and experience show that effective speed limits are those at which the majority of motorists naturally drive. Raising and lowering speed limits do not substantially influence that speed. If speed limits are lowered, people will not drive slower just as people do not automatically drive faster when the speed limit is increased. These are common misconceptions, along with the mistaken belief that speed limit signs will decrease the accident rate and increase safety and that motorways with speed limits will be safer than unposted motorways.

This Bill is not a panacea. We should try to put something in place to which people will adhere. What is the point of having something wonderful on paper when we know it will not work? We should aspire to put legislation in place that is close to what reality will be. If a road can easily take traffic travelling at 60 mph and the limit is decreased to 50 mph, people will get penalty points for simply doing what the road can support when they are not a danger to anybody. In that case something has gone astray. I hope that during the passage of this Bill through the Houses, the points I have made about the miles per hour versus kilometres per hour — if that is part of an ongoing process, it is fine but if it is an end in itself, it is a problem — and the reduction of the limit from 60 mph to 50 mph are taken on board.

The prohibition on the supply of mechanically propelled vehicles to minors has been long awaited and must be implemented. I look forward to the day when there is a proper way for young people to learn to drive. When I was teaching in Coleraine, the transition year curriculum included a driving course. One could watch the transition year students driving around the car park in the school. They had little slaloms and so forth. Giving them a properly controlled facility to do something that was previously forbidden is an interesting approach, although they had to be a certain age before they participated. The diffi-

culty at present is that they appear to have easy access to vehicles. They are driving dangerously and recklessly and this is causing a considerable problem, even death.

There are many roads in my constituency on which more money should be spent to improve their standard. The difficulty with improving the standard of roads is that people will want to drive faster on them. The effect of this Bill must be the establishment of limits that are reasonable and are enforced. I have no problem with the reduction of the limit on minor roads or the increase of the limit on good roads. However, I have taken advice from people who know more than me about engineering and they concur with me that many regional roads could cater for a higher limit than 50 mph. I hope this will be addressed.

I will make my pitch now for funds to be spent on the roads from Bridgend to Bunrana, Merville to Derry, the inner relief roads of Bunrana and Carndonagh and the Quigley's Point to Carndonagh road.

Ms O. Mitchell: Is the Minister taking notes?

Cecilia Keaveney: Those are the major roads for which we will seek funding. Funding has been provided over the years but substantial moneys should be allocated so the roads can be dealt with more quickly than they are at present. I compliment the Minister on the work being done on the N2-A5. Previously, the roads north of the Border were better than those in the Republic. That has now been reversed. The Ceann Comhairle will appreciate the bypasses that have been and are being constructed. It is a pleasure to drive on the road to Dundalk. It is a safe, good road and I am proud to pay my €1.60. Some people opposed the level of the toll but I have been in many other countries and the toll is cheap when compared with tolls in other countries where the national minimum wage is just €2 per hour.

Significant progress has been made with the road network and progress must now be made on speed limits. However, the best way to secure road safety is for people to get the road safety messages. Those messages are most important. Garda visibility is also important if people will not take responsibility. I prefer the carrot to the big stick approach. I hope my comments today are seen to be constructive and that the issues I have raised can be addressed on Committee Stage.

Mr. Penrose: I will preface my remarks by acknowledging that I am a barrister. One hears people say that legal practitioners spend an inordinate amount of time sieving through Bills to ascertain if there are any loopholes. One would almost feel it is a crime to do so. It is not; it is what one is paid to do. It also obliges legislators to ensure there is a minimum number of loopholes in legislation so they are not later subject

to examination. I support people's right to go before the court to argue their case about any aspect of legislation under which they might be subject to a criminal prosecution and to mount their best defence thereto. It is important to have that right in a civilised society and a democracy.

Any Bill that makes a contribution to the safety of people who travel the highways and byways is an important step forward. It behoves us to bring forward legislation in a reasonable way. The legislation should have a target. One can have all the rules and regulations one wishes but if the people at whom they are aimed do not appreciate them, know about them or are not aware of their impact, we might as well bounce our heads off a wall. I will speak further about clarification and knowledge of some of the provisions in this Bill.

From when I was young and serving on the county council in the early 1980s, I have always believed that the responsibility of learning to drive a motor vehicle is the equivalent of learning the three Rs. It should begin at school. Many of us had to use our neighbours' tractors to acquire driving skills. The urban areas might not have had tractors—

Ms O. Mitchell: They certainly did not.

Mr. Penrose:—but rural areas did. We learned our driving skills in fields. Sometimes we ended up in a ditch but at least we did not hurt anybody. How does one acquire the skills to deal with an actual situation? I believe it should be part of the civic, social and political education course in school. Pupils could learn the theory of driving as part of the school subject. This is as important as knowing how to add.

Virtually everybody uses a motor vehicle at some stage to travel to work. One could be Einstein but what good is that if one does not have the wherewithal to drive to work or if one does not have access to public transport? The ability to drive is an important educational attribute people carry with them through life. Driving should be taught as part of the educational syllabus, particularly in view of the fact that there is now a theory test. Teaching driving skills in schools would provide people with the opportunity to be introduced to the theory of driving.

In the past, gardaí visited schools to monitor school attendance. They brought with them armbands for distribution among the children. These may sometimes have been used for other purposes but parents, particularly in isolated rural areas, encouraged their children to use them if they were walking home late at night. The gardaí who visited the schools encouraged children to use reflectors, armbands etc. when cycling after dark. There was the Rules of the Road publication which emphasised care, courtesy and consideration. The latter are extremely basic concepts and if everybody observed them there would be no accidents. There has been a great

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deal of hullabaloo about the PIAB being the great panacea. However, there would be no need for it if everybody exercised due care, courtesy and consideration because accidents would not occur.

We have an ideal opportunity to teach driving and the theory thereof to children in transition year. Simulators should be provided. I saw a report from Mondello or one of the driving schools recently in which children were doing what I advocated in 1984 or 1985. Some of the young men and women using the simulator could tell that a person was going to cross the road or that a light was going to go red. They were placed in a situation in which they had to react. However, they were forewarned. Imagine what would happen if, as in normal circumstances, they were not forewarned.

The Minister of State should try to have driving placed on the school curriculum in some form. Given that he is innovative and open to ideas, he could leave a mark in this area. Perhaps a pilot scheme could be put in place to see how things would work. I accept that he would have to discuss the matter with his counterpart in the Department of Education and Science, the various teaching organisations, etc. and that it would not be easy to put such a scheme in place immediately. There is an openness, however, to including driving in the curriculum. We all want to ensure that our children return home safely. People own vehicles at much younger ages than in the past and this is contributing to the problems on our roads.

It is easy to state that the statistics relating to road deaths are on the rise. However, we must be honest and recognise that there must be four or five times the number of cars on our roads now as there were in the 1970s and 1980s. This matter must be considered in the context of there being more people and bigger and better roads.

Many accidents happen at night or in the early hours of the morning, which is unfortunate. One sometimes hears people inquiring where the members of the Garda were when a particular accident occurred. It is unfair to expect gardaí to be stationed on every corner at night to prevent accidents. If we inculcate in young people and everyone else that there is an onus on them to drive with care and consideration and to not indulge in drinking alcohol while driving, we will have achieved something. I am strongly of the view that driving should be included in the school curriculum as part of the education process.

I salute the Minister of State for giving powers to local authorities. We have all been shouting from the rooftops seeking such powers for them. The powers they are being given in this legislation are important because there should be no national or secondary schools on major primary or secondary routes. It is time we changed the *status quo*. There are a number of schools situ-

ated on the N4, which is dangerous because of the huge concentration of pedestrian traffic in or around them. The Bill provides the power to put in place particular speed limits in the environs of such schools. Westmeath County Council, which was innovative in this area, sought that power from the NRA many years ago in respect of Coralstown school, on the N4 between Kinnegad and Mullingar. The latter organisation was somewhat slow to react and I will give it a bit of a walloping later in my contribution because it deserves it in respect of some matters. Local people are aware of the situation that obtains at schools in their area and the Bill will give local authorities the power to impose certain speed limits.

The position is similar in respect of housing estates. It is sad that a great deal of speeding occurs in estates. I do not understand why people feel the need to speed through built up estates. There is a constant demand for ramps in particular estates but the difficulty is that not everyone wants them because if they are too close to a house, there are problems with noise and lights shining in the windows when vehicles slow down. One cannot win in this situation.

Mr. F. McGrath: We call them speed cushions.

Mr. Callely: Traffic calming measures.

Mr. Penrose: Yes, so we have speed cushions, traffic calming measures, lights and signs. One of the difficulties that will arise will be the proliferation of signs. When there are too many signs, one has difficulty trying to absorb information. This brings us to the old human frailty of focusing upon the first sign one sees and not realising that what it says does not apply across the board in a particular area.

Deputy Glennon made a point about the N4, which is a fine dual carriageway. From Mullingar to Dublin there are five different speed limits on that road. The law can be an ass and that is when it loses respect. The law is an ass on the N4. When one reaches the only decent stretch of road in an area, the speed limit decreases from 60 mph to 50 mph. There is then a flash-lamp to ensure that one reduces speed still further to 40 mph before one is finally obliged to drive at 30 mph. However, when one comes close to Heuston Station, the limit rises again to 40 mph. I do not know who came up with these great speed limits, which cultivate a lack of respect for the law.

I salute the role played by gardaí, who are obliged to carry out some onerous work. I accept that some of this will be taken away from them and delegated to a different authority. I sometimes wonder if it is the best use of resources to have gardaí stationed under a bridge at a point where the speed limit drops from 50 mph to 40 mph. As a wise old sage said to me on the way to a football match one day, "It is like shooting fish in a barrel." People drive on the stretch of road

to which I refer at 50 mph but at a certain point, where there is no difference in the camber, gradient etc. the limit decreases to 40 mph. Lo and behold, the gardaí produce the hairdryer and penalty points follow.

Some of my colleagues noted recently that they did not realise they had received penalty points until the package arrived in the post. The people to whom I refer do not drive like lunatics. They may have been doing 45 mph in a 40 mph zone and they will receive two or three points on their licence as a result. Why does this happen? It is because people driving on a stretch of road suddenly hit another with the same gradient, camber and width, but with a different speed limit — the road to which I refer is not situated in a built-up area and the Minister of State is familiar with it.

Mr. F. McGrath: I hope the Minister of State was not speeding.

Mr. Penrose: He could have been speeding. He could have been doing 42 mph in a 40 mph zone.

Ms O. Mitchell: It is all right, the Minister of State would be exempt under the legislation.

Mr. Penrose: I do not disagree with that because Ministers and Ministers of State must be able to get from A to B.

Mr. F. McGrath: There should be no exemptions.

Mr. Penrose: We would all say that when we are on this side of the House. The difference in speed limits brings the law into disrepute. I appeal for common sense to be used in this area.

Another matter about which I am concerned is the Lucan junction on the N4. One must cross the highway in order to turn back. We advocated a flyover which is the most sensible solution. We are merely ordinary Joes, not engineers or architects, but we could see the sense of it. Slipways and flyovers are important to ensure the probability is lessened of an accident happening at those junctions. We have no status and our opinion on the danger is met with, "You would not know". We know enough when accidents occur subsequent to us pointing out that this could be the best way forward.

Why is there such a marked reluctance to have service stations along the main national arterial routes? Does nobody ever have to stop to go to the toilet or to buy something? Why is the NRA so vehemently opposed to something of that nature? If one travels on the M1 and M6 in the United Kingdom, one can pull into a service station every 20 miles. They are big motorways. I suggest we should adopt the system used in the UK where motorways have a slow, overtaking and fast lane. I was a young man in London and hardly knew how to drive a tractor but I drove

those roads and I had no problems because it was a simple system.

I suggest there should be warnings about road conditions. In other countries, changes in the weather or condition of the road are signalled on overhead signs. We must aim for such signalling to become the norm in this country. People should be informed of the conditions on the road ahead.

The N52 is the main north-east, south-west arterial route, going through Dundalk, Ardee, Rathconnell, Mullingar and down to Kilbeggan, Birr and Nenagh. Hardly a shilling has ever been spent on that route. I always thought that when Deputy Michael Smith was Minister for the Environment there would have been improvements on it. It is a major route carrying a lot of traffic. People in the Delvin area complain continually and the NRA has been informed of the need to put in place the necessary funding to realign that route because of its status and the significant volume of traffic. There is a significant amount of work to be done. If there is money in a pot, I appeal for money to be spent on the N52 and the inner relief roads around Mullingar. Continued expenditure is required to improve the roads.

The delay from the date of application for driving tests is a problem, which is quite difficult for people to understand. Independent accredited testers supervised by the Department should be used. This is a suggestion made by a person known to Deputy O'Donovan who lives near the Deputy in west Cork. He is a motorcyclist. The current driving test for motorcyclists is rudimentary. Does it test one's ability to ride a poor road surface, to ride at night or on primary routes? Those are the situations drivers will have to deal with afterwards.

The Bill contemplates the introduction of metric speed limits. What provision will be made to assist motorists to convert speedometers to metric calibration? Deputy Olivia Mitchell also raised this point. The current model of a well-known family car has a miles per hour speedometer with a secondary scale of kilometres per hour. The needle accurately points to the miles per hour scale but at the point where the needle crosses the kilometre scale, it covers about ten kilometres per hour of the scale and is therefore useless to the driver for judging the speed of the vehicle. I am concerned that people will be caught in that situation because the speedometers in most vehicles are of similar design. The Bill does not provide a tolerance to protect motorists who have paid many thousands of euro in taxes such as VRT. The Society of the Irish Motor Industry made that point. This is a practical deficiency. I presume the new Government fleet — I do not begrudge it — will have the new, recalibrated speedometers fitted to protect the ministerial drivers from the danger of exceeding the speed limit. As Deputy Finian McGrath

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stated, we must all observe the law. Bearing in mind the substantial take from motorists by the Exchequer, the Minister for Finance should fund the conversion and recalibration of speedometers in all vehicles prior to the changeover to metric speed limits.

The Bill anticipates the introduction of regulations. When drafting the regulations, I ask the Minister to consider the placement of electronic or solar powered speed limits in central locations to adjust speed limits locally depending upon the time of day or the season. In many areas what is applicable in the summer is not applicable in the winter. Such signs and variable limits are needed at school approaches at relevant hours, to reduce speed limits to take account of pedestrian traffic, on approaches to sports facilities where large volumes of pedestrian traffic may be expected before and after matches and on approaches to churches and graveyards. Those measures might be of assistance when considering the Bill. I broadly welcome the Bill and I hope the Minister continues to improve it.

Mr. M. Moynihan: I wish to share time with Deputy O'Donovan. I welcome the opportunity to speak in this debate. The Bill is designed to improve road safety. The Government is committed to road safety. The devastation caused to families as a result of road deaths has been apparent for many years. It seems to be part and parcel of the weekend and Monday morning news bulletins. I have seen many families including my own devastated as a result of road traffic accidents. The effects last a long time. It is vitally important that legislation is passed to ensure our roads are safer and to reduce the number of people killed each year. Legislation and rules and regulations can be in place but there must be goodwill from people willing to comply with the legislation and take due care on the road. Young people must be educated in good driving and all drivers must be educated to take due care on the road.

The Bill provides for a number of other initiatives. They relate mainly to amendments to the legislation on the administration of the fixed charge and penalty points systems, the Road Traffic Act 2002, which focus in particular on the outsourcing from the Garda Síochána of certain functions relating to fixed charge payments.

The central aspect of the Bill is the introduction of a new system of speed limits based on the metric values. That system is worthwhile. The Bill also provides for a number of changes to the Taxi Regulation Act 2002, which will assist in the operation of key provisions contained in that Act.

I have no doubt that the Government is deeply committed to road safety and is intent on achieving a record in this area comparable to none. Our policy is focused on the key areas of speeding, drink driving and seat belt wearing to reduce deaths and injuries on the roads.

The past six years have seen a distinct improvement in our road safety performance. The first road safety strategy, which ran from 1998 until 2002, succeeded in reaching its target of reducing deaths on our roads by 20% and surpassed that figure with regard to serious injuries.

The biggest change in road safety and the way we police our roads was the introduction of the penalty points system just over two years ago. That has further increased the progress in this area. Many people have spoken to me on this issue, as have Deputies who contributed to the debate earlier. It is all very well to impose penalty points for speeding but they should not be imposed on people driving at 31 or 35 miles an hour in a 30 mile an hour zone. That will not cause deaths on our roads. The problem is driving on minor roads at 70, 80 or 90 miles an hour. It is all very well to set up checkpoints in villages and towns but the issue is more serious than that. Like all computer systems, if one is over a certain limit, that is it and one moves on, but there is a need to examine this matter in terms of people travelling at 31 miles an hour in a 30 mile an hour zone. That was not the issue in respect of penalty points.

From November 2002 to the end of September 2004, the number of road deaths fell from 775 to 675 in comparison with the previous 23 months. The measures I have referred to have helped save almost 100 lives, and I congratulate the Government on that achievement. The Government's target is to ensure that we keep road deaths down to a minimum of 300. Perhaps we should not put a figure on that because it should be the aim of everyone involved, the Government and members of the public using the roads, to eliminate road deaths as far as possible.

In setting our goals for the period up to the end of 2006, we are supported by the knowledge that the strategic approach we have adopted has been shown to deliver the greatest benefits in the long term. The most successful countries in the European Union in delivering reductions in road casualty numbers on a sustained basis are those that have adopted such an approach.

In adopting our road safety strategy we learned from the experience of states like the Netherlands, Sweden and the United Kingdom, which are the leading states in the European Union in terms of road safety performance. We have also adopted an approach that has seen the engagement of all the organisations that contribute to the various elements of road safety policy in the identification and pursuit of the policies through which the overall targets can be achieved.

In 2003 this downward trend in fatalities continued. Road deaths that year totalled 336, the lowest number of fatalities since 1963. Even though there were fewer cars on our roads in the late 1960s and early 1970s, and our population was 1 million fewer than it is today, the road death figures in that period were much greater

in comparison with today's figures. That aspect should be examined. I understand the highest number of deaths was in 1973, a time when the number of cars on the roads was a small percentage of the number today.

There is a need, however, for constant vigilance and attention. Unfortunately, the number of road deaths so far this year is 28 higher than the number for the same period last year. I am confident that certain measures in the Bill will succeed in turning this figure around and ensure that our target of fewer than 300 fatalities per year by 2006 is met.

The Government has been responsible for legislating in this area by the introduction of fines, penalty notices, driving disqualifications and even prison sentences in the most serious of cases. The desired effect of the points scheme is to change the behaviour of drivers. The consequences of losing a licence becomes a reality for drivers who have incurred points, and they think twice before committing further breaches which will put them closer to the 12 point threshold.

Legislation alone, however, is not sufficient to tackle the issue of road safety. We must seek to change the driving culture evident throughout the country. It is imperative that our young people appreciate the responsibilities that accompany holding a driving licence. In that regard, I commend the Irish School of Motoring which, in conjunction with Mondello Park race track, is launching a new initiative aimed at teaching young people to drive responsibly and educate them about the dangers of speeding. I congratulate the Ministers who are embracing this initiative.

We cannot have a debate about road safety without discussing the conditions of our roads. While I am aware of the old adage that a bad workman blames his tools, it must be conceded that bad roads contribute to road traffic accidents. I congratulate the Government on the progress it has made regarding the implementation of the overall national roads upgrade programme provided for in the national development plan.

I welcome the initiative by this Government and the previous Government of putting money into infrastructure and opening new motorways. In terms of the journey from Dublin to Cork, the new Kildare bypass and the recently opened Monasterevin bypass have greatly improved conditions for drivers. The conditions in Limerick also have improved greatly. However, we must continue to fund these projects.

One of the roads where there have been more fatalities than normal is the N20, in particular the stretch between Charleville and Buttevant, County Cork. Accidents resulting in multiple deaths have occurred on that stretch of road. The route was selected for the Charleville bypass in the past six months. I urge the Minister to examine the possibility of providing funding to improve the section of road between Charleville

and Buttevant. I realise it cannot be done all at once but perhaps it can be upgraded in sections. We must ensure that the bypass project is moved forward a stage and that the road is made safer. The Minister of State will remember that there were four or five deaths as a result of one car accident on that road. That stretch between Charleville and Buttevant is classed as a blackspot area. I am glad to have the opportunity to contribute to the debate and I commend the Bill to the House.

Mr. O'Donovan: I, too, welcome the Road Traffic Bill 2004 and the opportunity to speak on it. Education is critical to this area. There is no adequate programme in transition year or fifth year to educate boys and girls on road safety and the problems of drink driving. Perhaps we should have a campaign that would frighten them into realising that if they speed on our roads or drink and drive, they are liable to be involved in accidents. We must change the attitude of young people towards driving. That would be a step in the right direction.

Last year, the road deaths toll was the lowest since 1963, although any death is one too many. I note that the volume of traffic has increased almost tenfold since 1963. Our record is, therefore, good but we must continue efforts to curb the number of accidents and road deaths.

Despite the brouhaha about the introduction of the penalty points system and concerns that we were developing into a nanny state, the system marked an important step in the process of compelling people to drive more carefully, wear seatbelts, particularly in the back of cars, etc. This should be encouraged and the regime enforced.

I was a member of a local authority when the national car test was introduced. Many councillors and public representatives argued at the time that the measure was unnecessary. It has been one of the best road safety measures ever introduced. The public is used to it and the cars on our roads are, by and large, roadworthy. Before taking my car for the NCT, I visited my garage to try to ensure my car was roadworthy. When I brought it to the Skibbereen NCT centre, the tester spotted a slight leak from a brake pipe, which, while new, had a problem with a washer or fitting. He informed me the car would not be passed that day and asked me to return at a later date with the problem repaired. In alerting me to this problem, he may have prevented an accident.

We have many foreign visitors from the Continent and America. While I do not wish to dwell on the nasty accident in which the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, was involved in County Kerry, our tourist routes do not have sufficient signs indicating that one must drive on the left. While one sees them occasionally when leaving an airport, many more visible signs are needed in areas such as the rings

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of Kerry and Beara, as well as other routes in the west.

I represent a constituency in which there is not a single mile of primary route. The N71, the only national secondary route, runs to Bantry via Clonakilty, Skibbereen and Ballydehob. Nobody in his or her right mind leaving Bantry or Castletownbere would consider using the N71 because it takes a longer route than other roads and one must drive through towns which, apart from Skibbereen, do not have bypasses. The road was planned 30 years ago and needs to be upgraded.

The R586 runs from Bandon to the townland of Scart in Bantry. Of all the routes in the area, I ask the Minister to consider upgrading this one. Why has the NRA not upgraded it to at least a national secondary route? It is appallingly slow to travel on this road. One must travel through a little place called Murragh, which is not even a village but a crossroads with a shop. The area has limits of 30 mph and 40 mph which is an abuse of speed limits.

The R585 runs from Ballylickey, an area the Minister of State will know, over the Cousane Gap to Cookstown where it meets the N18, the road between Cork and Killarney. I ask the National Roads Authority to examine the possibility of upgrading this road and other roads in the area. The R572 is the Castletownbere to Ballylickey route. Castletownbere is the second largest fishing port in Ireland and has the largest whitefish fleet. While I would like more of the fish landed in the town to be processed locally, 80% of it is, regrettably, taken by road to the Continent. While the road has been improved, I urge that the R572 be linked to Ballylickey Cookstown and the Cousane Gap and upgraded to a national secondary route. Given the favourable economic climate, the Minister should give this proposal serious consideration, as there is no point doing so in 15 years.

With a population of 75,000 people, my constituency is one of few which do not have a single mile of primary road. It has only one poor national route. The N71 from Bantry eventually winds its way to Killarney. Two lorries cannot pass in Marina Street in Bantry, which lies on the route and is probably the narrowest street in the town. I understand the NRA and the Department have specified a minimum road width. It is wrong that this stretch of the N71 does not comply with it.

Recently, a member of Cork County Council inquired as to when Bantry would have a bypass or relief road and was told officially by the NRA that the town may not have one until 2015. At that stage the Minister of State will be Taoiseach and I will be the Minister for foggy weather. It is crazy that Bantry may not have a relief road for 11 years. The hospital in the town cannot be accessed because the streets are too narrow. I accept the council is doing preparatory work in

attempting to purchase land from some landowners to ensure the groundwork, at least, can be done. I urge the Minister to ensure the Bantry relief road is commenced. It could be completed in sections. The N71 should be a decent road from west Cork to Cork.

Mr. Callyey: We will have the matter reviewed.

Mr. O'Donovan: I appreciate the Minister of State's commitment. If one lives on Mizen Head, Sheep's Head or the Beara or Bantry peninsulas, it takes two hours to reach the nearest maternity hospital. A previous Government of a different hue closed down our maternity hospital in 1985. I was appalled at this decision which was one of the catalysts for my entry into politics. The condition of access routes to our airport, Ringaskiddy seaport and the only decent emergency hospital, Cork University Hospital — I am not denigrating Bantry Hospital — is poor. The railway to Bantry, which I remember from my childhood, was closed down in 1961. West Cork does not yet have an airport, although we may get one if I remain a Member of the House for long enough. My predecessor, the former ebullient Deputy P. J. Sheehan, constantly argued that Bantry should have an airport and he is probably right.

At least one of the routes, either the Cousane Gap road, the R585 or the R586, which runs through Dunmanway, Ballineen and Enniskeane, must be upgraded. The narrow, winding stretch of road between Enniskeane and Bandon is appalling. Travelling to the train station on this road between 8.30 a.m. and 9.30 a.m. is like travelling in a funeral cortege and there are no passing bays. All the roads I have mentioned need to be improved.

I welcome the Bill and the sensible provision that the speed limit on decent roads such as the Cork to Dublin route will be increased to 120 kph or roughly 75 mph. Cork County Council must be given a derogation as regards the reduction in speed limits on the R585, R586 and R572. It is bad enough for people commuting to Cork and ambulances and trucks to have to use these roads but, at a minimum, the current speed limit of 60 mph must be retained.

Mr. Boyle: I wish to share time with Deputy Cuffe.

An Ceann Comhairle: Is that agreed? Agreed.

Mr. Boyle: This Bill, when passed, will add to a series of road traffic Acts enacted between 1961 and 2003. The Government is missing an opportunity to produce a consolidated road traffic Act, given the breadth of legislation in this area. All-encompassing legislation to which everyone can refer is necessary because all citizens are road users. While addressing a long-standing anomaly through the introduction of speed limits

expressed in kilometres — distances have been expressed in kilometres for many years — the legislation should also address wider aspects of road traffic usage.

A consolidated Bill would provide the opportunity to put in a hierarchy of road usage. None of the Road Traffic Acts refers to such a concept. The definitions of motor propelled vehicles and types of roads, already exists. However, a road use hierarchy is a simple element of all transport policies. If introduced, it would make matters more sane and begin to tackle the ongoing glut of needless deaths on the roads.

In the hierarchy concept, road space usage starts primarily with those on foot, then cyclists, public transport and finally those who use motor-propelled vehicles. Unfortunately, our transport policies have been in reverse of this. Any analysis of road deaths, all of which are unnecessary, will show that many of them involve pedestrians, cyclists, and motorcyclists. The failure to put a road use hierarchy in practice has caused this imbalance. It is another lost opportunity that the Bill does not cover this area. I hope the Minister for Transport will take the earliest opportunity in introducing a consolidated road traffic Bill to tackle this anomaly.

The main purpose of the Bill relates to kilometre signage and speed limits. However, what is proposed is somewhat of a parson's egg, particularly when some speed limits will actually be increased. The limit of 50 kph is marginally more, when converted, than the limit of 30 mph it replaces. The top speed limit for motorways of 120 kph is five miles higher, when converted, than the current 70 mph limit. These must also be weighed up for fuel efficiency and environmental measures. I admit our highest speed limit is nowhere near the speed limit levels on the German autobahn. However, the capacity to fill up the roads provided will affect all those motorways being built. The capacity of a single vehicle to effect a stop at 120 kph must be questioned in those settings. It is one of our double standards, where people talk about responsible speeding and the right to use the overtaking lane to pass people already travelling at the speed limit.

The introduction of the penalty points system brought about the welcome reduction in deaths on our roads. Sadly deaths have begun to creep up again, as people have learned the odds are in their favour in avoiding punishment for speeding. No more than 550 members of the Garda are involved in traffic control on any given day. Traffic control refers not just to speeding detection but also issuing of tickets, monitoring intersections and court sittings. This means the odds of encountering a garda controlling speed levels are small. Attempts have been made to add to this with technology through speed cameras. However, some cameras have film in them and some do not. The Committee of Public Accounts was recently informed that video recordings are

used rather than digital forms, making it difficult to read registration numbers of cars caught speeding when visibility is poor.

With these problems of logistics and technology, there are also problems of incompetence in the courts system. As penalty points apply to the driver of the car, owners can play elongated games of cat and mouse with the authorities by claiming they were not driving the car when the offence occurred. That depends if a notice has been posted in the first place. When a case eventually gets to the court system, it depends on the availability of a garda. There are variations in applying the penalty points system which members of the public have copped on to and now know whether they will be caught and punished for speeding. Will the standards of enforcement sink home and bring about a better driving culture and fewer deaths on our roads?

On a national or EU level, is it possible to introduce the concept of a vehicle governor similar to that in Japan? Why are cars produced that can go in excess of speed limits? The temptation for people, particularly young men, to speed must be removed. There is an argument for allowing vehicles to reach only the legal speed limit.

The additional measures in sections 24 to 26 are interesting. I welcome the prohibition on supplying mechanically propelled vehicles to people under 16 years. It is an attempt to deal with the scourge of young people driving mechanically incompetent cars, creating havoc and danger to their lives and those of others. I am surprised that the opportunity was not taken to address the anomaly of young people driving tractors. It is a related issue to do with age, not with the stealing of cars. People at a young age are legally entitled to use large mechanically propelled vehicles, mainly off-road but sometimes on-road. Serious accidents have occurred in these cases resulting in disablement and sometimes death. I am disappointed that the Government did not take the opportunity to tackle this anomaly.

Section 25 brings the Local Authorities (Traffic Wardens) Act in line with the Road Traffic Acts. However, regarding the promised traffic corps within the Garda Síochána, why has the Government chosen not to put in place the Green Party's election pledge? It is not a question of a separate traffic corps but a separate traffic police. Such a police force could be administered through the local authority system. It is not a unique proposal as it exists in other jurisdictions. A clear distinction between the Garda Síochána and a traffic police would bring us more in line with practice in other countries. It would also free up the Garda to tackle other aspects of serious crime.

The amendment to the Taxi Regulation Act in section 26 is a response to the concerns of the taxi representative bodies about those with criminal records driving taxis. While it will be widely accepted, I would like to be assured that it has been constitutionally tested. If an individual has

[Mr. Boyle.]

been punished for a crime for which he or she has served prison time, this amendment raises serious civil liberties issues. If someone commits a crime while a taxi driver and subsequently loses his or her licence, no one could argue with that. There are crimes over which no one is prepared to stand, such as sexual assault or child abuse, that would disqualify people from driving a taxi. Will the Minister explain that this is not an intention and will not be an effect of this legislation when it is passed?

Mr. Cuffe: I agree with all the points my colleague has made. I see little in this Bill to tackle the daily carnage on the roads. A root and branch reform of our approach to driving and speed limits is required to stop hundreds of people being killed and thousands injured annually on our roads.

While the motorcar has wrought many changes in Ireland over the past 20 to 30 years and brought obvious advantages to those who have cars, it has inflicted many disadvantages on communities whose members are unable to afford or access cars. I represented the south inner city on Dublin City Council for 11 years. Residents there spoke of cars colonising the space that once belonged to them. Their children could not play on the streets where they played as children. Parents were afraid to allow a child close to roads that had become racetracks where previously people socialised, shopped and carried out their daily business. There has been a sea change in our towns and cities, which have become more car parks than places for social intercourse and more racetracks than streets where people live, work and relax. One way to restore the public spaces of our villages, towns and cities is to restrict the speed of the vehicles allowed there.

While I welcome the potential introduction of a 30 kph speed limit the number of caveats the Minister for Transport may attach to those limits is ludicrous. Why are there no restrictions on speed limits of 110 kph or 120 kph rather than on 30 kph limits? This would save lives and enable children to play on the street outside their home. There should be restrictions on the higher limits. I am mystified as to why by-laws specifying lower speed limits in towns must receive the *imprimatur* of the Minister for Transport. It goes against the grain of all that I hold dear about what makes local government effective.

In the Netherlands and Germany, it is the norm that 30 kph speed limits apply across the board in residential areas. That is not the case here which I suspect is due to the mindset of the senior civil servants implementing this policy. Traffic calming signs in Germany show trees, cars, people, and children playing on the streets. In the few limited neighbourhoods in Ireland where those signs have been introduced, the children have been scrubbed out of the picture. That is due to an attitude among senior decision makers. The streets

in residential areas should belong to children not to cars. There must be a sea change at senior level to make our streets safer for children and our neighbourhoods safe places in which the next generation can grow up. This comes down to simple matters such as traffic calming and speed limits.

The Bill does not bear any sign of the kind of changes for which I wish. Instead, it demonstrates a Toad of Toad Hall "let it rip" approach to motoring of increasing the highest speed limits by 5 mph. What national policy does that follow? Sustainable Energy Ireland goes to great pains on its website to show how one can save on energy, noise and air emissions by travelling at 50 mph as opposed to 60 mph or 70 mph. It does not even consider the 75 mph limit which the Minister is trying to introduce. The Minister and those working with him should slow down and stop the carnage on our roads.

There are other ways to address the high fatality levels on the roads. There should be speed restrictions on new licence holders, those holding a provisional licence and those holding a full licence for a year after acquiring the licence. That is the crucial time when people crash their cars. I make no claim to be a good driver. I am probably one of the worst drivers on the road but there is a crucial dangerous period after someone has acquired a licence. Lower speed limits should apply in those instances and that should be signalled in the Bill.

In section 21 there is a reference to emergency service vehicles. The provisions of the section are very broad and may not stop the double parking on Queen Street, or the treble parking by Garda vehicles on Pearse Street, both in the centre of Dublin. There is a disregard for the law at a senior level. People learn by example. If emergency service vehicles interpret the existing legislation liberally, ordinary motorists may do likewise. The Garda could set a better example for observance of the Road Traffic Acts in where and how its members park their vehicles. Gardaí should also move away from seeing the patrol car as the only means by which to go from point A to point B. I am incensed at the way Garda vehicles travel through St. Stephen's Green in Dublin. It creates a very visible barrier between the Garda Síochána and the people they serve. Garda vehicles should not be allowed within the gates of St. Stephen's Green or any other urban park. Gardaí should get on their bicycles or use Shank's mare if they are to patrol these areas in a meaningful manner.

While I recognise that this Bill is a clear and practical attempt to introduce the metric system into our speed limits, I am concerned that many of the limits are being raised by stealth and that the Minister will unduly restrict the introduction of a 30 kph speed limit.

Mr. T. Dempsey: I wish to share my time with Deputy Fox. Tá áthas orm labhairt go gairid ar an mBille tábhachtach seo. Tá sé tábhachtach mar is é ceann de phríomhaidhmeanna an Bhille ná saol ár mhuintir a chosaint agus a shábháil.

I welcome the opportunity to speak on this important Bill. We debate many aspects of life and livelihood in this House but we seldom speak about a Bill, which attempts to save Irish lives and those of visitors using our roads. While I do not share every sentiment expressed by Deputy Cuffe, I agree that many of our estates and many of our rural roads have become death traps, even at 2 a.m. People have become afraid. However, where I differ with the Deputy is in recognising that there has to be a balance, which recognises the role of the motorcar. We cannot go back to bicycles, much as some people might like to do so. The motorcar is here to stay, so it is incumbent on politicians to introduce legislation that strikes a balance between the safety of our citizens and the presence of a motorcar, which can now go at much faster speeds than before on roads that can accommodate cars travelling at such speeds. That is why the Bill is so important. I want to congratulate the Minister on expediting the important tenets of the Bill and to speak briefly about some of them.

The attraction of the Bill is the outsourcing of the collection of various charges to agents other than the gardaí. My constituents often complain to me that willing gardaí are desk bound in offices where no crimes will be committed. People want to see the gardaí back on the beat, or at 2 a.m. in Wexford when youngsters are speeding and racing cars against each other. Any measure, which takes away the bureaucratic role from the gardaí is very welcome. Like all economic progress, the Celtic tiger brings its pitfalls as well as a rise in the standard of living. Since 1997, there are more than 500,000 extra people at work and all of them have motorcars. There are therefore about 500,000 more motorcars on our roads than in 1997. It is incumbent on us as politicians to recognise that the car is here, but that we must legislate in a way that makes it safer for us to travel on the roads.

Penalty points reduced the number of road deaths from 775 to 675 between November 2002 and September 2004. That represents 100 lives saved and 100 fewer families grieving. While we should aspire to eliminating deaths, at least that reduction has to be welcomed and it is as a result of penalty points.

We now recognise the different standards of roads and that common sense aspect of the Bill is welcome. The 60 mph limit on the N11 and on some of our poorer rural back-roads is an anomaly that is now being addressed. Changing from miles to kilometres is a recognition that we are in the EU. The 120 kph limit on motorways and the 80 kph limit on rural, regional and local roads are to be welcomed, as it recognises for the first time

that there is a difference between types of roads. Constituents approach me every week to say they and their children are afraid. Many of them look for speed ramps and speed limits.

Deputy Penrose spoke about the difficulties caused by speed ramps. If an ambulance is trying to access a housing estate at speed, speed ramps become a deterrent and could have safety implications. However, it is a road that local authorities must go down much faster. We need to recognise that speed in villages is costing lives. Speed is a frightening phenomenon and it makes old people afraid to come out of their doors late at night. I am therefore glad that in this Bill, the local authority will retain some of its legislative role in making special by-laws.

I remember saying at one of my first Fianna Fáil parliamentary meetings that we should introduce driving instruction of one form or another for students. I am glad to welcome the fact that it is now becoming part of the transition year for many students, but we need to go further. We need to teach about the dangers associated with speeding, not just at transition level, but, for all students who have studied the CSPE programmes. That curriculum must include the dangers of not wearing safety belts, the dangers associated with drink driving and the dangers associated with speed. At the end of the day, the Bill only becomes effective if the majority of people accept it. I am delighted to speak in favour of the Bill and to congratulate the Minister.

Ms Fox: I also welcome the opportunity to say a few words and I welcome this Bill. Given the dreadful reports of accidents on a weekly basis, it is obvious that there is a major problem with road safety, in particular with fatal accidents on our roads. Speeding is often cited as the major factor. In many cases this is caused not by setting low speed limits but by our own bad driving behaviour. I am hopeful that this Bill will bring clarity to the whole area of speed limits. If ever there was a road, which demonstrates the need for a general speed limit it is the N11, which I use most frequently. Cabinteely to Kilpedder on the N11 is a distance of over nine miles and the speed limit changes nine times. There seems to be no logic to the changes. The limit seems to be higher in residential areas and lower outside them. This type of signage is very confusing and frustrating to drivers and it does not serve anyone well. I am looking forward to a standard limit along that type of road.

A general speed limit will bring problems in differentiating what kind of road we are driving on. Many people do not know whether they are on a regional road or a local road and that will continue to be a source of confusion. This can easily be overcome with a few reminder speed limit signs along each route. All too often, when we are entering or leaving a town or a village, we will see about 20 signs together. Buried some-

[Ms Fox.]

where among those signs will be a speed limit sign and that is not very effective in such cases. We need to have a system like that in the US and Britain, where there are reminder signs every few miles on their own which leave the driver under no illusion as to the speed limit.

Local authorities retain power in certain cases to make special speed limit by-laws on certain public roads. However, this has been unsatisfactory in many cases so far. While local authorities will ultimately have local knowledge and will be better placed to decide the appropriate speeds for local roads, the reality is that this will not happen given the workload already placed on staff and members of each local authority. If we are serious about road safety, then every local authority should be asked and appropriately funded to carry out a road survey to establish the appropriate speed limit on each road within its county and change the signs accordingly. There are regional roads in all areas, which are well capable of taking the proposed 80 kph speed limit, but there are other regional roads which can become death traps at half that speed. For that reason, local knowledge is important, but funding and expert support should be given to local authorities to enable them to carry out that job if it is to be done.

I note that county managers will have the power to place temporary speed limit signs at locations where road works are ongoing. It is obvious that such a provision is necessary. Drivers are encouraged to take rat-runs in certain cases, however, when road works are ongoing. They may drive on less suitable roads, on which the speed limit remains unaltered at 60 mph. Major road schemes such as the N11, which I mentioned earlier, can take a number of years. A special speed limit of 40 mph was set on the N11 while it was being upgraded. Unofficial diversions took place on local roads with a 60 mph limit, most of which were in residential areas. There were many minor accidents as a result. The roads in question deteriorated because the volume of traffic on them doubled or trebled.

The N11 is now open, thankfully, and drivers have stopped diverting to smaller roads. Such roads have not been repaired following their deterioration, however. When road works are taking place on main roads, I suggest that county managers should consider the entire road network in the area. If they do not have the power to erect temporary speed limit signs in such circumstances, it should be given to them in this legislation. Such limits should be imposed on roads which suffer as a result of road works, even if the works are taking place elsewhere.

I welcome the Government's intention to meet by the end of 2006 its target of reducing the level of road deaths by 25%. It will be a difficult task. I do not doubt that the penalty points system has altered many drivers' attitudes to speeding.

A number of Deputies have argued that driving lessons should be part of the school curriculum. I agree that should be done where possible. Such an approach works well in other countries, such as the United States and Britain, and I do not see why it should not be tried here. Young people often have to pay through the nose to insure their cars, unfortunately. They are sometimes seen as unsafe drivers, which is unfair in many cases. Many young drivers are taught to drive by older drivers, such as their mothers and fathers, who pass on their own bad habits. The introduction of driving lessons, where possible, would give learner drivers a clean slate. I hope that its positive effect on driver behaviour would, in turn, lead to cheaper insurance premiums.

This is an important Bill in so far as it sets important speed limits, but bad driving habits will not be changed if its provisions are not enforced effectively. Many Deputies have mentioned that gardaí seem to operate too many of their checkpoints on motorways and dual carriageways. While I do not wish to criticise the Garda Síochána for doing its job, it is important that there should be a visible Garda presence on all roads. Checkpoints should not be located exclusively on motorways.

While the penalty points system has made people think, many drivers become cynical when they see Garda checkpoints in the same locations week in, week out. I know that checkpoints are found in the same places on the N11 where they have been located for the last ten years. A Garda checkpoint is set up in the same place within the 40 mph zone in my local village at least once a week. It is referred to in the locality — I will not claim that the reference is affectionate — as the weekly turkey shoot. Garda checkpoints become ineffective when people become used to them being located in the same places every time. Drivers simply slow down to pass the checkpoint before speeding up again. Fixed cameras could do the same job in such circumstances. Gardaí should be randomly sent to secondary, or local, roads in country areas as part of the overall strategy of reducing road fatalities. The consequences of speeding are far more serious on such roads, unfortunately.

It is ridiculous that our educated society needs to be held by the hand and forced to change its behaviour, but it seems to be the only way. I appreciate that the Road Traffic Bill 2004 does not relate to Garda matters, but passing the legislation is pointless if the bigger picture is not changed. I broadly welcome the Bill. I hope some of the common sense suggestions which have been made by all Members in recent weeks can be taken on board.

Mr. P. Breen: I welcome the opportunity to speak on the Road Traffic Bill 2004. The legislation was initially supposed to be introduced at the end of June or in July. The former Minister

for Transport insisted that prominence be given to the State Airports Bill 2004 instead, however, because he had a hunch. The delay in bringing this Bill to the House has meant that the metrification of speed limits, which was due to have taken place in November, will not happen until the new year.

The Road Traffic Bill seems to have a number of unrelated objectives, including the standardisation of speed limits and the conversion of speed limits to the metric system. It gives local authorities comprehensive powers, such as the right to set speed limits and to grant parking permits. It contains provisions relating to the outsourcing of penalty points and the notification of points to drivers. It prohibits the sale of vehicles to minors. It provides for the disqualification of public service drivers and gives certain exemptions to emergency drivers. There is a long list of objectives, many of which are long overdue, particularly the modifications to speed limits and the prohibition of the sale of vehicles to minors. It is time for action on the ground, however, if we are to improve speed limits. Motorists, who face significant disadvantages at present, will suffer further if speed limits are not regularised.

I welcome the metrification of speed limits from miles per hour to kilometres per hour as an attempt to improve the current speed limit system. While I understand that we need to follow our European counterparts in moving to kilometres per hour, I am concerned that the change will lead to greater confusion on the roads. Additional resources and vigilance will be required in the Border area because roads in Northern Ireland will not be converted to the metric system. Drivers will need to reduce their speeds when they drive across the Border. I urge the Minister and his officials to do everything they can to ensure the public is made fully aware of the change. I am anxious that the Minister should fund the NRA sufficiently in this regard. This matter was recently raised by my colleague from County Monaghan, Deputy Crawford, who has grave concerns in this regard as someone who regularly drives on both sides of the Border.

I wish to discuss public information signage and speedometers. It is likely that difficulties will arise as a consequence of the new road signs and the existing speedometers. If we are to minimise disruption, changes in signage should be made in an efficient manner, which is friendly to motorists. Information on the changes should be made available to the public to the greatest possible extent. It is certain that the use of speedometers in existing cars will cause problems. Has the Minister considered providing a conversion device to motorists to help them to understand the conversion process? Members will recall that currency converters, which were provided to consumers when Ireland changed from the pound to the euro worked particularly well. Perhaps something similar could be provided by the Department of

Transport next year. It seems that such an approach would be sensible. Can the Minister assure the House that all new cars purchased in 2005 will be fitted with speedometers, which cater for the new metric speed system? I am keen to receive an assurance from the Minister of State in that regard.

Mr. Callely: The SMI has said "Yes" to that.

Mr. P. Breen: The Minister of State knows that many garages are in possession of new cars, which will not be sold until 2005. I thank him for that assurance.

The public must believe that existing speed limits will work. It is clear that speed limits are of crucial importance in the promotion of road safety. Existing legislation relating to speed limits provides for the deployment of four different speed limits, in addition to the application of speed limits to certain types of classes. There has been a perception for a long time that the current system of speed limits is not appropriate to the changed system which exists on our roads. Criticism of our existing speed limits has centred on the current unbalanced policy in respect of speed limits. It does not make any sense that rural roads other than motorways are subject to the same general speed limits as national roads. This questionable aspect of our existing speed limit structure must be taken into account. Our roads have been upgraded and developed over the last 20 years.

I welcome the recent opening of the Monaster-evin bypass, which is a great stretch of motorway. I have travelled on the road in question with the Minister of State, Deputy Killeen, on many occasions. I welcome the fact that there is a now a motorway from Portlaoise to Dublin. It was a joy to travel on the road last week and this. It should improve road safety on that old stretch between the end of the motorway in Portlaoise and Monasterevan. I hope it will remain death-free for years and that we will not have any accidents on it.

In discussing that, I mention the Ennis bypass which will take two and a half years to construct. I had the opportunity to go with Gama the other day through the motorway, which will bring great relief to Ennis. I welcome the bypass. It should have been open by now, but unfortunately resources did not permit that. The Government halted the contract on several occasions, but it is now in place and I hope it will be open in two and a half years. I urge the Minister to continue the improvements on the western link to join Galway and the west of Ireland, giving us the same types of roads as our friends on the east coast and improving access to the west, particularly for Shannon Airport. It has been proved that there are fewer accidents on motorways.

I will now deal with the potential for public confusion stemming from the changes to the

[Mr. P. Breen.]

speed limits. Although it is said that changes to the speed limit will have no greater impact than the conversion to metric, they have the potential to create confusion. No doubt the requirement to reduce speed limits will cause more trouble than will the increased limits. Extensive public information on changes is crucial. Speed limit changes will have a strong impact on the speed limits on rural roads where motorists would have to reduce speeds by up to 11 mph. Since such roads are the sites of many fatal accidents, it is certainly best to reduce speeds on them. However, it means significant changes for drivers' mind sets. If the changes are to be introduced early in 2005, the Government should by now have started a campaign to give motorists adequate time to become accustomed to them. If imposed on them without a significant lead-in period, the measure will collapse.

The legislation empowers local authorities to establish special speed limits, a concept that I support. If we are to use our speed limit system to create greater safety — and, crucially, save lives — we need flexibility. Priority areas for speed limits can make a difference in promoting road safety and must be utilised to the full. That would definitely be the case with high levels of pedestrian and cyclist use outside schools or residential areas. It is also vital, if we are to reduce speed limits, including special speed limits, that they be backed up by significant funding for local authorities to introduce enhanced traffic-calming measures. There is no doubt that traffic-calming measures have been very effective in reducing speed. In my area, there is a village on the main national secondary route, the N68. Recently, they installed traffic-calming measures, which have reduced speeds substantially on the road. Residents of the area have welcomed it. The same can be said with regard to such places on the N7 as Toomevara.

International evidence suggests that it is crucial to have speed incentive measures to protect cyclists and pedestrians. Already this year, 53 pedestrians and nine cyclists have lost their lives on our roads. It is to our shame that we have one of the highest rates of child road deaths in Europe. Many such deaths could doubtless be avoided, but we need investment to implement extensive traffic-calming measures such as ramps in residential areas. Limiting speeds outside schools during busy periods, such as the beginning or the end of the school day, are worth considering. However, I fear that this could lead to further confusion. A blanket application of a 30 kph limit outside all schools might be a better option, and I hope that local authorities will consider such proposals.

As the Minister is aware, unrealistically low speed limits in many places have undermined public faith in the entire system. The opposite also prevails where all speed limits are simply too

high in certain areas, such as outside schools, where we must slow motorists down. The Minister contends that this legislation seeks to change the setting out of speed limits for the four main categories of our road networks: built-up areas; local and regional roads; national roads; and motorways. However, my fear is that it will change nothing since, if local authorities do not act to change unacceptable speed limits, we will not have moved at all.

The Minister, through this legislation, intends to issue guidelines to local authorities, but they may simply gather dust. There is an onus on the Minister to ensure that the momentum is maintained on this issue. We need to see action. Can we be assured that local authorities will seize the initiative? If they do not, motorists will continue to disrespect speeding laws. I would also like the Minister to give a full explanation to the House of how, aside from changing miles to kilometres, he expects reasonable and effective speed limits to take hold. This legislation cannot be allowed simply to show good intentions. The Minister has a duty and responsibility to ensure that local authorities work with the NRA to encourage change on the ground.

Speeding heavy goods vehicles are a major issue. Yesterday evening on the route up to Dublin on the motorway I passed about 20 lorries, but five or six lorries passed me breaking the speed limits. The relevant authorities must address that. Surveys of speed limits undertaken in 1999 and 2002 revealed that a very high percentage of heavy goods vehicles exceeded the speed limits. It is vital that we examine measures to ensure that all vehicles abide by the limits. The legislation does not appear to have anything to force goods vehicles to keep within the law. It is of urgent concern, and only last weekend in Limerick a young Clare driver lost his life in an accident involving a heavy goods vehicle. I urge the Minister to tackle the issue as soon as possible.

We have a very high rate of road deaths. Inaction by the Government in key areas of road safety, is causing that toll to rise. I checked the figures last week, and I presume they have increased since. This year alone, 324 people have been killed on our roads, 27 more than in the same period last year. Those figures tell me that the initial benefits of the penalty points system have begun to wear off. We should be extremely concerned by the trend. It appears that our slipping record on road safety is in no small part due to the patchy implementation and enforcement of the penalty points system. There have been several inconsistencies. Controversies such as those which relate to the convictions from the toxic meter used to measure drink driving and the most recent dismissal of a speeding case — I believe that it was last June — have undermined public confidence in the penalty points system. Many people believe they can evade the law on road

safety. The absence of enforcement in all aspects of road safety law is eroding the penalty points system. If motorists are told by media pundits, that one can drive the length and breadth of Ireland without ever encountering a Garda inspection check point, it is little wonder that people believe they can persistently break the law and get away with it.

I welcome the decision by the Minister for Justice, Equality and Law Reform, Deputy McDowell, last week to recruit 2,000 extra gardaí. I hope it happens soon, but I wonder when that manpower will be out on the streets. It is very welcome that we will not have gardaí taken up with office administrative duties. I also welcome the national road safety strategy, which was recently published. I hope the recommendations are implemented as soon as possible. It is long overdue.

Last week a deputation from the Irish drivers' association met our transport spokesperson, Deputy Olivia Mitchell. It is concerned at the implementation of the penalty points system. It believes motorists are being badly affected by Government policies. If a driver is caught travelling at 33 mph or 34 mph in a 30 mph zone, he or she receives an €80 fine and two penalty points. It believes this should be changed so that driving at five or six miles per hour in excess of the speed limit should result in a fine but not penalty points.

I welcome section 24, which deals with the sale of vehicles to minors. I am reminded of an accident in Carrigaholt, west Clare, last year in which two young girls were killed. They were passengers in a car sold to a minor in another county. This issue is close to my heart and I welcome the provision. Many Members are aware of the problem that the sale of vehicles to minors presents, particularly in terms of joyriding and related anti-social activities. The imposition of fines to deter adults from selling vehicles to minors is welcome but I urge the Minister to amend the provision because it prevents people selling or lending motorbikes and cars to people under 16 years. Cars can still be sold to a youth aged over 16 but under 17, even though he or she is not legally old enough to drive. The legislation needs to be amended in this regard.

There is also a need to make a distinction in regard to motorbikes. They can be sold to 16 year olds but they should not be sold to those under 17. Perhaps the Minister should go further in the section and provide that all sellers of vehicles should be required to check whether the purchaser has a licence, thus making it an offence to sell a car to an unlicensed driver. I urge the Minister to re-examine this difficulty.

Section 17 deals with the notification of speeding tickets. I am concerned because the onus of providing a notification of speeding offences has been placed on the motorist and not the Garda. The legislation is attempting to turn on its head the usual proposition that the defendant is inno-

cent until proven guilty. I am not sure it is fair to expect motorists to prove they have not received notification of a speeding offence. The issue of notification of speeding offences has caused problems in the past. However, as the legislation is drafted, it may continue to create difficulties. Can the Minister implement a system whereby the Garda or those to whom the Garda has outsourced the notification of road safety offences must prove they notified individuals of their summonses? That is a rational and fair approach.

I welcome the provisions under section 26, which provide for the disqualification of public service vehicle drivers for 12 months if they are found guilty of offences that do not warrant imprisonment. I support his provision in addition to those in place if they guarantee the public will get a top quality, secure service from such drivers.

Section 20 covers exemptions for emergency vehicle drivers from speed limits. I welcome the provision but I would like to know whether emergency vehicles include ministerial cars. I stress that I prepared this contribution last week prior to the incident in Killarney involving the Minister for Community, Rural and Gaeltacht Affairs. This is valid question.

Fine Gael welcomes the Bill. We hope the Minister will restore public confidence in the penalty points system and that he will implement the national road safety strategy so that the high numbers of deaths and injuries on our roads are reduced.

Mr. Nolan: This is the fourth road traffic Bill introduced since the previous general election and this illustrates the Government's commitment to road safety. I welcome this legislation. There has been greater compliance with road traffic laws over recent years. While the significant number of accidents and deaths on our roads over the past 20 years and, in particular, over recent weeks, is unacceptable, there has been a general improvement in compliance by road users over that period, especially in obeying speed limits.

The legislation making the wearing of a seat belt compulsory has been an outstanding success. While more modern cars are fitted with an alarm that sounds if one does not put on one's seat belt, it is generally accepted by motorists that wearing a seat belt is in their own interests and not only a necessity to comply with the law.

Speed is the greatest killer on our roads, as the Minister correctly pointed out. Given the significant capital investment in new roads and road improvements, there is a temptation to speed. While the legislation is being introduced to curb speeding and make roads safer, I am concerned that a number of local authorities have a tendency to extend speed limits outside small towns and villages to accommodate planning applications, which is the wrong reason for doing so. A number of Members have pointed out that

[Mr. Nolan.]

motorists are critical of the Garda because members of the force use 30 mph zones on an ongoing basis to catch them. As I travel throughout my constituency and between Dublin and my home, I can identify locations where the Garda normally sets up speed traps. Such speed traps amount to shooting fish in a barrel and are wrong. The Minister should examine this issue and guidelines should be set down regarding the establishment of 30 mph zones in particular.

The Government has experienced major success in reducing the cost of insurance over the past two years. The establishment of the Personal Injuries Assessment Board has been successful in that the number of fraudulent claims by unscrupulous individuals has been reduced. Other changes have not made the Government popular among the legal profession. Members of that profession abused their position by availing of the ambulance-chasing facility afforded them in legislation. That was unacceptable. The insurance industry has pointed out that there has been a fall off in the number of claims in the past months. Claims are also being settled in a faster and more efficient manner. In some cases the settlements are larger than heretofore, but the legal fees involved are substantially lower. This must be welcome.

A number of insurance companies made presentations to the Joint Committee on Enterprise and Small Business and it was frightening to hear some of the stories they related. We heard of settlements of €5,000 or €6,000 on a claim, followed by legal fees of €40,000 or €45,000. That situation could not continue as it forced motorists who could not get insurance at a competitive price to drive without insurance. Now that insurance is becoming more affordable and competitive, the number of individuals who think of driving without insurance will reduce.

I welcome the section of the Bill which will strengthen the role of the authorities in dealing with the unscrupulous individuals who have been selling vehicles to minors. The problem of joyriding is not only associated with Dublin and large urban areas, but is growing in certain rural areas also. The sooner this legislation goes through both Houses and is implemented the better.

This Government has made major investments in road improvements over the past four or five years, thereby making our roads safer. The call made for the setting up of a special traffic corps could reap rewards for the public and motorists. The improvements on the N9, the road with which I am most familiar, have ensured better safety. The Government's commitment to the improvement of the inter city routes will ensure that the roads most used by motorists will improve.

The fitting of speed controls on vehicles is some way into the future. However, it would be worth the Minister's while to consider this. Per-

haps, he should also consider increasing the number of stationary speed traps as the number around the country is quite small. More stationary speed traps would be an investment. I do not suggest they be introduced to make money. However, if there were more of them, we would see a reduction in speed offences and greater compliance with speed limits.

The number of cycle lanes throughout Dublin has been increased. I would like to see cycle lanes introduced in large urban towns throughout the country. Cycling is dangerous, particularly in the winter when evening comes earlier and driving conditions are poor. While many more cyclists use helmets, they would have more confidence if cycle lanes were more plentiful.

The issue of heavy goods vehicles was raised by previous speakers. We had a significant problem in this regard, in particular over the years since 1997 since the significant improvement in the economy and the great improvement in the construction industry. The overloading of HGVs was a major problem. Apart from the dangers these vehicles caused to other users as a result of spillage of items from overloaded vehicles, the weight of the vehicles was destroying some of our smaller country roads. Road repair and construction costs are so high that it was unfair, and illegal, of these HGV drivers to overload their vehicles. I do not know whether the Garda initiated a deliberate operation to end this. However, I commend the Garda on the fact that HGV owners have become compliant. We will see the effects of that compliance in improved road standards. Also, our local authorities will not be under the pressure of having to patch and repair roads because of the damage caused by such vehicles.

The number of road deaths in 2003 was 336, the lowest number of fatalities since 1963. Road safety must remain a priority for the Minister for Transport. The legislation and policies being introduced must focus on the areas of speeding, drink driving and the wearing of seatbelts. We have come a long way with regard to compliance on seatbelts. However, we must continue to focus on the areas of speeding and drink driving if we are to reduce the number of deaths on our roads.

Road safety is about the behaviour of road users. If we have the legislation and it is implemented by gardaí, road users will improve their behaviour. We must continue to work on improving our roads. The Government committed itself in the national development plan to investing significantly in upgrading the standards of our roads.

In adopting the road safety strategy, the Government learned from the road safety experience of the Netherlands, Sweden, the United Kingdom and a number of other EU countries. In his Second Stage speech the Minister said: "We have also adopted an approach that has seen the engagement of all the organisations that con-

tribute to various elements of road safety policy in identification and pursuit of the policies through which the overall targets can be achieved." Did the Minister consult and contact the driving instructors in that regard? In recent years calls have been made on Ministers to bring in legislation for driving instructors. We do not appear to have regulations which provide for driving instruction companies to impose standards on their members. I hope this Minister tries to provide for regularising the driving instructor association in the lifetime of this Dáil.

I welcome this legislation and hope it has a speedy passage through both Houses of the Oireachtas.

Mr. Howlin: I am delighted to have the opportunity to speak on this legislation. Road traffic Bills come before the House reasonably frequently, but this is not necessarily good. I do not say that by way of criticism. I was once responsible for this area and introduced a road traffic amendment Bill. We seem to be always tweaking the system.

That may be a requirement of coming to terms with one of the biggest killers of young people in particular, road traffic accidents. With changing technologies and life patterns we will frequently reassess and change our strategy to try to make roads safer.

By and large I welcome the legislation. The core of the Bill, to put our speed limits into metric form appears to be a straightforward proposition but it is fraught with difficulty. We have had a parallel system for a long time with distance signs being in kilometres and speed signs in miles. I am sure this was a cause of confusion for visitors. For example, coming out of Dublin city the distance to a destination is written in kilometres but the speed limit is given in miles although there is no indication as to whether it is in miles or kilometres. It is necessary to have a uniform system. It could only happen in Ireland that we would have two systems operating in parallel.

There is an inherent difficulty in changing speed signs to the metric system. As we are changing from miles to kilometres the figure will increase. When people see 100 written on a sign it must be clear that it is 100 kph not 100 mph. Will the Minister indicate if the letter "k" or "km" will appear on the sign to avoid confusion on this matter?

The previous Minister for Transport, Deputy Cullen, voiced his concern at the arbitrary way in which speed limits are set. He indicated that if local authorities did not take a more rational approach to the decision making process he would take away this power from them and vest it in a national agency such as the National Roads Authority. I did not often agree with the previous Minister but he had a point in regard to this matter. Local councillors are often subject to pressure and irrational decisions are made partic-

ularly in regard to national roads. I am afraid the problem has not been overcome with the response of local authorities to the Minister's exhortation to be realistic. I note in the legislative proposals before us the Minister has left that decision with local authorities.

We need to have some overarching authority that says this or that is not right or is not a rational way to proceed. When driving one does not want to be constantly checking if one is moving from one zone to another, especially if one is on a national primary route.

Every Deputy who has spoken has instanced the road with which he or she is most familiar. I regularly travel the N11. When I travel from Dublin to Wexford I am delighted to reach Loughlinstown and get on a motorway. This road was previously the Bray bypass. The speed limit there is 70 mph. I immediately go from the motorway speed of 70 mph to 60 mph on the dual carriageway to a short 40 mph zone then back to a 50 mph zone through the Glen of the Downs and up to a 60 mph zone in the space of some 15 km.

There is no correlation between the quality of the road and the speed limit. Often the better road has the lower speed limit. There needs to be some overview on this. For a while a great deal of the new dual carriageway was a 40 mph zone, which was ludicrous. I spoke about this to members of the Garda Authority and officials of the NRA who all regarded that as an anomaly, which has been rationalised to some extent. I give that as an indication that one has to have consistency. The notion that people would be in jeopardy of losing their licences for not constantly adjusting speed on what looks like a consistent road of dual carriageway standard is something that needs to be examined.

I wish to briefly discuss the role of the Garda Síochána in regard to monitoring of speed limits. There is now a view within all operations of the State that we need some kind of yardstick to measure outcomes. All successes, be they in health, education or police enforcement have to be in some way measurable. The tape measure used for the Garda Síochána is the PULSE system. In order for one Garda division to be seen to be effective, the rate of prosecutions has to be at least equal to the neighbouring division. I am certain that gardaí are dispatched during the year to improve the batting average of their division. That is no way to improve road safety.

There should be a commendation for areas where there are few prosecutions because that is a true indication of effective policing. The fact that prosecutions have been made often means people are breaking the law more frequently. A highly visible Garda presence will often force people to keep the law. One does not need to have prosecutions to keep the law. The yardstick I suggest is a reduction in accident rates, not the level of prosecutions or fines within a Garda div-

[Mr. Howlin.]
 ision. This is a very important point. The criteria for success should be a reduction in accident fatalities and injuries, not the number of captured lawbreakers whether they are people a few miles over the speed limit or overtaking on a continuous white line or whatever. I am not encouraging that by any stretch of the imagination but it is a mind set we have to get right. I accept this is not primarily the responsibility of the Minister for Transport but it is an important component of a Road Traffic Bill to have that view expressed.

I am deeply concerned with the view expressed by the Minister for Justice, Equality and Law Reform in regard to the outsourcing of speed cameras. I served on the Oireachtas Joint Committee on Enterprise and Small Business, which investigated the insurance industry. We produced two substantial reports and a raft of recommendations that come within the remit of the Minister for Transport. The former Minister for Transport was very helpful with the committee's work. After careful consideration and on a unanimous cross-party basis, the committee recommended that speed cameras should be operated by the Garda Síochána and not by a franchised commercial entity. I am strongly of that view.

We looked closely at the model used in Great Britain. If we move away from this being an initiative to reduce accidents and save lives to one designed to make money, we will be on a very dangerous road, if the House will pardon my mixed metaphor. I genuinely believe this. If this is commercialised and there is an incentive for people to cover costs by capturing people the objective is no longer road safety. This is something I feel strongly about. The Minister for Justice, Equality and Law Reform is quite wrong in holding firm that we should take this function away from the Garda Síochána and outsource it to some commercial entity.

We have the experience of clampers who, by and large, do a good job. However, in Galway a decision has been made to dispense with their services. A decision has been made in Dublin to look again at the contract for this service. A balance has to be struck between good public policy and a commercial company with a commercial mandate to make money. No company will apply for a franchise unless there is a commercial motivation. That was the strongly-held collective view of the Oireachtas joint committee on reflection, which I hope the Minister of State will communicate to his Cabinet colleagues.

The committee made a number of recommendations which relate to the Department of Transport and road traffic, many of which are extremely important — for example, the improvement of driver testing and the regularisation of qualifications and standards for driving instructors. The committee supported the notion of random breath tests and the introduction into the school curriculum of road safety at second

level, which are important issues, which will form part of a rational approach to road safety.

Mr. Callely: Is the Deputy referring to the 2004 report?

Mr. Howlin: Yes. This is the second report of the Oireachtas committee, published in July 2004, which includes a checklist of the proposals which have been implemented, one of which is this Bill. The Health and Safety Bill, which is due before the House next week is another. On a cross-party basis, the committee is pushing to have a range of legislation implemented, even though some Bills are difficult. For example, the establishment of the PIAB was agreed on a cross-party basis and supported through the House, which is the correct way in which to make legislation if possible. I do not have time to go into detail on the work of the committee. I acknowledge that the Minister of State has read the report, but I recommend it to him and hope it will not gather dust. The committee will return to the issue and the Minister will be called before the committee again to examine the checklist of items which need to be addressed.

The proof of the pudding is in the eating. For example, insurance costs for motorists have fallen by 18% on average this year, for which the committee can claim some credit by calling the insurance companies before it and holding them to account. The committee system is an effective way of doing business. The Press Gallery, which is obviously bulging now, might take note of the work of the committees.

Mr. Callely: Deputy Cassidy is working on them.

Mr. Howlin: I am sure he is. We have a very able and hardworking chairman and a new able vice-chairman since his predecessor, Deputy Conor Lenihan, was catapulted into high office.

I welcome the new offence of supplying a mechanically-propelled vehicle to minors, but the provision has come very late. On two occasions my colleague, Deputy Broughan, introduced legislation to the House to deal with the issue of so-called "company cars" only for it to be defeated by the Government. It is too important an issue to have been regarded as party political and voted down simply because it was proposed by this side of the House. Unfortunately, in my judgment that is the only reason it was voted down.

Mr. Callely: That is not a fair reflection of the position.

Mr. Howlin: The Minister of State will have an opportunity to respond to that point. It is my discernment that the legislation which was proposed twice is the same type provided for in this Bill. It is a very important issue because so-called "joyri-

ders” have been putting people’s lives at risk in Dublin and across the country. The measure is very welcome but it should have been dealt with earlier.

It is not a criticism of any particular Minister, nor even of any particular Government, but it is a pity we do not normally have the generosity to accept legislative proposals from this side of the House. They might not be crafted to the finessed degree of Government legislation, but that can be addressed on Committee Stage. We should consider a mechanism such as exists in other parliaments so that Private Members’ proposals and even Private Members’ Bills could get much more hearing time in this Assembly. Perhaps this could be examined by the committee on Dáil reform. In some assemblies, for example, government departments are available to draft legislation for individual members from the other side of the house. I hope through the Oireachtas Commission that we can at least resource the House to provide better support for Members with good ideas from whatever corner of the House they come.

Section 21 clarifies the use of emergency vehicles, although I am not sure it does so all that well, to which the Minister of State might make reference. The very last sentence cites all the provisions from which emergency vehicles are exempt, but the final subclause states: “where such use does not endanger the safety of road users.” I presume there is a duty of care on everyone, even those with blue lights flashing. In that context, an ambulance driver trying to get a cardiac arrest patient to a hospital will take due care and attention because he or she will be a trained able person, but will have to be careful not to come a cropper because someone might suggest that he or she “does not endanger the safety of road users”. For example, travelling at 80 mph might well *de facto* endanger other road users but it might be necessary in certain circumstances. Perhaps the provision is lifted from elsewhere but the Minister of State might refer to it in his summation.

Section 8 sets the speed limit for motorways but I want to see a definition of “motorway”. The Arklow bypass is as good a road, with no direct access on to it that I can determine, as the Bray bypass. However, the Bray bypass is a motorway with a speed limit of 70 mph, which will be 120 kph, whereas the Arklow bypass is a dual carriageway, although it looks identical in quality, and will remain a 60 mph zone or 100 kph equivalent. We need to rationalise what is a motorway and what is an enhanced dual carriageway. I do not know whether it is just for funding purposes that the NRA categorises such roads differently.

Section 10 provides for local authority managers to make temporary speed limits for road works but it appears to be a very cumbersome procedure. I presume road works are often undertaken on an emergency basis, for example,

when one needs to dig up the road in the case of a burst pipe. However, according to this section, the commissioner has a month in which to make representations on it, to which the manager must have regard. How exactly will that work because I am not certain? I presume there is an over-ride. When I was the Minister, there was an over-riding principle of practicality. There was an unwritten rule which provided for the works being done.

I always thought it a nonsense that speed traps were erected on some of the best roads in the country, which captured drivers travelling at a few miles per hour in excess of a 60 mph limit, whereas drivers could whizz around on country roads without breaking the law. I welcome the more rational approach to speed limits. However, many non-national roads now carry heavy vehicles, notwithstanding the comment made by Deputy Nolan, collecting milk, delivering goods and so on. We need to examine restricting weights on some of our non-national roads and on ensuring that all lorries are covered. It is sugar beet season in my area at present, which provides one of the most dangerous factors on the roads at this time of year, as the Chair, given where he comes from, will be aware. Sugar beet falling onto icy roads is lethal. Therefore, we must ensure lorries are covered. I could say a great deal more about this important legislation. Perhaps I will have the opportunity to do so on Committee Stage, when I hope some of the points I have made will be taken on board.

Mr. Ellis: This is an enabling Bill and it gives Members an opportunity to express views on a number of issues relating to road conditions and road traffic. Everybody has an opinion on speed limits. On the N4, for example, it is almost necessary to have somebody else in the car to say whether one is driving in a 30, 40, 50 or 70 mph zone. The section from the M50 roundabout to the Spa Hotel is probably the most signposted section of road in the country and the most abused with regard to speed limits. Sections of it have a 40 mph limit, which is ridiculous. Further along, there are sections with a limit of 50 mph before one reaches the M4.

Are these speed limit signs serving the purpose they are meant to serve? Is there a need to have so many speed limits on such a short section of road? It would be better if speed was controlled on those roads by means of warning signs rather than the signs currently used.

The Bill deals with speed limits throughout the country. It proposes to reduce speed limits on regional roads to 50 mph. This is low because some of these roads are in better condition than some of the roads classed as national secondary roads on which there is a 60 mph speed limit. The discretion for dealing with speed limits that the Bill proposes to leave to local authorities is important. Certain roads have a history of major accidents and perhaps the local authority should

[Mr. Ellis.]

have the power to intervene immediately if it believes there is a need to do so and place speed limits on those sections of road.

I am worried about county managers being given the power to declare speed limits. They should come before the local authority before the limits are imposed. However, in some cases it might be necessary to impose speed limits at short notice, for example, if road works need to be carried out in an emergency. We must be reasonably flexible. All speed limit changes should come before the local authority members. Under section 10, it is up to the local authority to notify members of the council. Will the members be notified before or after the speed limits are decided? It is imperative that there be a lead in period during which the managers would have to give notice to the councillors.

Speed limits are terribly important at schools, especially in rural areas. The recent programme of funding in CLÁR areas for warning signs at schools is of enormous benefit to both pupils and parents. In rural areas, children who do not use school transport are dropped to school and collected by their parents. As a result, one will see 20 cars or more outside some schools at 9.30 a.m. and at 2.30 p.m. or 3 p.m. These are dangerous times and warning signs are most important because motorists who are not from the local area will encounter a traffic hazard with parents allowing children to disembark at the schools. They can be in an extremely vulnerable position.

We must also consider the issue of driver education, which is most important. Deputy Howlin mentioned the recent reduction in the cost of insurance but I am aware of somebody who was quoted a price of €6,000 this week for insurance for a 1.2 litre car. The person is 17 years old and had just got a provisional licence. That price is way beyond the financial resources of any young person. Such prices can lead to the other problem of people driving without insurance, which is unacceptable. If there were a proper driver education programme in second level schools, and I have suggested this many times previously, we could ensure that when people reach the driving age of 17 years they will be able to get cheaper insurance. Driving habits are formed early. Driving tuition should be introduced as part of the second level curriculum. Young people should be taught how to drive so that when they go on the public roads they will have the benefit of a reasonable education behind them.

Another problem is that young drivers tend to feel they know everything about driving. However, no matter how much we have driven, we are always learning a little more. If one regularly drives on a certain road, one becomes familiar with its hazardous sections. One learns how to deal with road conditions, which can be an important factor in road accidents. If roads are wet or frosty they pose a grave danger which does

not exist on a nice dry road in the middle of summer.

The education system for drivers should also inform them about the maintenance of vehicles and ensuring that tyres, brakes, lights and so forth are well maintained. This is most important for safe travel on the roads, especially for young people. Will the Minister consider the possibility of introducing into the second level curriculum a driver education or tuition programme?

Another cause of concern is people driving under the influence of drugs, alcohol or just fatigue. Look at the effects some prescription drugs can have on people's ability to react. This is a grey area that needs to be examined. People should be made aware of the dangers of driving after taking prescription drugs. There is also the use of non-prescription drugs, which is a major hazard for road users. People who are under the influence of drugs and who take control of a car are, in effect, a lethal weapon. Let us be under no illusion about this.

The other common problem is drink driving. Everyone has their own opinion of drink driving but nobody condones it. However, I believe younger people are less condoning of drink driving than others. It is no longer socially acceptable to young people to drink and drive. That is a good attitude and it is the result of the education of young people about the dangers of drink driving. They have seen the consequences for some of their friends and families. The consequences are terrible. With regard to education, if somebody is invited to speak to young people about driving it might be no harm also to invite somebody who has been involved in an accident. He or she could explain how it has affected his or her life. In some cases that has been done and it had a major effect on young people. They saw the consequences of somebody driving either under the influence of alcohol or too fast.

Driving when tired is another problem but the only way to deal with it is by using common sense. We might consider the use of drink drive car locks in this country. These are operated in some Scandinavian countries — I have seen them — and they are considered to be quite successful. If one fails to pass the drink drive lock blow, one's car is immobilised and one cannot drive it. That is a good idea. We should examine if it would be acceptable in the Irish context.

The Bill also deals with the sale of vehicles to young people, which is a major problem. Everyone is aware that it happens not only in Dublin but in rural areas. There are unscrupulous dealers who will sell cars to young people. It is easier to take a couple of hundred euros from a 16 year old to get a car out of the yard than to have it taken away, to be scrapped. The only way we can change this will be if it becomes mandatory to have insurance cover before one is allowed to take a car out to drive. Garages should not be allowed to permit a person to take mechanical

vehicles off their premises without proper car insurance. This would probably be the most rapid way to deal with this problem.

The fine set down in the Bill for selling a car to a person under 16 years of age is €3,000. It is equally lethal to sell a car to a person between the ages of 16 and 17 as to someone under 16. The Bill should be amended so that it will become an offence to sell a vehicle to someone under 17, the legal age at which someone can obtain a driving licence and insurance. It should be mandatory that a vehicle cannot be sold to someone unless he or she can produce insurance cover and he or she should not be allowed to remove it from a premises without such cover. This would prove far more effective than the imposition of a €3,000 fine. It will be difficult to collect the fine from many of the individuals who sell the cars to which I refer because they will either have moved on or will simply not pay it.

Perhaps on Committee Stage the Minister will consider changing the age from 16 to 17. No one under 17 years of age should be permitted to buy a car. The only vehicle a 16 year old is allowed drive is a farm tractor. Perhaps that is the reason the legislation refers to the sale of vehicles to persons under 16. Those aged 16 are legally allowed to drive agricultural tractors on the roads. The problem must be tackled.

Deputy Howlin referred to so-called company cars. I refer to them as company hearses. We have all seen young people rallying cars down narrow rural roads at night. It is frightening to see some of the marks left on some bypasses on Sunday or Monday mornings by those who executed hand brake turns on them the night before. I travel regularly on the N4 and regularly see such marks after the weekend. These drivers may be displaying bravado but their behaviour could lead to terrible tragedy.

We should consider introducing a system of speed warning signs. A number of such signs are already in operation. I noticed one recently on the N3, the Cavan-Dublin road, which, as one approaches it, indicates the speed at which the vehicle is travelling. This is terribly effective. It makes people aware of the speed at which they are travelling and the speed at which they are actually entitled to travel in a particular area. A system of such signs would be far more effective than one which utilises speed cameras. A person who does not return to the proper speed on encountering a speed warning sign would not be entitled to any measure of mercy when it comes to prosecution. Someone who is aware that he is driving at high speeds and continues to do so does not deserve great sympathy in the event of their being prosecuted.

If we were to introduce such a system, it should apply on the entrance roads to towns where 40 mph, 30 mph and slow-down sections are in operation. The sort of signs to which I refer would be far more effective than those currently in exist-

ence. A sign which shows someone the speed at which he is actually travelling is much better because it shows him that he is a danger to others if he is driving too fast. With modern technology, the system to which I refer would not cost much more than other systems. Signs warning people to reduce speed, keep left or whatever are used wherever one encounters road works throughout the country. Smaller versions of such signs could easily be provided. These would warn people about the speed at which they are travelling. They would be particularly useful in built-up areas and on roads on which there has been a high incidence of accidents.

Section 26 relates to taxi regulation. Everyone in the House will welcome that section because, in many cases, cognisance is not taken of a person's record when a taxi licence is granted. We are aware that, on occasion, gardai have issued taxi licences to people they felt were not suitable to hold them. This section is a positive development because it will give us the opportunity to deal with situations with which it is not possible to deal under existing regulations.

We must also consider the issue of vehicle testing as it relates to problems on our roads. Since the introduction of the NCT, many older vehicles have been removed from our roads. However, it remains the case that reasonably new vehicles do not pass the NCT. This may sound alarm bells for car owners. However, when one's car passes the NCT, one is at least aware that the tyres, brakes and lights on one's car are working properly. The NCT is important and while there was some opposition to vehicle testing in the early days, it has been quite successful.

When one considers the many road traffic regulations and all the changes that have taken place with regard to dealing with offences, one can see that mistakes are made every day in terms of pursuing prosecutions. The Garda authorities should be asked to ensure that members of the force do their homework properly. That is all I want to say on this matter. I accept that it is not intentional that prosecutions cannot sometimes be pursued but in many instances people guilty of driving recklessly get off on technicalities. This is a matter of concern to many people.

The most important factor relating to road use is education. We must start at the bottom, namely, with people attending second level. Driving instruction should be placed on the curriculum to ensure that people obtain a proper grounding in respect of road use and what they can do while driving a car.

I referred earlier to the sale of mechanical vehicles to people under 16. I hope the Minister will consider my suggestion that the age limit should be raised from 16 to 17. A maximum fine of €3,000 on conviction is not sufficient. Judges should also have scope to impose prison sentences, if necessary, particularly in respect of persons committing second or third offences. I feel

[Mr. Ellis.]

strongly about under age people driving without insurance. Not only are these individuals putting their lives at risk, they are putting those of other road users in danger. If, as in recent years, we are going to curtail the number of deaths on our roads, we will need the co-operation of all road users, including drivers, pedestrians and cyclists.

I could speak at length about what should or should not be done in respect of road use. The Bill is a positive move towards improving the situation and I commend it to the House.

Mr. Healy: This Bill provides an opportunity to examine issues of road and traffic safety. Its purpose is to introduce a new system of speed limits based on metric values rather than miles. It provides for the adoption of changes to the administration of the fixed charge system for traffic offences; introduces a new offence relating to the supply of mechanically-propelled vehicles to minors; extends and clarifies the application of exemptions from traffic and parking restrictions for emergency vehicles; provides for amendments to taxi regulations; and contains various other changes to road traffic Acts since 1961.

Approximately one person is killed and one seriously injured in road accidents every day. It is time to look at road safety in a more detailed manner. Speed, alcohol and drug use are the main difficulties. It is important appropriate speed limits are put in place to ensure road safety is uppermost in people's minds. Many speakers have outlined areas with numerous different speed limits, ranging from 30 mph to 70 mph, on a short stretch of road. This does not help solve the problems with regard to safety.

The issue of county roads is key to road safety, the prevention of road traffic accidents and ensuring lives are not lost unnecessarily. Speed limits on county roads must be reduced, in some cases substantially. There has been reference to the issue of speed limits in the vicinity of schools. A speed limit of 30 kph should be introduced in such areas. I concur with Deputy Ellis' suggestion that warning signs be provided. The vast majority of pupils are taken to and from school by car. Often significant numbers of vehicles are parked on narrow country roads or roads with numerous bends. Drivers who are strangers to the area might come upon such a situation. There should be a speed limit of 30 kph as well as warning signs.

The outsourcing and privatisation of the installation and operation of speed cameras will not be good for road safety. Cameras should be operated by the Garda Síochána to ensure the primary objective is road safety and not revenue collection. The Minister for Justice Equality and Law Reform should examine the issue again.

Control of speed is the most important element with regard to road safety. Trucks are now fitted with speed limiters, and this restriction should be

extended to private motor vehicles. It is a necessary and acceptable measure and will ensure road safety and the control of speed is uppermost in motorists' minds. It will also ensure substantially less carnage on the roads. This Bill should be amended on Committee Stage to ensure speed limiters are fitted to cars.

The initial impact of the penalty points system was successful and reduced road traffic accidents and fatalities. However, this impact has waned because of the low probability of actually being caught. A special traffic corps should be established within the Garda Síochána to deal with road and traffic safety. The penalty points system will be largely undermined unless drivers feel there is a probability of being caught if they exceed speed limits.

However, there should also be an element of fairness. One runs the risk of both a fine and penalty points if one exceeds the speed limit by one, two or three miles per hour, particularly in lower speed limit zones. There should be an arrangement, a twilight zone if you like, whereby exceeding the limit by one to five miles per hour in lower speed limit zones of 30 mph or 40 mph attracts a fine and not penalty points as well.

The transition year curriculum in second-level schools lends itself to helping promote road safety. The education of young drivers is important, and transition year should be used for that purpose. Learner driving, tuition, and knowledge and minor maintenance of vehicles should be introduced as part of the transition year curriculum. That would contribute significantly to road safety in the future. I welcome in particular section 24 that controls the sale of cars to minors. Like Deputy Ellis I believe the age limit should be at least 17 years of age and not 16 as proposed in the Bill. I hope that provision can be changed on Committee Stage. The sale of cars to minors continues to be a problem and it has been raised in the House on a number of occasions. I hope an amendment to this section will be tabled on Committee Stage.

The practice of able-bodied people parking in parking spaces for the disabled annoys people including me. Many disabled people have indicated to me and to others that this offence should be dealt with severely. They recommend increased fines for that offence. There is a limited number of parking bays for the disabled. I recommend an increased fine when these spaces are used by able-bodied drivers.

Another element that could be provided for by way of an amendment to the Bill is that of the long waiting times for driver testing. The waiting time for a driving test is now running at between 40 weeks and more than a year and this is unacceptable. Not enough has been done to ensure that a reasonable time applies.

Mr. Callely: That is not true.

Mr. Naughten: It is probably nearer to a year.

Mr. Healy: Once an application is made, the outside waiting period should be 12 weeks. Many people are waiting to take the test in order to use their car for employment purposes. While the officials in the Department are very helpful in this area, they are not in a position to shorten the waiting time significantly even for people who are waiting to take the test for employment purposes. I ask that this Bill be amended to allow for an additional section providing for a waiting period of not more than 12 weeks.

Mr. Neville: I welcome the opportunity to speak on this Bill. I welcome the Minister of State to the House. He has been quite vocal since taking up his new appointment in which I genuinely wish him well. He is a very committed politician since his time in the Department of Health and Children and I am sure he will be the same in the Department of Transport. In some ways those of us with responsibility for health matters miss him from that Department. Unlike some other people, he was a bigger risk-taker than most and he got things done.

Mr. Callely: I thank the Deputy.

Mr. Neville: I wish to credit another person who has moved, Deputy Naughten, for the work he accomplished during his time in this responsibility. He was extremely conscientious and did a great deal of research and work. He brought many issues forward. He heavily influenced and determined Fine Gael policy in this area. One of those issues he raised and to which Fine Gael is committed is the establishment of a road accident investigation unit. I ask the Minister of State to examine this area because a road accident investigation unit must be established to discover the root cause of accidents and to compile and publish accurate and detailed accounts of the causes of accidents.

While drink driving and speeding are major contributory factors to our atrocious road safety record they are not necessarily the main causes of accidents in the first instance. No one can supply an accurate figure in respect of the number of fatalities caused by drink driving because the only way to do so is to have the coroner test the blood alcohol level of a person involved in a fatal road accident and that is done at the discretion of the coroner. Figures relating to the involvement of drink driving in fatal accidents are not compiled. No one can therefore provide definite figures in respect of this matter. A system for the automatic investigation into the causes of accidents is required. The National Roads Authority currently has responsibility in this regard.

While the NRA compiles statistics relating to dangerous stretches of national roads, it is only the tip of the iceberg. Many other sections of national routes are accident hot spots County

roads have some very dangerous stretches which are often not recognised. When they are recognised, a traffic sign is erected which often only lasts until it is hit and then is not renewed in many cases. Any community situated on a national primary route will know the official and unofficial black spots. The frequency of accidents at these unofficial locations does not bear out the statistics that road conditions are responsible for 2.5% of all accidents as claimed by the NRA. Many accidents are due to poor road conditions or in the cases of new roads, poorly designed roads, yet the NRA has failed to highlight this in any report to date because this would place the focus on the authority. The only way to ensure proper statistics is through the establishment of an independent road accident investigation unit.

I can give an example of the circumstances of a fatal accident. A tennis ball in the car rolled along the floor into the driver's area. When the driver went to brake, the tennis ball jammed behind the pedal and caused the accident. It is important that people should be alerted to the many things that must be considered.

I wish to draw to the attention of the National Roads Authority the need for a bypass for Adare village in my constituency, from both a road safety and traffic access point of view. Some serious accidents have occurred particularly on the Rathkeale side of Adare. It is also dangerous on the Limerick side of the village where there are narrow bridges and many people walk that area. I ask that the NRA consider a bypass for Adare. Limerick County Council is publishing today a report on the options for the Adare bypass. Options, procedures and decision making in respect of the bypass are fine but funding is very important, not alone from the point of view of safety but from the point of view of development of the tourist products of Adare and the need to remove heavy traffic from the village. It is an excellent tourist product, one of the best in the country. From discussions with the NRA, I am aware that the inter-city routes are the Department's chief consideration. I remind the Minister of State that the bypass for Adare is very short and very necessary. In the context of an overall budget it is a very small amount but would be very significant from a safety point of view and would provide access to the western part of west Limerick.

Debate adjourned.

Message from Select Committee.

An Leas-Cheann Comhairle: The Select Committee on Communications, Marine and Natural Resources has completed its consideration of the Sea Pollution (Hazardous and Noxious Substances) (Civil Liability and Compensation) Bill 2000 and has made amendments thereto.

Private Members' Business.

Consumer Rights Enforcer Bill 2004: Second Stage (Resumed).

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

Mr. Glennon: I propose to share time but my colleagues are not here yet and I do not know who I am sharing with—

An Leas-Cheann Comhairle: The Deputy is sharing time with Deputies Fleming, Cooper-Flynn, O'Donovan, McGuinness and Ellis. Is that agreed? Agreed.

Mr. Glennon: It is somewhat intriguing to hear that Deputy Cooper-Flynn's name is on the list.

I welcome the opportunity to speak on the Bill and commend Deputy Hogan for the work he has done on this issue. It is timely that we have a debate on the issue. Deputy Hogan will not be surprised to hear I will be supporting the Government's position on his proposal but it is important that the Members of this House have an opportunity to discuss the concept of rip-off Ireland, as it has become known. My view is that it is not a reality. It is more a perception on the part of the media through which the word appears to have permeated down. Rip-off Ireland exists, but only in the minds of those who want it to exist. I am not saying we live in a price paradise in terms of all our goods and services. That is not the case, but I am emphatic that the, extent of price abuse, be it for goods or services, has been hugely exaggerated.

The reality is that we have much more money to spend. Consumers are paying more than people in most other European countries but there is a reason for that. I have particular experience of this in north County Dublin, which produces approximately 50% of the national output in the horticulture area and where horticultural products are regularly used as the pawns in the price wars of the major supermarkets. It is not uncommon for a head of lettuce to be used as a loss leader, so to speak, to bring the housewife into the supermarket.

We had an experience recently with a pumpkin grower in north County Dublin. Pumpkins are a seasonal product at this time of year. This grower was producing approximately 20,000 pumpkins specifically for the Hallowe'en market and was expecting a retail price of €3 per pumpkin. Her only concern was that she would have a repeat of last year when one of the major supermarkets dropped the price of pumpkins to €1 and shifted thousands of them in the process. That absorbed whatever profit she might have gained. In fact, she lost a significant amount of money. It would not have been worth her while this year if any

of the supermarket chains, and specifically that supermarket chain, had taken the same action. Last year it was the whim of that supermarket to use the pumpkin as a loss leader. This year, the whim took them somewhere else. The pumpkins were safe. The young girl starting out in business, producing in a niche, market, was safe. She had a good crop. She lost very few pumpkins and got a reasonable price for her product. The Irish market is so small it is subject to such whims and the only way those whims can be dealt with is by an additional margin for most retailers on most products. It is important that we take account of that. There is no doubt, however, that there are a number of areas where dramatic improvements can be made.

We should be concerned on behalf of the consumer but we have to put the position in context. The growth in the economy over the past decade has been phenomenal, unforeseen and is something which has changed our entire way of life. We are now the second richest country in the European Union, with only Luxembourg ahead of us. We have gone from a position where, less than 20 years ago, we were exporting our brightest and best to earn a living abroad. We now have immigrants working here and they are welcome in our workforce. Unemployment is down to 4%. That is as near to full employment as we will get, and 1.8 million people are at work, more than ever before. All of that has given rise to a culture where people have a good deal of money and they might not be as careful with it as in the past. The youth now have disposable income that most of us in this Chamber did not have access to when we were that age. There are major questions to be asked about where their money is being spent. That particular sector of the electorate does not appear to be too bothered about value for money. From what I see of the hospitality business, and the pub business in particular, not many of the younger generation either inquire about the price of a pint or check their change. All the issues have been raised in regard to shots and, more recently, sachets of alcohol. There is no doubt there are rip-offs in that area, not only financially but morally also. They are the issues we should be addressing.

Abuses are being carried out by the monopolies in the transport, communications and banking sectors on price and service. Those sectors have dominant positions in those areas. There are very few companies operating in them. To one degree or another they have all exploited those dominant positions at the expense of the consumer and, unfortunately in some instances, they continue to do so.

It is our duty to protect the consumer and ensure the consumer protection laws are adequately enforced. While I accept the bona fides behind this proposed legislation, I am strongly of the view that the work currently in hand by the Minister and his Department and the

research being done, which I have no doubt will bear fruit in the next few weeks, is the way forward. We must deal with this issue on the basis of that research and the work being done in the Department. I oppose this legislation.

Mr. Fleming: I welcome the opportunity to speak on the Consumer Rights Enforcement Bill 2004. I am amazed the Bill is, being brought forward by Fine Gael. I do not believe the majority of the party's Front Bench would support the legislation if it were to progress tonight because much of what its spokespersons say on different issues runs counter to what is proposed. As regards the discussion about Opposition parties coming together in advance of the next election, I do not believe there is any prospect of Fine Gael getting—

Mr. Eamon Ryan: The Progressive Democrats and Fianna Fáil parties are split, particularly on the issue of aviation.

Mr. B. O'Keeffe: Deputy Ryan is in no position to speak about party splits when he did not get support from his party to run for President.

Mr. Hogan: The Government is also split on socialism.

Mr. Fleming: Members of the Fianna Fáil Party are socialists. Other parties can speak for themselves. Effectively, the Bill proposes to establish another quango. One of the major disappointments of my few short years in the House has been our tendency to appoint a quango every other month. I had hoped we were beginning to move away from this approach but the Bill proposes the appointment of another regulator. Before long, legislation will be required to regulate the regulators because there are so many of them.

Mr. Hogan: The Government set up every one of them.

Mr. Fleming: The essence of the legislation is its vote of no confidence in the Director of Consumer Affairs as it proposes to remove her from office. The Office of the Director of Consumer Affairs needs to be properly resourced and beefed up.

The Fine Gael Party is inconsistent on this issue. In the past year or two, the new consumer director in the Irish Financial Services Regulatory Authority has made tremendous progress on all matters relating to consumer protection in financial services. This Bill would set back progress such as the response to the recent debacle in which AIB was found guilty of overcharging customers in foreign exchange. As a result of IFSRA's role, including that of its consumer director, AIB was immediately compelled to lodge €50 million with the Central Bank until the

various matters had been resolved and all customers reimbursed for being wrongfully overcharged. That is an example of new legislation that works, whereas this Bill would throw the baby out with the bath water.

Mr. Hogan: That has nothing to do with the Bill.

Mr. Fleming: On the contrary, financial products, whether mortgages, car loans or services provided by banks or the insurance and financial industries, are one of the most important areas of consumer affairs. This legislation runs counter to the good work being done in this area.

Mr. F. McGrath: As with Deputy Glennon, the Deputy did not read the Bill.

Mr. Fleming: Let us take a further example of the inconsistency of Fine Gael. The Bill proposes to provide in legislation for the new consumer rights enforcer to assume an advocacy role in representing consumers in the national partnership arrangements. Fine Gael Members have consistently complained about national partnerships, which were pioneered by the Fianna Fáil Party. My party works well in government and is proud of the partnership approach.

Anyone who understands trade union and voluntary negotiation will know that national partnerships are not established by legislation. They are by definition voluntary agreements between the Government, trade unions, employers, the agricultural sector and various other sectors of society acting in a voluntary capacity. A branch of the Fine Gael Party is, through the Bill, proposing to place one aspect of the partnership process on a statutory footing. Will we have social partnership in the future? I suspect we will not if the Fine Gael Party is in government.

Fine Gael's approach is inconsistent in many respects. Comments made in the House by party spokespersons on a regular basis run counter to what the Bill proposes. It consistently complains about new quangos, yet the Bill proposes to establish another quango. The thinking behind the Bill is an example of the desperation the party showed in advance of the previous election when it proposed to compensate taxi drivers and Eircom shareholders, and spoke other guff and nonsense of that nature.

Mr. Hogan: The Deputy is a sad case. The Government compensated taxi drivers. Will he give way?

Mr. Fleming: I will do so briefly.

Mr. Hogan: How much compensation did the Government pay out to taxi drivers?

Mr. Fleming: Deputy Hogan has made his point. I hope the Taoiseach fulfils his promise to

[Mr. Fleming.]

serve the Government's full term until the summer of 2007. We will have nothing to worry about if the public sees the machinations of the Fine Gael Party.

Mr. Hogan: The Deputy has much to worry about.

Mr. Fleming: I want to allow that party as much time and rope as it needs to hang itself, as it is doing tonight.

Ms Cooper-Flynn: Like my colleagues, I welcome an opportunity to speak to the Bill. There is no doubt that discussion of the rip-off culture, much of it fair, has attracted considerable media attention. I understand from Deputy Hogan's comments that his objective is to remove the Director of Consumer Affairs. It is important to consider what the director has achieved, even in the current year. Of more than 35,000 queries examined by the office so far this year, 4,000 have been investigated. The office plays an important and increasingly busy role as a result of people's belief that they no longer get value for money.

The Bill is motivated by considerable media interest in this issue. However, it has been introduced after the Tánaiste's decision, in her previous position as Minister for Enterprise, Trade and Employment, to set in motion a strategy group to examine this issue. Established in March, the purpose of the group is to consult the public and interested parties and listen to complaints to get the broadest possible spectrum of opinion on the issue. Its objectives are to provide consumers with knowledge, information and confidence to ensure they are well informed of their rights and have speedy means of address, a powerful voice and effective representation, that their views are heard and best practice and value for money are promoted. These also appear to be the objectives of the Bill—

Mr. Hogan: In that case, the Deputy should vote for it.

Ms Cooper-Flynn: The Deputy is jumping the gun, however, because the consultation process has not been completed. He is aware the strategy group will publish its report towards the end of the year.

Mr. Hogan: I would not depend on the Minister for Enterprise, Trade and Employment, Deputy Martin, to produce a report.

Ms Cooper-Flynn: Given that it is November, why is the Fine Gael Party trying to rush a Bill through the House without first listening to what the public has to say in a proper consultative process. While I do not doubt the Deputy's motivation, the timing of the Bill is suspect since it has been known since March that the strategy group

is examining the areas about which he is concerned. I look forward to the publication of the strategy group's report and hope the Government will take serious action to implement its findings.

As a representative of a rural constituency, I am conscious of the differences in prices between rural and urban areas. In every aspect of life, people believe they are not getting value for money. While it is good that a report will be published on this issue in December, we will have to revisit this legislation if it is left on the shelf.

A number of important points arise, particularly with regard to the EU regulation on consumer protection co-operation on which agreement was reached during the Irish Presidency. It is important that any Bill introduced in the House incorporate agreements we have made at EU level and I am disappointed the Fine Gael Party has not taken this on board.

Does the Fine Gael Party believe the role of the Office of the Director of Consumer Affairs is not truly independent? The Bill seeks to introduce a new means of appointing a consumer rights enforcer who would be recommended by the Dáil and eventually appointed by the President. Under the current mechanism, the Public Appointments Service advertises the position and operates an open competition. This role is truly independent and it is a serious accusation to say otherwise.

Mr. Hogan: That is correct.

Ms Cooper-Flynn: If Deputy Hogan believes that the public is dissatisfied with this office's level of investigation, why is he then ignoring the people who have been consulted by the strategy group? These are the people—

Mr. Hogan: It is fine if Deputy Cooper-Flynn wants to support the Government.

Ms Cooper-Flynn: I am trying to analyse Deputy Hogan's approach.

Mr. McHugh: Come back Dev.

Ms Cooper-Flynn: I am not being unreasonable, as this strategy group will report soon. Why could the Deputy not wait for its report to be published?

Mr. B. O'Keeffe: Absolutely.

Mr. Hogan: We have been waiting seven years.

Ms Cooper-Flynn: Then I might have been in a position to support this Bill.

Mr. Hogan: I doubt it very much.

Ms Cooper-Flynn: Deputy Hogan might be surprised. I would not be afraid of supporting a Bill with value to offer—

Mr. Hogan: Fair play to the Deputy.

Dr. Twomey: That is the Deputy's prerogative.

Ms Cooper-Flynn: —and which was not just about getting publicity on a matter which is very much being discussed in the media. I would be only too happy to support a genuinely motivated Bill that involved consultation with the public.

I advise the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Batt O'Keeffe, that when the report comes out, there will be an expectation that the Government will act. I sincerely hope that I will not have to debate another Bill on this matter from the Opposition due to Government inactivity.

Dr. Twomey: Hopefully we will be in Government by then.

Mr. O'Donovan: I am opposing the Bill but I understand the thrust of Deputy Hogan's argument. The consumer strategy group was established less than a year ago, comprising eminent people from trade unions and business and experts from various sectors. The group is to report at the end of the year. Without trying to second-guess the outcome of the report's findings, it would be wise and prudent for Deputy Hogan to await them.

Dr. Twomey: We are simply trying to speed up the process.

Mr. Hogan: Two years is a long time.

Mr. Ellis: Deputy Twomey has not been in the House long enough for that.

Mr. Hogan: He has been here two years.

Mr. McHugh: He is not long on those benches.

Dr. Twomey: It does not take me long to learn.

Mr. O'Donovan: The consumer strategy group is examining consumer attitude and perception surveys, planning and land use, transportation, promoting consumer interests and the fruit and vegetable industry. Deputy Glennon referred to the lady in north County Dublin growing pumpkins.

Mr. McHugh: Unlike the Government.

Mr. F. McGrath: It is grand when one is into rugby.

Mr. Hogan: The Deputy better be careful or he will turn into a pumpkin.

Dr. Twomey: Or a chameleon.

Mr. O'Donovan: The group will also examine the pharmaceutical industry. As a Member with legal training, I am concerned with the constitutionality of the Bill. The Bill proposes that the consumer rights enforcer would have the power to impose administrative fines. The Competition Authority has similar powers, the constitutional implications of which have been referred to the Attorney General for investigation.

Mr. Hogan: The Attorney General is a busy man.

Mr. O'Donovan: The Bill also proposes that the consumer rights enforcer should periodically review and make recommendations on the fiscal jurisdiction of the Small Claims Court. Is it appropriate that the enforcer should have this power as that court falls under the remit of the District Court?

The Bill does not recognise the work done by the Director of Consumer Affairs to date. I am perplexed that an able Member such as Deputy Hogan would suggest that the director is not independent. It comes as a startling revelation to me as I believe the director is independent. There is an effort to control various prices. In Cork South-West I recently frequented a little hostelry where I was able to purchase a pint of Murphy's stout for €2.60.

Mr. Eamon Ryan: The Deputy should name the establishment.

Mr. McHugh: We could hire a bus to go there.

Mr. Ellis: We would need a pint by the time the Opposition got down there.

Mr. O'Donovan: It is not in Ahakista. However, the imported stout, Guinness, was €2.70.

Mr. Ellis: Imported Guinness.

Mr. O'Donovan: Guinness is foreign to Cork people.

Dr. Twomey: Was duty paid on the Cork border?

Mr. O'Donovan: In certain areas people are complaining about the price of drink in public houses. A Member pointed out how young people throw money across the counter, not caring if they get change. However, this is hitting home for publicans. Some blame the smoking ban. I note the Scots and the English are following our lead in that regard. The downturn in numbers visiting hostelries is not due to the ban but because many of them are ripping off their customers.

Dr. Twomey: That is what we have been saying for the last year.

Mr. O'Donovan: Young people are inclined to buy their beer or wine in off-sale shops and stay at home. Some aspects of the Bill are good.

Dr. Twomey: The Deputy agrees with us.

Mr. O'Donovan: When the consumer strategy group produces its report in the next few months, we may well be acknowledging that Deputy Hogan's points were appropriate. However, his timing is slightly out like the timing belt in a car not being perfect—

Mr. B. O'Keefe: The Fine Gael Party never get timing right.

Mr. Hogan: Bad timing.

Dr. Twomey: There speaks the real Taoiseach.

Mr. O'Donovan: —with a piston coming through the block.

Mr. Hogan: Right or wrong, we keep on driving.

Ms Cooper-Flynn: With a rock in it.

Mr. O'Donovan: I regret I will be opposing the Bill.

Mr. Hogan: I am so sorry to hear the Deputy say that after him agreeing with the Bill in his speech.

Mr. McGuinness: The Bill notes the emergence of a perceived rip-off. However, over the last several months, the Fine Gael Party has told people it is a real rip-off culture. As one who deals in business in the UK and Europe, the damage done by the Fine Gael Party to other Irish companies is incredible. The party took no stock of the impact of what it said on the business people must do on the Continent and in the UK. It is now perceived that Ireland has a rip-off culture and there is something untoward going on.

Dr. Twomey: The Deputy should live in the real world.

Mr. F. McGrath: There is a rip-off culture.

Mr. B. O'Keefe: The Fine Gael Party is totally responsible for this.

Mr. Hogan: I am surprised Deputy McGuinness is not supporting the Bill.

Mr. McGuinness: I am surprised at the Fine Gael Party taking this stand. It has not presented the debate in a balanced way and it has consist-

ently harassed Government speakers to divert attention from this.

Mr. Hogan: What does Deputy McGuinness know as he was not in the Chamber last night?

Mr. McGuinness: It has not looked at the positive sides of the economy or the legislation passed by the Government on the minimum wage.

Mr. Hogan: What about protecting consumers?

Mr. McGuinness: This has added cost to how business is done. The Opposition has not acknowledged the good work done by the Tánaiste on the insurance industry.

Mr. Hogan: I have acknowledged it.

Mr. McGuinness: Business paid high premia before. However, this year premia in certain sections of my industry have come down by 40%.

Mr. Hogan: It went up 300% in others.

Mr. McGuinness: That is an incredible step forward. It depends on whether Deputy Hogan's glass is half full or half empty.

Mr. Hogan: Mine is two thirds full.

Mr. McGuinness: It seems that it is constantly half empty. Last year the Fine Gael Party constantly claimed the economy was in recession, with 200,000 people unemployed.

Dr. Twomey: The Deputy is getting confused with medical cards.

Mr. Ellis: How can we trust figures from the Opposition?

Mr. McGuinness: The Deputy is not politically big enough to stand back and say he was wrong, that he got it wrong and the economy continues to surge ahead. There are problems but they are being tackled.

Mr. Hogan: The Deputy is on the wrong side.

Mr. McGuinness: The Government is making a genuine effort to ensure that the economy, including the social economy grows and that on the macroeconomic level it can feed the benefits with which it must deal. The debate must be balanced. In the light of the announcements made by the former Minister for Enterprise, Trade and Employment and recently by her successor, the Opposition has not presented a balanced debate. This Bill is an example of political opportunism.

Mr. McHugh: I wish to share time with Deputies Finian McGrath, Connolly, Eamon Ryan and Ó Caoláin. I welcome the opportunity

to speak on this motion. The Government, with the exception of the Minister for Arts, Sport and Tourism, Deputy O'Donoghue, seems to accept that we are paying more for many goods and services than our counterparts in other European countries. I cannot understand the speed with which Ministers rush to attribute these higher prices to the success of the economy. The inference is that we must grin and bear it. The Minister for Enterprise, Trade and Employment must play a significant role in this. He has only recently taken office but I hope he comes to terms with the job post haste because even though his predecessor spoke often about the need to be competitive, there is little evidence that she did much to bring that about. I support the Bill proposed by Deputy Hogan on behalf of Fine Gael because it is apparent that the measures in place are deficient and the agencies charged with protecting the consumer are ineffective.

The Minister of State at the Department of Enterprise, Trade and Employment, Deputy Killeen, said that the Competition Authority has the resources and the autonomy to investigate the reasons for high prices which do not seem justifiable and to report publicly on its findings. The Minister of State may not be aware that Mr. Fingleton of the Competition Authority recently attended a meeting of the Oireachtas Joint Committee on Enterprise and Small Business which was investigating the high prices in the grocery and retail trade and their effect on consumers. Mr. Fingleton's performance was disappointing, to put it mildly. He was expansive on generalities but short on specifics. He generated no confidence that his organisation was in a position to offer assistance to the committee in the matter under investigation. For example, he volunteered to the committee that the retail planning guidelines, which limit the size of retail outlets contribute to the high cost of grocery products when compared with those in other European countries. When asked for evidence he was unable to substantiate this claim.

Some of the major multiples and the discounters pointed to the fact that the limit on the size of retail outlets has no effect on prices. Lidl informed the committee that, based on the experience of other countries throughout Europe, there is no evidence that a restriction on the size of retail outlets has a direct impact on the price of groceries. That comes from a company, which opened its first store here in 2000 and now has a network of 48 stores throughout the country. Tesco also stated that it had no issue with the cap on the size of retail outlets and did not see it as an obstacle to being competitive. This is an example of the unsatisfactory situation whereby a body charged with ensuring our society is competitive feels it is adequate to give a top of the head view of this important issue without providing any evidence to support the claim.

The Government has responsibility for many of the factors that contribute to the high cost of goods and services. For example, transport costs are 30% higher here than in Northern Ireland owing to fuel costs, the high level of road tax and the inadequate road infrastructure. Although insurance costs are falling to some degree, they are 200% above Northern Irish levels. The high cost of insurance is one case where direct Government action could have resulted in much reduced premium levels and would have led to reduced prices for goods and services. However, the Government did not act until the situation deteriorated to a level where business was going to the wall and job losses were occurring. Not alone do we need a consumer rights enforcer, we need the Government to act to show that it is also on the side of the consumer.

Mr. F. McGrath: I am grateful for the opportunity to speak on this Bill. This is important legislation for all sections of society but it is especially relevant to the weaker sections, those on low pay and those on welfare. Unfortunately, we live in a country in which certain elements are involved in a rip-off culture. We need a new framework to enhance consumers' rights and to enable consumers to exercise those rights. That is why I disagree with Deputy McGuinness' comments. The rich in our society have so much money they do not even notice. Working people, those on welfare and the low paid, are badly affected on an ongoing basis. People earning €100,000 or €200,000 per year do not bat an eyelid when they go out and spend €100 or €200 on dinner and a bottle of wine, but the minimum weekly adult social welfare rate is €134.80. Imagine trying to survive on that for seven days in 2004. There should be an increase of €20 on that in the budget, just as there should have been a flat rate increase of €20 for those on the minimum wage. All payments should be based on today's reality, especially that of rip-off Ireland.

The consumer rights enforcer will name and shame the service providers it believes fail to provide consumers with an adequate standard of service. What is wrong with that? The consumer rights enforcer will have a seat at partnership level to ensure any national agreements do not impact disproportionately on consumers. The Bill will also allow for increases in fines and penalties to discourage breaches of legislation designed to protect consumers. When dealing with these price issues and the rip-off merchants, we must also address the growing number of low, income households in society. Rising average incomes have not benefited everyone to the same extent. One need only look at the scandal of the housing crisis. People, especially the young, are unable to buy homes in their own city. Meanwhile the wealthy have a field day, making significant money on their investments while some couples cannot buy and others must wait on housing lists.

[Mr. F. McGrath.]

What does our socialist Taoiseach think of all this in our so-called wealthy country? Approximately 22% of the population is being left behind in rip-off Ireland and, despite all the talk, nobody seems to care. At the same time, low paid families represent an increased share of poor households. One does not need to be a rocket scientist to know that employment policies must be supplemented by tax and welfare measures while boosting the incomes of those on welfare and in low paid work.

I welcome section 5 of the Bill, which confers a series of powers necessary to ensure the rights of the consumer are upheld, are necessary, or are in force. It is very relevant. It is important that we defend the interests of consumers. Citizens have rights, consumers are citizens, and it is up to every Member of the Oireachtas to look out for and protect the interests of the consumer.

Mr. Connolly: I welcome the opportunity to speak on this Bill. We are all consumers in need of protection and consumer justice warrants that legislation be enacted for effective enforcement of the rights of the consumer. Prior to the establishment of the Office of the Director of Consumer Affairs, enforcing consumer rights required a do-it-yourself approach. The civil court judge occasionally served as the ultimate enforcer of consumer rights if the consumer and service provider did not arrive at an amicable settlement.

This Bill aims to enshrine consumer rights in legislation by the appointment of a consumer rights enforcer or supremo. I do not particularly like the word "enforcer" because it smacks of the Clint Eastwood "Dirty Harry" movie but the idea is right. The powers of the Office of the Director of Consumer Affairs were somewhat limited and the office mainly provided advice and information to consumers on legislation of interest to them. It does not get involved in individual issues or differences between consumers and service providers. There is a strong case to be made for the introduction here of "lemon laws" with strict enforceable penalties for consumers who may be sold lemons or, as we sometimes say in northern counties, may be sold a pup.

Lemons are so-called because of the sour taste they leave in the buyer's mouth and they come in all shapes and sizes. Most lemons have wheels, for example, cars and bicycles, or they float, for example boats, or they can be houses. The days of *caveat emptor* or the hard luck story are over for consumers. Today's consumers face a market place characterised by rapid change stemming from globalisation, deregulation of services and rapidly changing technologies affecting the kind of goods and services companies offer.

There has been an explosion in new products and services that require consumers to have considerable information to assess their value and

implications. At the same time, traditional regulatory approaches have difficulty in keeping pace with protecting the consumer interest and providing the appropriate levels of redress. It is no wonder the number of consumer related issues have become flash-points, especially when people perceive that health services are at stake, such as in the case of the proposal to transfer a full surgical team from Monaghan General Hospital to Cavan General Hospital. For the people of Monaghan, health services are a major consumer issue and as recent experience has shown, they are truly a matter of life and death. We only have to ask the McCullough, Knox, Livingstone or Sheridan families about consumer issues in Monaghan.

Mr. Eamon Ryan: Deputy McGuinness claimed that this is a question of seeing whether the glass is half full or half empty. I suggest to the Deputy that the real question in this debate is what price is the glass. Deputy Hogan referred last night to a glass of sparkling water with a splash of lime costing around €5 in Dublin. Deputy Perry spoke of a low price €3 pint in the village of Ballymote, while Deputy O'Donovan lauded the €2.60 pint in what I can only imagine is some shebeen close to his home in west Cork. The truth behind those two prices reveals a broader truth about Ireland. We live in an Ireland that is divided in two. One part of Ireland is this globalised, international finance world, especially in Dublin but also in Cork and Galway and places where there is multi-national investment, high finance and high incomes that come with localisation of global capital. For those people and for that culture, €5 for a glass of spring water makes eminent sense. The fear, however, and the reason I support this Bill is that in allowing a two-tier Ireland and accepting the reality of Ireland being a globalised centre, half of the population is caught out badly and suffers from the rip-off Ireland that genuinely exists, in spite of what the Minister for Arts, Sport and Tourism, Deputy O'Donoghue, might say on the matter.

In one of the most open and globalised economies, it is remarkable that Ireland has allowed a situation develop where we have not benefited from some of the open markets. We are paying a far higher price, especially for groceries and everyday items that one would think would be brought down in line with such an open and globalised economy. That is not occurring because we are increasingly seen in the globalised market as a mere adjunct to the market of the north of England. Many retailers here buy products from the rest of the world in sterling and sell them in euro. They are putting a greater margin on each occasion, which leads to this market being very expensive in comparison to the neighbouring market in Northern Ireland, which has the same characteristics. The office recommended by Deputy Hogan could easily address that issue, yet the Government seems blind to it.

There is a more civic issue on retail planning guidelines and that is whether we should remove the cap on the size of retail stores to try to address the rip-off culture. I argue strongly that such a solution would not provide respite or any real long-term improvement to Irish consumers. Earlier today, the National Roads Authority gave a presentation to the committee and it effectively admitted that any new retail outlet, particularly one the size of the proposed IKEA on the M50, would add traffic to a road that, although it is to be widened, will be at full capacity as soon as it is opened. For that reason alone it is bad policy. Similar economic arguments were made abroad for larger retail spaces in out-of-town locations. The experience has been that it leads to a monopoly supply position, where smaller indigenous retail outlets close down, there is a loss of competition in the long run and a loss of consumer rights and consumer choice. I urge the Minister for the Environment, Heritage and Local Government as well as the Minister for Enterprise, Trade and Employment not to proceed with this.

Deputy Hogan stated that there is a need for the partnership process to take into account wider consumer consideration. We have to think beyond that. We have to take into account environmental considerations and other social justice issues. These issues have not been addressed to date. It was interesting to hear the Taoiseach claim that his party was the worker's party. To a certain extent, he may be right. His party is completely tied into the partnership process to represent what both IBEC and the ICTU want. That is what the Government parties take as gospel. It is an incredibly narrow definition of the rights and needs in this society. I found it hard to believe the claims of the intelligence unit of *The Economist* that we had the highest quality of life in the world. Maybe the glass is full, but for the people on €134 a week in social welfare trying to survive in this culture, there is a lousy quality of life. It is a difficult strain everyday just to survive. It is the same for those parents travelling long distances to bring their kids to school because they cannot afford housing. I welcome this Fine Gael Bill which allows us to debate this issue.

Caoimhghín Ó Caoláin: I welcome the opportunity to speak on this Bill and on the issue at its core, which is undoubtedly one of great concern to many people. Prices of goods cannot be looked at in isolation. They are connected with Government policy across a broad range of areas. The rip-off culture behind this legislation, which Fine Gael has brought before the House, is the result of greedy, rampant individualism and, dare I say it, a capitalistic society which has been promoted by the Government parties, the movers of the motion and all those who believe that society should serve the economy. On the other hand, we

in Sinn Féin, like some other voices in this House, but too few, are committed to a situation where the economy serves society. That is a great difference.

The free market economy has long been lauded in this State. Competition has been cited as the panacea for all ills, which clearly it is not. A free market economy is one where scarcities are resolved through changes in relative prices rather than through regulation. If a commodity is in short supply relative to the number of people who want to buy it, its price will rise and producers and sellers will make higher profits. The rip-off culture characterised by profiteers creaming off huge profits is, therefore, a resultant ill of a market-driven economy. Citizens need to be protected from the excesses of the market economy and that is why we need consumer protection legislation with legislation to protect workers' rights and the environment.

I am glad Fine Gael accepts the necessity to regulate the market. I was happily surprised to hear Fine Gael say that there is not enough intensity of control over what is happening in the marketplace. I wondered if some of their Deputies had also caught the socialism bug, and there would be welcome for that.

Mr. Hogan: No doubt about it.

Caoimhghín Ó Caoláin: The necessity for consumer protection serves as an acknowledgement that the free market does not work and does not serve the interest of the people of this State.

I would like to address a particular point on the terminology used not only by the movers of the Bill but frequently elsewhere. Fine Gael talks an awful lot about consumers, but very rarely about citizens or workers. That says a great deal about that party and others who take the same position that they seek to define people by their relationship with the ownership of goods.

The Fianna Fáil-Progressive Democrats Government and IBEC often talk about competition only in terms of the public sector, breaking up State companies and so-called monopolies, while they fail to address competition in terms of price-fixing, cartels, self-regulation by the professions, the banking sector, the insurance industry and so on. Sinn Féin favours competition which is driven by a criteria of protecting the public good. Competition is clearly not the panacea, as I said. It has not been proven to bring down costs in many sectors. Competition does not protect people against profiteering and needs to be regulated.

I welcome many of the provisions of this Bill, especially those which relate to increasing fines and penalties. For example, I welcome the proposal to increase the penalty provisions in the Prices Act 1958 in respect of those who fail to display a price list, as required by law. I thank my comrades in Fine Gael for their work in preparing

[Caoimhghín Ó Caoláin.]
this Bill and I look forward to voting with them on it.

Deputies: Hear, hear.

Mr. Neville: Fianna Fáil is in trouble now.

Mr. P. Breen: It is the start of a new relationship.

Mr. Neville: I wish to share time with Deputies Ring, Twomey and Deenihan.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Mr. Neville: I welcome this opportunity to speak on the Bill. I congratulate my colleague, Deputy Hogan, on introducing it to the House. He has been working on this matter for a considerable period and in many ways, for example, by investigating and researching this area. He has facilitated consumers by allowing them to have a say on a Fine Gael website, *www.ripoff.ie*, which has been of considerable benefit to members of the party. The website has informed Fine Gael of the concerns of the electorate.

Regardless of the extent of the evidence presented to them, successive Government speakers have demonstrated that they are in denial about the existence of the rip-off Ireland problem. I am sure they are logging onto Fine Gael's website on a regular basis. The Minister for Arts, Sport and Tourism has argued that *www.ripoff.ie* propagates a myth. Figures published last week by the Central Statistics Office, however, reveal that the number of people visiting Ireland in the month of September decreased this year for the first time in three years. It is obvious to those who examine such matters — many people do not do so because they take them for granted — that costs in Ireland are much greater than in competing countries in the tourism market.

The Tánaiste said in 2000 that the Government was determined to tackle inflation by exposing previously sheltered sectors to competition, but nothing has been done since then to implement that agenda. No effort has been made to honour the Tánaiste's commitment. Senator Leyden, Fianna Fáil's enterprise spokesman in the Seanad, recently accused Fine Gael of trying to jeopardise employment and tourism and discouraging people from visiting Ireland by warning tourists about growing costs. When the Senator embarked on a personal "name and shame" consumer price-busting campaign in May of this year, however, he said he wanted to empower consumers to take action to reduce prices and encourage competition. The Senator decided to criticise Fine Gael for raising this issue, even though he had launched a campaign of his own.

Such campaigns must be all right if they come from the Fianna Fáil backbenches.

The realities of life in Ireland are there for all to see. Ireland is the most expensive country in which to live in the EU. It is the third most expensive EU country for goods and services. Dublin is the fourth most expensive capital city in the EU. Ireland has fallen from fourth to 30th in the global competition league table. The current regulatory framework is hopelessly under-equipped to deal with the problems I have mentioned because the relevant laws stem from the 1970s and the 1980s. The Office of the Director of Consumer Affairs has lost many of its powers. The legal regime to protect consumers, which is divided between five sectoral regulators, is dated.

This Bill is the first step in tackling the vested interests which have allowed a rip-off culture to flourish in Ireland. The Bill proposes that the Office of the Director of Consumer Affairs be replaced with an office of consumer rights enforcer, which would have extra powers and would be charged with developing a code of conduct for service providers. The proposed office would engage in "name and shame" campaigns à la Senator Leyden. It would have a seat at the partnership talks and would impose fines and penalties.

The level of Government failure in this regard is monumental, deep-rooted and obvious. The Opposition has had to come up with answers as the coalition has slid further and further into a state of denial. The success of a survey on the price of sparkling water and lime, undertaken by Deputy Hogan last year, offers proof that Fine Gael's policies can work. If a Deputy who does not have many resources can highlight these issues, one can imagine the power of an independent State-funded advocate for consumers.

Mr. Ring: When I heard on the radio that a report has been published which claims that Ireland has the best quality of life in the world, my first thought was that those who wrote it must have stayed in the Shelbourne Hotel and spent three weeks drinking. They must have been drunk when they compiled the report because they certainly were not living in the real world. They do not know what is going on in Ireland.

As I listened to my local radio station when I was travelling to Dublin yesterday, I heard an interesting discussion on the motion to be debated in the Dáil this week. I did not hear much of the programme because I had an appointment, but I heard two women who contributed to the discussion. The first woman outlined her experience when she stayed in a lovely hotel in Galway. She paid a reasonable price, €85, for bed and breakfast in the hotel. She was pleased with the hotel at first because her and her husband did not encounter any difficulties. In the morning, they had a choice of a continental breakfast or a full Irish breakfast. They decided

to take a small box of cornflakes — one can buy six or ten such boxes in a packet. They were told by an assistant in the hotel that they would have to pay extra for the cornflakes. When they paid the bill, they were surprised to be charged €5.50 for the little box of cornflakes. I am open to correction, but I believe one can buy a packet of ten or 12 small boxes of cornflakes for €2.80.

Later in the radio programme, another woman spoke of her experience in a town in the west, which I will not name because I do not want to embarrass its residents. She said she went for lunch in the town with her friend and a child, for whom she ordered two sausages. I am sure certain Deputies would not admit to eating sausages because they are too grand, but I assure the House that I have eaten plenty of sausages in my time. I know how much one pays for sausages and I know what a sausage is. The woman was charged €5.60 for her child's sausages. She was told that the establishment's practice was to charge people more money for anything extra they get. In this instance, she was charged an additional €5.60. If that is not a rip-off, I do not know what is.

I was talking to a friend of mine who owns a small supermarket in the west. He said that he is hardly able to survive, although he has never sold his goods as cheaply, because he has to compete with Dunnes Stores, Tesco and many other companies, which have come to this country.

I hope Deputy Hogan succeeds in passing this Bill and continues his work thereafter. Opposition Members are great at telling the Government what to do, but we are not half as good at doing what we should when we are in Government.

Many women have told me over the years that when they get home after buying goods in a supermarket, they find there have been problems with the bar code system. For example, they discover that they have been charged €9.99 or even €19.99 for a product that should have cost 90 cent. If a woman put a tin of beans in her pocket without paying for it, however, she would be sent to jail for shoplifting under the great justice system in this country. The justice system does not seem to acknowledge that rich business people steal, rip people off or do anything wrong. It seems to be all right for them to put their hands into people's pockets to rob their money. It is fine for the people who discover such discrepancies, but what about those who do not discover the mistakes made by the bar code system? I want the House to pass legislation that ensures that supermarkets, which overcharge customers because their bar code system is not working properly are prosecuted. We cannot have one law for the poor and another for the rich. I want such legislation to be passed quickly.

Many Deputies spoke about a rip-off culture. We should not forget that every politician since the foundation of the State has spoken about

pubs and the price of drink. The price of non-alcoholic drinks, such as water and minerals, is the greatest scandal in this country at present, especially for those who do not drink alcohol when they go to pubs. We have discussed this matter for the past 50 years but we have done nothing about it. The price of minerals, mineral water and tonics is a scandal and a rip-off. It is immoral and wrong and something should be done about it.

I compliment Deputy Hogan on the action he has taken in respect of the rip-off culture on behalf of Fine Gael over the past 12 months. The one thing that resonated with people 8 o'clock was the rip-off culture they see every day of the week. The greatest rip-off of all is the Government itself, the county councils and the State agencies. We installed a regulator and were told we would have cheaper electricity, but the price has gone up four times in the past year. Social welfare provision did not go up that many times. People on €134 plus €15.40 for a child did not have their payments increased four times. The local authorities take in stealth taxes every day. A man came to my constituency office yesterday after his garage burned down. He had paid rates and other taxes to the State all his life, but when he had a fire on his premises, Mayo County Council sent him a bill for €10,000 to cover the cost of the fire service. He had paid his rates, which are supposed to cover charges for that. The same thing happened to a local man whose premises caught fire a few weeks ago. The fire brigade arrived, and he received a €2,000 bill yesterday. He was not covered for it and had to pay for it even though he had paid rates all his life.

That is rip-off Ireland at its best, and something must be done. It is not right that we crucify the consumer constantly. It is no wonder the rich are getting richer while the poor get poorer and the middle class is squeezed. We are letting the rich away with it, and we have seen that in this country's taxation system in the past two weeks. The super-rich have not paid taxes to this State while the poor person on €140 is crucified every time he or she goes to the local supermarket, such is the rip-off society we have now. Tonight I say that enough is enough. Let the Government accept this legislation. If it wishes to table amendments, let it do so. Let this be the start. We must install the enforcer and allow the person to do the job. If one makes a complaint under existing legislation, there is no one to listen.

Dr. Twomey: The total disregard for the consumer has been well highlighted by Deputy Hogan and Fine Gael's rip-off Ireland campaign. Unfortunately, judging from what we have heard here tonight from the Government benches, it is obvious the Minister for Arts, Sport and Tourism, Deputy O'Donoghue, is not the only person who supported zero tolerance when in opposition but

[Dr. Twomey.]

seems to have become a mythical figure now that he is in the Government.

Rip-off Ireland is not a myth; it is happening, and many people have been greatly affected by it. Fianna Fáil believe the consumer would never link the contemporary rip-off culture with the Government, which has been very careful to court vested-interest groups, even to the detriment of the general public. We have seen that happen everywhere, including in the health services, education and business. Even the Tánaiste, when Minister for Enterprise, Trade and Employment, made great hay out of the fact that she was going to be the Minister for competition and that everything would change under her tenure. After seven years in that post, what has she got to show for it? She has the Personal Injuries Assessment Board and nothing else.

We awaited reports to show how anti-competitive solicitors, barristers, doctors, architects and pharmacists were. Every profession was to be exposed, yet nothing has been published. I heard Deputy Cooper-Flynn talk here tonight about the report due in December. Naturally enough, she does not say which year, because we do not know. It has been in the pipeline for so long that it is turning into a joke. Saying that Fine Gael is doing the economy harm by highlighting the rip-off culture is along the same lines as saying that patients getting sick is bad for the health service or that people getting old are doing it an injustice. I can see the Minister mouthing the word "silly". Thank you for listening to us.

Deputy Martin has now taken over at the Department of Enterprise, Trade and Employment, but what does he have to show? He set up three new health boards, which he abolished before he left, and established at least 25 new health organisations that his own Department's report made by Prospectus, recommended should be abolished. He published at least 130 reports that he could not be bothered implementing. The only thing to his credit in four years as Minister for Health and Children was the smoking ban, which could itself go up in smoke in the course of a cold winter, but we will wait and see.

If Deputy Harney did very little at the Department of Enterprise, Trade and Employment, can we expect much from Deputy Martin, apart from the usual from this Government? The chameleon Taoiseach and his Government jokers are trying to put an extra spin on matters tonight. They are trying to talk over our heads and those of the Irish people, somehow deluding them into thinking that this is not a Government problem. The Minister of State at the Department of Enterprise, Trade and Employment, Deputy Michael Ahern, has finally realised that, after almost a decade in Government, the people expected a little more from him. He has not delivered, and that is the challenge to this Government. There is no point in knocking the Oppo-

sition for raising such issues. The coalition should have been dealing with them in its seven years in power.

The Government has made an enormous contribution to the increasing lack of competition. The tourism industry is taking a hammering because of the high cost of doing business. Foreign consumers can look up the Internet and very quickly compare what it costs to eat out, stay in a hotel, hire a car or buy a train ticket. One can buy a three-day rambler ticket in Prague with free tram access for €7. One would not even get a single bus fare from Wexford to Gorey for that. That is what foreign tourists compare when they enter this country. The bluff from Deputy McGuinness about doing business in Europe and what a big fellow he is over there does not impress anyone on this side of the House. Business people know exactly where the problems are. They have given up on this country and are gradually moving out of it. Fine Gael is trying to correct that problem for the sake of the people.

Mr. Deenihan: In 1997, the rate of inflation in Ireland was 1.2%. In Europe it was 1.9%. In 2000, the Irish increase in prices was 2.1%. By 2003, the rate of inflation as measured by the consumer price index was 3.5% in Ireland, while in Europe it was 2%. Over the past seven years — and this year too — the previous pattern has been reversed. In the mid 1970s, prices here were increasing at a very low rate, whereas in Europe the rate was higher.

As spokesman on tourism, I refer to the industry. There are some very bad examples in tourism of how people have been ripped off, mostly tourists coming here who would obviously identify being overcharged. Generally speaking, I find that most people involved in tourism are under a great deal of pressure these days. More discount pricing is going on at present than ever before. People are trying to maintain cash flow.

A typical enterprise in any Irish tourist resort has to pay very high electricity charges, which have increased by approximately 40% since 2001, very high refuse charges to the local authority, and very high rates and water charges. Labour costs have increased, and all that time they have been making less than they did four or five years ago. That is unsustainable, and there will be many casualties. A Member from my county, Deputy O'Donoghue, remarked that Fine Gael should abandon this campaign. A few months ago in this House, the same Minister lectured the tourism industry that it would have to examine its prices. In September 2002, following the ITEC report, the Minister again highlighted overcharging and high costs in the industry and the fact that we were not competitive. It is rather ironic that he is now saying that we are not a rip-off country. The Minister knows full well that there are instances of that happening and that the current international perception — and reality, when people

check up the Internet — is that we are more expensive. The Government has an opportunity in the Finance Bill to do something about it. We have a major difficulty. The National Competitiveness Council's report in September 2004 highlighted that Ireland was the most expensive country in Europe in which to purchase food, the second most expensive in which to purchase alcoholic beverages and the most expensive in which to purchase tobacco. Tourists consume all these products when they visit Ireland and it is no wonder the impression is created that people are being ripped off. When all of us holiday in Spain and Portugal, we notice how cheap they are in comparison with Ireland.

The budget submission of the Irish Hotels Federation points out that the VAT regime for hotels and restaurants is a major barrier to the development of tourism. Ireland has the second highest VAT rate in the eurozone for hotel charges, second only to Germany, at 13.5%. That is not sustainable.

Minister of State at the Department of Education and Science (Miss de Valera): I thank Deputy Hogan for bringing the Bill forward and providing us with the opportunity to debate the important issue of consumer protection law. However, the debate has only served to underline many public misconceptions and misunderstandings that exist in regard to consumer rights and the means available to consumers for seeking redress when those rights are denied.

Last March, the Tánaiste established the consumer strategy group to advise on the development of a new consumer policy. The group is expected to report to the Minister for Enterprise, Trade and Employment, Deputy Martin, within weeks. In the meantime, it is instructive to examine the group's terms of reference in the context of the debate. As the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Killeen, said last night, they are sufficiently broad to enable the group to examine and make recommendations on all aspects of the consumer agenda.

The group has been asked to examine means to provide consumers with the knowledge, information and confidence to be demanding of quality, service and value and to ensure consumers are well informed of their rights and have effective and speedy means of redress where those rights are denied. Much of the difficulty faced by consumers is understandable and is due to the way in which consumer law has evolved over recent decades. Consumer laws such as the original Sale of Goods Act 1893 date back more than 100 years. That Act has been updated but, in the meantime, numerous Bills dealing with various aspects of consumer law have been enacted. Many directives and regulations emanating from Brussels have also been transposed into Irish law.

The result is that the Director of Consumer Affairs enforces more than 70 Acts.

Perhaps I should not be surprised that Deputy Lynch called for a law requiring the price of all goods on retail sale to be displayed so that the consumer would know the price of his or her intended purchase before he or she reached the checkout. Such a law has existed for many years and it was updated comprehensively in 2003. The Minister of State, Deputy Killeen, referred to it in his contribution last evening and I will, therefore, not repeat the detailed description of the law given to the House by him. However, Deputy Lynch's contribution underlines the critical nature of the work of the consumer strategy group. Too many consumers are not aware of their rights. They do not know when they should complain nor, very often, do they know to whom they should complain. They do not have the confidence to demand quality, service and value for money and, unfortunately, unscrupulous traders thrive on and exploit this.

As legislators, it is our responsibility to put matters right. The law must be easier to understand and consumer rights must be set out in a simple, effective and coherent manner. Consumers must be provided with an easy mechanism by which they can make their complaints and proper enforcement of the law and adequate sanctions against those who break it must be ensured.

I was surprised at Deputy Ring's contribution because he demonstrated that he does not understand consumer law. Legislation exists to ensure prices are displayed properly and retailers are open to prosecution if the price charged is different to that displayed. Consumer protection is not only about making sure that consumers can easily understand the law. Businesses must also be aware of their obligations and they must be encouraged to live up to them or pay a price. Deputy Hogan's Bill is not the answer. It is not radical or comprehensive enough.

I take issue with comments made by Deputies Hogan and Perry last night. Deputy Hogan described the Office of the Director of Consumer Affairs as "structurally compromised" by being answerable to the Minister for Enterprise, Trade and Employment, which I reject. The director is required to report annually to the Department but she is completely independent in the exercise of her powers and functions. I have never heard a party question her independence and it is unfair to do so.

The director was also criticised for taking only 13 prosecutions in 2003. The number of prosecutions has more than doubled this year but, apart from that, the number of prosecutions does not reflect the work undertaken by the director and her team of inspectors in ensuring compliance with the law. Deputy Perry also suggested the director had been given no new statutory powers since the 1980s, which is untrue. More than 40 Acts have come into force since 1990 and

[Miss de Valera.]

they are enforced by the director. Six have been in force for less than two years.

The regulatory system must be reviewed and modernised, where necessary, to protect consumers and to ensure they are offered a fair deal. This aspect of the consumer agenda is being addressed both by the Department of Enterprise, Trade and Employment and the consumer strategy group. It is another area where the Deputy's Bill fails the test. The Government is committed to the development of a modern national consumer policy, which is responsive to the needs and demands of one of the fastest growing economies in the world and befits a country that enjoys the highest quality of life in the world. We will do so in an informed manner on the basis of expert research. That is the least the consumer deserves.

Mr. P. Breen: I welcome an opportunity to contribute to the debate and I commend my colleague, Deputy Hogan, for the important work he has carried out in this area in highlighting the rip-off culture that has taken over Ireland in recent years. Recently, my party leader, Deputy Kenny, appointed me to assist Deputy Hogan in his role as party spokesperson on enterprise, trade and employment and I have been given special responsibility for small and medium-sized enterprises.

Small and medium enterprises are the back bone of our economy and employment. They comprise 50% of enterprises. With modest global recovery forecast, SMEs are finding it increasingly difficult to compete. Last year, turnover and revenue from domestic and export sales remained stagnant or declined for a large number of businesses, which is worrying. The Government must act immediately to support SMEs. Recently, Tesco made a presentation on the cost of doing business in Ireland and the UK at the Joint Oireachtas Committee on Enterprise and Small Business. The company's representatives highlighted the high cost of transport — 30% higher — wage costs and insurance among many other issues, which affected the cost of items in Ireland compared to the UK.

Last week, RTE's "Prime Time" highlighted the significant difference in the price of a shopping basket across the Border compared with the Republic. Many retailers might not like the Fine Gael website, www.ripoff.ie, because it exposes the rip-off culture but it has focused the consumer on price awareness and that counts in the end.

Does the Government have a policy to protect the consumer? Despite Government assurances, the majority of small businesses believe the Government's insurance reform programme will have little impact on insurance costs this year or in the future. The cost of car insurance reduced in 2004 but insurance continues to be the most

rapidly increasing cost for businesses. Last night the Minister of State, Deputy Killeen, referred to the 2002 general election campaign and stated a petrol attendant who wanted a reduction in car insurance was promised by a candidate that he would reduce the cost of insurance, if elected. I was not the candidate and I hope it was not the Minister of State, Deputy de Valera. If Fine Gael had not hammered home the high cost of insurance to the Government whether in the House or its committees, we would not have experienced the modest reduction in car insurance this year and, for this reason, Deputy Hogan and I will continue to highlight high insurance costs for SMEs which, if they are not tackled by the Minister, will result in many businesses winding up in the coming years.

I refer to local government funding and the effects local authority charges are having on enterprises because the Government has failed to adequately fund local authorities. The Minister can well say that he increased funding. For example, in my local authority in Clare, funding increased to €13.1 million in 2004, an increase of 15.2%. Why is it, therefore, that local authorities have increased commercial rates, water services, waste collection and development charges, and planning and development fees, to name but a few charges that have an adverse effect on small and medium enterprises and their ability to survive?

If the Government wants to help the consumer, it must be prepared to look at the burden that local authority charges have on businesses, where total costs have risen from €500 million to €5 billion over the past five years. Businesses in the North do not have the same local authority charges as we do. As a result, businesses in the South have additional difficulty with competition from their counterparts in the North who operate from a lower cost base.

I wish to speak briefly on the price of petrol and diesel. Yesterday, I had to take a detour on my way to the Dáil to attend a funeral in north Tipperary. I was astonished to see the varying price of fuel throughout the country. How can an outlet in the mid-west region sell diesel at €1.012 a litre while another in Kilkenny sells the same product at 91.8 cent? I know Deputy Hogan is good at his job, but I am sure he does not have that effect on the prices in his county.

Mr. M. Smith: What about the price in Clare?

Mr. P. Breen: Ten cent is a significant difference in the price of diesel.

Dr. Twomey: The Tipperary lads always rip us off.

Mr. P. Breen: Who is ripping off whom? I spoke to a haulage contractor yesterday in Ennis

and he told me that his diesel now costs him €60 a day more per truck than this time last year. In the end, it is the consumer who pays those extra costs. I hope that when the Minister for Finance, Deputy Cowen presents his budget next month, he will take these considerations on board. However, tonight I urge the Government Deputies to support this timely Bill. They know the problems that exist. Deputy Hogan said last night that if they had problems or queries, they could raise them on Committee Stage.

Mr. Hogan: I thank all those who contributed to the debate and those Deputies who support this modest legislation which seeks to overhaul the Office of the Director of Consumer Affairs and replace it with a consumer rights enforcer.

The consumer rights enforcer will be an independent statutory authority with similar powers and status to an ombudsman. I reject the Government Deputies and those not as well informed, as they should be on this matter who have indicated that this proposed legislation is about casting a cold eye and cold water on the current Director of Consumer Affairs. The current director has limited powers. She is attached to the Department of Enterprise, Trade and Employment and does not in any way hold an independent statutory office, as would the consumer rights enforcer who would advocate and champion the cause of consumers as effectively as we would like. The legislation has nothing to do with the individual in the office but everything to do with the necessary powers of the office.

Fianna Fáil Deputies, in particular Deputies Fleming and McGuinness, want it every way, not for the first time. Everybody acknowledges that Ireland is an expensive location, but Fianna Fáil does not wish to do anything about it or to bring forward any new ideas about what to do about overcharging. Every business is entitled to a margin of profitability. However, what this legislation seeks to do is deal with cases where excessive charges have been made and people have been overcharged. This is where colleagues on this side of the House and those on the Government benches differ.

We as consumers know of examples where people feel they were overcharged or had to pay too much for a product. Ireland is just coming to terms with being a consumer society. Despite the level of economic activity and growth over the past ten to 15 years, we have not come to the terms we should have with the level of consumerism, especially in terms of doing what the Tánaiste advocated some time ago as a solution, namely, to shop around. Two or three weeks after making that comment she proceeded to set up a consumer advisory strategy group.

We always seem to be one report, one group or one consultant away from taking action. We Deputies are around long enough and the

Government has enough expertise at its disposal that we should be able to come up with a modest proposal that will help give additional powers to the Office of the Director of Consumer Affairs, if that is the direction the Government wishes to take. If not, it should give the necessary statutory independent powers to a new authority that would do the business. I do not mind which road it takes, but at least let us have a consumer policy. Any policy is better than being without one to deal with the issues that are so familiar to the people.

The level of contempt for consumers at State level is evident from the fact that the Consumers' Association of Ireland must operate on a shoestring budget. It gets a few, euro on an annual basis for various project work. Most of the people working in the association are volunteers and they operate from a small office in Merrion Square. They try to reflect through publications and information campaigns the prices of products and the various opportunities available to consumers to exploit, understand and inform themselves of their rights. This goes nowhere towards addressing the real information campaigns required to give consumers some latitude towards making informed decisions on their rights. Government Deputies have said that consumers need more information on their rights. If this is so, the Government should provide more money to the Consumers' Association of Ireland as a first step in helping it to inform the people about what it has been doing, largely voluntarily, since 1967.

I wish to inform my Sinn Féin colleague, Deputy Ó Caoláin, that workers and citizens, whom he thinks Fine Gael ignores, are also consumers. I remind him that we represent them, lest he thinks we are forgetting them.

The staged payments Bill, which was brought forward in the Seanad by Fine Gael, was also voted down by the Government, despite that consumers seeking houses, in particular young couples seeking their first house, pay interest to their financial institution although their house may be only half built. This is another rip-off. It is another example of how Government inaction contributes to the consumer rip-off, especially in the search for a first home. Fianna Fáil believes in supporting the *status quo* in case it might upset providers. Consumers, therefore, must lose out. Ordinary people always seem to take second place to big business.

I agree with the comment of the Minister of State at the Department of Education and Science, Deputy de Valera, that regulatory reform is important. However, these regulators were set up by the current Government without the necessary proper scrutiny, criteria and accountability to this House. That is the reason I resent the energy regulator seeking an excuse to bring more people into the energy market. To

[Mr. Hogan.]

provide greater competition for the ESB he had to raise prices by 29% over the past two or three years. That is ridiculous. Regulators were brought in to introduce more competition and reduce prices. However, they are not working that way. What they are doing is contributing to higher costs and charges. As a result, the chairman of the National Competitiveness Council, Mr. William Burgess, said that the greatest challenge to the economy is high prices and costs. The Government has no strategy to deal with that.

The Government must realise that it is the godfather of rip-off Ireland. Since the previous general election, 27 new stealth taxes and charges have been introduced. Since 2002, VAT has risen by 8%, motor tax by 12%, hospital charges by 26%, the drugs refund scheme threshold by 31%, banking card charges by 108%, bin charges by 29%, parking fees by 25% and television licences by 40%. In 2003, VHI charges rose by 8.5%, the third level student registration fee rose by €80 up to €750 and the leaving certificate examination fee rose by €10 to €86. Development levies of between €6,000 and €30,000, with which local authorities are coming to grips, have been outlined to consumers for the first time this year.

The Government has proved this week that when it comes to consumer policy, the cupboard is bare. The comments of the Minister for Arts, Sports and Tourism, Deputy O'Donoghue, to Fine Gael on its consumer affairs website are confirmation that he is out of touch, arrogant and does not know what ordinary people are suffering

under high taxes and charges under this Government. If he was in touch and displayed less arrogance, he would know that the tourism industry, the hospitality trade and ordinary people need more competition and more concerted efforts and marketing support from him to bring greater competition and more competitive prices to the economy.

The Government has proved during the debate that it wants to hide behind the pathetic excuse of waiting for another couple of weeks or months until we get another report. I will not hold my breath for the Minister for Enterprise, Trade and Employment, Deputy Martin, to publish a report and do something about it. As Minister for Health and Children, he spent €30 million on consultancies and reports but did nothing. When he publishes the consumer strategy report I do not expect he will do anything about it either.

The Government has failed in regard to competition. The Competition Authority has presided over two years of gestation for the studies on professions, yet nothing has been done about it. It is significant that no member of the Progressive Democrats contributed to the debate in the House last night or tonight. The champions of competition have failed to turn up to support their socialist colleagues in government who unfortunately feel at odds with them.

I commend the Bill to the House. It is a modest step that will introduce more competition and give more rights to consumers who feel ripped off by the Government.

Question put.

The Dáil divided: Tá, 54; Níl, 65.

Tá

Boyle, Dan.
Breen, Pat.
Broughan, Thomas P.
Burton, Joan.
Connaughton, Paul.
Costello, Joe.
Crowe, Seán.
Cuffe, Ciarán.
Deenihan, Jimmy.
Durkan, Bernard J.
English, Damien.
Ferris, Martin.
Gilmore, Eamon.
Gormley, John.
Gregory, Tony.
Hayes, Tom.
Healy, Seamus.
Higgins, Joe.
Higgins, Michael D.
Hogan, Phil.
Howlin, Brendan.
Kehoe, Paul.
Lynch, Kathleen.
McCormack, Pádraic.
McGrath, Finian.
McGrath, Paul.
McManus, Liz.

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

Níl

Ahern, Noel.
 Ardagh, Seán.
 Brady, Martin.
 Brennan, Seamus.
 Browne, John.
 Callanan, Joe.
 Callely, Ivor.
 Carey, Pat.
 Cooper-Flynn, Beverley.
 Coughlan, Mary.
 Cowen, Brian.
 Cullen, Martin.
 Curran, John.
 de Valera, Síle.
 Dempsey, Tony.
 Dennehy, John.
 Devins, Jimmy.
 Ellis, John.
 Fitzpatrick, Dermot.
 Fleming, Seán.
 Gallagher, Pat The Cope.
 Glennon, Jim.
 Grealish, Noel.
 Hanafin, Mary.
 Harney, Mary.
 Haughey, Seán.
 Hoctor, Máire.
 Jacob, Joe.
 Keaveney, Cecilia.
 Kelleher, Billy.
 Kelly, Peter.
 Killeen, Tony.

Kirk, Seamus.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 McDowell, Michael.
 McEllistrim, Thomas.
 McGuinness, John.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Feargháil, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donnell, Liz.
 O'Donovan, Denis.
 O'Flynn, Noel.
 O'Keeffe, Batt.
 O'Malley, Tim.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Sexton, Mae.
 Smith, Brendan.
 Smith, Michael.
 Treacy, Noel.
 Wallace, Dan.
 Wallace, Mary.
 Walsh, Joe.
 Wilkinson, Ollie.
 Woods, Michael.
 Wright, G .V.

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

Question declared lost.

Adjournment Debate.

Health Board Allowances.

Mr. Ring: This is a very important issue. Sometimes, the media take up issues because they are supposed to fight for the underprivileged. In that context, this is an issue which affects 700 people in the State at a cost of just €4.3 million. Two years ago, in October 2002, I started to raise the issue of arrears, which were due to people in receipt of blind welfare allowance. These people were not getting the correct payment amounts due to a miscalculation of the money as outlined in circular 479.

I and others referred this matter to the Ombudsman who agreed along with the Department of Health and Children that there had been such a miscalculation and that the money was due to 700 blind people. Last year, I raised the issue of whether this money would be paid out with the then Minister for Health and Children and was informed that the Department would examine the issue in the Estimates for 2004. A fortnight ago, I raised the issue again and was informed it

would be examined in the context of the 2005 Estimates.

If people inside or outside this House or union members were due money in arrears, there would be a strike. If members of a profession were involved, they would be marching outside this House. However, because this concerns blind people, there is no respect for them. However, they should get what they are due. It will cost only €4.3 million and just 700 people are involved but because they are blind no one wants to fight for them. I will fight for them. I do not want to have to ask the Taoiseach on the Order of Business in the House every day if the Government will award the payment which is due to 700 blind people. It is not right. The Ombudsman and the Department of Health and Children acknowledge it must be paid. All I am asking is that the money is found to provide 700 blind people with just €4.3 million. If we cannot look after blind people, who can we look after?

I ask the media for its help to highlight this issue — to embarrass and shame the Government into paying this money. Every day, we are told about the wonderful surpluses and about how much money there is in the State, yet we cannot find €4.3 million for 700 blind people. Shame on the Government. Will the Minister of State tell

[Mr. Ring.]

me tonight that this money will be paid before Christmas so that these people can have a Christmas box?

Minister of State at the Department of Health and Children (Mr. T. O'Malley): On behalf of my colleague, the Tánaiste and Minister for Health and Children, Deputy Harney, I thank Deputy Ring for raising the matter and giving me the opportunity to outline the position. The blind welfare allowance is part of special service for blind persons under the Blind Persons Act 1920. Guidelines referring to BWA were issued to the health boards in 1979. It is a means-tested Department of Health and Children supplementary payment, which is paid to eligible persons who are blind or visually impaired.

The allowance is paid to eligible persons from 16 years of age. To be eligible a person must be in receipt of a Department of Social and Family Affairs payment, for example, invalidity pension, old age contributory and non-contributory pension, disability allowance and so forth or equivalent social security payment from another country, or persons whose income is below the combined blind pension rate and blind welfare allowance rate and are registered with the National Council for the Blind. If not registered with the National Council for the Blind, a qualifying certificate of visual impairment from an ophthalmic surgeon must be submitted. Persons maintained in a long-term facility are not eligible to apply for blind welfare allowance. However, if a recipient is admitted for short-term care purposes, the allowance may be retained for a period up to a maximum of eight continuous weeks in any 12 month period. The current amount payable is €41.90 per week from 1 January 2004 with an increase of £4.40 for each child dependant.

In May 2000, the Ombudsman referred a case to the South West Area Health Board on blind welfare allowance. The Ombudsman highlighted a provision in blind welfare allowance related to the methodology used by health boards in the assessment of income for means purposes for blind welfare allowance. The Department of Health and Children and the national health board review group on Department of Health and Children disability allowances-grant schemes, which was established in 1999 to review allowances and grant schemes that come under the remit of the Department, agreed with the Ombudsman's interpretation of the methodology used.

However, in May 2001 the Department, following discussions with the various health boards and the Department of Finance, replied to the Ombudsman that the Department of Health and Children endorsed the Department of Finance position that procedures relating to the payment of blind welfare allowance should be based on standardisation of the existing general practice. In January 2002, the chief executive officers, CEO, group decided to amend health board procedures and commence paying blind welfare allowance in

line with the methodology described by the Ombudsman.

In July 2002, the Department of Health and Children received a letter from the CEO group outlining the cost implications of the amended methodology of paying blind welfare allowance. This costing referred to a yearly cost of almost €800,000. Furthermore, the health boards stated there were arrears of €1.7 million to current recipients and €2.5 million to cover arrears for other applicants — those refused, discontinued or deceased. My Department is actively pursuing the matter as part of the overall Estimates process for 2005.

Postal Services.

Mr. Durkan: I thank the Ceann Comhairle for the opportunity to raise this topical issue. When discussing An Post one should take the opportunity to praise the work it has done since its establishment. There is not an individual in any town, village or locality whom the postman or postwoman did not visit at least once a week. Sometimes he or she called every day and, in some cases, the postman was the only visitor some individuals received.

However, time passes and it now appears that difficulties have arisen for the service we have enjoyed for so many years. The past is gone and the present issues new challenges. Oddly, despite the advances in modern technology, it appears that some of the services we should have been able to use have not been availed of while, in other areas, electronic technology is taking over the job of the postal service. Nevertheless, there will always be a need for an efficient, effective and fast postal service. That is the only basis on which the postal service will be able to compete.

An Post is losing money at an alarming rate — allegedly there are losses of more than €40 million. The Communications Workers Union has carried out an assessment of the losses in An Post and it disputes their extent and the areas in which they are occurring. The union did not simply dream up those figures but arrived at them following an assessment carried out by professionals. The union's assessment must be examined to ascertain the correct position before anything further happens.

Most importantly, many small businesses depend on An Post's parcel and special delivery services, which are scheduled to be axed. These small companies cannot afford a dedicated courier service. In that context I urge the Minister, notwithstanding the work of the Labour Relations Commission and the debate that is taking place, limited as it is, to use his influence as a major shareholder in this enterprise to encourage both sides to come together to secure two important objectives, first, to prevent a postal strike in the run-up to the festive season for the sake of An Post, its workers and the community at large and, second, to undertake a thorough and independent examination of the financial position

in An Post. Whatever action takes place in the future — all sides, including management and unions, accept that changes will and must take place — it should not be change for the sake of change. It must and can only be change based on sound judgment and sound business management and objectives.

I ask the Minister to use his influence to undertake that reappraisal now and to do everything in his power to ensure that the good service that was provided by An Post heretofore continues into the future.

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): It would be helpful if, initially, I outlined for the benefit of the House the position in relation to our modern day postal business generally. The postal sector has changed significantly in recent years, with the liberalisation of the European postal market and with postal operators moving from national into international markets. This has impacted on this country with partial liberalisation of the postal market on foot of EU directives and with the presence of a number of international operators in the Irish market.

The parcels market in Ireland is now fully liberalised and operators are providing high quality services. The market includes some of the biggest postal operators in the world delivering international reach to Irish business. It is to be welcomed that our strong economic fundamentals make Ireland attractive for the big logistics firms. The competitive nature of the market, with a substantial number of local and international operators, offers a range of services which largely meet consumer and business needs.

It is important that An Post is structured towards the newly emerging competitive market with quality of service and meeting customer needs the priority objectives of the company. In this regard, my colleague, the Minister, Deputy Noel Dempsey, has made it clear to An Post that, having secured substantial price increases in the past, the company should refocus efforts on providing quality services, which is part of its universal service obligations. An Post customers expect no less, especially at Christmas. It is in all our interests that An Post continues to be a strong player in the Irish postal market.

In the circumstances following the heavy and unsustainable losses of €43 million in 2003, the restructuring of An Post is essential if the company is to return to financial stability and to continue to provide sustainable employment for its staff. The recovery strategy approved by the board of An Post sets out the basis on which the company, in partnership with the trade unions, can move forward. To progress the required restructuring, the management of An Post has, for several months, been involved in a dynamic negotiating process with the An Post unions under the auspices of the Labour Relations Commission.

The LRC process is the appropriate forum at which all parties are afforded the opportunity to put forward their views, positions and vision for the future of the company. Accordingly, both I and the Minister,

9 o'clock

Deputy Noel Dempsey, believe that any disagreements that exist between the Communications Workers Union and the board and management of An Post should be addressed through the LRC process and, ultimately, if it becomes necessary, the Labour Court. The State's industrial relations machinery is specifically geared towards mediating in disputes of this nature and I urge both sides to continue to use it to resolve issues of disagreement.

The financial situation of the company continues to be precarious and the need for restructuring remains an imperative. It is possible that the company may not suffer operational losses for 2004. However, it is important to stress that the financial position for 2004 needs to be viewed in the context of the non-payment of Sustaining Progress, large savings in non-pay costs, the once-off revenue from the European and local elections and the delay in implementing change management projects.

It has been recognised by the unions as well as the board and management of An Post that change is needed if the company is to have a viable future. The task now is for all parties to redouble their efforts to find solutions to the challenges facing An Post and to deliver the change needed to secure the position of the company for its customers, staff and the community at large.

Local Government Funding.

Mr. P. Breen: I thank the Ceann Comhairle for the opportunity to raise this important matter, namely, that the Minister for the Environment, Heritage and Local Government provide additional funding from the local government fund for 2005 to Clare County Council because it took over responsibility from Shannon Development for Shannon town on 6 September last, which has caused a major drain on its resources.

The creation of Ireland's first new town, Shannon, has been a major success story in the history of urban development in this country. It is now the second largest town in County Clare with a population of almost 10,000 people. The transfer of responsibility involved 68 houses and apartments, 130 acres of undeveloped housing land, water and waste treatment plants, associated distribution systems and all roads, footpaths, open spaces and landscaped areas of Shannon town. At the transfer ceremony on 6 September, the Clare county manager, Mr. Alec Fleming, promised that with increased responsibility for services in the town, the council had assigned extra personnel in its offices in Shannon and that he would ensure that the optimum level of services would be provided in the town by the council. How can the council provide this level of

[Mr. P. Breen.]

service if it is not given adequate resources from central Government?

I hope the Minister of State's reply will not be to the effect that the Government has provided Clare County Council with €13.1 million in 2004, an increase of 15.2% over the allocation for 2003, which represents an increase of more than 350% since 1997 because that information was contained in the reply I received to a parliamentary question I tabled some time ago. That answer is not acceptable because if Shannon is to continue to grow and prosper, major improvements in water and sewerage facilities will be needed. Estimates show that €30 million will be required to upgrade these services. A total of €10 million will be required to upgrade the Castle Lake waterworks and €20 million will be required for the Traderee Point effluent treatment plant and other associated sewerage systems within Shannon and Bunratty.

No major funding was invested in the town in recent years. Shannon Development was only a development agency and did not have the same status as the local authority. I do not intend any criticism of Shannon Development and I take this opportunity to thank it for the service it provided in the town in the past. Its immense contribution throughout the region is well acknowledged.

The maintenance of a new town such as Shannon is extremely costly. There are many green and open areas, which are costly to maintain on a regular basis. Ennis Town Council has an excellent record in terms of maintaining our county town. Ennis has won many awards in recent years and it will hopefully be crowned Ireland's tidiest town in 2005. Shannon, the county's second largest town, has the potential to follow on from Ennis. With the assistance of Shannon Town Council and Clare County Council, it can do so.

This is a timely debate because the Department of Finance will publish the Book of Estimates tomorrow. I hope the Minister of State will consider the concerns I have raised on behalf of the people of Shannon and convey my sentiments to the Minister. When local authorities are notified of the local government fund grant allocations for 2005, I hope provision will be made for the additional responsibility Clare County Council has taken on in respect of Shannon town.

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

(Mr. N. Ahern): I thank the Deputy for raising this issue. As he is aware, Shannon town was originally developed as an adjunct to Shannon Airport and the industrial zone in one of the most far-sighted regionalisation initiatives in our history. The development of the town was carried out by Shannon Development outside the normal local government system, although it later took on commissioner status and latterly became a

town council under the Local Government Act of 2001. Although a town council, responsibility for many normal local authority functions, such as the maintenance of roads and the provision of housing, remained with Shannon Development.

The initiative was highly successful and we now have a thriving town with a great community spirit located in what had previously been a quiet rural environment. It is a proud, early example of what can be achieved through vision and decentralisation. I am pleased that my Department has made its contribution to Shannon through the decentralisation there of the vehicle registration unit some years ago. The staff of, the unit and their families have provided a welcome boost to the social and commercial life of the area.

Time and developments in public administration move on, however, and Shannon Development's role was refocused some years ago. The day-to-day running of a town was inconsistent with its revised mandate. In the circumstances, a transfer of assets and responsibilities was agreed between Clare County Council and Shannon Development. The council assumed responsibility for roads, housing and water services and, in return, Shannon Development ceded income from rents, some development land and some other assets. These arrangements arose from detailed negotiations between the parties and were fully approved by the elected members and management of Clare County Council.

The motion refers to the funding implications of the change. Deputy Pat Breen is obviously already in possession of some of these figures but overall general purpose grants to local authorities have increased by 120% between since the Government came into office seven years ago. In the case of Clare County Council, these grants have been increased by 350% during that period. The grant for 2004, at more than €13 million, represented a 13% increase over the corresponding figure for 2003. These large increases in grant aid enabled the council to keep increases in its rates and charges to a reasonable level.

Details of local authorities' general purpose grants for 2005 have not yet been determined but they are expected to provide real increases on the amounts provided in the current year. In determining these grants, the Minister will take all factors into account, including the overall funding available, the increases in demands generally on local authorities, and any significant changes that can be expected in income from local sources. I am satisfied that, in all the circumstances, the grant that will be made available to Clare County Council for 2005, together with the income it can obtain from other sources, will enable it to provide a reasonable level of services to its customers in 2005. Details of their general purpose grants for 2005 will be notified to local authorities shortly.

As the Deputy stated, the Book of Estimates will be published tomorrow. The notification of

grants to local authorities will issue quite quickly thereafter. Grants to local authorities are not the only source of income they have to allow them to run their business. In general, the grants from the Department account for just under 20% of councils' revenue. On average, therefore, they make up at least 80% themselves. In the case of Shannon, with its large rate base and a possible re-evaluation thereof, the Deputy may find that the gap he suspects to exist might not be there at all.

Mr. P. Breen: I am sure the Minister of State will have good news for us tomorrow.

Mr. N. Ahern: I accept the Deputy has concerns but I hope these will be allayed during the coming days.

Planning Applications.

Dr. Upton: An Bord Pleanála plays a crucial role in determining planning applications on appeal from local authorities across the country. In its functions it is independent from the Oireachtas, from local authorities and from the Minister. It is accountable only to the High Court in limited circumstances and within a specified timeframe. The independence and powers of An Bord Pleanála is predicated on its planning expertise and competence. However, what happens when An Bord Pleanála, and in particular the board members of that body, go against professional planning advice? What happens when the board members do not display the required level of competence in performing their duties or when they draft new sections of the planning code without the legal authority?

There is one chairperson and eight ordinary members of An Bord Pleanála. They carry out their duties on a whole-time executive basis. I wish to raise the consideration of one appeal by the board members of An Bord Pleanála. The address of the application is 292-294 Ballyfermot Road, Dublin 10. The An Bord Pleanála reference number is 29S.207933 and the Dublin City Council reference is 2479/04. The application proposed a change of use and re-development of a former grocery store into a two-storey public house and off-licence. The planning authority, Dublin City Council, refused the application. The council based its decision on a detailed assessment of the proposal by a professional planner. It also followed a site visit to the location in question. The applicant appealed the decision to An Bord Pleanála. On appeal, an An Bord Pleanála inspector, also a professional planner considered this file. The inspector undertook a detailed assessment of the application, including a site visit on 2 September. She recommended that An Bord Pleanála uphold the council's determination of refusal. The board members of An Bord Pleanála considered this application at their meeting of Thursday, 11 November 2004. Regrettably, they

decided to grant permission for this development. I wish to address two aspects of the consideration by the board members of An Bord Pleanála.

In this case, the board members of An Bord Pleanála rejected two sets of professional planning advice without due care. The board members for example should have made a site visit to the location in question. An Bord Pleanála has informed me that no such visit took place. The board members decided in this case to overturn professional planning advice, yet they have not outlined sufficient reasons for their decision, nor did they investigate this matter sufficiently. The board members' decision includes the following assertion: "The Board also considered matters in relation to anti-social behaviour and public order, were matters outside the planning code." I would like the Minister to say if the board members of An Bord Pleanála have the legal basis to decide what is and what is not part of the planning code.

Section 34 of the Planning Act 2000 outlines considerations for a planning authority to take into account in assessing an application. One part of this section includes "the policy of Government, the Minister or any other Minister of the Government." However, tackling anti-social behaviour and public order are stated aims of the whole Government and of the Minister for Justice, Equality and Law Reform. The professional planners who assessed this application held that they should take account of anti-social behaviour and public order in considering a planning application. It also makes sense that regard should be had to crime and public order in considering any application, in the same way, as traffic and residential amenity are factors.

The board members of An Bord Pleanála do not have the legal basis to decide what is and what is not part of the planning code. They cannot read into section 34 an exception that excludes anti-social behaviour and public order from planning. It is for An Bord Pleanála to decide between different competing factors within an application, but it does not have authority to exclude certain factors from its consideration. The independence and powers of the members of the An Bord Pleanála are predicated on their planning expertise and competence. The board members have failed to show sufficient expertise or competence in this case. The board members also overturned two decisions of professional planners without taking any reasonable steps to justify their decision. In this case, they made their decision without even visiting the location in question. This decision of the board members also seeks to re-draft the Planning Act 2000, a task they do not have authority to do. They cannot take it upon themselves to exclude anti-social behaviour and public order from section 34 of the Act. I ask the Minister to look into this matter and do everything in his power

[Dr. Upton.]
to ensure that An Bord Pleanála carries out its functions with due expertise and competence.

Within 200 metres of the proposed site, there are 11 outlets for the sale of alcohol. There are many retail units or other facilities that would contribute very significantly to the quality of life of the residents of Ballyfermot but a super pub is not what they need.

Mr. N. Ahern: An Bord Pleanála is a body established under the Planning and Development Act 2000 to operate independently in performing its functions. Procedures with regard to appointments to An Bord Pleanála are set down in Part 6 of the 2000 Act. Section 106 in particular deals with the appointment of ordinary members of the board. Under the Act the board normally comprises a chairperson and seven ordinary members. Additional ordinary members may be appointed where the Minister is of the view that the level of work at the board is so high as to require it and makes a ministerial order to increase the membership. Both Houses of the Oireachtas must approve such a ministerial order. The board's current membership is increased by two to ten members, on foot of an order effective from 7 November 2001. This order will expire on 6 November 2006. Under section 106(1) of the Act, ordinary members of the board are appointed following nominations from six panels who are representative of a broad range of interests to reflect various facets of society. At least one member is appointed to represent each of the six panels.

The panels represent professions or interests relating to physical planning, engineering and architecture; persons or groups concerned with the protection of the environment and amenities; persons or groups concerned with economic development, and the construction industry; representatives of the interests of local government who should possibly be able to address the point made by the Deputy; trade unions, rural and local community development bodies; voluntary bodies, charities and Irish language interests. The 37 bodies prescribed under the Planning and Development Regulations 2001 to participate in the panels represent a wide range of interests in order to ensure a board membership with diverse backgrounds who can reach a view that reflects the broader views of society. It is not necessary for board members to have a planning qualification nor is it a requirement that persons nominated by an organisation should be members of that organisation. Members of the board are appointed in their own right and there is no ques-

tion of them reporting back to the organisation, which selected them, or acting as a representative of that organisation on the board.

Article 65 of the Planning and Development Regulations 2001 provides, among other things, that within eight weeks of a request for nominations under the Act, a prescribed organisation must select not less than two candidates for appointment and inform the Minister of the reasons, in the opinion of the organisation, each candidate is suitable for appointment as an ordinary member of the board. The organisation must send a *curriculum vitae* in respect of each candidate and the written consent of the candidate to his or her selection.

In seeking nominations for appointments to the board, the Minister notifies nominating bodies that he will have regard to the suitability of the candidates selected by the prescribed organisations and the need to establish an appropriate balance in the overall membership of the board. Government policy on gender balance on State bodies is also taken into account in relation to appointments. One member of the board is appointed from among the officials of the Department of the Environment, Heritage and Local Government. He or she must be an established civil servant under the Civil Service Regulation Act 1956. The Act also sets down specific procedures for appointment of the chairperson of the board.

These extensive and detailed provisions of planning legislation are designed to ensure an independent board and one, which incorporates a broad mix of relevant backgrounds and competencies. They follow on similar provisions which have operated since the early 1980s and which were maintained under successive Governments. I am confident they are appropriate and adequate to the requirements of An Bord Pleanála in the future.

I apologise to the Deputy that her specific point is not covered in the reply. Another matter was raised on the adjournment last night to do with An Bord Pleanála. We are public representatives. One week we think they are excellent when they make a decision that suits us and another week we think they are dreadful when they go against what we perceive to be the interests of our constituents. On the point raised by the Deputy as to whether the board has the authority and the right to define and say what is within or without the planning code, I will investigate that point and reply to the Deputy.

The Dáil adjourned at 9.20 p.m. until 10.30 a.m. on Thursday, 18 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 14, inclusive, answered orally.

Questions Nos. 15 to 54, inclusive, resubmitted.

Questions Nos. 55 to 65, inclusive, answered orally.

Defence Forces Strength.

66. **Mr. Stanton** asked the Minister for Defence if there is adequate human resources in place in the Naval Service to meet the requirement of fishing protection; and the details of this requirement. [28754/04]

68. **Ms O. Mitchell** asked the Minister for Defence if the strength of the Permanent Defence Force will be altered over the coming 12 month period; and if he will make a statement on the matter. [28770/04]

81. **Mr. Durkan** asked the Minister for Defence if he has satisfied himself regarding the strength of the Army, Naval Service and Air Corps, having particular regard to current or likely commitments overseas; if the Defence Forces are adequately equipped to deal with all such arising situations; and if he will make a statement on the matter. [29132/04]

100. **Dr. Twomey** asked the Minister for Defence the authorised number of personnel for the Defence Forces; the current strength of same; and if he will make a statement on the matter. [28759/04]

608. **Mr. Durkan** asked the Minister for Defence if the current strength of the Army, Naval Service and Air Corps is adequate to meet all contingencies in view of the likelihood of extra overseas deployment; and if he will make a statement on the matter. [29266/04]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 66, 68, 81, 100 and 608 together.

The White Paper on Defence of February 2000 sets out a figure of 10,500 personnel for the Permanent Defence Force comprising 930 for the Air Corps, 1,144 for the Naval Service and 8,426 for the Army. The strengths of the Permanent

Defence Force as at 31 October 2004 are as shown in the table below.

It is my intention to maintain the established Government policy of ongoing recruitment to the Defence Forces. Recruitment into the Permanent Defence Force will continue to maintain the strength at a level required to meet military needs and as set out in the White Paper, that is, 10,500 Permanent Defence Force, all ranks. The Government remains fully committed to the policy of ongoing recruitment to ensure that an overall PDF strength of 10,500 is achieved and maintained. The ongoing recruitment campaign for enlistment in the Defence Forces, approved by my predecessor, is designed to address any shortfall in personnel in the Defence Forces.

The White Paper provides an overall strength figure of 10,500 for the Permanent Defence Force, all ranks. This figure comprehends provision for the allocation of up to 850 members of the Permanent Defence Force to overseas peace-keeping missions at any given time. The military authorities advise that on 31 October 2004 there were 750 members of the Permanent Defence Force serving overseas on such missions. This represents 7.2% of the strength of the Defence Forces. I am satisfied that the current strength is adequate to meet all needs arising at home and overseas.

In 2004 the cadet intake was ten cadets to the Naval Service, 51 cadets to the Army and six cadets to the Air Corps. It is proposed to recruit 15 apprentices to the Air Corps in 2004. From January 2004 to 30 September 2004, there has been an intake of 278 general service recruits. The requirements for any further intakes will be reviewed on an ongoing basis.

The Naval Service supported by the Air Corps maritime patrol aircraft provides Ireland with a very effective fishery protection service in accordance with our EU obligations and the requirements of the Department of Communications, Marine and Natural Resources, which has primary policy responsibility in this area. I am glad to inform the House that a memorandum of understanding incorporating a service level agreement is now in place between the two Departments setting out agreed commitments in relation to fisheries protection and providing for the effective discharge of the Departments' respective obligations.

I am satisfied that the Naval Service has the required assets to meet its obligations under the memorandum of understanding. As such, there is no basis, nor do I have any plans to expand the current fishery protection capability of either the Naval Service or the Air Corps.

Strength of PDF 31 October 2004.

Service	Officers	NCOs	Privates	Cadets	Recruits	Total
Army	1,050	3,060	4,141	52	188	8,491
Air Corps	140	398	317	12	0	867
Naval Service	150	495	396	21	0	1,062
Total PDF	1,340	3,953	4,854	85	188	10,420

Question No. 67 answered with Question No. 65.

Question No. 68 answered with Question No. 66.

Defence Forces Regulations.

69. **Mr. Broughan** asked the Minister for Defence if his attention has been drawn to the recent remark by a person (details supplied) that the case of 13 soldiers serving in Donegal who face dismissal should be decided within the existing industrial relations framework and not left to the discretion of the men's superior officers; if he has held discussions with PDFORRA regarding this case; and if he will make a statement on the matter. [28820/04]

Minister for Defence (Mr. O'Dea): The discharge of enlisted personnel is governed by the Defence Act 1954, as amended and by the relevant Defence Forces regulations and Defence Forces administrative instructions. Under the relevant regulations, unit commanders or sub-unit commanders are not the authorised officers or the prescribed military authorities for the purpose of the discharge of enlisted members of the Defence Forces.

In the matter referred to by the Deputy, the military authorities advise that they are not aware of the identity of the particular individuals to whom the question relates. However they advise that no member of the Defence Forces was threatened with discharge nor is any member facing discharge at this time. A number of enlisted personnel were, however, informed verbally and in writing, by their sub-unit commander, that there was a possibility that they may not meet the criteria, as laid down in regulations and administrative instructions, to continue to extend service in the Defence Forces and they were advised of the possible consequences. The action of the sub-unit commander does not contravene regulations and is viewed as good management practice. Indeed, if the sub-unit commander had not so informed these personnel he might have left himself open to an accusation of failing to give timely advice and warning to those concerned.

Defence Forces Recruitment.

70. **Dr. Twomey** asked the Minister for Defence the number of applicants for the Defence Forces who failed the medical entry test in the years 2002 and 2003; the reasons for failure; and if he will make a statement on the matter. [28758/04]

Minister for Defence (Mr. O'Dea): The number of applicants for the Permanent Defence Force, other than applicants for general service enlistment, who were found unsuitable on medical grounds in 2002 was 62. In addition, 325 applicants for general service enlistment were found unsuitable on medical-fitness grounds. A breakdown of this figure for medical reasons alone is

not available. The number of applicants for the Permanent Defence Force who were found unsuitable, due to failing the medical examination, in 2003 was 123.

The reasons for failure of medical examinations which would disqualify a candidate from entry to the Permanent Defence Force are numerous and varied. Candidates are required to undergo a detailed medical examination to ensure that they are in good mental and bodily health and free from any condition, abnormality or past history of serious illness likely to interfere with the efficient performance of military duties.

Naval Service Vessels.

71. **Ms O'Sullivan** asked the Minister for Defence his views on whether money accrued from the Government's SSIA scheme should be used to fund a ship replacement programme; and if he will make a statement on the matter. [28831/04]

Minister for Defence (Mr. O'Dea): The acquisition of new equipment for the Army, Air Corps and Naval Service will be a key focus for me as Minister for Defence. I am aware that significant investment has taken place in recent years and I want to continue the good work in that regard.

The unprecedented level of expenditure on equipment for the Defence Forces was made possible by the Government's decision that pay savings arising from the reorganisation of the Defence Forces set out in the White Paper of 2000, along with proceeds from the sale of surplus properties, would be reallocated for investment in modern facilities and equipment.

In continuing with the investment programme, I am of the view that moneys required for this purpose will be raised through Exchequer allocations or from asset sales and not from money accrued from the SSIA scheme.

At every available opportunity, I will champion the cause of ongoing investment and development of our Defence Forces. We will continue to make substantial investment in new equipment and infrastructure in 2005 and beyond. While expenditure programmes will now have to be more prioritised due to the changed financial situation, I will ensure that a substantial re-equipment programme will continue to enhance the efficiency, professionalism and safety of the Army, Air Corps and Naval Service.

Overseas Missions.

72. **Mr. Connaughton** asked the Minister for Defence the overseas missions it is envisaged that the Defence Forces will contribute to for the remainder of 2004 and for 2005; and if he will make a statement on the matter. [28772/04]

73. **Mr. Durkan** asked the Minister for Defence the extent to which he has received requests for participation in peacekeeping or peace enforcement under the aegis of the UN or EU; and if he will make a statement on the matter. [29131/04]

74. **Mr. Crawford** asked the Minister for Defence the number of members of the Defence Forces that are available to the United Nations; if this number will be increased; and if he will make a statement on the matter. [28763/04]

616. **Mr. Durkan** asked the Minister for Defence the proposed Irish troop deployment, new or replacement; and if he will make a statement on the matter. [29276/04]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 72 to 74, inclusive, and 616 together.

Ireland is currently contributing approximately 745 Defence Forces personnel to 21 different missions throughout the world. The main commitments are to the United Nations Mission in Liberia, UNMIL, with 435 personnel and to the NATO-led international security presence, KFOR, in Kosovo, with 213 personnel. Other personnel are serving as monitors and observers with the United Nations, the Organisation for Security and Co-operation in Europe, OSCE, and the European Union. Staff are also deployed at the organisational headquarters of the OSCE, the UN, NATO and the EU.

Ireland's current major contribution to peace-keeping is in Liberia, where a contingent of the Permanent Defence Forces has been serving since December 2003 with the United Nations Mission in Liberia, UNMIL. Ireland, together with an infantry company group from Sweden, provides the quick reaction force to the UNMIL force commander. Ireland was specifically requested by the UN to participate in a substantive manner in this mission, which is a tribute to the high regard in which the UN holds the Irish Defence Forces. It is intended that Defence Forces involvement in UNMIL will probably conclude in 2005-06, once the Liberian elections planned for mid-2005 are completed.

In KFOR, the Defence Forces are serving as part of a Finnish battalion with a Swedish-led multinational brigade. A reorganisation and downsizing of the NATO-led forces in KFOR, including the Irish contingent, was planned and had partly commenced when civil disturbances broke out in March this year in Kosovo. That downsizing has now been deferred to allow the situation to settle. Having regard to the fragility of the peace in Kosovo and subject to ongoing assessments of the situation on the ground, Ireland will continue to maintain a presence in KFOR for some time yet.

Next month, the EU is due to take-over the current NATO-led UN authorised operation in Bosnia and Herzegovina, known as SFOR. Ireland currently has 12 personnel deployed at SFOR Headquarters. On 9 November 2004, the Government decided, subject to final approval by the UN Security Council of an appropriate resolution authorising the establishment of EUFOR and the approval of the Dáil, to despatch a contingent of the Permanent Defence Forces for service with EUFOR, the EU-led mission-operation

in Bosnia and Herzegovina, code named Operation Althea, to be established under the authority of the UN, as the legal successor to SFOR.

Subject to these conditions, planning for participation by the Defence Forces in EUFOR, which is due to commence operations on 2 December 2004, is currently ongoing. Members of the Permanent Defence Forces currently serving in SFOR headquarters will transfer to EUFOR upon the take-over of the mission by the EU. It is also proposed to deploy an additional 42 personnel to EUFOR as part of a Finnish-led multinational task force, bringing Ireland's total deployment in EUFOR to 54. An advance party of 11 personnel has recently been deployed to the mission to put in place the requisite arrangements for the later deployment of the contingent.

Once this planned deployment is completed, the total number of Defence Forces personnel then serving overseas will be 776, which is within Ireland's maximum sustainable commitment of 850 personnel under the United Nations stand-by arrangements system, UNSAS. At 850, the UNSAS commitment represents 10% of the total Army strength and this is the figure set in the White paper on Defence. This is the maximum sustainable commitment that Ireland can make to overseas peacekeeping operations. It should be appreciated that at any one time one group of personnel will have just returned from service, one will be on overseas duty and a further group will be in training. There are no plans at this time to increase the level of our commitment to UNSAS.

Ireland receives requests from time to time in relation to participation in various missions and these are considered on a case by case basis. However, we are currently fairly close to the limit of our sustainable commitments. It is appropriate that we keep some level of resources in reserve, should we need to reinforce existing missions or to take on additional missions at short notice. Looking to 2005, no other deployments are planned or envisaged at this time.

Army Barracks.

75. **Mr. Costello** asked the Minister for Defence if there are any further plans to close Army barracks in the State; if the future of the three Army barracks in Donegal is secure; and if he will make a statement on the matter. [28823/04]

86. **Mr. Penrose** asked the Minister for Defence the property which he is considering to be sold in order to raise money for new equipment for the Defence Forces; and if he will make a statement on the matter. [28832/04]

613. **Mr. Durkan** asked the Minister for Defence the extent to which all military installations decommissioned in 1998 have been disposed of; the total accruing to the Exchequer; the total costs associated with maintenance, security

[Mr. Durkan.]
and so on, in the interim; and if he will make a statement on the matter. [29271/04]

Minister for Defence (Mr. O’Dea): I propose to take Questions Nos. 75, 86 and 613 together.

On 15 July 1998, the Government approved a programme of evacuation and sale of six barracks considered surplus to military requirements. The barracks in question were located at Ballincollig, Fermoy, Castleblayney, Naas, Kildare and Clancy barracks, Dublin.

The sale of approximately 91 acres comprising lot 1, Murphy barracks, Ballincollig, to O’Flynn Construction for €41 million and the sale of lot 2 to the sitting tenant for €1.05 million — my Department’s reversionary interest in approximately 6.2 acres of the barrack lands — was completed in 2003. A further area comprising more than 27 acres at Murphy barracks is being handed over to Cork County Council for community use. Agreements have also been reached for the sale of a site comprising approximately 2.7 acres to the Southern Health Board and a further plot of approximately 1.7 acres to the Department of Education and Science. Receipts in excess of €2.8 million will accrue to my Department in respect of those disposals. An area comprising approximately 0.545 of an acre has been set aside on foot of a request from the Office of Public Works for a plot of ground to facilitate extension of the existing Garda station located on Main Street, Ballincollig. My Department is in correspondence with the OPW on arrangements for transfer of the lands concerned, including the matter of a consideration therefor. Some 19.218 acres at the former Fitzgerald camp, Fermoy, were sold to Cork County Council in 2001 for €973,889 for development in conjunction with the IDA.

Castleblayney military post, County Monaghan, comprising approximately ten acres, was sold to the North Eastern Health Board for €761,843 in 2002. Seven acres at Devoy barracks, Naas, County Kildare, were ceded free of charge to Naas Urban District Council, while a further 14 acres were sold to that authority for €8,888,167. The balance of the barracks lands — one acre — was sold to Kildare County Council for €380,921 in 2002.

The Government decided in July 2003 that Magee barracks, Kildare, and Gormanston Camp, County Meath, would be among the State lands released for inclusion in the sustaining progress affordable housing initiative. The modalities of the transfer of these properties, as well as sites at St. Bricin’s Hospital, Dublin, and at Collins barracks, Cork, to the relevant local authorities are under active consideration in consultation with the Department of the Environment, Heritage and Local Government and the Chief State Solicitor’s Office. The sale of Clancy barracks, Dublin, comprising 13.65 acres approximately, to Florence Properties Limited for €25.4 million was completed earlier this year. The disposal of a number of other minor surplus properties owned by my Department has also been completed during this period. The value of sales-disposals completed since 1998 has totalled in excess of €88 million.

There are currently no plans to close any further barracks or to alter the status of military posts at Finner camp, Lifford and Rockhill House, Letterkenny. The Department’s property portfolio is, however, kept under continual review and any properties surplus to military requirements will be disposed of to fund much needed investment to meet the equipment and infrastructure needs of the Defence Forces.

The security, maintenance, consultancy and other costs in respect of those barracks identified for closure in 1998 are as follows:

	Security	Maintenance and Other Costs
	€	€
Murphy Barracks, Ballincollig #	1,120,604	257,113*
Fitzgerald Camp, Fermoy #	330,813	42,633
Castleblayney Military Post #	131,289	10,548
Devoy Barracks, Naas #	472,654	16,959
Magee Barracks, Kildare #	123,291	15,677
Clancy Barracks, Dublin #	649,441	203,089

Now sold or no longer in the administration of my Department. No further costs will be incurred by the Department of Defence.

* Includes costs relating to the integrated area action plan.

Overseas Missions.

76. **Mr. Rabbitte** asked the Minister for Defence if he will elaborate on his recent comments that he is ready to take appropriate and immediate action should the security situation in Liberia deteriorate with regard to ensuring the safety of Irish UN peace-keepers; if he has assessed the level of security threat facing Irish

troops serving in Liberia; and if he will make a statement on the matter. [28834/04]

Minister for Defence (Mr. O’Dea): The Defence Forces contingent, which was deployed for service with the United Nations Mission in Liberia, UNMIL, in December 2003 comprises a motorised infantry battalion, of some 435 personnel. A small number of additional personnel have

been also deployed at force headquarters and as military observers.

The main Irish contingent, together with a mechanised company from Sweden, representing a battalion level force, operates as the force commander's quick reaction force. The role of the quick reaction force is the provision of an immediate response capability, deployable in sufficient strength and with the required level of force to provide a swift and decisive military reaction to any crisis situation.

Subject to renewal of the UN mandate, it is my intention is that the Defence Forces involvement in this mission will continue for two to three years. Elections, which are due in 2005, under the comprehensive peace agreement, should be completed at that stage. The 91st infantry battalion is due to return home shortly, after completing a six month tour of duty and will be replaced by the 92nd infantry battalion.

As the Deputy will be aware, there was significant unrest in Monrovia in recent weeks. In addition, there are continuing problems in Cote d'Ivoire. Overall it is vitally important to the region as a whole that Liberia remains calm. Indeed, during my recent meeting with the UN Secretary General, Mr. Kofi Annan, he indicated the importance of Liberia as a beacon for peace and security in the region.

During the recent unrest in Monrovia, the Irish Defence Forces contingent was deployed at Mamba Point to protect the main governmental, administrative and foreign delegation areas. It also conducted ongoing patrols across the city in order to restore order. While the civil disturbances were widespread, I am glad to say that there were no injuries to Irish personnel.

The situation in Monrovia has now calmed and civil order has been restored. However, the speed with which these situations can get out of hand is indicative of the difficult circumstances in which our troops operate and one can never lose sight of this. Against this background it is important that our troops have the appropriate skills, training and equipment to discharge their mandate.

A wide range of equipment and force protection assets have been deployed with the contingent including Mowag APC's, armoured vehicles and support weapons, heavy machine guns and mortars. Due to the equipment modernisation programmes that have taken place in the Defence Forces over the past few years, our UNMIL contingent is the best equipped ever to serve overseas. However, it is important that we keep the security situation under review. In the event that there is a requirement for the deployment of additional equipment or more extensive resources to support our forces in UNMIL, then this shall be done.

Cash Escorts.

77. **Mr. English** asked the Minister for Defence the number of members of the Defence Forces who are involved on a day to day basis in providing security for cash in transit vehicles; and if he will make a statement on the matter. [28774/04]

94. **Mr. Boyle** asked the Minister for Defence if he will report on his plans to alter the practice of providing Army security escorts to the banks; and if he will make a statement on the matter. [28809/04]

111. **Ms Lynch** asked the Minister for Defence when his review into the cost of the Army providing security escorts for bank cash transits will be complete; the reason he recoups only just over 40% of its costs on providing these security services, whereas the Department of Justice, Equality and Law Reform recoups 90% from the gardaí for providing similar services to banks here; and if he will make a statement on the matter. [28827/04]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 77, 94 and 111 together.

To aid the civil power, meaning in practice to assist, when requested, the Garda Síochána which has the primary responsibility for law and order, including the protection of the internal security of the State, is among the roles assigned to the Defence Forces. In this regard, the Defence Forces assist the gardaí as required in duties, which include escorting cash deliveries to banks, post offices and other institutions.

Earlier this year my Department conducted a review of the costs of cash escorts and the relative contribution of the banks to these costs. An annual contribution of €2.86 million is paid by the banks in respect of cash escorts. This figure was set by the Department of Finance in the 1995 budget and has not altered since. This contribution from the banks was designed to part-cover the total costs to the State of providing cash escorts. At that time, the contribution from the banks covered approximately 72% of the total cost arising to the Defence Forces, which includes pay and allowances. Based on annual costings by my Department, the relative level of the contribution has fallen in real terms over the years to the situation where it now only covers 43% of the total costs. The review also found that over 79% of all cash escorts are in respect of deliveries to banks.

The total cost in respect of the provision by the Defence Forces of assistance to the Garda Síochána in protecting movements of cash for the years 2000 to 2003 — the 2004 costs have not yet been finalised in my Department — including pay, allowances, transport and aerial surveillance, was as follows:

[Mr. O'Dea.]

2000	2001	2002	2003
€5.70m	€6.58m	€6.87m	€6.64m

These costs related to the following numbers of requested escorts:

2000	2001	2002	2003
2,285	2,488	2,516	2,335

For the first nine months of 2004, approximately 1,825 escorts took place. In any given month approximately 1,592 army man days are expended in relation to these escorts.

My Department is currently in communication with the Irish Bankers' Federation with a view to increasing the contribution and I will meet the chief executive of the Irish Bankers' Federation soon to progress the issue. Pending the outcome of those discussions, I do not believe it would be helpful to elaborate on any proposals to alter current cash escort practices. However, it may be the case that modern satellite tracking technologies and the use of more robust security vehicles could provide options in relation to the level of demand for armed cash escorts provided by the Defence Forces, where large cash consignments are being transported. At the end of the day, cash escorts are provided at the request of the Garda Síochána on the basis of their risk assessment and the Defence Forces will continue to respond to such requests as they arise.

Coroner's Inquest.

78. **Ms McManus** asked the Minister for Defence if his attention has been drawn to recent comments from the coroner for Donegal north west who investigated the death of an Irish soldier who was killed during a dispute with fellow officers while serving on UN duty in the Lebanon in 1989, that the Department of Defence gave very little co-operation when preliminary information was sought into the soldier's death; if his Department will co-operate fully with the new inquest into the soldier's death; and if he will make a statement on the matter. [28828/04]

Minister for Defence (Mr. O'Dea): I am advised that my Department co-operated fully with the coroner for north-west Donegal in relation to the inquest into the death of an Irish soldier while on service with the United Nations in Lebanon in 1989.

In response to a request from the coroner, all the information requested was supplied with the exception of the United Nations board of inquiry report. The UN board of inquiry report is a confidential document, which belongs to the UN and is only provided to the Government on the basis that it is not made public in any form, either in whole or part.

My Department provided a copy of the Irish contingent board of inquiry report to the coroner. In addition, a member of the 28th infantry battalion represented the Defence Forces at the preliminary hearing of the inquest on 21 October 2004. I can confirm that my Department will continue to co-operate fully with the inquest into the soldier's death.

Naval Service Patrols.

79. **Mr. Coveney** asked the Minister for Defence the role of the Naval Service with respect to assisting the civil power in the fight against the illegal importation of drugs. [28753/04]

102. **Mr. R. Bruton** asked the Minister for Defence the number of vessels within the Naval Service; the number that are on permanent duty at any given time in policing the coastline and protecting against drug smuggling operations; and if he will make a statement on the matter. [28769/04]

107. **Mr. Coveney** asked the Minister for Defence the number of fishing patrol vessels possessed by the Naval Service; the estimated remaining life of each; and if he will make a statement on the matter. [28752/04]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 79, 102 and 107 together.

The Naval Service is equipped with a total of eight vessels comprising one helicopter-carrying vessel, five offshore patrol vessels and two coastal patrol vessels. The nominal life of a Naval vessel is approximately 30 years, although this can be extended or reduced depending on circumstances and usage. The type and age of each of the vessels is set out in the attached schedule.

The main day to day role of the Naval Service is to provide a fishery protection service in accordance with the State's obligations as a member of the European Union. The Naval Service is committed to having at least three vessels on patrol within the Irish exclusive economic zone at any one time. The service is tasked with patrolling all Irish waters from the shoreline to the outer limits of the exclusive economic zone, the 200 mile limit.

Fishery protection activity accounts for over 90% of all Naval Service patrol time. However, as the need arises, Naval Service vessels may be deployed to other duties such as aid to the civil power, search and rescue, drug interdiction operations and assistance with pollution control.

Responsibility for the prevention of drug trafficking and other such illegal activities rests primarily with the Garda Síochána and the Revenue Commissioners. However, the White Paper on Defence provides for a security role for the Naval Service to assist and support the civil authorities in this important work. Government measures to improve law enforcement in relation to drugs, including the establishment in 1993 of a joint task force involving the Garda, the Customs Service

and the Naval Service, have helped to maximise the effective use of Naval Service resources in combating drug trafficking, etc. There is close co-operation between the civil authorities and the Naval Service in this important area.

A key target of the Naval Service has been to increase annual patrol days in line with the recommendations of the PriceWaterhouse report

in 1998. I am happy to report that in the last four years to end 2003, the number of annual patrol days has increased by approximately 35%. The target for 2004 is 1,600 patrol days, which will represent a further improvement on the 2003 output of 1,496. The increase in Naval Service output has enabled it to deliver increased levels of service across all areas of its operations.

Type and age of Naval Service vessels.

Vessel	Type	Age	Estimated Remaining Life*
<i>LE Emer</i>	Offshore Patrol Vessel	26 years	4 years
<i>LE Aoife</i>	Offshore Patrol Vessel	25 years	5 years
<i>LE Aisling</i>	Offshore Patrol Vessel	24 years	6 years
<i>LE Eithne</i>	Helicopter Patrol Vessel	20 years	10 years
<i>LE Ciara</i>	Coastal Patrol Vessel	20 years	10 years
<i>LE Orla</i>	Coastal Patrol Vessel	19 years	11 years
<i>LE Róisín</i>	Offshore Patrol Vessel	4 years	26 years
<i>LE Niamh</i>	Offshore Patrol Vessel	3 years	27 years

* Based on a notional life of 30 years.

Defence Forces Equipment.

80. **Mr. Wall** asked the Minister for Defence the position regarding the tendering process for the acquisition of six new helicopters for the Air Corps; when he expects the process to be complete; and if he will make a statement on the matter. [28839/04]

Minister for Defence (Mr. O'Dea): The procurement process for the acquisition of new helicopters for the Air Corps is progressing well. This major investment programme involves the acquisition of six helicopters — two light utility helicopters primarily for Air Corps crew training purposes and four larger utility helicopters, with the option of two further such helicopters — for use in support of the Army and for other ancillary uses such as air ambulance. The new aircraft will replace the current fleet of Dauphin, Alouette and Gazelle helicopters.

The tender competition was advertised in the *Official Journal of the European Communities* on 29 May 2004. The closing date for the receipt of tenders was Tuesday, 3 August 2004. Valid tenders were received from three companies. The companies involved are Eurocopter, Sikorsky and AgustaWestland.

A comprehensive tender evaluation process is ongoing at present. A project team comprising officials from my Department and Air Corps and Army personnel is undertaking the evaluation. This will, of necessity, take some time to complete. It is expected, however, that the Department will be in a position to place a contract before the end of the year. The Deputy will appreciate that I am not in a position to give any details of the costs of the helicopters at this stage given that the evaluation process is ongoing.

The two light utility helicopters will be operated by the Air Corps primarily in the military pilot and aircrew training role. Primary

taskings for the helicopters will include pilot training, instructor training and instrument flight training.

The four utility helicopters will be operated by the Air Corps in a general purpose military operational and training role. They will not be dedicated for use by any particular element of the Defence Forces. Primary taskings for the utility helicopter will include training and operations with special forces, security and aid to the civil power, military exercises, infantry interoperability training and limited troop transport. The helicopters will have the capability of lifting some Defence Forces equipment such as artillery pieces but will not have the capability to lift heavy equipment. They will also be used to perform air ambulance, inland search and rescue, aid to the civil community and VIP transport tasks.

The contract for the supply of the helicopters will be awarded on the basis of the most economically advantageous tender applying the following award criteria, which are listed in order of priority: functional characteristics, operational suitability and technical merit; maintenance, technical support and after sales service; tender prices; life cycle costs over 20 years; training packages offered; warranties offered; and delivery period.

The procurement of modern light utility and utility helicopters will provide a significant boost to the Air Corps. In that regard, every effort will be made to ensure that the process moves along as quickly as possible to ensure that the new helicopters are available to the Air Corps at the earliest possible date.

Question No. 81 answered with Question No. 66.

Defence Forces Conduct.

82. **Mr. Murphy** asked the Minister for Defence

[Mr. Murphy.]
the progress that has been made on tackling bullying and harassment within the Defence Forces; and if he will make a statement on the matter. [28766/04]

91. **Ms Burton** asked the Minister for Defence the progress made to date in implementing the recommendations of the Doyle report concerning fundamentally tackling the issue of bullying in the Defence Forces; and if he will make a statement on the matter. [28822/04]

103. **Mr. Sherlock** asked the Minister for Defence if his attention has been drawn to the comments of a person (details supplied) that they were gobsmacked at the manner in which details of bullying cases within the Defence Forces emerged in the media during the recent PDFORRA conference; his views on whether there is an ignorance at senior level of the Defence Forces of the depth and extent of bullying throughout the forces; and if he will make a statement on the matter. [28819/04]

Minister for Defence (Mr. O’Dea): I propose to take Questions Nos. 82, 91 and 103 together.

In March 2002, Dr. Eileen Doyle and the external advisory committee group presented their report, *The Challenge of a Workplace*, commonly referred to as the Doyle report, to my predecessor. The contents and recommendations of the Doyle report were accepted in full.

Action to implement the recommendations of the report has been one of the highest priorities for the Defence Forces since its publication. In this context, the comments made by the chief of staff at the recent PDFORRA conference reflected his puzzlement at an apparent lack of recognition of the unprecedented level of time and commitment which both he and senior civil and military management have given to addressing the issues raised in the Doyle report. One of the most notable features of the work undertaken to implement the recommendations of the Doyle report was that the representative bodies played such a full, equal and active part at all levels of the process. The chief of staff has strongly supported a partnership approach to addressing these issues. He has repeatedly emphasised his acceptance of the problems and has recognised the necessity to tackle this matter in a fundamental way at all levels of the Defence Forces. The chief of staff has demonstrated a very active and genuine commitment to change and has emphasised that it is incumbent on all commanders to ensure that best practice in management of personnel is fostered at all levels to eliminate the problems identified in the Doyle report.

I emphasise that bullying is not training for anything. I fully realise that the project of bringing about necessary fundamental changes in attitudes and culture will not be quick or easy. However, with substantial and vigorous leadership, I have every confidence that the proper

environment will be firmly established and maintained throughout the Defence Forces.

The follow up action to the Doyle report was driven by the independent monitoring group established in May 2002 to oversee the implementation of recommendations arising from the report. This group met regularly to oversee the implementation of the report’s recommendations. Membership of this group included the general secretaries of the representative associations PDFORRA and RACO.

The independent monitoring group’s progress report entitled *Response to the Challenge of a Workplace*, commonly referred to as the Doyle report 2, was launched by my predecessor on Friday, 24 September 2004. This report describes the progress achieved since the publication of the original Doyle report in 2002.

The monitoring group has overseen the conduct of a major educational awareness programme throughout the Defence Forces. Considerable progress has been made in the past two years. Firm guiding principles had already been set out in the Defence Forces dignity in the workplace charter. A new administrative instruction on interpersonal relationships was introduced in March 2003 and a users guide was distributed to every member of the Defence Forces. This new instruction describes the six key relevant domains of interpersonal relationship within the Defence Forces. It sets out contemporary best practice for policy and procedures in dealing with negative workplace behaviours. It lists the full set of formal and informal complaint procedures that may be utilised by any party wishing to institute a complaint.

Some 200 trained designated contact persons are being put in place throughout the organisation to facilitate the operation of these procedures. Approximately 170 of these designated contact persons have already been trained and a strategic plan is in place to develop the numbers up to 200.

An independent 24 hour confidential telephone helpline and counselling service provided by staff care services was introduced in March 2003. Information leaflets on this service were sent to each member of the Permanent Defence Force when the service was introduced. Despite the small numbers availing of the service — 55 up to the end of February 2004 — this service will continue to be available.

A pilot project to record the experiences and views of outgoing members of the Defence Forces was conducted by the Dublin Institute of Technology research centre. This project, which involved confidential interviews and questionnaires, proved very valuable.

The particular challenges of the military training environment were identified in the Doyle report. This area has been given particular attention in the course of the last two years, especially as regards the key pivotal roles of NCOs in leadership and training within brigade forma-

tions. Focus groups of NCOs have proven useful here and external experts were sourced for training of these crucial NCO cadres. There has been a sustained emphasis on training the trainers.

The monitoring group has made a series of important recommendations concerning the ranking, selection, training and reward systems for officer and NCO instructors in the cadet school. An immediate change in the training regime for cadets will have a vital demonstration effect. It has been decided, therefore, that the process of introducing these changes will begin with the 2004 cadet intake. Some of the changes will take longer to implement and will be addressed through the conciliation and arbitration process or the overall review of Defence Forces organisation.

The equality steering group was established in autumn 2002 and conducted an independent study under a Labour Court chairperson of Defence Force regulations and administrative instructions, policy and procedures. Its comprehensive audit examined policy and procedures in the light of existing civil statutory requirements such as employment equality and equal status legislation and best civil employment practice. PDFORRA and RACO representatives were also members of this group.

The Ombudsman (Defence Forces) Bill has now passed all Stages. The provision of a statutory Ombudsman for the Defence Forces will provide a further significant impetus in support of the major transformation in culture and practice which has been initiated and which is now well underway.

The Defence Forces are in the process of developing an active and strategic human resource management model of personnel management, development and leadership under the new integrated personnel management system. This is a most important step that will facilitate and hasten the achievement and consolidation of our shared objectives. The tangible result will be a modern and contemporary Defence Force — an organisation that can serve as an international role model.

Every member of the Defence Forces has a right to be treated with respect and dignity and to work within the Defence Forces free from harassment, sexual harassment, bullying and discrimination. The monitoring group has explicitly recommended that a further independent review and audit of progress within the Defence Forces be carried out no later than 2007 and that the results should be made public.

Since the publication of *Response to the Challenge of a Workplace*, Doyle report 2, this September the following action has been taken by military management: a steering group has been established to oversee the implementation of the proposals that were contained in *Response to the Challenge of a Workplace*. The steering group is chaired by the assistant chief of staff — support — and executive director human resources and

consists of the director administration section, director human resources management section and the director defence forces training. Working groups are being convened by each of the three directors to undertake various tasks in line with the main subject areas covered by the report; a programme of briefings commenced on 16 November 2004 to ensure that each and every member of the Permanent Defence Force, PDF, receives a comprehensive briefing on *Response to the Challenge of a Workplace* from awareness teams in each brigade and formation. Both representative associations, PDFORRA and RACO, will have members on the awareness teams. Members of the PDF in all barracks and posts will be briefed before the end of the year with briefings of the Reserve Defence Force, RDF, to follow.

Defence Forces Promotions.

83. **Mr. Howlin** asked the Minister for Defence if he has plans to relax the rule whereby soldiers failing to win promotion above the rank of private after service of 12 years are let go by the Army; if his attention has been drawn to calls from PDFORRA for this rule to be relaxed; and if he will make a statement on the matter. [28826/04]

Minister for Defence (Mr. O’Dea): The unsatisfactory age and fitness profile of the Permanent Defence Force was commented upon by the Gleeson commission in its report in 1990. The matter had also been of serious concern to the military authorities for a number of years. The age profile was also the subject of severe criticism by PriceWaterhouse Consultants which had been engaged by the efficiency audit group, EAG, to conduct an in-depth study of the Defence Forces. One of the key areas identified for urgent action by the EAG was the development of a manpower policy with an emphasis on lowering the age profile of Permanent Defence Force personnel. The EAG’s report was accepted by Government in 1995.

In an effort to alleviate the situation, the Government had already decided in 1993 to enlist personnel on a five year contract basis with a Reserve Force commitment of seven years. The recruitment of personnel on five year contracts was introduced following consultation with the Permanent Defence Force Other Ranks Representative Association, PDFORRA.

In 1997 agreement was reached with PDFORRA on a new manpower policy for the Defence Forces. This policy, applying to personnel enlisted after 1 January 1994, provided that service for private soldiers would initially be for five years with the option to be extended to a maximum of 12 years. Any extension was subject to the individual soldier meeting certain criteria to include standards of medical and physical fitness and conduct. Longer periods of service were envisaged for junior and senior non-commissioned officers. The new policy represented a

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substantial improvement for personnel who would otherwise have had to leave after five years service while continuing to address the issues of age profile and fitness levels in the Defence Forces. I am satisfied with these existing arrangements.

PDFORRA has submitted a claim under the conciliation and arbitration scheme for a further review of the terms of service applying to personnel enlisting in the Permanent Defence Force after 1 January 1994. As discussions on issues raised under the scheme are confidential to the parties concerned, the Deputy will appreciate that it would not be appropriate for me to comment further at this time.

Decentralisation Programme.

84. **Mr. Stagg** asked the Minister for Defence the position with regard to decentralisation plans for his Department; if further staff have agreed to relocate as part of this plan; the number of staff who have agreed to relocate; when the Civil Defence branch of his Department will be moved to Roscrea; and if he will make a statement on the matter. [28837/04]

98. **Ms Enright** asked the Minister for Defence the authorised number of personnel for the Civil Defence headquarters; the current strength of the headquarters; the location of same; and if he will make a statement on the matter. [28756/04]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 84 and 98 together.

The Government decision on decentralisation provides for the transfer of my Department's Dublin based Civil Service staff to Newbridge, County Kildare. The number of staff to be relocated to Newbridge is 200. The Government decision also provides for the transfer of 300 Defence Forces headquarters staff to the Curragh, County Kildare.

A total of 385 personnel, of whom 78 are currently serving in the Department, have declared an interest in relocating to Newbridge. The Office of Public Works is currently in discussions with Kildare County Council regarding the possible acquisition of a site in Newbridge for the Department's new headquarters. A site for the Defence Force's Headquarters at the Curragh has been selected.

The Civil Defence Board which was given responsibility for the management of Civil Defence at a national level under the Civil Defence Act 2002, is being relocated to Roscrea, County Tipperary. There are approximately 30 posts in the Civil Defence headquarters. Part of the staff of the Civil Defence Board has moved to temporary accommodation in Roscrea with effect from 10 September 2004. The Office of Public Works, which has responsibility for the provision of official accommodation for Departments, is currently preparing tenders for the fit out of a leased building in Roscrea which will be the per-

manent accommodation for the Civil Defence Board. It is expected that this will be available for occupation in the first part of 2005.

Terrorist Attacks.

85. **Mr. Deasy** asked the Minister for Defence the steps being taken to protect the State from terrorist attack in view of the heightened international risk of terrorism; and if he will make a statement on the matter. [28776/04]

108. **Ms Shortall** asked the Minister for Defence the most recent precautions he has taken to upgrade security measures to protect the State against international terrorist attacks; his views on whether the terrorist threat against Europe is generally high and Ireland must therefore improve its security capabilities; and if he will make a statement on the matter. [28836/04]

115. **Mr. Gilmore** asked the Minister for Defence the Defence Force's current capability to deal with chemical, biological, radiological and nuclear incidents either at home or abroad; his views on the opinion of the Army's chief of staff that the development of such a capability should be foremost on the Defence Force's agenda; and if he will make a statement on the matter. [28824/04]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 85, 108 and 115 together.

The most important defence against any terrorist attacks is detection and prevention by the security forces. The Garda Síochána has primary responsibility for law and order, including the protection of the internal security of the State. The potential threats to the State arising from international terrorism are continuously monitored by them in co-operation with the Defence Forces. The advice available to me at this time is, that, while the Garda authorities recognise that the terrorist threat to Europe may currently be high, in relation to Ireland it is low. Notwithstanding this, it is important that all prudent precautions are taken and that matters are kept under continuous review.

The Defence Forces make contingency plans for a range of scenarios where the security of the State may be at risk. In addition, the Defence Forces have contingency plans in place in relation to the provision of aid to the civil power, meaning in practice to assist, when requested, the Garda Síochána, and the provision of assistance to the civil authorities for a range of emergency situations.

A detailed review of capacities and procedures to deal with a range of emergency situations was undertaken by the military authorities following on from the events of 11 September. It included, *inter alia*, an up date of the threat assessment; intensive contacts with other State agencies; a reassessment of operations orders relating to vital installations, alert systems, the Army ranger wing, ordnance and engineer assets in terms of explosive ordnance disposal and specialist search and a

review of equipment including the need for air defence. Guidance documents pertaining to aid to the civil power and aid to the civil authorities were also reassessed. All matters arising were addressed and all procedures updated as required.

The capacity of the Defence Forces to deal with major emergencies is kept under constant review. Plans and procedures are updated as necessary and such additional equipment as is required to address any perceived deficiencies is acquired on the basis of identified priorities. Training and preparation for such events is also provided for in the Defence Forces annual training plan. The Defence Forces have available to them equipment for monitoring and protecting its members in dealing with nuclear, biological or chemical, NBC, threats identified from time to time.

The most important defence against any attack is of course 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.

Question No. 86 answered with Question No. 75.

Defence Forces Equipment.

87. **Ms B. Moynihan-Cronin** asked the Minister for Defence his position on the European Commission Green Paper on Defence Procurement; and if he will make a statement on the matter. [28829/04]

Minister for Defence (Mr. O'Dea): The Green Paper on Defence Procurement is one of the measures announced by the European Commission in its Communication — Towards a European Union defence equipment policy, adopted on 11 March 2003, COM(2003)113 final. Through these measures, the Commission hopes to contribute to the gradual creation of a European defence equipment market which is more transparent and open between member states and which would increase economic efficiency.

The purpose of the Green Paper on Defence Procurement is to develop debate on the establishment of an appropriate regulatory framework for the procurement of defence equipment. To date the procurement of defensive equipment in member states has been outside the scope of the normal procurement directives as provided in Article 296 — ex Article 223 — of the treaty. In so far as my Department is concerned, we welcome any developments which might lead to greater economies in the purchase of equipment for the Defence Forces.

88. **Mr. English** asked the Minister for Defence the number of NBC protective clothing suits available to the Defence Forces; if new suits have been acquired in the past three months; and if he will make a statement on the matter. [28765/04]

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, NBC, threats identified from time to time. They hold an extensive range of modern NBC equipment that meets their current requirements. This range includes approximately 7,000 NBC suits, 1,500 of which were delivered in the early part of this year. It is planned to purchase a further 1,000 NBC suits next year. The requirement for additional NBC equipment is kept under continuous review by the Defence Forces. A programme for the purchase of NBC equipment is ongoing and whatever equipment deemed necessary is purchased expeditiously to meet the changing requirements.

Defence Forces Training.

89. **Mr. O'Dowd** asked the Minister for Defence the provisions in place for the new entrants to the Defence Forces; and if he will make a statement on the matter. [29024/04]

Minister for Defence (Mr. O'Dea): The position is that entry to the Permanent Defence Force is either through general service enlistment, the cadetship competition, the apprenticeship competition or direct entry competitions which are held from time to time to fill vacancies in specialist appointments.

There are provisions in place to ensure that each new entrant to the Permanent Defence Force is given the appropriate training required to carry out the duties she/he will be required to undertake as a member of the Permanent Defence Force. Some of the provisions in place include accommodation, military training, physical training, arms and foot drill, technical trade training and weapons handling tactics. There are also appropriate provisions in place in relation to those who join the Reserve Defence Force.

Defence Forces Equipment.

90. **Mr. McGinley** asked the Minister for Defence the number of aircraft within the service of the Air Corps; the age of the aircraft within the service; and if he will make a statement on the matter. [28768/04]

Minister for Defence (Mr. O'Dea): There are a total of 40 aircraft in service with the Air Corps at present, comprising 14 helicopters and 26 fixed wing aircraft. The type and age of these aircraft is set out below.

The eight recently purchased Pilatus PC-9M turbo propeller aircraft will replace the Marchetti aircraft in the pilot training role. These aircraft will allow for the continued training of young cadets to the highest standards. These aircraft will also be capable of being armed and, as such, will have a limited defensive capability.

A comprehensive tender evaluation process is ongoing at present for the acquisition of new helicopters for the Air Corps. A project team com-

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prising officials from my Department and Air Corps and Army personnel is undertaking the evaluation. This major investment programme involves the acquisition of six helicopters — two light utility helicopters, primarily for Air Corps crew training purposes and four larger utility helicopters, with the option of two further such helicopters — for use in support of the Army and for other ancillary uses, including Air Ambulance and emergency community support. The new aircraft will replace the current fleet of Dauphin, Alouette and Gazelle helicopters.

Type and age of Air Corps aircraft.

Aircraft Type	Number in service	Age
<i>Helicopters</i>		
Alouettes	7	30 to 41 years
Gazelle	1	24 years
Dauphins	4	18 years
Ecureuill	1	7 years
EC 135	1	2 years
<i>Fixed Wing</i>		
Cessna	5	32 years old
Marchetti	7	27 years old
Beechcraft	1	24 years old
GIV	1	13 years old
CASA	2	10 years old
Defender	1	7 years old
Learjet	1	11 months old
Pilatus	8	Up to 8 months old

Question No. 91 answered with Question No. 82.

Army Barracks.

92. **Mr. Allen** asked the Minister for Defence the amount of funding obtained for the sale of barracks to date; the areas in which it has been spent; and if he will make a statement on the matter. [28760/04]

Minister for Defence (Mr. O'Dea): The sale-disposal of departmental properties considered surplus to military requirements has, since 1998, realised in excess of €88 million.

There has been an unprecedented level of expenditure on infrastructure and equipment for the Defence Forces in recent years. This was made possible by the Government's decision that pay savings arising from the reorganisation of the Defence Forces set out in the White Paper of 2000, along with proceeds from the sale of surplus properties, would be reallocated for investment in modern facilities and equipment. Over €174 million was spent on the capital investment programme for the upgrade of barracks, accommodation and other facilities between 1997 and the end of 2003. This year's Estimate for the Depart-

ment of Defence includes a further €19 million for such capital works.

Significant progress has also been made in recent years with the acquisition of modern equipment for the Army, Air Corps and the Naval Service. Last month saw the final delivery in the contract for the additional 25 additional armoured personnel carriers from Mowag of Switzerland, which gives the Defence Forces 65 Mowag APCs in total. Mowag APCs are on operational duties with our troops in Kosovo and Liberia. The initial contract for 40 APCs saw deliveries completed by March 2002 and was valued at €51 million inclusive of VAT. The value of the additional contract is some €33 million inclusive of VAT with payments spread over the period 2002 to 2005.

Another significant contract relates to the acquisition of the Javelin missile system from Raytheon-Lockheed Martin in the USA at a cost of some €13 million inclusive of VAT. The purpose of this acquisition is to give Defence Forces personnel an effective, anti-armour capability while on peace support operations. The system will replace the Milan system. Some items under the contract have been delivered to allow for the training of personnel. The main delivery is scheduled for 2005.

There have been ongoing programmes of acquisitions of both nuclear, biological and chemical equipment and night vision equipment, NVE, in recent years and these programmes will continue to meet the ongoing requirements of the Defence Forces. The acquisition of light tactical vehicles, LTVs, for the Defence Forces will also be considered in the light of the ongoing budgetary situation.

The main priority for the Air Corps has been the purchase of eight fixed wing training aircraft all of which have been delivered. The new aircraft is the Pilatus PC-9M, manufactured by Pilatus Aircraft Limited, Switzerland. The cost of the eight aircraft is approximately €60 million. While these aircraft are primarily for pilot training, they are capable of being armed and as such will have a limited defensive capability.

The procurement process for the acquisition of new helicopters for the Air Corps is progressing well. This major investment programme involves the acquisition of six helicopters — two light utility helicopters primarily for Air Corps crew training purposes and four larger utility helicopters, with the option of two further such helicopters — for use in support of the Army and for other ancillary uses such as air ambulance. It is expected that a contract for the acquisition of the helicopters will be signed before the end of the year. The Naval Service has also benefited from the investment programme in recent years with the acquisition of two new modern ships, *LE Róisín* and *LE Niamh*, at a cost of some €25 million each.

Defence Forces Recruitment.

93. **Ms Enright** asked the Minister for Defence the height requirement for men and women seeking to enter the Defence Forces; and if he will make a statement on the matter. [28757/04]

Minister for Defence (Mr. O'Dea): The minimum height requirement for entry to the Permanent Defence Force is 162.5 cm., 5 ft. 4 in., for both men and women. I have no plans to amend this eligibility requirement. The professional advice of the medical corps and the actual experience of training units is that persons of shorter stature encounter difficulties in carrying the bulk and weight of combat order equipment. Therefore, any lowering of the existing height requirements for enlistment in the Permanent Defence Force is not envisaged.

Question No. 94 answered with Question No. 77.

Overseas Missions.

95. **Mr. Eamon Ryan** asked the Minister for Defence if he will report on the situation of Irish troops in Liberia; and if he will make a statement on the matter. [28815/04]

Minister for Defence (Mr. O'Dea): The Defence Forces contingent, which was deployed for service with the United Nations Mission in Liberia, UNMIL, in December, 2003, comprises a motorised infantry battalion, of some 435 personnel. A small number of additional personnel have been also deployed at force headquarters and as military observers.

The 91st infantry battalion is due to return home shortly after completing a six month tour of duty and will be replaced by the 92nd infantry battalion.

The main Irish contingent operates as the force commander's rapid reaction reserve. The role of the Irish personnel is the provision of an immediate response capability, deployable in sufficient strength and with the required level of force to provide a swift and decisive military reaction to any crisis situation.

The Irish battalion in UNMIL has operated in a pathfinding and reconnaissance role supporting the deployment of other UN contingents. It has also conducted long-range patrols beyond Monrovia and well into the interior of Liberia showing a UN presence, deterring lawlessness and protecting local populations. The contingent also undertakes regular daily patrols within the Monrovia area. The Irish battalion is available to the force commander to provide support and a rapid response capability in the event of a breakdown in law and order or further conflict.

During the recent unrest in Monrovia, the Irish Defence Forces contingent was deployed at Mamba Point and also conducted ongoing patrols across the city in order to restore order. While the civil disturbances were widespread and the Defence Forces were deployed extensively, I am

glad to say that there were no injuries to Irish personnel. The situation in Monrovia has now calmed and civil order has been restored. However, the speed with which these situations can get out of hand is indicative of the difficult circumstances in which our troops operate and one can never lose sight of this. We will continue to keep this situation under review to ensure that our troops have the necessary equipment and resources to discharge their mandate.

Defence Forces Equipment.

96. **Mr. Hogan** asked the Minister for Defence the surface to air weaponry capabilities that are available to the Defence Forces; and if he will make a statement on the matter. [28762/04]

Minister for Defence (Mr. O'Dea): The Defence Forces possess a range of Air Defence assets, including radars for detection and weapons systems. With regard to radars, the Defence Forces have one Giraffe mobile air defence radar with a range of up to 40 km and eight Flycatcher mobile air defence fire control radars with a range of 20 km. On Air Defence weapons, the Defence Forces have 24 Bofors L70 air defence guns. These weapons are controlled directly by the Flycatcher radars. They also have six Bofors RBS missile launchers for use with the Giraffe radar.

Question No. 97 answered with Question No. 60.

Question No. 98 answered with Question No. 84.

Defence Forces Deployment.

99. **Mr. Noonan** asked the Minister for Defence the number of Border operations undertaken by the Defence Forces; if there are plans to reduce the number of troops stationed close to the Border with Northern Ireland; and if he will make a statement on the matter. [28777/04]

Minister for Defence (Mr. O'Dea): The primary responsibility for the internal security of the State rests with the Garda Síochána. The Defence Forces, pursuant to their role of rendering aid to the civil power, assist the gardaí as required. Defence Forces Border operations are undertaken as aid to civil power, ATCP, requests. The Defence Forces also assist the gardaí in relation to prisoner escorts, cash escorts and explosives escorts.

The demands on the Defence Forces in relation to Border duty depend on the nature of the requests for assistance received from gardaí at any particular time. Since the Good Friday Agreement, the level of demand for Defence Forces assistance to the gardaí in the Border area has reduced significantly. During 2003, there were 12 explosive ordnance device, EOD, callouts and four further occasions where the gardaí requested Defence Forces assistance. The ques-

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 tion of the level of demand on the Defence Forces in aid of the gardaí in the Border area will be kept under review in my Department in consultation with the relevant Departments as well as with the Garda authorities. There are no plans at present to reduce the number of Defence Forces personnel stationed in posts in the Border area.

Question No. 100 answered with Question No. 66.

Drug Testing Programme.

101. **Dr. Upton** asked the Minister for Defence the number of Defence Forces personnel tested to date for the new drug testing programme; the number who have tested positive; the action taken when a member tests positive; and if he will make a statement on the matter. [28838/04]

Minister for Defence (Mr. O’Dea): Drug abuse has long been recognised as a serious and escalating problem in our society and while there have been relatively few instances of drug related problems within the Defence Forces, it is recognised that the Defence Forces, as a component of the wider community, mirror the community at large. The implications of drug abuse in an organisation where personnel have access to fire-arms are too obvious to require elaboration.

A compulsory substance testing programme was introduced on 1 February 2002, as part of a Defence Forces substance abuse programme, following a long consultative process involving the Office of the Attorney General, the Deputy Judge Advocate General and the Defence Forces’ representative associations.

Prior to the launch of the programme, an education programme and awareness briefings were conducted throughout the Defence Forces. All personnel were issued with a booklet devised to inform them of the purpose of the new compulsory random drug testing programme, the administrative procedures involved and the sanctions for those who test positive. All necessary measures, including pre-enlistment screening, education, compulsory random drug testing, monitoring and sanctions, will be taken to maintain a drug free environment within the Defence Forces.

The primary objective of compulsory random drugs testing is deterrence. In order to provide a credible level of deterrent, the testing programme has been devised to maximise the possibility of random selection for testing. A trained drugs testing team is responsible for taking urine samples for compulsory random testing throughout the Defence Forces. Testing commenced on 14 November 2002 and the programme is now in its second year of operation. The target of testing 10% of the Permanent Defence Force has been achieved. A member of the Permanent Defence Force, randomly selected, may be required, at any time, to provide a urine sample which will be tested for evidence of use of controlled drugs, or the abuse or misuse of other substances, or for

the detection of the metabolites thereof. A member of the PDF who refuses to provide a urine sample, or who provides a urine sample which tests positive, shall be liable to retirement, discharge or relinquishment of commission or withdrawal of cadetship as appropriate under the provisions of Defence Force regulations.

I have been advised by the military authorities that a total of 2,196 personnel, all ranks, have been tested to date. There have been eight positive tests. Where personnel have confirmed positive test results, they are discharged or retired in accordance with the relevant regulations.

Question No. 102 answered with Question No. 79.

Question No. 103 answered with Question No. 82.

Common Defence Arrangements.

104. **Mr. McCormack** asked the Minister for Defence if he has had consultations with his counterparts at European Union level with regard to the involvement of Ireland in a common defence arrangement across the EU; and if he will make a statement on the matter. [28773/04]

Minister for Defence (Mr. O’Dea): I have had no discussions with my counterparts at European Union level with regard to the involvement of Ireland in a common defence arrangement across the EU.

Ireland’s position with regard to the issue of common defence is as set out in our national declaration to the European Council held in Seville in June 2002. It states

4. In line with its traditional policy of military neutrality, Ireland is not bound by any mutual defence commitment. Nor is Ireland party to any plans to develop a European army. Indeed, the Nice European Council recognised that the development of the Union’s capacity to conduct humanitarian and crisis management tasks does not involve the establishment of a European army.

5. The Treaty on European Union specifies that any decision by the Union to move to a common defence would have to be taken by unanimous decision of the Member States and adopted in accordance with their respective constitutional requirements. The Government of Ireland have made a firm commitment to the people of Ireland, solemnized in this Declaration, that a referendum will be held in Ireland on the adoption of any such decision and on any future treaty which would involve Ireland departing from its traditional policy of military neutrality.

6. Ireland reiterates that the participation of contingents of the Irish Defence Forces in overseas operations, including those carried out under the European security and defence policy, requires (a) the authorisation of the operation by the Security Council or the General Assembly of the United Nations, (b) the

agreement of the Irish Government and (c) the approval of Dáil Éireann, in accordance with Irish law.

The 26th amendment of the Constitution was approved by referendum and the following Article 29.4.9 was inserted into the Constitution: “The State shall not adopt a decision taken by the European Council to establish a common defence pursuant to Article 1.2 of the Treaty referred to in subsection 7° of this section where that common defence would include the State.” I trust this clarifies the matter for the Deputy.

Question No. 105 answered with Question No. 60.

Foreign Conflicts.

106. **Mr. Cuffe** asked the Minister for Defence if he will elaborate on his statement of 24 October 2004 that the situation in Iraq would have to be much more stabilised than it is now before he would commit troops to that country; and if he will make a statement on the matter. [28812/04]

Minister for Defence (Mr. O’Dea): In the course of my discussions with the UN Secretary General, Mr. Kofi Annan, during his visit to Ireland last month, we discussed the security situation in Iraq and the difficulties this was creating for the UN assistance mission in Iraq. We both recognised the need for a much expanded UN operation to support the rebuilding of Iraq. The Secretary General expressed the view that it would be difficult to mount any expansion of the current UN mission in the absence of greater security and stability in the region. It was against this background that I stated that the situation in Iraq would have to be more stable before the Government committed troops to that country. I should also state that no formal request has been received from the United Nations for the provision of Irish Defence Forces personnel for the UN mission in Iraq and, as such, the matter does not fall to be considered at this time.

Question No. 107 answered with Question No. 79.

Question No. 108 answered with Question No. 85.

Question No. 109 answered with Question No. 60.

Defence Forces Strength.

110. **Mr. Deenihan** asked the Minister for Defence the strength of the Army ranger unit; the future plans for the development of the unit; and if he will make a statement on the matter. [28767/04]

Minister for Defence (Mr. O’Dea): There is an existing policy of ongoing recruitment to the Army ranger wing. Selection courses are held periodically and successful candidates are then taken into the Army ranger wing. There is a

planned selection course in progress at present. It is not known at this time how many personnel are likely to be successful on this course. The military authorities advise that the number of personnel serving in the Army ranger wing is less than 75. For security reasons it is not the policy to disclose the type of equipment available to the ranger wing.

Question No. 111 answered with Question No. 77.

European Defence Agency.

112. **Mr. Sargent** asked the Minister for Defence the role Ireland can play in the European armaments, research and military capabilities agency; if Ireland will have a permanent staff at the agency; if it will contribute money to this agency; and if he will make a statement on the matter. [28817/04]

Minister for Defence (Mr. O’Dea): A decision to establish an inter-governmental agency in the field of defence capabilities development, research, acquisition and armaments, known as the European Defence Agency, EDA, was formally adopted at the General Affairs and External Relations Council meeting on 12 July 2004.

The overall aim of the agency is to support member states in their efforts to improve European defence capabilities in support of European security and defence policy. To achieve this, the agency has been ascribed four functions, relating to: defence capabilities development; armaments co-operation; the European defence technological and industrial base and defence equipment market; and research and technology.

At its meeting on 6 July 2004, the Government agreed that Ireland would participate in the framework of the agency. Participation in individual projects of the agency will be a matter for national decision on a case by case basis. The agency will be an important forum by which the EU can seek to improve competitiveness and efficiency in the defence equipment sector which has been notable for fragmentation and duplication. While Ireland is not a major consumer of defence equipment, I believe that we should encourage developments which improve market efficiencies or which may yield some economies of scale for equipment procurement for the Defence Forces.

The agency is still in the early stage of development and is currently in the process of recruiting staff. The recruitment process is open to citizens of all the EU member states. None of the staff appointed by the agency to date has been nominated by Ireland. Ireland has paid a contribution of €21,733.07 towards the agency’s initial general budget for 2004. The budget for 2005 will be discussed at a second meeting of the agency’s steering board which I will attend in Brussels on 22 November 2004.

Defence Forces Equipment.

113. **Mr. Gogarty** asked the Minister for Defence if the Defence Forces have been issued

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with, or will be issued with, less than lethal weapons; and if he will make a statement on the matter. [28813/04]

Minister for Defence (Mr. O’Dea): The introduction of less lethal weapons for use by the Defence Forces in the course of aid to the civil power duties is the subject of ongoing consideration in my Department. The consideration of the use of a limited less lethal capacity by the Defence Forces follows the proposal of the Minister for Justice, Equality and Law Reform, noted by Government in November 2002, to authorise the introduction of a limited range of less-lethal weapons for use by the Garda emergency response unit, ERU, where this is necessary to avoid the use of firearms. The less lethal weapons for use by the Garda ERU are the bean bag shot, a pepper spray device and a ferret pepper spray shot.

Any decision to introduce less-lethal weapons for use by the Defence Forces acting in aid to the civil power in Ireland will be on the basis that the capabilities of the Defence Forces in this area will not exceed the capabilities of the Garda ERU.

If a decision is taken to provide the Defence Forces with less lethal weapons, the lead will be taken from the Garda Síochána. We will provide the Defence Forces with the same weapons and the weapons will only be deployed by the Defence Forces acting in aid to the civil power in the same limited situations that the gardaí intend to use them.

The Defence Forces have recently conducted evaluation tests on 40 mm bean bag ammunition. I am awaiting receipt of the evaluation report at

which stage a decision will be made as to whether to proceed with the purchase of a small amount of such ammunition with which the Defence Forces can provide a graduated response acting in aid to the civil power adhering to the principle of absolute minimum force at all times.

Question No. 114 answered with Question No. 63.

Question No. 115 answered with Question No. 85.

Beef Imports.

116. **Mr. Naughten** asked the Taoiseach the amount of imported beef from outside the EU in each of the past five years; the countries of origin and the tonnage involved in each case; the tonnage of each category subsequently exported from the State in each year concerned; and if he will make a statement on the matter. [28858/04]

Minister of State at the Department of the Taoiseach (Mr. Kitt): The table below shows the tonnage of beef imported from non-EU countries for the period 1999 to 2003 — 2003 is the latest year for which complete data is available. This data is broken down by beef category and country of origin. By using “country of origin”, Ireland, therefore, appears to import from itself because of beef which was exported being subsequently re-imported. Data is not available to answer the latter part of the Deputy’s question as the concept of “country of origin” does not apply to exports and consequently external trade statistics does not identify exports of goods previously imported.

Beef imports from Non-EU Countries.

	Country of Origin	1999	2000	2001	2002	2003
		Tonnes				
Overall total		1,611	2,600	9,559	5,123	5,648
of which main categories are:						
<i>Frozen beef</i>						
boneless	Brazil	924	1,541	2,133	2,168	3,122
	Egypt			*3,722		
	Uruguay	237	138	115	631	13
	Ireland	25	45	238		
	Saudi Arabia			287		
	Namibia				188	
	Argentina	14			126	27
	Indonesia			163		
	New Zealand	121				
	United States					50
	Philippines			26	9	
	Thailand					24
	Iceland			11		
	Australia					10
	Bangladesh			1		
	Nicaragua			1		
Total		1,321	1,724	6,697	3,122	3,246

	Country of Origin	1999	2000	2001	2002	2003
		Tonnes				
<i>Fresh or chilled beef</i> boneless	Brazil	158	233	369	1,047	1,589
	Egypt			*164		
	Ireland	3	—	101	20	5
	Uruguay		98			
	Argentina				41	11
	Saudi Arabia			45		
	Bahrain			24		
	United States			3	7	
	Syria					10
	Australia	5				
Total		166	331	706	1,108	1,622
<i>Fresh or chilled beef</i> carcasses and half carcasses	United States			15	—	
	Kenya	6				
	Ireland		2			
Total		6	2	15	—	
<i>Other bovine meat</i> prepared or preserved	Brazil	31	393	819	702	557
	Ireland	62	80	832	96	107
	Argentina	22		58	56	56
	Japan			102		
	United States					17
	Bosnia & Herzegovina				2	
	Romania					1
Total		115	473	1,811	856	738
<i>Edible offal of bovine animals, frozen</i>	Japan			273		
	Ireland		69	3		
	Brazil			13		26
	Uruguay				34	
	South Africa			24		
	Saudi Arabia			8		
	Egypt			*5		
	Total			69	326	34
<i>Edible offal of bovine animals, fresh or chilled</i>	Ireland					16
	Norway				3	
	New Zealand		1	—		
Total			1		3	16
<i>Other bovine meat</i> salted, in brine, dried or smoked	Syria	3	—	—	—	
	Total	3	—	—	—	—
<i>Frozen beef</i> other cuts with bone in, frozen	Ireland			2		
	Total			2		

*CSO has reason to believe that these figures are attributable to consignments of beef exported to Egypt during 2000 and later reimported into Ireland as a result of the existing embargo on all beef imports from EU countries into Egypt.

Departmental Appointments.

117. **Mr. Durkan** asked the Taoiseach if any new advisers or consultants have been appointed by him since the Government reshuffle of September 2004; if such appointments are replace-

ments for or are in addition to previous appointments; the salary and terms of employment in each case; and if he will make a statement on the matter. [29116/04]

The Taoiseach: I have appointed two new advisers since the reshuffle of September 2004.

[The Taoiseach.]

Mr. John Lahart, special adviser to the Government Chief Whip, Deputy Kitt, replaces Carl Gibney, special advisor to the former Chief Whip. Mr. Padraig Slyne has been appointed special adviser with responsibility for co-ordination between all Ministers of State and fills a vacancy which existed prior to the recent re-shuffle. There has been no increase in the number of special advisers who assist me in dealing with the complexities and volume of Government business. The salaries of these individuals are: John Lahart €70,578 and Padraig Slyne €53,977. Department of Finance sanction and approval of contracts has been received in both cases and the normal terms and conditions of appointment of special advisers apply.

Departmental Funding.

118. **Mr. Carey** asked the Tánaiste and Minister for Health and Children if the issue of core funding for a centre (details supplied) in Dublin 7 has been brought to his attention; and if she will make a statement on the matter. [29217/04]

174. **Mr. Carey** asked the Tánaiste and Minister for Health and Children the stage the joint review of the work of a centre (details supplied) in Dublin 7 is at within her Department; and if she will make a statement on the matter. [29254/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 118 and 174 together.

My Department understands that the issue of core funding for the Carmichael Centre, Dublin 7, will be addressed as part of the review of the work of the centre. Agreement has been reached between the Northern Area Health Board and the Eastern Regional Health Authority to contract an independent researcher to commission the review and I understand that the review should be complete by the end of the year.

Services for People with Disabilities.

119. **Ms Enright** asked the Tánaiste and Minister for Health and Children the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that a national ASD screening programme be established targeting public health nurses and general practitioners; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29387/04]

120. **Ms Enright** asked the Tánaiste and Minister for Health and Children the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that health boards establish procedures for the assessment of possible ASD in the siblings of identified children; if such a recommendation has been carried out and the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29389/04]

121. **Ms Enright** asked the Tánaiste and Minister for Health and Children the progress that has

been made on the recommendation in the report of the task force on autism of October 2001 that relevant professionals and diagnostic services come together to establish agreed AS-HFA and autism assessment procedures and that they ensure continuity by using up to date and agreed diagnostic criteria for the accurate and early identification of classic autism, Asperger's syndrome and PDD-NOS; if such a recommendation has been carried out and the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29392/04]

122. **Ms Enright** asked the Tánaiste and Minister for Health and Children the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that speech and language therapy training programmes include a module on differential diagnosis — language disorder-AS — so that speech and language therapists may more effectively refer for comprehensive assessment where indicated; if such a recommendation has been carried out and the extent to which; if not completed, when it will be completed; and if she will make statement on the matter. [29397/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 119 to 122, inclusive, together.

In line with the recommendations of the report of the task force on autism my Department has liaised with the Department of Education and Science in relation to the provision of the relevant health related support services.

Since 1998 €16 million has been invested in the early intervention, pre-school and multi-disciplinary support services to enhance access to those services by children with autism and those with intellectual disability. My Department is continuing to work with the health boards and the Department of Education and Science to further develop the necessary support services for people with autism.

Questions Nos. 123 and 124 withdrawn.

Charitable Organisations.

125. **Mr. Rabbitte** asked the Tánaiste and Minister for Health and Children if she will take steps to ensure that the clinical and financial audits of a facility managed by a charitable organisation (details supplied), which were undertaken by the South Western Area Health Board and completed in February 2004, and which have already been supplied to the charitable organisation, will be published and supplied to the parents and guardians of the residents of the audited facility; if her attention has been drawn to the fact that a discrete financial audit of the charitable organisation itself, commissioned by the South Western Area Health Board in 2003, was apparently aban-

done; and the reason it was abandoned. [28647/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The publication of the report referred to by the Deputy is a matter for the Eastern Regional Health Authority. My Department has asked the regional chief executive of the authority to investigate this matter and the other issues raised by the Deputy and reply directly to him.

Health Board Services.

126. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the progress that has been made on a project (details supplied) in County Mayo. [28648/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy will be aware, the provision of health services in County Mayo, is in the first instance, the responsibility of the Western Health Board. I understand from the board that a site has been identified and it is in the process of purchasing same.

My Department is at present examining the health capital programme to ascertain what new projects can be progressed through either planning or construction stages, taking account of existing commitments and overall funding resources available. It is in this context that my Department will continue to liaise with the Western Health Board regarding the proposed development at Ballinrobe in the light of the board's overall capital funding priorities.

Medical Cards.

127. **Ms Shortall** asked the Tánaiste and Minister for Health and Children the progress to date in meeting the target in the health strategy to clarify and simplify eligibility arrangements in respect of medical card holders in nursing home care; the steps taken to date in respect of providing a clear statutory framework in this area; and if she will make a statement on the matter. [28656/04]

Tánaiste and Minister for Health and Children (Ms Harney): Eligibility for health services in Ireland is primarily based on residency and means. Under the Health Act 1970, determination of eligibility for medical cards is the responsibility of the chief executive officer of the appropriate health board other than for persons aged seventy years and over, who are automatically eligible for a medical card. Medical cards are issued to persons who, in the opinion of the chief executive officer, are unable to provide general practitioner medical and surgical services for themselves and their dependants without undue hardship. It is open to all persons to apply to the chief executive officer of the appropriate health board for health services if they are unable to provide these services for themselves or their dependants without hardship.

However, central to our system of publicly funded long-term care is the principle that it is fair and reasonable that those who can afford to contribute to the cost of their long stay care should do so. The health strategy reinforces this point and states that

It is recognised that quality care is expensive and that the bulk of the cost of providing a high standard of quality care should be borne by the exchequer. Nonetheless, it is fair that all those in receipt of publicly provided residential long-term care should make some payment towards accommodation and daily living costs, if they can afford to do so, just as they would if they were living in the community. This principle supports the aim to provide as high quality a service as possible and to make the most equitable use of resources and thus to help maximise the availability of these services.

The current position reflects this approach.

Under the Health (Nursing Homes) Act 1990, health boards may pay a subvention to assist a person in meeting the cost of private nursing home care. The Department of Health and Children has established a working group to review the operation and administration of the nursing home subvention scheme.

The health strategy, Quality and Fairness A Health System for You, acknowledges the need to clarify and simplify eligibility arrangements and sets down a commitment to introduce new legislation to provide for the introduction of clear statutory provisions on entitlement and eligibility. A review of all existing legislation in this area has been carried out in my Department which will inform the approach to the drafting of new legislation in this area. As part of this exercise, my Department will attempt to resolve the current differences in approach in the consideration of individuals' ability to pay under the various regulations in this area.

Arising from concerns in relation to the current practice of charging for long-stay care in health board institutions, this matter is being examined having regard to advice from the Office of the Attorney General with a view to clarification of the situation at an early date.

Hospital Staff.

128. **Mr. McCormack** asked the Tánaiste and Minister for Health and Children if she has proposals for establishing here a convertible course similar to the course being run in Liverpool for state enrolled nurses to qualify as state registered nurses (details supplied); and if she will make a statement on the matter. [28668/04]

Tánaiste and Minister for Health and Children (Ms Harney): The state enrolled nurse, SEN, qualification is a United Kingdom qualification which is not recognised in this country. Persons who have obtained this qualification must undertake a nursing conversion programme in the United Kingdom in order to qualify for regis-

[Ms Harney.]
 tration as a nurse. Unfortunately, it is not possible to provide such a programme here because the rules of the United Kingdom regulatory authority for nursing only allow a maximum of 10% of the clinical component of the programme to take place outside the United Kingdom.

There is a grant available from the Department to assist state enrolled nurses, SENs, undertaking nursing conversion programmes in the United Kingdom. Under this initiative any SEN working in the Irish health service who wishes to undertake such a programme will be entitled to receive a non-means-tested grant of €7,618 towards the overall costs, including college fees, textbooks, travel and accommodation, involved in attending the programme in the United Kingdom. Payment of the grants will be subject to the SEN giving a written undertaking that she/he will work as a nurse in the Irish health service following registration with An Bord Altranais.

Property Disposal.

129. **Mr. Fleming** asked the Tánaiste and Minister for Health and Children if the land at the grounds of a hospital (details supplied) in County Laois will not be sold off in view of the strategic importance of these lands in the centre of Portlaoise and the valuable use that these grounds can be put to for the general health and well being of the community. [28669/04]

Tánaiste and Minister for Health and Children (Ms Harney): I wish to advise the Deputy that following the enactment of the Health (Amendment) Act 2004, the change in legislation now requires health boards to obtain the consent of the Minister for Health and Children before they may sell or otherwise dispose of lands. The Midland Health Board, in accordance with section 15 of the Act, have advised me of some proposals to dispose of land at St. Fintan's Hospital, Portlaoise, which would require my consent. The responsibility for the management and utilisation of the health board estate however still rests with the chief executive officer of the health board.

In that context, the proposals to dispose of lands have been developed by the Midland Health Board in line with the policy and guiding principles set down for the future utilisation of the landbank at St. Fintan's Hospital, and these proposals are currently under consideration within my Department. The Deputy will also be aware that I am concerned that the sale of land or properties in the health area will be applied and used for health purposes, with the exception of contributions to the social and affordable housing initiatives.

Hospital Services.

130. **Mr. Fleming** asked the Tánaiste and Minister for Health and Children if an application from the Midland Health Board has been

received by her for the provision of a CAT scan at Portlaoise General Hospital; and her views on whether the funding can be provided for such an essential facility. [28670/04]

Tánaiste and Minister for Health and Children (Ms Harney): My Department has recently received an application from the Midland Health Board for the provision of a CAT scanner at Portlaoise General Hospital. This is at present being considered by my Department in the light of various capital priorities in line with funding resources available. I expect to be in a position to make a decision on this shortly and my Department will then be in touch with the board on the matter.

Care of the Elderly.

131. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the progress being made with the provision of long stay beds for the elderly at St. Canice's Hospital, Kilkenny; the cost of the first phase of the development; the expected completion date; the estimated cost of the final phase; the projected time-frame; and if she will make a statement on the matter. [28671/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy is aware, responsibility for the provision of health services in the Kilkenny area rests with the South Eastern Health Board in the first instance. The board submitted to my Department a proposal to develop a 30 bed residential unit and day facility for psychiatry of later life and a 22 bed residential facility for the elderly at St. Canice's Hospital, Kilkenny.

Approval was given to the board to proceed with the project on a phased basis, commencing with the development of the 30 bed unit and day facility at an estimated capital cost of €1.4million. The board has advised that this project has gone to tender and a contractor has been selected. Approval was also given to the board to proceed with the design stages of the development of the long stay unit for older people. The capital costs for this refurbishment are currently estimated at €1.1million. Any decision in relation to progressing this project will be considered by my Department in the context of the significant additional revenue funding and staff which will be required by the board to operate the new unit and having regard to the board's employment ceiling and funding available to my Department.

National Treatment Purchase Fund.

132. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if an assessment will be urgently arranged in the case of a person (details supplied) in County Kilkenny; if the matter can be expedited as requested in writing by this person's general practitioner on two occasions; if this person can be treated under the

treatment purchase fund; and if she will make a statement on the matter. [28672/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the provision of services for residents of County Kilkenny is, in the first instance, a matter for the South Eastern Health Board. My Department has, therefore, asked the chief executive officer of the South Eastern Health Board to investigate the matter and reply to the Deputy directly.

Departmental Funding.

133. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if she will fund directly a proposal submitted from the centre for the care of survivors of torture in Dublin; if each health board will consider funding the proposal should she refuse; and if she will make a statement on the matter. [28673/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): No request for funding has been received by my Department from the centre for the care of survivors of torture. However, I understand that such a request is being prepared by the organisation.

Services for People with Disabilities.

134. **Mr. J. O'Keeffe** asked the Tánaiste and Minister for Health and Children the approximate number of persons thought to suffer from Asperger's syndrome; and the support services that are available for those who have this condition. [28674/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the provision of services, including support services for persons suffering from Asperger's syndrome nationwide, is a matter, in the first instance, for either the Eastern Regional Health Authority or one of the seven health boards depending on the individual's address. The information requested by the Deputy is not routinely collected by my Department, the regional chief executive of the authority and the chief executive officers of the health board have therefore been requested to investigate the matter raised by the Deputy and reply directly to him.

Question No. 135 withdrawn.

Cancer Screening Programme.

136. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children the number of cases of breast cancer detected in women in 2003; the percentage of women likely to develop or experience breast cancer during the course of their lives; if the capital funding announced for the roll-out of BreastCheck in the south west will be followed through with current funding; the estimated annual current expenditure for running costs and staffing that will be required to make the service in the south west

operational; if this funding will be provided; and if she will make a statement on the matter. [28725/04]

Tánaiste and Minister for Health and Children (Ms Harney): Statistics in relation to cancer incidence, including incidence of breast cancer, are collated by the national cancer registry. There were 1,890 cases of malignant breast cancer in 2000, the latest year for which complete data are available. Preliminary data for 2001, 2002 and 2003 indicate that there were 2,018, 2,232 and 2,088 cases respectively.

The roll-out of the national breast screening programme to the remaining counties is a major priority in the development of cancer services. This will ensure that all women in the 50 to 64 age group throughout the country have access to breast screening and follow up treatment where required. A capital investment of approximately €20 million has been approved to construct and equip two static clinical units, one in Cork and the other in Galway. This investment will also ensure that mobile units are available to screen women in the relevant age group throughout the country. BreastCheck and my Department are fully committed to an expeditious approach to the national roll-out of the programme and representatives have met recently to progress the design process. A design brief will be completed shortly and a selection process for the appointment of a design team will follow.

BreastCheck estimates that the full year revenue costs of the roll-out to the remaining counties will be approximately €15 million. Discussions will take place between BreastCheck and my Department to ensure a timely roll out aligned to the capital investment programme. Any woman, irrespective of her age or residence, who has immediate concerns or symptoms should contact her GP who, where appropriate, will refer her to the symptomatic services in her region.

Post Mortem Examinations.

137. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when post mortem results will be released to the family of a deceased person (details supplied) in County Clare; and if she will make a statement on the matter. [28726/04]

Tánaiste and Minister for Health and Children (Ms Harney): I can inform the Deputy that in accordance with the provisions of the Coroners Act 1962, a coroner is a statutory officer exercising judicial or quasi-judicial functions, in relation to which he or she is independent. However, my Department has been informed by the Department of Justice, Equality and Law Reform that a report has recently been received from the State Laboratory by the pathologist who performed the post mortem in the case referred to and it is understood that this will enable the pathologist to complete the post mortem report and forward it to the coroner.

Nursing Home Charges.

138. **Mr. Haughey** asked the Tánaiste and Minister for Health and Children if, according to recent reports, health boards in some cases have charged for the cost of long-term nursing home care when they should not have done so; if persons with medical cards should not have been charged; if refunds will be paid in these cases; and if she will make a statement on the matter. [28788/04]

Tánaiste and Minister for Health and Children (Ms Harney): Eligibility for health services in Ireland is primarily based on residency and means. Under the Health Act 1970, determination of eligibility for medical cards is the responsibility of the chief executive officer of the appropriate health board other than for persons aged 70 years and over, who are automatically eligible for a medical card. Medical cards are issued to persons who, in the opinion of the chief executive officer, are unable to provide general practitioner medical and surgical services for themselves and their dependants without undue hardship. It is open to all persons to apply to the chief executive officer of the appropriate health board for health services if they are unable to provide these services for themselves or their dependants without hardship.

However, central to our system of publicly funded long-term care is the principle that it is fair and reasonable that those who can afford to contribute to the cost of their long stay care should do so. The health strategy reinforces this point and states:

It is recognised that quality care is expensive and that the bulk of the cost of providing a high standard of quality care should be borne by the exchequer. Nonetheless, it is fair that all those in receipt of publicly provided residential long-term care should make some payment towards accommodation and daily living costs, if they can afford to do so, just as they would if they were living in the community. This principle supports the aim to provide as high quality a service as possible and to make the most equitable use of resources and thus to help maximise the availability of these services.

The current position reflects this approach.

Under the Health (Nursing Homes) Act 1990, health boards may pay a subvention to assist a person in meeting the cost of private nursing home care. The Department of Health and Children has established a working group to review the operation and administration of the nursing home subvention scheme.

The health strategy, Quality and Fairness — A Health System for You, acknowledges the need to clarify and simplify eligibility arrangements and sets down a commitment to introduce new legislation to provide for the introduction of clear statutory provisions on entitlement and eligibility. A review of all existing legislation in this area has been carried out in my Department which will

inform the approach to the drafting of new legislation in this area. As part of this exercise, my Department will be attempting to resolve the current differences in approach in the consideration of individuals' ability to pay under the various regulations in this area.

Arising from concerns in relation to the current practice of charging for long-stay care in health board institutions, this matter is being examined having regard to advice from the Office of the Attorney General with a view to clarification of the situation at an early date.

Departmental Programmes.

139. **Ms McManus** asked the Tánaiste and Minister for Health and Children if, in view of the increase of inflammatory bowel disease in children, she will consider listing it as a notifiable illness; if information leaflets on IBD awareness in children, symptoms and so on, will be supplied to general practitioners and health centres as well as information on Chrones' disease and ulcerative colitis; and if she will make a statement on the matter. [28790/04]

Tánaiste and Minister for Health and Children (Ms Harney): Under the 1970 Health Act, a health board may arrange for the supply, without charge, of drugs, medicines and medical and surgical appliances to people with a specified condition, for the treatment of that condition under the long-term illness scheme. The conditions are: mental handicap, mental illness — for people under 16 only, phenylketonuria, cystic fibrosis, spina bifida, hydrocephalus, diabetes mellitus, diabetes insipidus, haemophilia, cerebral palsy, epilepsy, multiple sclerosis, muscular dystrophies, parkinsonism, conditions arising from thalidomide and acute leukaemia. There are currently no plans to amend the list of eligible conditions.

Other schemes provide assistance towards the cost of approved drugs and medicines for people with significant ongoing medical expenses. People who cannot, without undue hardship, arrange for the provision of medical services for themselves and their dependants may be entitled to a medical card. Eligibility for a medical card is solely a matter for the chief executive officer of the relevant health board. In determining eligibility, the CEO has regard to the applicant's financial circumstances. Health boards use income guidelines to assist in determining eligibility. However, where a person's income exceeds the guidelines, a medical card may be awarded if the CEO considers that the person's medical needs or other circumstances would justify this. Medical cards may also be issued to individual family members on this basis.

Non-medical card holders, and people with conditions not covered under the LTI, can use the drugs payment scheme. Under this scheme, no individual or family unit pays more than €78 per calendar month towards the cost of approved prescribed medicines.

Notifiable illnesses under the regulations in place only refer to communicable diseases such as TB, hepatitis, meningitis, etc., and this is done for reasons of public health protection from transmission of those diseases. No such consideration would be relevant in the case of irritable bowel disease. My Department has no plans with regard to the preparation or distribution of information leaflets on irritable bowel disease to general practitioners. It is a matter for the GP in consultation with the patient to decide on the most appropriate course of treatment.

Nursing Home Subventions.

140. **Mr. Allen** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Cork is only receiving €80.71 per week subvention from 30 July 2004; and if the law will be applied in their case and the full fee for the nursing home paid. [28792/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy will be aware, the provision of health services in County Cork is, in the first instance, the responsibility of the Southern Health Board. My Department has, therefore, asked the chief executive officer of the board to investigate the issue raised by the Deputy and reply direct to him as a matter of urgency.

National Treatment Purchase Fund.

141. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if the State will pay for a person (details supplied) with a serious illness to obtain treatment outside this country; and if there is a scheme within the health boards or her Department by which persons can make applications for funding. [28793/04]

Tánaiste and Minister for Health and Children (Ms Harney): The position is that it is a matter for the health board to determine if the treatment is to be authorised in such circumstances as described by the Deputy. EU Regulations 1408/71 and 574/72 set out the general position for EU-EEA citizens with regard to their health care entitlements in another member state or Switzerland. The regulations outline that persons covered — in Ireland, persons ordinarily resident — are entitled to health care through the public system of another EU-EEA country or Switzerland as though he or she were a resident or insured person of that country where such care becomes necessary during a temporary stay in that country, taking into account the nature of the care and the expected length of stay.

In instances where a person not travelling requires specific necessary treatment, which is not available in the country in which he or she resides, the local health authority may make arrangements to send him or her to another EU member state for treatment under the E112 liaison agreement. Public health care systems vary

from country to country such that co-payments may be required in some countries, which are not reimbursable, while health service provision is subject to the same restraints of capacity etc. as for ordinary residents.

In Ireland, the form E112 as issued by a health board, may cover such cases requiring necessary treatment. It is essential for the health board to establish that the patient's requirements cannot be met locally or in any other centre within the state prior to issuing the form. Where an individual requires specific treatment which is necessary and which is not available in Ireland, a health board may authorise the provision of treatment in another member state.

Before any patient is referred abroad for treatment a health board ensures that the following procedures are adhered to: the application to refer a patient abroad must be assessed before the patient goes abroad except in cases of extreme urgency; medical evidence must be provided by a hospital consultant giving details of the condition from which the patient suffers and of the type of treatment envisaged; it must be certified by the consultant that the treatment is not available in this country, there is an urgent medical necessity for the treatment, there is a reasonable medical prognosis, the treatment is regarded as a proven form of medical treatment and the treatment abroad is in a recognised hospital or other institution and is under the control of a registered medical practitioner.

In normal circumstances, it is a matter for the local health board to determine if such treatment is to be authorised. The issue of the E112 form involves a commitment by the health board to pay the cost of treatment. In issuing the form the health board should specify the nature and extent of treatment to be covered. In the case where a person's E112 application has been approved a health board may provide assistance towards the cost of travel and subsistence expenses. The decision in relation to the provision of such assistance is a matter for the relevant health board.

Arrangements which are made privately for the treatment of a patient in any country abroad, must be regarded as outside the terms of the EU regulations and health boards have no obligation to meet any part of the cost involved. In the first instance the individual concerned should be advised to contact their local health board for further advice and guidance on this matter, and in order not to delay a decision on their optimum treatment.

Hospital Accommodation.

142. **Mr. Sherlock** asked the Tánaiste and Minister for Health and Children the position regarding additional beds for the elderly at a hospital (details supplied) in County Cork; and if she will make a statement on the matter. [28794/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy is aware, responsibility for the provision of health services in the

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Cork area rests with the Southern Health Board in the first instance. A design team comprising representatives of the board and my Department has been appointed for this project and it is proceeding with the detailed design of phase 2 of the development. The development will consist of a new 30 bed unit to replace existing patient accommodation at the hospital and ensure that the environment for both patients and staff is improved.

143. **Mr. Sherlock** asked the Tánaiste and Minister for Health and Children the position regarding additional beds for the elderly at a hospital (details supplied) in County Cork; and if she will make a statement on the matter. [28795/04]

Tánaiste and Minister for Health and Children (Ms Harney): I assume that the Deputy is referring to the proposed 50 bed community nursing unit, CNU, at Mount Alvernia Hospital, Mallow, which is one of the locations identified by the Southern Health Board, SHB, for the pilot public private partnership, PPP, project. The CNU will provide respite, convalescence, long stay and rehabilitation services, to elderly patients in the north Cork area.

It is a priority to increase the availability of community nursing and other units that would meet the needs of people who need care that could not be adequately provided at home. There have been discussions between my Department and the Department of Finance in the development of this PPP scheme, as is normal and entirely appropriate with a PPP project. As PPPs are complex schemes it is important to have a clear view of the benefits that will accrue given the complexity of the PPP contracting structure. The work that has been done so far has helped to clarify a number of issues. I intend to examine this project in detail very soon. The proposed facility will greatly help people make the transition from an acute hospital setting to care matched to their needs.

Birth Rates.

144. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children the number of births at Kerry General Hospital each year between 1994 and 2003. [28798/04]

Tánaiste and Minister for Health and Children (Ms Harney): The information requested by the Deputy is provided in the table below:

Kerry General Hospital: Number of Live Births 1994 to 2003.

Year	Number
1994	1,010
1995	964
1996	1,080
1997	1,153
1998	1,132

Year	Number
1999	1,152
2000	1,174
2001	1,248
2002	1,449
2003	1,446

Disabled Drivers.

145. **Mr. Allen** asked the Tánaiste and Minister for Health and Children when a decision will be made on an application made by a person (details supplied) in County Cork. [28800/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The medical assessment for the purpose of the disabled drivers and disabled passengers (tax concessions) scheme is carried out by the senior area medical officer in the relevant health board. This function is to assist the Department of Finance who have statutory responsibility for the disabled drivers and disabled passengers (tax concessions) scheme. Accordingly, my Department has asked the chief executive officer, Southern Health Board, to investigate this case and reply directly to the Deputy as a matter of urgency.

Question No. 146 withdrawn.

Hospital Procedures.

147. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if a person (details supplied) in County Mayo has been called to Merlin Park Hospital in Galway for a hip operation; if not, the reason therefore. [28863/04]

Tánaiste and Minister for Health and Children (Ms Harney): The provision of hospital services for people living in County Mayo is a matter for the Western Health Board. My Department has asked the chief executive officer of the board to investigate the position in relation to this case and to reply directly to the Deputy.

Accident and Emergency Services.

148. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children the various charges that persons who are not medical card holders have to pay in the event of their having to attend an accident and emergency unit of a hospital; the amount they would have to pay if they were admitted into the hospital ward; and if she will make a statement on the matter. [28864/04]

Tánaiste and Minister for Health and Children (Ms Harney): Entitlement to health services in Ireland is primarily based on residency and means rather than income. Any person who is accepted by the health boards as being ordinarily resident in Ireland is entitled to either full eligibility — category 1, that is, medical card holders — or limited eligibility — category 2 — for health services. Persons in category 1 are medical card

holders and are entitled to a full range of services including all out-patient public hospital services without charge. Persons in category 2 are those who do not hold medical cards, and they are entitled, subject to certain charges, to out-patient public hospital services including consultants services.

With regard to an attendance at accident and emergency departments, the Health (Out-Patient Charges) (Amendment) Regulations 2002, provide for a statutory charge of €45 per visit. This charge is levied only on persons who attend at accident and emergency departments without a referral note from their doctor and applies only for the first visit of any episode of care. Other than this charge which refers only to visits to an accident and emergency department, there are no other charges for public patients attending out-patient public hospital clinics.

There are a number of people who are exempt from this charge, including medical card holders, women receiving services in respect of motherhood, children up to the age of six weeks, children referred for treatment from child health clinics and school health examinations and persons whose attendance results in admission as an inpatient. Also exempt from these charges, in respect of treatment for the particular condition, are children suffering from prescribed diseases, i.e. mental handicap, mental illness, phenylketo-

nuria, cystic fibrosis, spina bifida, hydrocephalus, haemophilia and cerebral palsy.

On admission, a person is designated an inpatient and charges are applicable subject to eligibility status. The Health (In-Patient Charges) Regulations 1987, specify categories of persons exempted from public hospital statutory inpatient charges, which currently stand at €45 per night up to a maximum of €450 in any 12 consecutive months for those with category 2 eligibility status — that is, non-medical card holders. Persons with category 1 eligibility status, i.e. those covered by the medical card scheme, are amongst the categories exempted.

As with the accident and emergency charge, the 1987 regulations provide that, pursuant to section 45 (7) of the Health Act 1970, a person may also be exempted from public hospital charges on hardship grounds if deemed so by the chief executive officer of a health board. Alternatively, one can opt to be the private patient of both the consultant and the hospital. Any patient, whether a medical card holder or not, who opts for treatment in a private hospital or as a private patient in a public hospital is liable for the costs relating to such treatment. Charges set by my Department in respect of private and semi-private rooms in public hospitals are additional to the statutory inpatient charge and are a contribution towards overall hospital running costs. These charges, effective from 1 January 2004, are outlined in the table below.

Hospital Category	Private Accommodation	Semi-Private Accommodation	Day-care
	€	€	€
Health Board Regional Hospitals Voluntary and Joint Board Teaching Hospitals	401	314	289
Health Board County Hospitals Voluntary Non-Teaching Hospitals	334	269	239
Health Board District Hospitals	179	153	133

Where exemptions do not apply, the public charge may be waived if, in the opinion of the chief executive officer of the appropriate health board, payment would cause undue hardship. Under the Health Act, 1970, the determination of eligibility for health services is primarily the responsibility of the chief executive officer of the appropriate health board.

Health Board Allowances.

149. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the position regarding a mobility allowance for a person (details supplied) in County Clare; and if she will make a statement on the matter. [28865/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The assessment of entitlement to and payment of the mobility allowance in any individual case is a matter for the relevant health board. My Department has therefore asked the chief executive officer, Mid-

Western Health Board, to investigate the issues raised by the Deputy and reply directly to him as a matter of extreme urgency.

Health Board Building Projects.

150. **Mr. R. Bruton** asked the Tánaiste and Minister for Health and Children her plans to relocate the 230 residents of a service (details supplied) in County Dublin; if the proposals which involve separate developments on the grounds of sites (details supplied) are still actively being developed; and when she expects each of these proposals to commence. [28866/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The location and construction of the developments referred to by the Deputy is a matter for the Eastern Regional Health Authority. My Department has asked the regional chief executive of the authority to investigate the matter raised by the Deputy and reply directly to him.

Health Board Services.

151. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if a person (details supplied) in Dublin 5 will be given the maximum support and assistance when leaving hospital; and the position regarding the case of this person. [28867/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the provision of care and treatment of the named individual rests with the Eastern Regional Health Authority. My Department has therefore asked the regional chief executive to investigate the matter raised by the Deputy and reply to him directly.

Health Board Staff.

152. **Mr. Perry** asked the Tánaiste and Minister for Health and Children the number of persons that are on panels in the NWHB; the length of time they are on these panels without being appointed to their substantive posts in view of the fact that the NWHB will no longer exist at the end of 2004 with some employees very anxious that they are being used to do the work of a higher grade but may not get appointed to that grade; and if she will make a statement on the matter. [28944/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for recruitment of personnel rests in this instance with the North Western Health Board. My Department has therefore asked the chief executive officer to investigate the matters raised by the Deputy and reply to him directly.

Nursing Home Subventions.

153. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the progress of the working group who are reviewing the operation and administration of the nursing home subvention scheme; the progress made to date in relation to this report; and when it is expected that the final report will be published. [29013/04]

Tánaiste and Minister for Health and Children (Ms Harney): The review is taking into account issues arising from the interpretation of certain aspects of the 1990 Act and the subvention regulations which have arisen over the years, the Ombudsman's comments on the operation of the nursing home subvention scheme, the recommendations in the O'Shea and Mercer reports, and the views of clients and service providers on the operation of the nursing home subvention scheme.

The aims and objectives of the review are to recommend any changes necessary in the light of Professor O'Shea's recommendations; to make recommendations on an equitable means assessment test for subvention; to make recommendations on the development of a standardised dependency test; to examine alternative care set-

tings such as home care and to make recommendations for the funding of such care settings as an alternative to long-term residential care; to make recommendations on the development and implementation of quality care standards in institutional settings; to make recommendations on such other matters as the group considers appropriate within the broad parameters of its mandate; and the ultimate aim of the review will be the development of a system which will be transparent, provide equity, be less discretionary and financially sustainable.

The review group has been working for a number of months and is comprised of a wide variety of stakeholders representing the many and varied interests associated with long-term care. These include Departments, health agencies, voluntary and professional groups and the private nursing home sector. The group has been hearing submissions from interested parties and has also benefited from hearing presentations from the authors of the above mentioned reports. Most recently, the group has been considering issues such as the broad principles which should underpin any revisions to the nursing home subvention scheme as well as the themes on which it might be possible to make progress in the short or longer term. One of the key matters to be discussed and considered will be the need to maintain synergy between the group's work and deliberations elsewhere in relation to the Mercer Report. For these reasons it is not possible at this stage to be precise about the date on which the group will report.

Child Care Services.

154. **Mr. Crowe** asked the Tánaiste and Minister for Health and Children if she intends to provide funding to a centre (details supplied) in order that the Realtin scheme, which provides care and support to school going children of troubled families in the area, can be maintained; and if she will make a statement on the matter. [29014/04]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): Funding for services of the type referred to by the Deputy is a matter for the Eastern Regional Health Authority and the relevant health board — in this case the South Western Area Health Board. I understand from the area board that a grant is currently in place for the centre. The centre should liaise with the Area Board in relation to the continuation of this funding.

Clinical Indemnity Scheme.

155. **Mr. Allen** asked the Tánaiste and Minister for Health and Children the way in which she will implement the promise given recently that no hospital consultant will be without insurance cover and no patient without redress. [29015/04]

Tánaiste and Minister for Health and Children (Ms Harney): The precise means whereby claims

alleging medical malpractice on the part of consultants who may be left without assistance by the Medical Defence Union will be managed is currently the subject of discussions between my Department, the Office of the Attorney General and the Office of the Chief State Solicitor.

During my recent attendance at the Irish Hospital Consultants Association annual conference I assured members that arising out of the situation with the Medical Defence Union and cover for historic liabilities of consultants, in particular obstetric claims, no Irish person who has suffered from a medical mishap would be left without compensation and no consultant would be left without cover in all reasonable circumstances and in accordance with law. This is the principle guiding the governments' approach to the MDU's entirely unjustified withdrawal of cover for obstetricians for liabilities before 1 February 2004.

Suicide Incidence.

156. **Mr. Allen** asked the Tánaiste and Minister for Health and Children if she proposes to increase funding for localised research on suicide in order to improve the effectiveness of suicide prevention strategies. [29016/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Since the publication of the report of the national task force on suicide in 1998, my Department has given special attention to the resourcing of suicide prevention initiatives. A cumulative total of more than €17.5 million has now been provided towards suicide prevention programmes and for research activity at local and national level involving various agencies including the health boards, the national suicide review group, the Irish Association of Suicidology and the National Suicide Research Foundation. Further resourcing of suicide prevention initiatives will be considered in the context of the estimates process for 2005.

As the Deputy may be aware, work is now well underway on the preparation of a strategic action plan for suicide reduction which involves the Health Boards Executive in partnership with the national suicide review group and supported by the Department of Health and Children. This strategy, which will be based on extensive national and international consultation and evidence based research, will build on existing policy and on the recommendations contained in the report of the national task force. All measures aimed at reducing the number of deaths by suicide will be considered in the preparation of this strategy, which will be completed in 2005.

Clinical Indemnity Scheme.

157. **Mr. Allen** asked the Tánaiste and Minister for Health and Children the number of claims presently before the State Claims Agency; and the number that relate to allegations that a patient fatality was the result of a medical error. [29017/04]

Tánaiste and Minister for Health and Children (Ms Harney): The State Claims Agency which operates the clinical indemnity scheme on behalf of my Department is currently managing 763 claims under the scheme. While it is feasible to identify claims initiated by the relatives of patients who have died, it is not possible to determine the contribution, if any, of alleged negligence to the death until the claim is disposed of by way of settlement or court judgement.

Medicinal Products.

158. **Mr. Allen** asked the Tánaiste and Minister for Health and Children if she will make a statement on the matter of concerns in relation to a drug (details supplied) that were identified at a meeting in Tunisia in 2002; if her attention has been drawn to these concerns; and the actions that were taken. [29018/04]

Tánaiste and Minister for Health and Children (Ms Harney): The safety of this product has been closely monitored, both nationally and at European level, since its first authorisation in the EU in 1999. The potential for the development of cardiovascular adverse effects has been known for some time and these effects were highlighted in the patient information leaflet that accompanied the product. On 1 October 2004, the manufacturer voluntarily withdrew the product from the market worldwide: this withdrawal was undertaken on the basis of data from one new clinical trial which indicated that refecoxib, the active ingredient in the product, was associated with an increased risk of cardiovascular side effects. The Irish Medicines Board, in conjunction with the company concerned, notified health care professionals in this country and co-ordinated the recall of stocks.

Hospitals Building Programme.

159. **Mr. Allen** asked the Tánaiste and Minister for Health and Children the number of primary care buildings funded by her to date under the primary care strategy. [29019/04]

Tánaiste and Minister for Health and Children (Ms Harney): The primary care strategy, Primary Care, A New Direction, recognises that the provision of modern, well-equipped, accessible premises will be central to the effective functioning of the integrated multidisciplinary primary care team and network model as envisaged in the strategy. A range of different approaches to the financing and provision of these facilities will be explored in the course of implementing the new model of service provision.

Capital funding has been provided under the strategy to facilitate the provision of appropriate facilities for the initial ten primary care teams approved in October 2002. In 2004 capital funding of €450,000 has been provided to the Southern Health Board to enable the construction of a new primary care centre in Annascaul, County Kerry. Along with existing centres in Dingle and Castlegregory, this centre will be one of three premises delivering services as part of the west Kerry primary care team. The provision of a pri-

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primary care centre in this instance is being financed jointly by the State and the general practitioner who will operate from the centre. The provision of the new centre will enable additional services to be delivered in a single centre and will assist in the delivery of integrated services to the population in this area.

Capital funding of €275,000 has been provided to the East Coast Area Health Board in 2004 for the provision of a new high specification modular unit adjacent to the health centre in Castle Park for the Arklow primary care team. The provision of this new unit will enable health board-employed members of the team to be based in a single centre. This will assist in the delivery of integrated services to the population in this area.

Further capital funding has been provided for premises renovation, refurbishment and equipping for the initial primary care teams. In 2002, minor capital funding totalling €2 million was provided across the ten locations for this purpose. This included renovation by the South Western Area Health Board of an existing building on the site of the Meath Hospital which now accommodates the Liberties primary care team.

One of the Government's key objectives is to facilitate and encourage the development, where appropriate, of modern, well-equipped, user-friendly buildings in which the broad range of primary care services can be delivered and to fully exploit any opportunities for public-private partnerships in implementing the development programme. I am committed to developing policy in such a way as to maximise the opportunities to attract private sector interests into the provision of facilities to support delivery of primary care service in accordance with the new interdisciplinary model.

Legislative Programme.

160. **Mr. Allen** asked the Tánaiste and Minister for Health and Children if she has received a communication from the Medical Council expressing concerns over the resources needed to implement the proposed changes to the Medical Practitioners Act and the holding of fitness to practice hearings in public; and if she will make a statement on the matter. [29020/04]

Tánaiste and Minister for Health and Children (Ms Harney): Officials from my Department have met the Medical Council on many occasions to discuss a broad range of issues relating to the preparation of the general scheme of the new Medical Practitioners Bill. In recent weeks, a further meeting took place in order to update the council on progress in relation to the drafting of the Bill and on future consultations with the council on the development of the Bill's provisions. Contact between my Department and the council will continue on a regular basis during the drafting process.

The president of the council has recently written to me regarding the current work of the council and the future system of regulation of the medical profession in Ireland. I have arranged to meet with a delegation from the council on

Thursday, 25 November and I would expect that the issues raised in the Deputy's question will be among the topics for discussion.

National Treatment Purchase Fund.

161. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children the average cost of patient treatment under the national treatment purchase fund; the way in which this compares with patient care administered in the normal manner; the average cost of treatment and the total cost of treatment received to date by residents of north Tipperary; and if she will make a statement on the matter. [29079/04]

162. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children the current state of waiting lists and the uptake of the national treatment purchase fund including detailed levels of usage; the number of persons that have been treated in north Tipperary; the number in north Tipperary that are still on waiting lists; and if she will make a statement on the matter. [29080/04]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to answer Questions Nos. 161 and 162 together.

Responsibility for the collection and reporting of waiting lists and waiting times now falls within the remit of the national treatment purchase fund, NTPF. My Department has, therefore, asked the acting chief executive of the NTPF to reply to the Deputy directly with the information requested.

Health Board Services.

163. **Ms McManus** asked the Tánaiste and Minister for Health and Children her views on whether a patient who has been referred by their dentist to the dental hospital in a case in which the dentist deems it necessary for the person to receive specialist intervention, sometimes urgently, should have the facility to be treated in an accident and emergency clinic at the dental hospital; and if she will make a statement on the matter. [29081/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the provision of dental services to eligible persons is a matter for the health boards or authority in the first instance. The Eastern Regional Health Authority has raised the matter with the Dublin Dental Hospital and is advised that the accident and emergency department in the Dublin Dental Hospital operates on a triage basis. This year to end of September 2004, 15,409 patients have been seen by accident and emergency staff, of which 11,626 have received treatment. The remaining patients were referred to their own general dental practitioner. The dental hospital has emphasised that its accident and emergency service is for the treatment of pain relief, serious infection, visible swelling in and around the mouth, injuries — as a result of trauma or accident — bleeding or haemorrhage.

The authority is further advised that where a dentist feels a specialist referral is necessary and

urgent, he or she is best advised to both telephone the appropriate specialist or consultant in the dental hospital, discuss the case and forward a letter outlining the particulars with the patient to the hospital. Such cases will be addressed by the appropriate consultant on the basis of need and urgency. The Dublin Dental Hospital points out that it cannot accept specialist referrals to its accident and emergency service as that department can only accommodate pain relief, serious infection, visible swelling in and around the mouth, injuries — as a result of trauma or accident — bleeding or haemorrhage.

The authority understands that urgent specialist referrals in oral and maxillofacial surgery, oral surgery, oral medicine, paediatric dentistry, etc., will be addressed by consultants in these areas separately to the accident and emergency service within the dental hospital. Please also be aware that the authority regularly meets with the Dublin Dental Hospital to discuss issues such as the operation of its accident and emergency service and other services.

Health Board Staff.

164. **Mr. Wall** asked the Tánaiste and Minister for Health and Children if the SWAHB has met all of its obligations in regard to outstanding or other payments to a person (details supplied) in County Kildare in relation to the change of job description, subsequent rates of pay and pension rights; and if she will make a statement on the matter. [29082/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the implementation of pay scales and related personnel issues rests in this instance with the Eastern Regional Health Authority. My Department has therefore asked the regional chief executive of the authority to investigate the matters raised by the Deputy and reply to him directly.

Medical Assessment Review.

165. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the status of the Comhairle report on medical assessment units; if the report will be published and debated by Dáil Éireann; and if she will make a statement on the matter. [29097/04]

Tánaiste and Minister for Health and Children (Ms Harney): The Comhairle na nOspidéal report on acute medical units has been completed. The report has been published by Comhairle na nOspidéal and is available to the public from today.

Cancer Incidence.

166. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children the action she intends to take to reduce the unacceptably high risk of contracting cancer in County Louth as revealed in a recent NEHB health report; and if

she will make a statement on the matter. [29098/04]

Tánaiste and Minister for Health and Children (Ms Harney): The report, Cancer in County Louth, prepared by the national cancer registry, concludes that the excess risk of cancer in County Louth appears to be due to a small number of risk factors such as smoking, diet and sun-exposure. There is no evidence according to the report that residence in County Louth is in itself an independent risk factor for cancer.

The information in the report covers periods between 1994 to 2001. Significant developments in cancer services have taken place in recent years. In the north eastern region, additional cumulative funding of approximately €28 million has been made available since 1997 for the development of treatment and care services for patients suffering from cancer. This funding has enabled the appointment of an additional ten consultants, together with support staff in key areas such as medical oncology, haematology, breast surgery and palliative care. The funding has also enabled the appointment of an additional 20 cancer care nurse specialists across the region.

Smoking is a causative factor in the majority of lung cancer deaths and my Department continues to tackle this problem through legislative, environmental and health promotion measures. Smoking tends to be most prevalent in urban and particularly deprived urban areas. The prohibition of smoking in all places of work, which was introduced earlier this year, will help protect the health and safety of workers and the public from the toxic affect of tobacco smoke and is expected to have a significant impact on the incidences of lung cancer in the coming years.

There is strong evidence that diet and obesity increase the risk of developing chronic health conditions including some forms of cancer. In response to this the national task force on obesity was established by my Department. The task force is charged with addressing this serious issue as a matter of priority and will develop a strategy which aims to impact positively on the health of people throughout the country.

Medical Negligence.

167. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children the details of the guidelines for making a complaint of negligence to the Medical Council; the number of cases dealt with each year for the past ten years; the number which resulted in favour of the petitioner; and if there are other complaint mechanisms available to persons who have suffered medical neglect. [29099/04]

Tánaiste and Minister for Health and Children (Ms Harney): Under the Medical Practitioners Act 1978, the Medical Council was established as the body with the statutory responsibility for the registration of medical practitioners in Ireland and the regulation of their professional activities. Pursuant to Part V of the Act, the Medical Council, through its fitness to practise committee, considers complaints against registered medical

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practitioners on the grounds of alleged professional misconduct or fitness to engage in the practice of medicine by reason of physical or mental disability.

I am informed by the Medical Council, that if any individual chooses to make a complaint, he or she should write to the professional standards section of the council stating the name and address of the doctor concerned and giving full details of the complaint. Information on how complaints are handled and the procedures followed by the Medical Council on receipt of a complaint are sent out in leaflet form with all acknowledgements to complaints. The details are also available on the council's website, *www.medicalcouncil.ie*.

The fitness to practise committee considers any complaints received. If the committee considers that a *prima facie* case exists, an inquiry is held pursuant to section 45(3) of the Medical Practitioners Act. On completion of the inquiry, if the committee makes a finding of professional misconduct and-or unfitness to practise medicine by reason of physical or mental disability, the sanctions available to the Council are: erasure of the practitioner's name from the register; suspension of registration for a specified period; attachment of conditions to registration; and the issue of advice, admonishment or censure to the medical practitioner.

The Medical Council has informed me that since 1994, 175 inquiries have been held. Of this number, 106 findings of professional misconduct and-or unfitness to engage in the practice of medicine by reason of mental or physical disability were made. This resulted in 35 erasures from the register, 38 cases where conditions were attached to registration and 33 cases where the medical practitioner was advised, admonished or censured by the council. More detailed statistics on the number of cases which have been considered from 1994 to date are contained in the table attached.

It should be noted, however, that in no case is the fitness to practise committee empowered to make a finding in favour of the complainant. The committee may only consider the professional conduct or fitness to practise by reason of physical or mental disability of the particular medical practitioner, and, if such person is found guilty, the council may apply a sanction as detailed above. The Medical Council is not responsible for the consideration of complaints concerning professional or medical negligence. It is, however, open to any individual patient to pursue such a complaint of negligence through the courts, if he or she so wishes.

A significant amendment to the Medical Practitioners Act is currently being drafted in my Department with the assistance of parliamentary counsel. Among the changes proposed in the new Medical Practitioners Bill are measures to improve the efficiency of the fitness to practise process. In addition, provisions to ensure that the complainant is kept fully informed at all stages are planned, along with other changes which

should assist the council in performing its functions in the most effective way.

Departmental Staff.

168. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if any new advisers or consultants have been appointed by her since the Government reshuffle of September 2004; if such appointments are replacements for or are in addition to previous appointments; the salary and terms of employment in each case; and if she will make a statement on the matter. [29117/04]

Tánaiste and Minister for Health and Children (Ms Harney): I have appointed one additional adviser with effect from 29 September 2004. The rate of pay for this adviser is €107,102 per annum. The appointment is to a temporary unestablished position in the Department and will terminate not later than the date on which I will cease to hold office as Tánaiste and Minister for Health and Children.

Medical Cards.

169. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children when a medical card will be reinstated to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [29142/04]

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.

Health Board Services.

170. **Mr. R. Bruton** asked the Tánaiste and Minister for Health and Children if she has plans to allow additional funds to be allocated through the North Eastern Health Board for a hospital (details supplied) in County Meath in order that increased supervision of the patients can take place to ensure additional care and to alleviate the night-time care of same; if this will include funding for closed circuit television within the hospital and additional night-time nursing care; and if she will make a statement on the matter. [29173/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy will appreciate that I cannot at this stage give specific commitments in relation to level of expenditure in 2005 for any particular service as these matters will be decided as part of the discussions on the Estimates and budget for that year between my Department and the Department of Finance.

171. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the reason information was not given by the Western Health Board in

response to Parliamentary Question No. 144 of 9 November 2004. [29238/04]

Tánaiste and Minister for Health and Children (Ms Harney): In relation to Parliamentary Question No. 144 of 9 November 2004, the Western Health Board has advised my Department that it wrote to the Deputy on 8 November 2004 in relation to the particular case raised by him. The board has further advised my Department that as client files are confidential it can only notify clients or their next-of-kin of the outcome of meetings pertaining to the client's case for confidentiality reasons.

172. **Mr. English** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Meath will receive speech and language therapy; the reason they have been waiting for two years; and if she will make a statement on the matter. [29239/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of health services, including speech and language therapy, to people with a physical and-or sensory disability rests with the Eastern Regional Health Authority and the health boards in the first instance. Accordingly, the Deputy's question has been referred to the chief executive officer of the North Eastern Health Board with a request that he examine the matter raised and reply directly to him, as a matter of urgency.

Fireworks Injuries.

173. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the number of persons who have been treated for injuries as a result of fireworks during the eight years since 1996; the breakdown of the figures in terms of age profile and the county origins of the persons injured; and the type of injuries sustained. [29253/04]

Tánaiste and Minister for Health and Children (Ms Harney): The information requested by the Deputy is set out in the tables below. Data are derived from the hospital inpatient enquiry, HIPE, system which records information on each episode of hospitalisation in publicly funded acute hospitals. The primary aim of HIPE is to provide measures of hospital activity for specific diagnostic and procedure categories. There is provision in HIPE for coding of underlying external causes of types of injuries, such as fireworks, but this information may not always be available to the coder and significant under-reporting is therefore possible. National statistics are not available on injuries from fireworks which do not result in hospitalisation.

Table 1 provides figures for each year from 1996 to 2003 and separately for Dublin residents and the rest of the country. Numbers of cases are too small to provide a breakdown by individual county of residence. Table 2 shows an age and gender breakdown for all years combined. Over

70% of injuries are to males under the age of 20. Table 3, again for all years combined, indicates the principal types of injuries sustained. Over 40% of all principal diagnoses are burn injuries.

Table 1: Hospitalisations due to accidents involving fireworks — 1996 to 2003.

Year	Area of Residence		
	Dublin	Rest of Ireland	Total
1996	16	11	27
1997	1	5	6
1998	4	6	10
1999	1	2	3
2000	4	7	11
2001	13	9	22
2002	6	3	9
2003	14	12	26
Total	59	55	114

Table 2: All hospitalisations due to accidents involving fireworks 1996 to 2003 by age group and gender.

Age Group	Male	Female	Total
0 — 9 Years	19	3	22
10 — 19 Years	63	8	71
20 — 29 Years	8	2	10
30+ Years	9	2	11
All Ages	99	15	114

Table 3: Types of injuries from fireworks 1996 to 2003.

Injury	Number
Burns of Face/Neck/Head	19
Burns of Wrist/Hand	18
Burns of Eye & Adnexa	7
All Other Burns	6
Open Wound of Upper Limb	20
Open Wound of Head, Neck & Trunk	8
Fractures	8
Contusion with Intact Skin Surface	9
Other Injuries	19
Total	114

Source: Hospital in-patient inquiry, HIPE, 1996-2003.

Notes: Data refer to patients with an external cause code of ICD-9-CM E923.0 — accidents caused by fireworks. Types of injuries refer to the principal diagnosis only.

Question No. 174 answered with Question No. 118.

Community Care.

175. **Mr. Stagg** asked the Tánaiste and Minister for Health and Children if the full complement of beds are in use at the Maynooth community care unit; if not, the number in use; the reason for the delay in bringing the unit to full capacity; and if

[Mr. Stagg.]
she will make a statement on the matter.
[29303/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy will be aware, the provision of health services in the Kildare area is a matter for the South Western Area Health Board acting under the aegis of the Eastern Regional Health Authority in the first instance. The authority has advised my Department that following recruitment of staff, an additional six beds have been opened at the Maynooth community nursing unit giving a current total bed complement of 36 beds currently in use. The authority has further advised that the process for recruiting additional nurses is still underway, that additional beds will be opened at the unit as soon as sufficient staff are in place and that there will be a total bed complement of 44 beds when all the additional staff have been recruited.

Hospital Staff.

176. **Dr. Upton** asked the Tánaiste and Minister for Health and Children the position regarding the application to register with the nursing board by a person (details supplied) in Dublin 12. [29404/04]

Tánaiste and Minister for Health and Children (Ms Harney): The registration and regulation of the nursing profession in Ireland is the statutory responsibility of An Bord Altranais. However, I have made inquiries with An Bord Altranais and have been informed that a letter issued to the individual concerned on 13 August advising that documentation was outstanding on the application. An Bord Altranais will assess the application on receipt of all documents listed in their correspondence of 13 August 2004.

Health Board Services.

177. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children when she intends to introduce the national standards for disability services; if she will commit funding for the application of these standards (details supplied) in 2004; and if she will make a statement on the matter. [29410/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The draft national standards for disability services were recently received from the National Disability Authority and are currently under consideration by the Department, within the framework of the health services reform programme.

178. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children when she will sell lands adjoining hospitals across the country; the areas the proceeds will go towards; and if the proceeds will remain in each county. [29411/04]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy will be aware that fol-

lowing the enactment of the Health (Amendment) Act 2004, my consent is now required before health boards can sell or otherwise dispose of lands. The responsibility for the management and utilisation of the health board estate, including lands adjoining State hospitals, is however still vested in the chief executive officer of the health board.

Earlier this year, following requests from my Department, health boards provided some information regarding plans or proposals they have to dispose of lands between now and the coming into force of the new Health Service Executive. The information received from the health boards in relation to these proposed disposals are currently being examined by my Department.

The Deputy will be aware that I am concerned that the proceeds from the sale of any particular land or properties in the health area will be applied and used for health purposes, with the exception of contributions of land to the social and affordable housing initiatives. In addition I am concerned that we now establish the extent of the total surplus land and properties available in the health service and this will require a professional assessment and evaluation of the entire health estate to be performed. In the context of future decisions regarding the locations where sales proceeds may be re-invested or applied, it would be inappropriate to make predictions on such matters in advance of that evaluation exercise.

Freedom of Information.

179. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children when the Medical Council will be included under the Freedom of Information Act; the reason for the delay in including the Medical Council under the Act; and if she will make a statement on the matter. [29413/04]

Tánaiste and Minister for Health and Children (Ms Harney): It is planned that the Medical Council will be included under the Freedom of Information Act on the occasion of the next substantial extension of the Act within the health sector. Preparations are in hand with a view to extending the Act to a number of additional health bodies early in 2005, including the Medical Council.

Health Board Services.

180. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children if the SWAHB will provide dental treatment urgently for a person (details supplied) in Dublin 12; if the SWAHB cannot provide this service, if the hospital payment fund will be made available in this case; and if she will make a statement on the matter. [29414/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the provision of dental treatment to eligible persons in Dublin 12

rests with the Eastern Regional Health Authority. My Department has asked the regional chief executive to investigate the matter raised by the Deputy and to reply to him directly.

Health Board Services.

181. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the reason information promised in reply to Parliamentary Question No. 861 of 29 September 2004 has not yet been supplied by the Western Health Board; and when this information will be provided. [29415/04]

Tánaiste and Minister for Health and Children (Ms Harney): Due to problems experienced by the Western Health Board with their computer system, all of the information requested by the Deputy was not easily accessible. The board has advised my Department that it is in the process of securing the information and it will be forwarded to the Deputy upon receipt.

Health Board Staff.

182. **Mr. Deasy** asked the Tánaiste and Minister for Health and Children if assistance will be given to a person (details supplied) in County Waterford; and if she will investigate the matter. [29416/04]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy may wish to note that under the EU directive on the mutual recognition of qualifications, the qualifications of certain grades of health service staff, including radiographers, holding non-national qualifications must be validated in order that they may be employed in the public health service. The directive states that the procedure for examining an application shall be completed as soon as possible and the outcome communicated not later than four months after presentation of all the documents.

The person referred to by the Deputy submitted a completed application to the Northern Area Health Board, NAHB, which administers the system of validation on behalf of my Department. The documents were received by the NAHB on 26 October last and were forwarded on the same day to the relevant professional body which acts as advisers in this regard. My Department has been advised that this application will be processed within the next few weeks.

Budget Submissions.

183. **Mr. Lowry** asked the Minister for Finance if his attention has been drawn to the work done by the SIMI in regard to the overall net effect of a VRT reduction; and if he will make a statement on the matter. [29051/04]

Minister for Finance (Mr. Cowen): A pre-budget submission from SIMI has been received which like all other pre-budget submissions will be considered in the context of preparations for the forthcoming budget and Finance Bill. It has been the practice of successive Ministers for Fin-

ance not to comment at this time on what may, or may not, be contained in a forthcoming budget and I do not intend to depart from this approach.

Garda Stations.

184. **Mr. O'Donovan** asked the Minister for Finance the delay in the progress for the planned refurbishment of a Garda station (details supplied) in County Cork; the reasons for the delay; when it is proposed that the work will commence; and if he will make a statement on the matter. [29155/04]

Minister of State at the Department of Finance (Mr. Parlon): There are no plans to refurbish the Garda station at Schull, County Cork. It is proposed to demolish the existing station and build a new Garda area headquarters on the existing site. Planning consultation in relation to the new development is completed. The project will be scheduled for commencement in 2005 subject to available funding.

National Monuments.

185. **Mr. Stagg** asked the Minister for Finance his views on whether the average number of persons visiting Maynooth Castle, Maynooth, County Kildare, which works out at 14 per day is extremely disappointing; his further views on whether the development of phase two of the restoration works to the castle would enable the castle to achieve a better potential in respect of tourist numbers visiting the castle; and if he will make a statement on the matter. [29287/04]

Minister of State at the Department of Finance (Mr. Parlon): The obligation of the Office of Public Works, OPW, with regard to the national monuments in its care is to ensure their preservation and protection. The OPW's role also extends to ensuring that sites are accessible to the public and are presented in an appropriate manner. In the case of Maynooth Castle I am satisfied that the OPW fully meets all the obligations with regard to the preservation, protection and presentation of the monument. I fully accept, given the level of investment in the conservation of the site, that the visitor numbers at Maynooth Castle are somewhat low. This office is currently looking at a number of options for increasing the number of visitors to this site for 2005.

It is not possible for me to estimate if visitor numbers would increase if further development of the castle were undertaken. I should point out that the final decision on any future development at Maynooth Castle is a matter for the Minister for the Environment, Heritage and Local Government.

Budget Submissions.

186. **Mr. F. McGrath** asked the Minister for Finance if he will give consideration to the pre-budget 2005 submission of organisations (details

[Mr. F. McGrath.]
supplied) and give them his maximum support.
[28654/04]

Minister for Finance (Mr. Cowen): I have received pre-budget submissions from the organisations concerned and the contents will be considered in the context of the forthcoming budget and Finance Bill. As Deputies are aware it would not be appropriate for me to comment in advance of the budget on possible budget decisions.

Communications Masts.

187. **Mr. Gregory** asked the Minister for Finance further to Parliamentary Question No. 258 of 2 November 2004, if the agreement with the company (details supplied) took account of the recommended guidelines which state that only as a last resort should free standing masts be located in a residential area or beside schools; and if this means that the company is precluded from using Garda masts in such locations for its antennae.
[28660/04]

Minister of State at the Department of Finance (Mr. Parlon): Under the terms of the 1997 agreement between the State and the company referred to, the company is required to comply with all relevant planning and development legislation and all other legal requirements pertaining to the use of mobile telephony antennae and ancillary equipment in the State, and in particular to any requirements imposed by or pursuant to the provisions of the Wireless Telegraphy Acts, the Health, Safety and Welfare at Work Act and the Radiological Protection Act. In addition, the company is required to conform with all relevant guidelines which may be set down from time to time by the International Radiation Protection Association. The company is not precluded from using Garda masts, provided the use is in accordance with the terms and conditions of the agreement currently in place.

Tax Code.

188. **Mr. R. Bruton** asked the Minister for Finance the cost of tax relief on pension contributions; the aggregate value of contributions on which relief is provided; the value granted at the 20% rate; the value granted at the 42% rate; and the average value of pension relief given to taxpayers in different income ranges. [28680/04]

Minister for Finance (Mr. Cowen): The cost of tax relief for private pension funding for the short tax year 2001 has been estimated by the Revenue Commissioners at €1.8 billion. This was a short transitional tax year running from 6 April to 31 December 2001. This cost covers tax relief on contributions by employers, employees and self employed and the exemption from income and gains in the pension fund. It should be noted that these costs are very tentative and that efforts are being made to improve information on the cost of tax relief for pensions.

Information on the aggregate value of contributions on which relief is provided and on the value granted at different rates of tax is not available in relation to occupational pension schemes. Information is available from the Revenue Commissioners in respect to income tax relief allowed for contributions to retirement annuity contracts for the short income tax year 2001, which are available to the self-employed and to employees not in occupational pension schemes. Income tax relief at an estimated cost of €170 million was allowed in the short income tax year 2001 on such pension contributions amounting to €450 million. The value of contributions allowed at the 20% and 42% tax rates is estimated at €78 million and €368 million respectively, amounting to €446 million. A further €4 million in contributions had the effect of reducing the total income of claimants below the exemption thresholds.

A distribution by income ranges of the claim amounts, amounts of tax relief and average deductions for tax relief for retirement annuity contracts is contained in the table below:

INCOME TAX 2001 (short "year").

Retirement Annuity — by range of Gross Income.

Range of Gross Income		Totals			
From	To	Number of cases	Amount of deduction	Reduction in tax	Average deduction
€	€		€	€	€
—	6,000	1,258	1,301,889	76,588	1,035
6,000	8,000	1,217	1,131,858	159,747	930
8,000	10,000	1,976	2,066,245	318,130	1,046
10,000	12,000	2,779	3,131,978	538,747	1,127
12,000	15,000	5,489	6,725,589	1,228,558	1,225
15,000	17,000	4,446	5,613,493	1,067,199	1,263
17,000	20,000	7,513	10,476,115	2,039,761	1,394
20,000	25,000	12,222	19,723,266	4,505,791	1,614
25,000	27,000	4,567	8,276,351	2,214,991	1,812
27,000	30,000	6,350	12,331,704	3,457,396	1,942

Range of Gross Income		Totals			
From	To	Number of cases	Amount of deduction	Reduction in tax	Average deduction
€	€		€	€	€
30,000	35,000	9,441	20,838,925	6,506,746	2,207
35,000	40,000	7,942	20,490,572	7,354,258	2,580
40,000	50,000	11,247	37,038,299	14,847,501	3,241
50,000	60,000	6,807	29,985,541	12,417,840	4,405
60,000	75,000	5,741	35,653,618	14,883,125	6,210
75,000	100,000	4,543	41,479,867	17,310,850	9,131
100,000	150,000	3,951	56,115,725	23,514,956	14,203
150,000	200,000	1,753	38,561,305	16,149,432	21,997
Over	200,000	2,635	98,693,919	41,399,977	37,455
Totals		102,057	449,636,259	169,991,594	4,406

Decentralisation Programme.

189. **Mr. Hogan** asked the Minister for Finance if he will indicate the number of jobs that will be earmarked for County Monaghan in the context of the decentralisation programme; and if he will make a statement on the matter. [28877/04]

Minister for Finance (Mr. Cowen): There are 85 staff from the Department of Social and Family Affairs to be located in Carrickmacross and 25 from the Combat Poverty Agency to be located in Monaghan town under the decentralisation programme.

Exchequer Provisions.

190. **Mr. P. Power** asked the Minister for Finance his intentions regarding the planned level of Exchequer and PPP funded investment in 2005 included in the multi-annual capital investment framework published in the 2004 budget. [28936/04]

Minister for Finance (Mr. Cowen): The rolling five year multi-annual capital envelopes announced in budget 2004 set out a total capital provision for 2005 of Exchequer funded investment, €5,715 million, and an estimate for PPP, €585 million, capital to be funded by annual payments from the Exchequer.

The 2005 AEV which I will be publishing tomorrow presents a breakdown of the 2005 Exchequer provisions included in the multi-annual investment framework published in the 2004 budget as well as the original estimates for PPP investment in 2005 included in that framework. The Deputy might wish to note that based on the latest information available from Departments there will be a major shortfall on the PPP estimate in 2005. I will be reviewing the position between now and the budget and I will be announcing a new capital envelope for the period 2005-09 on budget day. The new capital envelope will take account of the PPP shortfall, overall investment priorities and the wider expenditure and budgetary position.

Tax Code.

191. **Mr. Penrose** asked the Minister for Finance the tax concessions for persons who have mobility difficulties; the exact concession available under the motorised transport scheme; the persons that might qualify; and if he will make a statement on the matter. [28937/04]

Minister for Finance (Mr. Cowen): The disabled drivers and disabled passengers (tax concessions) scheme is open to people with disabilities who meet the specified criteria and have obtained a primary medical certificate to that effect. The senior area medical officer attached to the relevant local health board is responsible for both the medical assessment and the issue of the medical certificate. The medical criteria for the purposes of the tax concessions under this scheme are set out in the disabled drivers and disabled passengers (tax concessions) regulations 1994. Six different types of disablement are listed under the regulations and a qualifying person must satisfy one or more of them.

An individual who obtains a primary medical certificate qualifies for remission or repayment of vehicle registration tax, VRT, repayment of value added tax, VAT, on the purchase of the vehicle and a repayment of VAT on the cost of adaptation of the vehicle. Repayment of the excise duty on fuel used in the motor vehicle and exemption from annual road tax to local authorities are also allowed. The motorised transport grant referred to in the question is a means tested grant administered by the health boards and does not fall within the remit of my Department.

Budget Submissions.

192. **Mr. F. McGrath** asked the Minister for Finance if he will support the request from the Irish Deaf Society for a capital investment of €10 million; and if he will make a statement on the matter. [28938/04]

Minister for Finance (Mr. Cowen): At this time of the year I receive a large number of pre-budget submissions requesting funding for a wide range

[Mr. Cowen.]
of issues. Each one will be considered in the context of the forthcoming budget.

Tax Code.

193. **Mr. R. Bruton** asked the Minister for Finance the threshold for registration for VAT in manufacturing and in the service sector; when these thresholds were set; the amount they would need to be increased in order to keep pace with the index of consumer prices in the intervening period; his estimate of the cost to the Exchequer of doubling these thresholds; and if he will make a statement on the matter. [28939/04]

Minister for Finance (Mr. Cowen): Traders making supplies in the State are obliged to register for VAT where certain turnover thresholds are exceeded or are likely to be exceeded in any continuous period of 12 months. The current thresholds, which were enacted by the Finance Act 1994 with effect from 1 July 1994, are €25,500 in the case of a person supplying services. This threshold also applies to persons supplying a combination of goods and services or goods chargeable at the 13.5% or 21% VAT rates which are produced from zero-rated materials; the threshold is €51,000 for persons supplying goods. Businesses with turnover below these thresholds can of course register for VAT and those in the service sector in particular frequently choose to do so for business reasons.

If thresholds were increased in line with the consumer price index since 1994, the €25,500 threshold would need to be increased by €15,515 to €41,015 and the €51,000 threshold would need to be increased by €31,030 to €82,030.

With regard to the estimated cost of doubling the current thresholds, the position is that under the EU sixth VAT directive, with which Irish VAT law must comply, member states may only increase thresholds in line with inflation.

It is not customary for me to comment on any possible changes to thresholds which may, or may not, arise in the context of the forthcoming budget.

Tax Collection.

194. **Mr. P. McGrath** asked the Minister for Finance the amount of VRT collected in each of the past seven years. [28949/04]

Estimated Excise and VAT collected on Motor Fuels 1997-2003.

	1997	1998	1999	2000	2001	2002	2003
	€						
<i>Petrol: Excise</i>	601.7	676.8	720.4	754.8	725.3	854.2	853.8
Estimated VAT	195.5	207.0	223.5	288.2	264.1	286.1	289.8
Total	797.3	883.7	943.9	1,043.1	989.4	1,140.3	1,143.6
<i>Auto Diesel: Excise</i>	428.7	509.2	583.3	624.0	519.5	660.2	731.5
Estimated VAT	16.5	19.0	21.6	29.2	26.7	30.2	32.4
Total	445.2	528.3	604.9	653.2	546.2	690.4	763.8

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the amount of VRT collected in each of the past seven years is set out in the table below:

Year	€ million
1997	502.6
1998	615.1
1999	771.1
2000	1001.3
2001	788.0
2002	792.6
2003	819.4

195. **Mr. P. McGrath** asked the Minister for Finance the amount of VAT collected in each of the past seven years on the purchase of new motor vehicles. [28950/04]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the amount of VAT collected in each of the past seven years on the purchase of new motor vehicles is as follows:

Year	€ million
1997	278
1998	354
1999	402
2000	548
2001	416
2002	425
2003	425

It should be noted that these figures are estimates as VAT returns do not identify the yields from particular goods and services.

Motor Fuels.

196. **Mr. P. McGrath** asked the Minister for Finance the amount of tax collected in each of the past seven years on motor fuels. [28951/04]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the period for which data is available is 1997-2003 inclusive. The relevant figures are shown in the table below.

	1997	1998	1999	2000	2001	2002	2003
	€						
Auto LPG: Excise	1.0	0.7	0.6	0.6	0.4	0.3	0.2
Estimated VAT	0.5	0.4	0.4	0.3	0.3	0.2	0.1
Total	1.5	1.1	1.0	0.9	0.7	0.6	0.3
Total	1,244.0	1,413.1	1,549.8	1,697.1	1,536.2	1,831.3	1,907.7

The figures for VAT collected are estimates. VAT returns are not required to be completed in a manner that identifies the yield from particular goods and services.

Tax Code.

197. **Mr. P. McGrath** asked the Minister for Finance the various taxes that are collected on the sale of a new car and to compare these to the corresponding taxes in the UK. [28952/04]

Minister for Finance (Mr. Cowen): In Ireland a new vehicle is liable to vehicle registration tax, VRT value added tax, VAT, and in the case of a vehicle imported from outside the European Union, common customs tariff duty, CCT.

VRT is calculated on the open market selling price, OMSP, of a vehicle, which is the retail price, inclusive of all taxes and duties, that a vehicle may reasonably be expected to fetch on a first arm's length sale on the open market in the State. The rates of VRT chargeable on an individual vehicle are determined by its engine size. The following table shows the engine size bands and the corresponding VRT rate.

Private Cars — Category A.

	Category	
Cars up to 1,400 ccs	(A1)	22.5% of OMSP
Cars 1,401 to 1,900 ccs	(A2)	25% of OMSP
Cars 1,901 +	(A3)	30% of OMSP

VAT is chargeable at 21% of the retail price exclusive of VRT and VAT. CCT is charged at 10% of the cost of the vehicle inclusive of charges for freight and insurance. I understand that in the UK all new cars are liable to VAT at 17.5%, and if imported from outside the EU, CCT duty at 10%. VRT or an equivalent is not payable on cars in the UK.

198. **Mr. P. McGrath** asked the Minister for Finance the amount of tax levied on a new car below 1.9 L retailing at €12,000, €15,000, €18,000, €21,000 and €25,000; and the tax levied on a new vehicle over 1.9 L retailing at €30,000, €40,000 and €50,000. [28953/04]

Minister for Finance (Mr. Cowen): VRT is applied on the open market selling price, OMSP, of the vehicle which is the price, inclusive of all taxes and duties, which the vehicle would be reasonably expected to fetch on a first arm's length retail sale in the State. The information requested is as follows:

Category A1 — Engine cc less than or equal to 1400 cc

OMSP	12,000.00	15,000.00	18,000.00	21,000.00	25,000.00
VRT Rate	22.5%	22.5%	22.5%	22.5%	22.5%
VRT Amount	2,700.00	3,375.00	4,050.00	4,725.00	5,625.00
VAT Amount	1,614.05	2,017.56	2,421.07	2,824.59	3,362.60
Total Tax	4,314.05	5,392.56	6,471.07	7,549.59	8,987.60

Category A2 — Engine cc exceeding 1400 cc and not exceeding 1900 cc

OMSP	12,000.00	15,000.00	18,000.00	21,000.00	25,000.00
VRT Rate	25.0%	25.0%	25.0%	25.0%	25.0%
VRT Amount	3,000.00	3,750.00	4,500.00	5,250.00	6,250.00
VAT Amount	1,561.98	1,952.48	2,342.98	2,733.48	3,254.13
Total Tax	4,561.98	5,702.48	6,842.98	7,983.47	9,504.13

Category A3 — Engine cc exceeding 1900 cc

OMSP	30,000.00	40,000.00	50,000.00
VRT Rate	30.0%	30.0%	30.0%
VRT Amount	9,000.00	12,000.00	15,000.00
VAT Amount	3,644.63	4,859.50	6,074.38
Total Tax	12,644.63	16,859.50	21,074.38

199. **Mr. P. McGrath** asked the Minister for Finance his views on the 57% increase in the importation of second hand vehicle with engine size over 1.9 litre; and if he will make a statement on the matter. [28954/04]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that over 170,000 cars have been registered in the State up to the end of October 2004, including cars which are exempt from VRT. Of these, 7,242, or some 48% more than the same period last year, were second hand imports, with engine sizes over 1.9 litres. While it is impossible to determine with any certainty, it is reasonable to speculate that personal choice as to make and model and normal market forces have contributed to the increase. Data are not captured by the Revenue Commissioners in relation to the engine size of commercial vehicles.

Social Insurance Fund.

200. **Mr. P. McGrath** asked the Minister for Finance the surplus that has been put into the social welfare fund in each of the past seven years; the cumulative fund for each of those years; and the details of the withdrawals from the fund in the same periods for items that were not covered within the terms of the fund. [29009/04]

Minister for Finance (Mr. Cowen): As Minister for Finance, I have overall responsibility for the control and management of the social insurance fund investment account while my colleague, the Minister for Social and Family Affairs, has responsibility for the social insurance fund current account. The extent to which the annual income of the social insurance fund is not required to meet benefit payments and administration costs in that year represents the annual surplus of the fund. The only payment from the social insurance fund other than that to meet benefit payments or administration costs was the amount of €635 million paid out of the fund into the Exchequer in 2002 as provided for by the Social Welfare (No. 2) Act 2001.

The annual and cumulative surplus on the social insurance fund in the period in question is as follows:

	Annual Surplus (€M)	Cumulative Surplus (€M)
1997	10	10
1998	69	79
1999	341	420
2000	435	855
2001	631	1,486
2002	422	1,273*
2003	255	1,528

201. **Mr. P. McGrath** asked the Minister for Finance the profits achieved from the investment of the social welfare fund in each of the past five years. [29010/04]

Minister for Finance (Mr. Cowen): As Minister for Finance, I have overall responsibility for the control and management of the social insurance fund investment account while my colleague, the Minister for Social and Family Affairs, has responsibility for the social insurance fund current account. The receipts from investment of the accumulated surplus of the social insurance fund for each of the last five years are as follows:

Year	€M
1999	3.447
2000	26.590
2001	45.754
2002	51.015
2003	40.718

These figures do not of course reflect the carrying cost of the significant deficits in the fund subsidised by the Exchequer until the mid 1990's.

Flood Relief.

202. **Mr. P. McGrath** asked the Minister for Finance if plans exist for alleviation measures in respect of serious flooding of the River Pil at Piltown, County Kilkenny; and if he will make a statement on the matter. [29060/04]

Minister of State at the Department of Finance (Mr. Parlon): My officials are currently undertaking a pre-feasibility study to investigate the relevant issues with regard to reducing the risk of flooding in Piltown. It is expected that this report will be completed early in the new year and until such a time as the recommendations of this study are available, it is not possible to say what, if any,

flood alleviation works might be identified for Piltown. Any decision will also be contingent on existing commitments to advancing flood relief projects currently on the OPW work programme.

Public Private Partnerships.

203. **Mr. J. O’Keeffe** asked the Minister for Finance the advantages and disadvantages of public-private partnerships in relation to public work contracts; his views on whether the approach is cost effective; and his policy in relation to public-private partnerships in the future. [29061/04]

Minister for Finance (Mr. Cowen): Public private partnerships have a continuing role to play in helping to address the infrastructure needs of this country. The advantages and disadvantages of using the PPP route are dependent, in particular, on achieving optimal risk transfer to the private sector over the lifetime of a project and the efficiencies gained from integrating design and construction of public infrastructure with operation and maintenance and, where appropriate, private finance.

The Government established the National Development Finance Agency in 2003 to provide advice to those procuring major public capital projects on the optimal means of financing such projects in order to achieve value for money and on all aspects of the financing, refinancing and insurance of public investment projects. With regard to the policy on PPPs in the future, the overall context is set by the multi-annual investment framework first announced in budget 2004, including estimates for PPP investment.

The Deputy may wish to note that, based on the latest information available from Departments in respect of PPPs funded by unitary payments, there will be a shortfall in PPP projects at construction stage in 2005 relative to the estimates announced in 2004. There are a number of reasons for this, including the lead time of 18 months to two years involved in bringing PPP projects to construction. I will be reviewing the position between now and the budget and I will be announcing a new multi-annual capital envelope for the period 2005-09 on budget day. The new capital envelope will take account of the PPP shortfall in 2005, overall investment priorities and the wider expenditure and budgetary position.

Insurance Industry.

204. **Mr. Noonan** asked the Minister for Finance the amount of single premium insurance written by the industry in each year from 1988 to 2001 inclusive; the reason for the variation in amounts from year to year; and if he will make a statement on the matter. [29062/04]

Minister for Finance (Mr. Cowen): The insurance annual reports — blue books — as published in the years in question by the Department of Enterprise, Trade and Employment, show that the net amount of single premium life insurance

written in Ireland in the years 1988 to 2001 was as follows:

	Euro 000’s
1988	708,544
1989	954,144
1990	707,147
1991	662,157
1992	438,893
1993	686,920
1994	750,906
1995	732,456
1996	1,182,035
1997	1,868,511
1998	3,261,874
1999	5,211,852
2000	7,556,644
2001	8,803,823

The insurance annual reports show that business written by companies based in Ireland into other, mainly EU, countries increased substantially during the period, rising from 2% of the total in 1988 to 53% in 2001. There may be other reasons for the year-to-year variations but these are not deducible from the information in the reports.

Tax Code.

205. **Mr. Wall** asked the Minister for Finance if he will address the concerns of a person (details supplied) in County Kildare in budget 2005; the mechanism available to them to address their concerns; and if he will make a statement on the matter. [29063/04]

206. **Mr. Wall** asked the Minister for Finance if he will address the concerns of a person (details supplied) in County Kildare in budget 2005; the mechanism available to them to address their concerns; and if he will make a statement on the matter. [29064/04]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 205 and 206 together.

Capital Gains Tax, CGT, is a tax on a capital gain arising on the disposal of assets. A 20% rate of CGT now applies on the gains arising on the disposal of assets, including land which is the subject of a compulsory purchase order, CPO. This is the lowest rate of CGT in recent history. Where compensation is received for land that is compulsorily acquired, any gains arising from the amount paid for the acquisition of land are chargeable to tax. In other words, if there is a sum paid by an authority for the compulsory acquisition of land, then irrespective of its components, for example, disturbance, injurious affection, etc., that total sum will be the amount to be assessed for tax. The CGT due on a disposal of land under a CPO is calculated in the same way as any other disposal of land. The consideration for the disposal will be the sum received for the land.

[Mr. Cowen.]

As the Deputy is aware, it is not the practice to comment in the lead up to the annual budget and Finance Bill on the intention or otherwise to make changes in taxation.

207. **Mr. Gregory** asked the Minister for Finance if he will review the amount of capital gains tax demanded from a person (details supplied) in Dublin 7. [29075/04]

Minister for Finance (Mr. Cowen): A charge to capital gains tax arises in respect of chargeable gains accruing on the disposal of assets. Such gains are computed in accordance with the provisions of the capital gains tax Acts. The charge extends to individuals, companies and unincorporated bodies of persons. CGT has no connection with income, which is the basis for income tax. The CGT liability of an individual is computed, irrespective of age, by reference to the chargeable gain on the disposal.

I have been advised by the Revenue Commissioners that as many shareholders might not ordinarily be expected to be familiar with capital gains tax provisions, they have written to First Active members who received payment from the Royal Bank of Scotland in respect of its acquisition of First Active. Revenue informed them of a potential CGT liability arising from the disposal of the shares and how to make a payment of any CGT liability. This was to ensure that people do not inadvertently incur interest which could arise if payment was not made on time. Any CGT liability on disposal of these shares was due for payment on or before 31 October 2004.

From the information supplied to the Revenue Commissioners, the person referred to by the Deputy received a payment of €3,069 from Royal Bank of Scotland and, provided she had no other gain or loss, her CGT liability is calculated as follows:

Cash Received	€3,069
Allowable Costs	Nil (as the shares were acquired at no cost they have a nil base)
Chargeable Gain	€3,069
Less Personal Exemption	(€1,270)
Net Chargeable Gain	€1,799 @ 20% = €359.80

The chargeable gain above can be reduced by any allowable losses arising in 2004 together with any unused allowable losses from disposals of assets chargeable to capital gains tax in any previous year. This is the standard method and was used in other disbursements of free shares in the past few years.

I have also been informed by the Revenue Commissioners that the Revenue documentation that the person received includes a computation sheet and a payslip. The payslip and payment should be sent to the Collector General's office. The documentation issued also includes a special Revenue helpline number for any further assistance required by the person referred to by the Deputy.

Departmental Appointments.

208. **Mr. Durkan** asked the Minister for Finance if any new advisers or consultants have been appointed by him since the Government reshuffle of September 2004; if such appointments are replacements for or are in addition to previous appointments; the salary and terms of employment in each case; and if he will make a statement on the matter. [29118/04]

Minister for Finance (Mr. Cowen): Since my appointment as Minister for Finance, in accordance with the provisions of section 11 (1) of the Public Service Management Act 1997, the Government has appointed at my request, one special adviser to my Department. My predecessor did not have a special adviser. The annual salary is €67,305 and an allowance of 10% of salary is also paid. My adviser is an assistant principal officer on secondment from the Department of Health and Children for the duration of my appointment.

Tax Code.

209. **Mr. Stanton** asked the Minister for Finance the number of refunds in respect of PRSI contributions paid in respect of off payroll payments made to PRSAs and other personal pensions for which claims have been made to Revenue Commissioners; when he expects to be able to repay this money; the amount involved; and if he will make a statement on the matter. [29153/04]

Minister for Finance (Mr. Cowen): Refund of PRSI in respect of PRSAs and other personal pensions is governed by the Social Welfare (Consolidated Contributions and Insurability) (Amendment No. 1) (Refunds) Regulations 2003, SI No. 698 of 2003. These regulations were made by the Minister for Social and Family Affairs on 17 December 2003.

I understand from the Revenue Commissioners that the matter of devising a mechanism for dealing with these cases has been raised by the Department of Social and Family Affairs with the Revenue Commissioners and discussions are ongoing. In the meantime, persons seeking refunds have been advised to contact the Department of Social and Family Affairs.

210. **Mr. Gregory** asked the Minister for Finance if tax relief can be claimed for the parents' costs of incurring travelling expenses to visit their children in an intensive care unit who are not oncology patients or children with a permanent disability; and if he will make a statement on the matter. [29255/04]

Minister for Finance (Mr. Cowen): Section 469 Taxes Consolidation Act 1997 provides for tax relief in respect of health expenses, as defined in the section, incurred in respect of health care which is also defined in the section. The Revenue Commissioners information leaflet IT 6 on health-medical expenses relief which is available on their website www.revenue.ie provides full

details of the expenses for which tax relief is available.

Section 469 provides for tax relief in respect of the cost of travelling to and from hospital either by a patient or by the parents of a patient where this is by ambulance only and not by any other means. However, I am informed by the Revenue Commissioners that they have a long-standing and published administrative practice to grant tax relief on the cost of travelling, other than by ambulance, to and from hospital in the special circumstances which pertain to child oncology patients and children with a permanent disability where such trips are shown to be essential to the treatment of the child. The Revenue Commissioners' practice does not extend to covering the cost of travelling by parents to visit their children in hospital in the normal course, including children in intensive care.

If the Deputy has a specific case to which special circumstances attach, he may wish to contact the Revenue Commissioners outlining full details of the case including the special circumstances, if any.

Grant Aid.

211. **Mr. Stagg** asked the Minister for Finance if the revised schedule of works for Lucan Demesne has been submitted and agreed; the details of same; the amount of grant aid being applied; and if he will make a statement on the matter. [29292/04]

Minister of State at the Department of Finance (Mr. Parlon): I wish to confirm that the current position remains unchanged from that outlined in my response to the Deputy's most recent question on this issue, Parliamentary Question No. 322.

Disabled Drivers.

212. **Mr. O'Shea** asked the Minister for Finance his proposals to implement the ten recommendations of the disabled drivers and disabled passengers (tax concessions) scheme independent review group; in particular the making of legislative change to repeal the current stringent medical based on lack of limbs with a more general mobility-focused medical assessment; and if he will make a statement on the matter. [29421/04]

Minister for Finance (Mr. Cowen): The disabled drivers and disabled passengers (tax concessions) scheme is open to people with disabilities who meet the specified criteria and have obtained a primary medical certificate to that effect. The senior area medical officer attached to the relevant local health board is responsible for both the medical assessment and the issue of the medical certificate.

The medical criteria for the purposes of the tax concessions under this scheme are set out in the disabled drivers and disabled passengers (tax concessions) regulations 1994. Six different types of disablement are listed under the regulations and a qualifying person must satisfy one or more of them. The six types of disablement are as follows: persons who are wholly or almost wholly

without the use of both legs; persons who are wholly without the use of one leg and almost wholly without the use of the other leg such that the applicant is severely restricted as to movement of the lower limbs; persons without both hands or without both arms; persons without one or both legs; persons wholly or almost wholly without the use of both hands or arms and wholly or almost wholly without the use of one leg; and persons having the medical condition of dwarfism and who have serious difficulties of movement of the lower limbs.

An individual who qualifies under the medical criteria as set out above is issued with a primary medical certificate. Possession of a primary medical certificate qualifies the holder for remission or repayment of vehicle registration tax, VRT, a repayment of value added tax, VAT, on the purchase of the vehicle and a repayment of VAT on the cost of adaptation of the vehicle. Repayment of the excise duty on fuel used in the motor vehicle and exemption from annual road tax to local authorities are also allowed.

An interdepartmental review group was established to review the disabled drivers' and disabled passengers' (tax concessions) scheme. The group examined all aspects of the scheme including the qualifying medical criteria. The report was published on my Department's website in early July and copies have been placed in the Oireachtas Library.

As agreed by Government in June, I will consider the report on an ongoing basis in the overall budgetary context having regard to the existing and prospective cost of the scheme.

Tax Code.

213. **Mr. O'Shea** asked the Minister for Finance his proposals to extend tax relief for home carers to widows and widowers or lone parents; and if he will make a statement on the matter. [29422/04]

Minister for Finance (Mr. Cowen): As the Deputy will be aware, the home carer tax credit, formerly an allowance, was introduced in the Finance Act 2000 and is designed to cover situations where a spouse working in the home has forfeited a second income to care for dependants in the home. It is available only to married couples who are jointly assessed for tax.

While the home carer credit is generally not available to married two earner couples, there is an income disregard whereby the home carer may have some income in their own right without affecting their spouse's eligibility for the tax credit. In addition, there is a taper system, which means the tax credit is not lost at once when income exceeds the amount of the disregard.

Special treatment within the tax system is afforded to widows, widowers and lone parents. In the case of widowed persons, in the year of bereavement a widowed person may receive a personal tax credit of €3,040, which is equivalent in value to the married person's tax credit. Following the year of bereavement, a widowed parent with a qualifying child or children may qualify for the one-parent family tax credit of €1,520 in

[Mr. Cowen.]
 addition to the personal tax credit of €1,520. A further tax credit, the widowed parent tax credit, is available on a sliding scale for the first five tax years following the year of bereavement as follows:

Year	€
Year 1	2,600
Year 2	2,100
Year 3	1,600
Year 4	1,100
Year 5	600

Therefore, in the first year following bereavement, a widowed parent is entitled to aggregate tax credits of €5,640, comprising a single personal credit of €1,520, a one-parent family credit of €1,520 and a widowed parent credit of €2,600. For widowed persons with no dependent children, a tax credit of €300, which is additional to the basic personal tax credit, is available after the year of bereavement. Such widowed persons would therefore receive aggregate basic tax credits of €1,820, comprising €300 plus the personal tax credit of €1,520, in addition to the employee credit, if applicable.

In the case of lone parents, as well as the single personal credit of €1,520, a lone parent also receives the one parent family credit of €1,520 giving total personal credits equivalent to the married credit of €3,040. The standard rate band for a lone-widowed parent is extended to €32,000 which is €4,000 more than the standard rate band for a single person. Finally, as the Deputy will be aware, it has been the practice of successive Ministers for Finance not to comment on what may or may not be contained in upcoming budgets. I do not intend to depart from that approach.

Decentralisation Programme.

214. **Mr. Timmins** asked the Minister for Finance if, during discussions on decentralisation, consideration was given to moving the section of the Revenue Commissioners which is due to go to Athy, County Kildare to Wicklow Town; and if he will make a statement on the matter. [29424/04]

Minister for Finance (Mr. Cowen): A wide range of factors were taken into account and measured against each other in selecting locations for the new decentralised offices. For example, the need to achieve a fit with the national spatial strategy, in terms of the gateways, hubs and their respective catchments as well as the location of existing decentralised offices was considered. The importance of respecting the scale and character of locations in terms of their capacity to absorb the number of new jobs involved was also a factor. In addition, the desirability of clustering a Department's decentralised units within a region and the existence of good transport links by road, rail and/or air, and the general infrastructural capacity in the areas, were also considered.

215. **Ms Enright** asked the Minister for Finance the number of persons who have applied to be decentralised to Birr; if Birr will be included in the first tranche of decentralisation; the estimated time for completion of the programme to Birr; if a location has been found and approved; and if he will make a statement on the matter. [29462/04]

Minister for Finance (Mr. Cowen): The number of persons who applied to be decentralised to Birr is 69. I expect to receive a report very shortly from the decentralisation implementation group, the Flynn group, outlining its proposals on the sequencing and timing of the first phase of moves. Until I have received the report and the Government has had an opportunity to consider its contents I am not in a position to say which locations will be included in the first phase of the relocation programme.

The evaluation of property proposals for most locations is currently at an advanced stage and a number of possible property proposal solutions have been identified.

216. **Ms Enright** asked the Minister for Finance the number of persons who have applied to be decentralised to Edenderry; if Edenderry will be included in the first tranche of decentralisation; the estimated time for completion of the programme to Edenderry; if a location has been found and approved; and if he will make a statement on the matter. [29464/04]

Minister for Finance (Mr. Cowen): The number of persons who applied to be decentralised to Edenderry is 53. I expect to receive a report very shortly from the decentralisation implementation group, the Flynn group, outlining its proposals on the sequencing and timing of the first phase of moves.

Until I have received the report and the Government has had an opportunity to consider its contents I am not in a position to say which locations will be included in the first phase of the relocation programme.

The evaluation of property proposals for most locations is currently at an advanced stage and a number of possible property proposal solutions have been identified.

217. **Ms Enright** asked the Minister for Finance if Port Laoise will be included in the first tranche of decentralisation; and if he will make a statement on the matter. [29465/04]

Minister for Finance (Mr. Cowen): I expect to receive a report very shortly from the decentralisation implementation group, the Flynn group, outlining its proposals on the sequencing and timing of the first phase of moves.

Until I have received the report and the Government has had an opportunity to consider its contents I am not in a position to say which locations will be included in the first phase of the relocation programme.

218. **Ms Enright** asked the Minister for Finance the number of persons who have applied to be decentralised to Tullamore; if Tullamore will be

included in the first tranche of decentralisation; the estimated time for completion of the programme to Tullamore; if a location has been found and approved; and if he will make a statement on the matter. [29466/04]

Minister for Finance (Mr. Cowen): As the Deputy is aware, the data from the central applications facility, CAF, published in September showed that a total of 116 persons have applied for decentralisation to Tullamore as their first choice.

The next stage of the decentralisation process is the selection of organisations for inclusion in the first phase of moves and the sequencing and timing of such moves. An analysis of the figures emerging from the CAF and any relevant property and business aspects is being undertaken by the decentralisation implementation group. Pending completion of this work it is not possible to state if Tullamore will be included in the first tranche of decentralisation or to give an estimated time for completion of the programme to Tullamore.

My Department has provided its accommodation requirements for Tullamore to the Office of Public Works, OPW, which is co-ordinating the procurement of property for all Departments and offices.

Telecommunications Services.

219. **Mr. Wall** asked the Minister for Communications, Marine and Natural Resources the position regarding the provision of broadband to the Ballymore Eustace area of Kildare; the timescale in regard to the matter; and if he will make a statement on the matter. [29031/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market, regulated by ComReg, the Commission for Communications Regulation.

The Government set aside an indicative €200 million under the NDP 2000-2006 for broadband infrastructure investment will enable the provision of broadband services regionally by the private sector.

Metropolitan area networks, MANs, are being built in 26 towns and cities, in association with the local authorities. These are being managed for the State on an open access basis, and offer a wide range of broadband services on a wholesale basis to the service providers. In the second phase of the programme MANs will be built in a further 92 towns with a population of 1,500 and over.

For smaller towns and rural communities, such as Ballymore Eustace, I have introduced the group broadband scheme, under which funding is available to assist the community to come together and, with the service providers, to obtain broadband for their area using the technology that best suits the location, such as wireless, satellite or fibre.

My Department's website www.broadband.gov.ie gives full details of the companies offering

broadband in all parts of the country, and lists five companies offering satellite-based broadband services in west Wicklow.

Full details of the regional broadband programme and the group broadband scheme can be found on my Department's websites www.dcmnr.gov.ie and www.gbs.ie.

Foreshore Licences.

220. **Mr. J. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources the position in regard to the proposed coastal barrage for Clonakilty; and his views on whether there is now an urgent case to have the barrage completed in view of further recent flooding in the town. [29056/04]

228. **Mr. J. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources the position in regard to the application for a foreshore licence for the proposed coastal barrage in Clonakilty; when the application was lodged; the reason it has not been completed; and if his attention has been drawn to the urgency of the situation in view of further recent flooding in the town. [29029/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 220 and 228 together.

The Department received an application from Clonakilty Town Council in October 2003 for a foreshore licence for the construction of a tidal barrage at Clonakilty.

Preliminary examination of the application has been undertaken in the Department. The engineering division has had discussions with the parties to the application and a number of issues which arose are being clarified. A comprehensive report on the development is being finalised by the Department's engineering division and the issue of the foreshore licence will be determined in that context.

In view of the importance of the project, I have directed that consideration of the application is to be progressed as a matter of priority.

Air-Sea Rescue.

221. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which he provides coastal air-sea rescue facilities; if adequate resources and personnel are available from or through his Department for these operations; and if he will make a statement on the matter. [29272/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Irish Coast Guard has responsibility for the provision of Ireland's coastal air-sea search and rescue service. The coastal area lies within the Ireland search and rescue region, SRR.

Search and rescue services in Ireland are provided through a combination of Irish Coast Guard emergency services and services provided by a number of charitable and voluntary organisations dedicated to SAR.

[Mr. N. Dempsey.]

The principal air and sea rescue resources in Ireland are Coast Guard 24-hour all-weather helicopters based at Dublin, Waterford and Shannon Airports and a 12-hour helicopter at Sligo Airport, which will become 24-hour early in 2005, the coast-wide Coast Guard units, RNLI Lifeboats and the Community Inshore Rescue Service.

The Coast Guard co-ordinates search and rescue operations, including those services provided by charitable and voluntary bodies. It also ensures that appropriate personnel, training, equipment and facilities are in place among its many declared resources. Coast Guard rescue co-ordination centres at Dublin, Malin Head and Valentia and a nationwide communications network are positioned and equipped to receive distress calls and co-ordinate response to incidents on land, around the coastline and sea areas within its areas of responsibility for search and rescue and casualty and pollution response.

While the challenges facing the Coast Guard continue to change and recognising the fact that the Coast Guard undertakes ongoing training and re-equipping, I am satisfied that the Coast Guard has adequate resources available to it to deal with its expected challenges.

Natural Gas Grid.

222. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources if he will provide him with a copy of the environmental management plan for the upstream pipeline for the proposed Corrib gas terminal in Bellanaboy including agreed programmes, construction methodology and the construction constraints schedule; and if he will provide a copy of the detailed construction method statements as agreed between EEI and Dúchas, copies of all agreed monitoring programmes and the traffic management plan approved by Mayo County Council relating to the development. [28643/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): While the initial environmental management plan was drawn up in 2002 by the developers of the Corrib Gas pipeline based on its construction plan proposals at the time, this has always been classified as an organic and evolving document. As the development work progresses the plan will be updated in discussion with my Department, other Departments and the Corrib gas field environment monitoring group set up by the then Minister as a condition of the plan of development approval and the consent to construct pipeline. I will have a copy of the original environmental management plan forwarded to the Deputy directly.

The pipeline construction method statements in so far as they relate to issues that fall within the responsibility of the Department of Environment, Heritage and Local Government are matters between Shell E&P Ireland Limited and the National Parks and Wildlife Service, formerly Dúchas, of that Department and my Department is not aware of what has been approved between them.

The condition relating to monitoring programmes states that prior to construction commencing, the developer shall provide to the satisfaction of the Minister, details of monitoring programmes to be undertaken. With the project moving to development stage, officials of my Department are in discussion with the developers, in regard to the various monitoring plans and programmes required.

As regards the traffic management plan, a copy of the construction traffic management plan, as included in the environmental management plan, was provided to Mayo County Council on 9 July 2003. A revised traffic management plan is to issue shortly for 2004-05. This will be subject to review by Mayo County Council before it is submitted to my Department.

223. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources when the condition 1 commencement of commercial production operations in January 2004 (details supplied) was amended with regard to the development of the Corrib gas field. [28644/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The original date of January 2004 for the commencement of commercial gas production from Corrib gas field as stated in the then Minister's approval for the development of the field has not yet been changed. The matter is under consideration by the developers in the context of ongoing discussion with my Department and the recent planning approval given by An Bord Pleanála for the terminal at Bellanaboy, County Mayo.

Telecommunications Services.

224. **Mr. Aylward** asked the Minister for Communications, Marine and Natural Resources the criteria used to determine the various towns and villages throughout the country selected for broadband access; if this service is likely to be made available to households and companies in Urlingford, County Kilkenny using the satellite link; and if he will make a statement on the matter. [28875/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market, regulated by ComReg, the Commission for Communications Regulation.

The Government set aside an indicative €200 million under the NDP 2000-06 for broadband infrastructure investment that will, in turn, enable the provision of broadband services regionally by the private sector.

The principal aim of the regional broadband programme is to provide open-access broadband infrastructure in all towns of 1,500 population and over that do not already have broadband on offer from the service providers, or where the medium to long-term broadband infrastructure is deficient from a regional development standpoint.

In the first phase of the programme metropolitan area networks, MANs, are being built in 26 towns and cities, in association with the local authorities. In the second phase, MANs will be built in a further 92 towns. All of the infrastructure will remain in public ownership, and will be managed for the State by the management services company E-Net, which has been awarded the services concession contract following a public tender process.

For smaller towns and rural communities, such as Urlingford, I have introduced the group broadband scheme, under which funding is available to assist the community to come together and, with the service providers, to obtain broadband for their area using the technology that best suits the location, such as wireless, DSL, satellite or fibre.

My Department's website *www.broadband.gov.ie* gives full details of the companies offering broadband in all parts of the country, and lists five companies offering satellite broadband services in the Urlingford area.

Full details of the regional broadband programme and the group broadband scheme can be found on my Department's websites *www.dcmnr.gov.ie* and *www.gbs.ie*.

Inland Fisheries.

225. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources his proposals for the continued development of the Moy River and fishery; the expenditure on this work for each of the past five years; and if he will make a statement on the matter. [28876/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Under the Fisheries Acts, primary responsibility for the conservation, protection and development of Inland fisheries rests with the local fisheries board, in this case the North Western Regional Fisheries Board.

I am advised by the chief executive officer of the board that a strategic development plan was published by the board in 2002 setting out the board's proposals for the development of the various fisheries on the Moy system in the period 2002-06. I have asked the chief executive officer to forward a copy of this plan directly to the Deputy.

The chief executive officer also advises me that the board has an ongoing development programme on the River Moy system with a range of development activities taking place throughout the catchment each year. I am further advised by the chief executive officer that it has not been possible however, in the time available, to compile precise details of expenditure on all the development projects carried out over the last five years. In this regard I have asked the chief executive officer to prepare a report and forward this information directly to the Deputy as soon as possible.

Telecommunications Services.

226. **Mr. Hogan** asked the Minister for Communications, Marine and Natural Resources

his proposals to open up roads for Northern Ireland broadband companies to establish cross-Border links; and if he will make a statement on the matter. [28880/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function in this matter.

Fishing Fleet Protection.

227. **Mr. J. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources the position in regard to a decommissioning scheme for the Irish fishing fleet; and if he will make a statement on the matter. [29028/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The biggest challenge facing the fishing industry and its ancillary businesses at the present time is the pressure faced by many of the key whitefish species. The industry accepts that measures must be put in place for the conservation and sustainable exploitation of these stocks. The debate at national level centres around the appropriate mechanisms for achieving this objective.

In this regard, I have received requests from industry representatives for the introduction of a decommissioning scheme to provide for the restructuring of the whitefish fleet and I am currently examining these requests taking account of all relevant issues.

Question No. 228 answered with Question No. 220.

Harbour Authorities.

229. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources if he agreed to the sale of Sligo Harbour Board land to a company (details supplied) in 1992; if his attention had been drawn to the fact that this land could be required for the development of the MID block road through Sligo within a few years; and if he will make a statement on the matter. [29034/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): On 30 July 1992, the then Minister's consent in principle was given under section 159 of the Harbours Act 1946, to the Sligo Harbour Commissioners for the sale of a site at the Ballast Quay, Sligo, to a company. However, the sale did not proceed at that time.

In April 1994, the Department was informed that a director of the same company now wished to take up the title to the site at Ballast Quay. The then Minister gave his consent to that proposal under section 159 of the Harbours Act 1946, on 27 April 1994, and the sale was completed.

The Department has no record indicating that the attention of the Department was drawn to any issues involving the MID block road through Sligo mentioned in the Deputy's question.

Broadcasting Legislation.

230. **Mr. Lowry** asked the Minister for Communications, Marine and Natural Resources his views on whether the 1 November start date for Christmas advertising for children is too early, as set out in the children's advertising code issued by the Broadcasting Commission of Ireland; if, in view of the extreme financial pressures faced by parents at Christmas, he will review the code with a view to asking the BCI to amend the earliest possible advertising start date to 1 December; and if he will make a statement on the matter. [29104/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Section 19(1)(c) of the Broadcasting Act 2001, provides that the Broadcasting Commission of Ireland, BCI, prepare a code specifying standards to be complied with, and rules and practices to be observed, in respect of advertising which relate to matters likely to be of direct or indirect interest to children.

The BCI has published a children's advertising code, which will come into effect on 1 January 2005. Section 10 of the Act provides that the BCI review the effect of the code after three years and prepare a report in regard to that review and present it to me.

The drafting, monitoring and review of the code, are functions which the Oireachtas has provided the BCI with statutory responsibility for and in respect of which I have no role.

Departmental Appointments.

231. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if any new advisers or consultants have been appointed by him since the Government reshuffle of September 2004; if such appointments are replacements for or are in addition to previous appointments; the salary and terms of employment in each case; and if he will make a statement on the matter. [29119/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The press officer appointed by me during my tenure as Minister for Education and Science has been re-appointed by me in the Department of Communications, Marine and Natural Resources. The special adviser appointed by me during my tenure as Minister for Education and Science has been reassigned to me at the Department of Communications, Marine and Natural Resources with effect from 30 September 2004 and the requisite statutory order under the Public Service Management Act is being finalised.

Coastal Zone Management.

232. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if he will fund the Bantry Bay coastal zone charter; if the reason for withdrawal of funding in

2003 was failure to gain funding from Government agencies due in part to the national economic downturn in 2003, lack of commitment from Government agencies to implement the charter agreement, the highly centralised nature of Government, making it hard to gain recognition and support for small scale local initiatives and his failure to bring forward the Coastal Zone Management Bill; and his plans to re-establish this fund. [29133/04]

Minister of State at the Department of Communications, Marine and Natural Resources

(Mr. Gallagher): The Bantry Bay charter was a demonstration project in the field of integrated coastal zone management that was funded under the EU's life programme. It was one of a number of similar projects across the EU that contributed to the process leading to the adoption in May 2002 of the EU recommendation on the implementation of integrated coastal zone management in Europe.

I understand that EU funding for the charter ended in 2000 and that Cork County Council agreed to meet the cost of continuing the exercise in 2001 and 2002. The local authority advised the charter, however, that it would not be in a position to meet the full costs of the charter office beyond February 2003.

Against this background, the charter put forward a proposal that its costs be met by a number of public bodies. In addition to my Department, I understand that it also sought funding from the Departments of the Environment, Heritage and Local Government and Agriculture and Food, as well as Cork County Council and Bantry Bay Harbour Commissioners.

The charter was advised at the time that no funds were available to my Department to support the further continuation of the pilot project. This remains the case, and there are no proposals for the Department to become involved in the funding of individual coastal zone management projects.

Ferry Services.

233. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the position regarding the proposed closure of a service (details supplied) to France from Rosslare due to the apparent unfair subsidy given to a company (details supplied) by the French Government; his action to date to safe guard the jobs; the meetings that have taken place dealing with this issue; and the results of same. [29134/04]

Minister of State at the Department of Communications, Marine and Natural Resources

(Mr. Gallagher): Irish Continental Group announced on 20 October 2004, that it is restructuring, not ending, its Ireland-France ferry service.

I understand that the current service will end on 30 November 2004, and that a new service will

be introduced in March 2005. I have met both with local public representatives and with union representatives to consider the company's announcement and I have also spoken with the company.

Irish Continental Group alerted the Department in 2002 to their concerns that another shipping company planning to operate an Ireland-France ferry service may have received inappropriate State aid.

My predecessor as Minister, Deputy Dermot Ahern, raised the matter with the European Commission, which investigated Irish Continental Group's complaint. I understand that its investigation did not lead to any further action being taken by the Commission. I have written to the Commissioner designate for competition, seeking a meeting with her at an appropriate time to discuss ferry operations on the Ireland to France route.

The availability of a year-round ferry service to France is a valuable element in our trade and tourism links with the Continent. It is a means of avoiding the UK land bridge, through affording cost effective alternatives to our importers and exporters, and the Government is supportive of its retention.

Aquaculture Development.

234. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the reason over a third of all fish sold in retail supermarkets are farmed and the figure is increasing; and if his attention has been drawn to the fact that fish farming is replacing the catching sector. [29143/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. P. Gallagher): The quantities of fishery products from aquaculture are increasing on a global level. This trend derives from improving aquaculture techniques, a rising demand for fish and fishery products and an appreciation of the health benefits of consuming fish.

There are concerns about the state of some of the wild fish stocks; current policy at EU level involves restrictions on fish catches in order to rebuild stocks so that, in the medium to long term, sustainable fishing will support and grow the economies of coastal communities dependent on fishing. In contrast, aquaculture production continues to provide excellent opportunities for growth in seafood production. Starting from an insignificant amount, global aquaculture production has significantly grown and has increased by some 10% per year since 1990. In the Irish context, during this period there has been substantial growth in farmed salmon production and in the extensive and intensive cultivation of mussels and oysters.

235. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the number of aquaculture operations here; the

value of fish production; the number of persons employed in the sector; the level of support given to small companies in creating jobs; and the incentive which is given to the industry to develop new enterprises. [29144/04]

Minister of State at the Department of Communications, Marine and Natural Resources

(Mr. Gallagher): The number of licensed aquaculture operations at present is 1,159 of whom 10% are for finfish farming, the remainder are for shellfish farming operations. The first sale value of the fish produced in 2003 is estimated at €106,301 million. The number of people directly employed in the farm production element of the sector, on a full and part-time basis in 2003 was 2,637.

The level of support given to the sector is generally set at 40% of qualifying expenditure. The principal source of development funding is the aquaculture measure of the NDP 2000-2006. This FIFG co-funded instrument is complimented by an integrated suite of support programmes in the areas of marketing, quality assurance, environmental compliance, technology transfer, training and business skills provided by BIM. Local Leader groups may also assist new start-up companies with general mentoring and coaching as appropriate.

Fisheries Research.

236. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the salmon research agency roles; the benefit the information is to the salmon industry; and if he will make a statement on the matter. [29145/04]

Minister of State at the Department of Communications, Marine and Natural Resources

(Mr. Gallagher): A number of State agencies are involved in salmon research work under the aegis of the Department of Communications, Marine and Natural Resources.

Under the Fisheries Acts, primary responsibility for the conservation, protection and management of inland fisheries stocks rests with the Central and Regional Fisheries Boards. With regard to salmon research, the remit of the Central Fisheries Board is to carry out such research or experimental work as it considers necessary for the performance of its functions. As part of its remit, the board undertakes applied research and development in response to sectoral demands, the demands of the regional fisheries boards and as it sees fit itself. All the research carried out is of direct benefit to the fish and their ecology and to the stakeholders.

The Marine Institute was established in 1991 to support existing marine research, technology, development and innovation activity and to underpin future innovation and growth in the marine sector. The institute's salmon management services provide an integrated service in relation to sustainable salmon management, aquaculture, sea trout, eels, aspects of inshore

[Mr. Gallagher.] fisheries, as well as commercial fishing and angling.

In July 1999, the Salmon Research Agency, SRA, was transferred to the Marine Institute and since then, the institute's salmon research effort has been concentrated at the former SRA research facility in Newport on the Burrishoole system in County Mayo. The Burrishoole system is one of the most important salmon index rivers in the North Atlantic and is only one of two in the island of Ireland. The Marine Institute carries out extensive research on a wide range of aspects of the Burrishoole system including stock dynamics of salmon, salmonid genetics; environmental and hydrological studies; catchment management studies as well as extensive research into the rearing of salmonids for stock enhancement, ranching and fish farming.

The Marine Institute's facilities comprise of a laboratory and administration block, freshwater hatchery and fish-rearing facilities, fish census trapping stations, a salmonid angling fishery and a comprehensively monitored freshwater lake and river catchment. The Newport research facility hosts a wide range of the institute's freshwater and inshore fisheries-based programmes and is also the centre for many national and international co-operative research and development programmes.

The National Salmon Commission, NSC, is a statutory advisory body established under the Fisheries (Amendment) Act 1999, to assist and advise the Minister for Communications, Marine and Natural Resources on the management of the national salmon resource. The commission includes representatives of the commercial fishing sector, the angling sector and other relevant stake holders and is advised in its work by its standing scientific committee. In recent years, its most important function has been to provide the Minister with the latest scientific advice on the level of wild salmon stocks and to advise him on the setting of a national total allowable catch, TAC, and quotas for the taking of salmon.

The salmon data gathered by all of these agencies is pivotal in the management of the species and in the setting of conservation limits and fishery targets aimed at ensuring the sustainable development of salmon as a commercial and recreational fishing resource. The salmon research work and advice provided by these agencies is extremely important in assisting the Minister for Communications, Marine and Natural Resources to implement the overriding objective of the Government which is to preserve the salmon resource in its own right and for the coastal and rural communities that it helps to support.

In this regard, it is the Government's belief that the current strategy of developing a sustainable commercial and recreational salmon fishery through aligning catches on the scientific advice holds out the strong prospect of a recovery of

stocks and of a long term sustainable fishery for both sectors.

Marine Tourism.

237. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the plans he has to re-introduce the marine and natural resources tourism programme; if the 15 applications out of 60 evaluation which was carried out previously were approved; if he will fast track for redevelopment; if the €25 million fund be reinstated; and if he has brought the project to Government. [29146/04]

248. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources his plans for marine tourism in the west, around the coasts of Clare, Galway, Mayo and Sligo; if he will consider the economic benefits of marine tourism and the potential for developing this industry; and his further plans for involvement of west and north-west key tourism stake holders in a joint venture to develop this huge industry. [29177/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I propose to take Questions Nos. 237 and 248 together.

Tourism development generally is a matter for the Department of Arts, Sport and Tourism and is supported under the tourism measure of the national development plan, which is administered by Fáilte Ireland. The national development plan also includes separate measures to assist rural development, culture and co-operation with Northern Ireland, all of which include provision for tourism-related development.

Due to this Department's expertise in marine access infrastructure through its responsibility for harbours and ports, it was decided that it would be appropriate for this Department to administer the sub-measure of the overall tourism measure that was aimed specifically at supporting tourism-related marine — estuarine access infrastructure, such as marinas. The scheme was launched in February, 2002 and as a result of the first call, 60 applications for funding were received. Of these, 15 were identified as eligible to go forward for further evaluation which would have been carried out by a project assessment committee with the assistance of consultants. This committee would have scored and ranked the eligible projects which would then have been submitted to the tourism product management board for approval or rejection.

The selection process had reached only the initial stage of assessment of eligibility when it became clear that, due to budgetary constraints, the necessary funding for the scheme would not be available in 2003. This resulted in the suspension of the scheme, and all applicants under the call were notified of the position in December 2002. The assessment of the first set of appli-

cations was not completed, and no second call has taken place.

Apart from the balance of the limited funding — €5.7 million in total — that was committed as a budget day adjustment to a small number of marine tourism projects outside the grant scheme, there are currently no plans to make available any direct funding for marine access infrastructure and it is unlikely at this stage that the marine tourism grant scheme will be reactivated within the term of the national development plan.

However, the Department contributes to the development of marine tourism by supporting the activities of the Marine Institute which undertakes a programme of research and development on the marine tourism and leisure sector. The institute, in collaboration with key agencies, has undertaken a number of marine tourism and leisure development initiatives at local and county level in the west and north west of Ireland. For example, development strategies have been prepared for Counties Donegal and Galway and at local level for the west Clare peninsula. These frameworks provide a blueprint for development which can be applied on a national scale.

As a result of Framework for the Development of Tourism and Leisure on the Marine and Inland Waters of County Donegal, the institute supported the appointment of a full-time co-ordinator to develop the marine tourism and leisure sector in Donegal over a three year period. Water-based Tourism — A Strategic Vision for Galway, provided a strategic overview of Galway's current resources and identified the potential of a number of pilot water-based tourism and leisure development initiatives and included over 40 recommendations to enhance the potential of marine tourism development in County Galway. Special Interest Marine Tourism in the West Clare Peninsula presents a framework for development of the marine resource on a localised basis.

The Marine Institute is currently in the process of preparing a national strategy for the development of marine tourism and leisure 2005-2010. This strategy will be developed following an extensive consultative process with Government, agencies, representative bodies and stake holders.

Ministerial Responsibilities.

238. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if he will report on his main responsibilities. [29147/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): As Minister for Communications, Marine and Natural Resources, I am responsible for the performance of the functions that have been assigned to the Department of Communications, Marine and Natural Resources pursuant to the Ministers and Secretaries Acts 1924 to 1995. In addition to the communications, marine and natural resources

functions, I am responsible for the energy and broadcasting portfolios.

Marine functions have been delegated to my colleague, Minister of State, Deputy Gallagher, in accordance with the Marine (Delegation of Ministerial Functions) (No. 2) Order 2004. The Minister of State and I are working closely together to deliver on the policy objectives and programme for government commitments set for the Department's sectoral areas. I have arranged for copies of the Department's current statement of strategy 2003-05 and annual report 2003 to be forwarded to the Deputy. Work is underway on the preparation of the new statement of strategy which will set out the strategic challenges and goals up to 2007.

Marine Safety.

239. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the plans he has for improved maritime safety; the most recent marine regulations; and if he will make a statement on the matter. [29148/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The maritime safety directorate in the Department was established in 2002. Since then a number of important initiatives have been taken, or are being taken to strengthen the maritime safety regime. A Maritime Safety Bill to provide the necessary powers to assist local authorities in adopting regulations against the improper use of certain fast powered craft such as jet skis in waters within their jurisdiction, is at an advanced stage. Work is currently underway on developing competency standards for skippers of domestic passenger ships and passenger boats with a view to introducing the necessary regulations in 2005.

The maritime safety directorate is also developing a registration system to enhance the safety of recreational craft. This new system will form part of an overhaul of the vessel registration process generally by the directorate, which will put safety at the centre of the process. A new safety code of practice on recreational craft has been recently published for consultation and I expect to introduce this code in 2005. In the fishing sector, the introduction of a safety code of practice for fishing vessels less than 15 m., which is tied in to the licensing of fishing vessels by the sea fisheries administration division, is an important development in addressing the safety risks associated with this occupation.

There is ongoing development and monitoring of the maritime security regime to ensure that Irish vessels and port facilities remain fully compliant with the new security measures adopted in the wake of the events of 11 September 2001, thus ensuring the safety of passengers using Irish ports and vessels. Standards for all commercial seagoing vessels are developed and adopted at international level and the enforcement of all regulations governing the safety of vessels is a

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priority. My focus will be to continue to develop the maritime safety regime through a mixture of regulation and enforcement. A list of the most recent legislation introduced follows.

List of most recent statutory instruments for 2004 by S.I. number and title: S.I. No. 34 of 2004 European Communities (Passenger Ship) (Amendment) Regulations; S.I. No. 126 of 2004 European Communities (Merchant Shipping) (Training and Certification) (Amendment) Regulations 2004; S.I. No. 81 of 2004 European Communities (Vessel Traffic Monitoring and Information System) Regulations 2004; S.I. No. 259 of 2004 Merchant Shipping (Pleasure Craft) (Lifejackets and Operation) (Safety) Regulations 2004; S.I. No. 422 of 2004 European Communities (Recreational Craft) (Amendment) Regulations 2004; S.I. No. 413 of 2004 European Communities (Ship and Port Facilities) Regulations 2004; and S.I. No. 709 of 2004 Merchant Shipping (Ro-Ro Passenger Ship Survivability) (Amendment) Rules 2004.

Aquaculture Development.

240. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the reason for the slow uptake on the aquaculture development funding estimate provided on 31 December 2003 (details supplied); where funds were allocated; the present position of the fund; the plans he has to promote the fund. [29149/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The overall allocation of funding in the aquaculture development measures of the two regional operational programmes of the NDP 2000 — 2006 was €30.69 million on planned investment of €72.6 million. In the southern and eastern regional operational programme, 31 aquaculture projects have been approved for grant assistance of €10.4 million since the commencement of the programme on total investment of €23.36 million. These commitments were entered into in September 2001, April 2002, April and September 2003 and July 2004.

In the Border, midland and western regional operational programme, 66 aquaculture projects have been approved for grant assistance of €18.45 million since the commencement of the programme on total investment of €44.3 million. These commitments were entered into in October 2001, April 2002, April and September 2003 and July 2004.

The total commitments of public funding in the aquaculture development measure at national level is, allowing for de-commitments, estimated to be in the region of 83% in the southern and eastern region and 90% in the Border, midland and western region. The next call for aquaculture project applications will be made in early 2005. The total payments of NDP grants to aquaculture

projects in 2003 amounted to €3.620 million. Payment of grants in any year depends on actual expenditure incurred by final beneficiaries.

Fishing Industry Development.

241. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources his plans for a public health campaign promoting the benefits of eating fish and of a healthy lifestyle in view of a study by Norwegian scientists which has shown that eating farmed salmon brings immeasurable benefits to persons who have been diagnosed with coronary heart disease; and if he will make a statement on the matter. [29163/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Specific responsibility for health promotion rests with the Department of Health and Children, specifically the health promotion unit of that Department.

Bord Iascaigh Mhara is the State body with responsibility for fish marketing and promotion of seafood generally. BIM currently promotes the health benefits of fish consumption as part of its ongoing consumer education programme. In order to further the consumption of seafood in Ireland, BIM is undertaking a promotional programme focusing primarily on the health benefits of fish consumption, which will be officially launched by the Minister of State in January 2005.

Inland Fisheries.

242. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources his plans to combat the spread of invasive water borne species that are damaging water environments, mainly in lakes and rivers in the west, and which are having a massive negative effect on tourism and angling; and if he will make a statement on the matter. [29164/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I presume the Deputy's question relates to the spread of the invasive exotic species more commonly known as the zebra mussel.

I understand that the zebra mussel is a small shellfish shaped like a marine mussel which grows to about two inches in length, lives in freshwater, is spread primarily by boats and can cause undesirable ecological effects which have potentially serious consequences for native species, fauna and flora.

I am advised that the lead in co-ordinating and introducing measures to deal with the threat posed by this particular species is being taken by the Department of Environment, Heritage and Local Government. As part of this approach, I understand that at the request of this Department, the Marine Institute has been carrying out

a monitoring survey on the distribution of zebra mussels in Ireland in recent years. I am advised that the results of this survey have been made widely available and I have asked the Marine Institute to forward a copy of these results directly to the Deputy.

I am advised by the chief executive officer of the Western Regional Fisheries Board that the board has recently launched a zebra mussel control initiative in conjunction with Galway County Council. This initiative involves a major education drive to educate anglers of the risk posed by the possible introduction of this pest to western lakes and rivers from the waters already infested such as the Shannon and Erne systems.

While this initiative is welcome, it is clear that there is a greater need for the message to be publicised wider to ensure all water users clearly understand that boats and other equipment used on waters with zebra mussels should not on any account be used in un-infested waters. I can assure the Deputy that the State agencies under the aegis of the Department of Communications, Marine and Natural Resources will continue to work with the Department of Environment, Heritage and Local Government and the relevant local authorities in dealing with the threat posed by this species.

Harbours and Piers.

243. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources when he will grant funding to the Bantry Harbour Board for much needed development of the pier and harbour; and if he will make a statement on the matter. [29165/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I refer the Deputy to the reply to Question No. 137 on 13 October 2004 and the reply to Question No. 95 on 21 October 2004 giving the up-to-date position in relation to the pier development proposed by Bantry Bay Harbour Commissioners, which I will now outline again.

On 6 September 2004 a meeting took place between the commissioners and the former Minister of State at the Department, Deputy Browne. Following the meeting, the Minister of State wrote to the commissioners setting out his understanding of the outcome of the meeting and of how to ensure that the dialogue between the Department and the commissioners can be progressed in the future on a positive basis. The letter reiterated that the interruption in the dialogue between the Department and the commissioners and the referral of the matter to the Attorney General was a direct consequence of the unilateral decision by the commissioners to sign a contract in March 2002 for the construction of the pier. This occurred while discussions with the Department on the viability of the project were ongoing.

The Department has received advice from the Attorney General in regard to the proposed pier development. However, no decisions have been taken by the Department on foot of this advice in relation to the contract entered into by the commissioners. The former Minister of State's letter further indicated that from the discussions which had taken place, it appeared that the commissioners believed that the business environment for the project had shifted from that originally envisaged. The projected costs had escalated since the consideration of Exchequer support of €1.9 million by the former Minister, Deputy Fahey. Furthermore, no progress appeared to have been made on the conditions contained in the former Minister's letter of 15 May 2002 which expressly instructed the commissioners not to enter into any contractual commitments pending a report on progress in relation to two stipulated conditions. These conditions relate to negotiations with the terminal operator.

The former Minister of State proposed in his letter to the commissioners that the project be reviewed in terms of its viability, the financial implications for the commissioners of increased borrowings for the project due to its escalated cost and the risks to the project posed by the dominant position of the terminal operator. To this end, the Department has invited the commissioners to submit for consideration a fully detailed updated proposal for the project, including a business plan with financial tables. I believe that the proposed course set out is a sound basis for progressing the matter and I look forward to the Department receiving for consideration the updated proposal from the commissioners in due course.

Search and Rescue Service.

244. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if he will reconsider the decision to close the marine rescue co-ordination centre in Dublin; if his attention has been drawn to the fact that the British Commons Select Committee on Transport recently blamed continuing high marine casualty death rates on the closure of three UK marine rescue co-ordination centres; and if he will make a statement on the matter. [29166/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The decision to transfer the services of the marine rescue co-ordination centre from Dublin was taken on foot of a study of the coast guard undertaken by independent consultants, Deloitte & Touche. Reflecting advances in modern communications technologies, the consultants recommended that the coast guard should operate two control centres as opposed to the three centres that exist at present. This approach will have the effect of achieving significant cost savings, thus enabling other elements of the coast guard service to be developed, which

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in turn will lead to further improvements in our marine emergency response services nationally.

Coast guard management is continuing to examine all issues relating to the operation of the two centres going forward, including establishing what measures will be necessary to effect a smooth transfer from Dublin to the other two centres while ensuring that full co-ordination capability is maintained at all time. In this regard, the report of the House of Commons Transport Committee on the work of the maritime and coast guard agency, MCA, will inform the Department's consideration of the issues, including the observations of the MCA to the committee, together with relevant experience in this country and best practice elsewhere.

The objective is that the remaining two centres at Valentia and Malin Head will be developed to handle all emergencies around our coast on inland waters and in relation to mountain, cliff and cave rescue. Communications technology today is such that the geographical location of the co-ordination centres is less important now than in the past and, in this context, Government policies on decentralisation from Dublin are also relevant.

It is also a key objective that the capability of the coast guard to co-ordinate and manage incidents will not be diminished as a result of the closure of the Dublin rather than the Valentia or Malin Head centres, nor will the decision affect the very significant emergency response resources on the ground, which will remain available to the coast guard on a year-round 24 hour basis.

Fishing Industry Development.

245. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources his plans for increased funding of the processing fish sector; his further plans to develop, promote and fund processing packaging and preservation which is much needed to increase sales in the home market and to abroad; if his attention has been drawn to the fact that it is not easy to distinguish between fish processed from farmed stock and fish from catches made at sea; and his plans for proper labelling in this regard. [29167/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): A total of €1.5 million has been provided in the estimates for 2004 in respect of seafood processing. This funding will assist a range of developments such as increased production, enhanced product quality, optimum use of raw material and improve competitiveness both nationally and abroad. I have ensured that a further significant allocation of funding in respect of this sector will be provided in the 2005 estimates.

Since July 2003, in accordance with the requirements of Council Regulation No. 104/2000 (EC), a labelling system giving traceability information in

respect of a wide range of seafood and aquaculture products has been in operation in Ireland under the terms of SI No. 320 of 2003. I presume the Deputy is referring to further developments in Community legislation in this area. Regulation (EC) 178/2002, which comes into effect on 1 January 2005, provides in broad terms for the introduction of a mandatory traceability system in respect of animal food and feed in general. A further five related regulations and directives, the most relevant of which come into effect on 1 January 2006, set out detailed requirements in this regard.

The precise implications of these new requirements for the various food sectors are currently under examination. My Department is liaising with the Department of Agriculture and Food and the Department of Health and Children so as to ensure that the necessary arrangements in respect of the seafood sector are developed and introduced on a co-ordinated basis within the comprehensive legal and practical framework that will apply to food in general.

Departmental Expenditure.

246. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the reason for the delay in the seaports measure of the NDP in respect of the seaport infrastructure and capacity development submeasure and the disengagement submeasure; the further reason for under-spending the Estimate provision of €3,140,000 and for the out turn of €473,000 in the year to 31 December 2003; and the position at November 2004. [29175/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The delay in the issue of letters of offer of grant aid under the seaport infrastructure and capacity development submeasure arose primarily due to lack of clarity regarding the availability of Exchequer funding over the duration of the regional operational programmes. To date, letters of offer have issued under this submeasure in respect of 12 projects with a total project cost of €81 million and grant aid of some €25 million. All but two of these projects relate to State port companies operating under the aegis of the Department. Exchequer funding in respect of these projects is allocated from the central fund rather than from the Vote of this Department.

To date, no letters of offer of grant aid have issued in respect of the disengagement submeasure which was targeted at harbour authorities operating under the aegis of this Department. The allocation of Exchequer funding to harbour authorities by the Department was reviewed in 2004. The engineering division of this Department prepared a schedule of priority works on the basis of public safety and maintenance of navigation criteria. To date, in 2004, approximately €1.4 million from the Vote of the Department has been allocated for these priority works which are currently underway.

In light of the significant time lapse since the original applications for grant aid under the disengagement submeasure and the need to allocate the scarce Exchequer resources available on the Vote of this Department to the priority works referred to above, it has not proved possible to issue any letters of offer of grant aid under the submeasure.

The saving in 2003, to which the Deputy refers, arose on the relevant subhead of the Vote of the Department due to the lack of progress on two projects approved under the infrastructure and capacity development submeasure and the absence of any projects approved under the disengagement submeasure. However, in 2003, more than €1.3 million was paid from the central fund in respect of infrastructure and capacity development projects related to State port companies.

Fishing Industry Regulations.

247. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the reason horse mackerel or scad can only be landed at two ports here; the further reason for the statutory instrument which makes it illegal to land at any port other than Rathmullen and Killybegs in Donegal; if his attention has been drawn to the fact that 400 tonnes of scad had been landed at Dingle port and that to bring scad by road from Donegal means a loss in quality and condition during transportation; and if he will make a statement on the matter. [29176/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The EU introduced new arrangements for the control of certain pelagic fisheries, namely, horse mackerel, mackerel and north west herring fisheries, in December 2003 which came into effect on 1 January 2004. The rules are set down in annex IV of Council Regulation 2287/03. These arrangements include the weighing in the presence of a controller of all quantities in excess of ten tonnes landed of each of these species.

The annex is implemented in Irish law by means of Statutory Instrument. During the course of the year, extensive consultations took place with industry representatives. The statutory instrument currently in place — SI No. 530 of 2004 — provides for landings at five designated ports, namely, Killybegs, Rathmullen, Dingle, Rossaveal and Castletownbere. All landings in these ports must be weighed by means of weighbridges located in the ports. Weighbridges have been installed in Killybegs, Rathmullen and Rossaveal. Work is near completion on the construction of a weigh-bridge in Castletownbere and I understand that work is also advanced on the installation of a weigh-bridge in Dingle. In implementing these new EU regulations, the Department has at all times consulted with the industry and has at all times attempted to deal in a practical manner with the difficulties raised by the annex. Together with the Department's officials,

I will continue to work closely with the industry and the Commission in addressing the problems associated with the implementation of EU regulations.

Question No. 248 answered with Question No. 237.

Communications Masts.

249. **Mr. English** asked the Minister for Communications, Marine and Natural Resources the action he is taking to stop mobile phone antennae being built or placed adjacent to primary, secondary and third level education centres; his plans for future guidelines on the regulation of same; and if he will make a statement on the matter. [29263/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Deputy has asked if I am taking specific action to stop certain installations. I am not taking such action, but am endeavouring to ensure that the public is not exposed to any significant risks due to the presence of such installations.

Ireland participates in a number of international bodies which undertake detailed programmes of research into interactions between electromagnetic energy and people. The latest reports from this work were tabled at a meeting in Slovenia earlier this month. These reports conclude that, notwithstanding many years of investigation, no adverse health effects have been demonstrated to be caused by electromagnetic energy emitted by telecommunication masts. I appreciate that some people still maintain that these facilities are responsible for various symptoms and illnesses that they suffer. I sympathise with those people.

The overwhelming weight of evidence is that facilities such as mobile base stations are not responsible for their condition. Focused research is continuing and my Department will monitor this area closely. Ireland also participates in the relevant bodies that monitor and set guidelines for limiting exposure to electromagnetic energy from such installations. These bodies continuously review the relevant research already referred to and periodically meet to decide whether or not the guidelines continue to be appropriate in the light of the most up-to-date reports. I can report that my Department has endorsed these guidelines as continuing to offer protection to the public. These guidelines are utilised as operating limits in the licences issued to the operators of telecommunications facilities and measurements carried out on behalf of ComReg, the telecommunications regulator, have shown total compliance with the limits. I have no plans to alter this approach to the utilisation of guidelines for the purpose of regulation.

Therefore, I am advised that there is no reason due to adverse health effects for me to act in terms of taking action to stop mobile phone antennae being built or placed adjacent to edu-

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 cation centres. In general, issues relating to the physical siting of telecommunication masts are not a matter for me but for the relevant local authorities under the aegis of my colleague, the Minister for the Environment, Heritage and Local Government.

Telecommunications Services.

250. **Mr. English** asked the Minister for Communications, Marine and Natural Resources the details of the availability of broadband, for both data and voice lines, for each of the exchanges and areas in County Meath; and if he will make a statement on the matter. [29264/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications services, including voice and broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market, regulated by ComReg, the Commission for Communications Regulation. The information requested should be sought directly from Eircom. The Deputy should also refer to *www.broadband.gov.ie* regarding the availability of broadband generally in County Meath.

Offshore Exploration.

251. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources if undertakings have at any stage been given to companies involved in petroleum exploration that the terms and conditions and fiscal regime introduced in 1992 will never be altered. [29433/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I can categorically state that I am not aware and can find no evidence of any such undertaking given either by my predecessors in this job or by officials of the Department.

I refer the Deputy to a speech given by my predecessor, Deputy Fahey, at the annual dinner of the Institute of Petroleum in November 2000 when he undertook to keep the licensing terms and conditions under continuing review. While I may decide on the payment and level of royalties, the level of taxation to be applied to this sector is a matter for the Minister for Finance. I would point out that the Finance Act 1992, provided for a tax rate for the upstream petroleum sector, after allowances, of 25% when the general rate for corporation tax was at least 40%. Today the general rate for corporation tax is 12.5% while the rate for the upstream petroleum sector remains at 25%.

Execution of Irish Born Soldiers.

252. **Mr. Timmins** asked the Minister for Foreign Affairs the discussions he has had with his British counterpart with a view to obtaining a pardon for Irish persons who were executed in

the First World War as members of the British Forces for alleged breach of military law; and if he will make a statement on the matter. [29425/04]

Minister for Foreign Affairs (Mr. D. Ahern): My officials met with the British Ministry of Defence in London on 6 February 2004 to discuss the 26 Irish born soldiers who were executed by the British Army during the First World War for alleged breaches of military law. At that meeting it was agreed that the British side would forward the courts martial case files for the Irish men in question and that in response we would formally set out our position in writing.

Following a thorough evaluation of the case files, which we received in April, and the consideration of extensive supplementary information provided by a number of sources, the Embassy of Ireland, London, submitted a report on this matter on 27 October 2004 to the Foreign and Commonwealth Office on my behalf.

None of the men was charged with what would be viewed as the most serious of military crimes, such as treacherously deserting to the enemy, or mutiny. In fact, public and parliamentary dissatisfaction with the number and manner of military executions during World War I was such that the death penalty was repealed for the military offences under which each execution took place only ten years after the war had ended. In addition, there is evidence to suggest a disparity in the treatment of lower ranks in comparison to officers, statistical evidence that highlights a harsher disciplinary regime faced by men from Ireland in comparison to men from other countries and numerous references to the need for an example to be made when sentencing was being considered. The report concludes that the cumulative effect of the issues raised therein casts serious doubt on the safety of these courts martial convictions and subsequent executions.

We have, therefore, asked that the British Government to consider our report with a view to granting these men retrospective pardons. The British response in this regard is awaited.

Overseas Development Aid.

253. **Mr. O'Connor** asked the Minister for Foreign Affairs if he will report on his recent meeting with the Minister for Finance of Lesotho; the plans for further aid to the country; and if he will make a statement on the matter. [28746/04]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): Lesotho is the longest established of Development Co-operation Ireland's bilateral country programmes. As in other countries where Ireland operates a bilateral programme, the primary focus of our development efforts in Lesotho is on improving services which directly benefit the poor — basic education, primary health care, HIV/AIDS, rural access, rural water and sanitation. We are also engaged in strengthening the quality of govern-

ance in Lesotho and in supporting the public sector reform programme. A recent external evaluation of the country programme highlighted the positive impact that support from Development Co-operation Ireland has had in Lesotho.

Development Co-operation Ireland works in close partnership with government ministries and civil society organisations in the implementation of the Lesotho country programme. The Ministry of Finance and Development Planning is a key partner ministry. The Minister for Finance and Development Planning, Dr. Tim Thahane, visited Ireland on 7 to 9 October 2004. My meeting with him on 7 October provided an opportunity for an exchange of views on a range of issues central to our development partnership. In particular, we discussed our future support for Lesotho's reform and modernisation programme and considered how best Ireland can help the government to lead a comprehensive response to the HIV/AIDS crisis which is causing such suffering in Lesotho.

Dr. Thahane used his visit to explore Ireland's recent economic success and examine the possible lessons for a small country like Lesotho seeking to make itself more attractive to international business as a target for foreign direct investment. Meetings were held with the IDA, Enterprise Ireland, IBEC and the International Financial Services Centre. The Minister, Dr. Thahane, also met the Dáil Committee of Public Accounts and discussed the potential for closer contact between it and its counterpart in Lesotho. The visit enhanced the good relations which exist between our two countries and built on the successful visit to Lesotho by a delegation from the Oireachtas at the end of last year.

Foreign Conflicts.

254. **Mr. O'Connor** asked the Minister for Foreign Affairs if he is monitoring the developing crisis in Palestine; the contacts with interested parties; and if he will make a statement on the matter. [28747/04]

Minister for Foreign Affairs (Mr. D. Ahern): I am, of course, monitoring the developing situation in the region and, in concert with Ireland's partners in the European Union, maintaining contact with the parties. I expect to meet representatives of both the Palestinian and Israeli Governments at the EuroMed ministerial meeting in the Hague on 29 November. I will continue to press upon both parties our view that the resolution of the Israel-Palestine conflict can best be pursued through the quartet road map, based on two sovereign states living side by side in peace and security.

255. **Mr. R. Bruton** asked the Minister for Foreign Affairs the Government's position regarding the settlement of Palestinian areas by Israel and the erection of a dividing wall in the occupied territories; the position that Ireland has taken at the UN in respect of resolutions to restrict the activities of Israel; the status of these resolutions; the

Government's position on proposals by Israel for limited withdrawal; and if he will make a statement on the matter. [28849/04]

Minister for Foreign Affairs (Mr. D. Ahern):

The Government has consistently taken the view that the settlements established in the occupied Palestinian territories of the West Bank and Gaza by the Israeli authorities are illegal. Any changes to the pre-1967 borders must be agreed by the parties.

As regards the Israeli separation barrier, Ireland acknowledges the right, indeed the responsibility, of the Israeli Government to protect its people, including, if it so wishes, by a security fence. Our objection to the fence is to the line that it takes. The construction of the fence within the occupied Palestinian territories is contrary to international law. In the short term, the current line of the fence divides Palestinian communities and creates severe hardship for them. Equally troubling is the long-term impact, which tends to perpetuate facts on the ground and make it more difficult to reach a final settlement. The Israeli authorities are well aware of the Government's views on this matter.

With regard to the proposed Israeli withdrawal, the EU has identified criteria that are essential to make such a withdrawal acceptable to the international community. It must take place in the context of the road map, it must be a step towards a two state solution, it must not involve a transfer of settlement activity to the West Bank, there must be an organised and negotiated handover of responsibility to the Palestinian Authority and Israel must facilitate the rehabilitation and reconstruction of Gaza.

Ireland and the EU have repeatedly reaffirmed these positions, including in our statements at the United Nations and most recently through my predecessor's address to the UN General Assembly on 22 September 2004, as well as during our time on the Security Council. The UN has adopted a large number of resolutions on these issues over the years and Ireland has consistently supported those resolutions which reflected the positions which I have set out. I note, in particular, our support for the UN General Assembly resolution adopted in July this year by an overwhelming majority in response to the International Court of Justice advisory opinion on the separation barrier.

International Agreements.

256. **Ms B. Moynihan-Cronin** asked the Minister for Foreign Affairs if Ireland is a signatory to the international covenant on migrants' rights; the requirement it must meet to fulfil its commitment thereunder; if Ireland is not a signatory, the reason therefor; and if he will make a statement on the matter. [28850/04]

Minister for Foreign Affairs (Mr. D. Ahern):

Ireland is not a signatory to the International Convention on the Protection of the Rights of all

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Migrant Workers and Members of their Families. The convention was adopted by the UN General Assembly in December 1990 and it entered into force on 1 July 2003, following ratification by the requisite number of states, that is, 20. The convention on migrant workers has been open for signature and ratification since December 1990 but, to date, only 27 states have ratified it. No European Union member state has as yet signed or ratified the convention, nor has any indicated an intention to do so.

Where Ireland wishes to ratify an international instrument, the Government must first ensure that our domestic law is in conformity with the agreement in question. The Government must, therefore, make any necessary legislative changes, or be satisfied that none is required, before ratification takes place. As signature of an instrument is an indication of an intention to ratify it, the Government would consequently also have to have a firm intention to ratify, and be taking steps to do so, before signing an international instrument.

The convention on the rights of migrant workers has been examined by my Department. It would appear that in order for Ireland to ratify the convention, significant changes would have to be made across a wide range of existing legislation, including legislation addressing employment, social welfare provision, education, taxation and electoral law. These changes would also have implications for our relations with our EU partners, none of whom has signed or ratified the convention, and possibly for the operation of the common travel area between Ireland and the UK. There are no plans at present to introduce the changes in the areas above which would be necessary before Ireland could ratify or consider signing the convention.

Moreover, the convention on the rights of migrant workers has not acquired universal recognition as a standard for the protection of the human rights of migrant workers. It should also be noted that the rights of migrant workers and their families are already comprehensively protected under existing national legislation and under the Irish Constitution. In addition, the rights of migrant workers and their families are addressed by Ireland's commitments under international human rights instruments to which the State is already a party. These international instruments include, for example, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Human Rights Issues.

257. **Mr. Allen** asked the Minister for Foreign Affairs the number of human rights violations registered to date in 2004 with the human rights desk in his Department in the case of Iran. [28851/04]

258. **Mr. Allen** asked the Minister for Foreign Affairs the number of human rights violations registered to date in 2004 with the human rights desk in his Department in the case of Iraq. [28852/04]

259. **Mr. Allen** asked the Minister for Foreign Affairs the number of human rights violations registered to date in 2004 with the human rights desk in his Department in the case of Sudan. [28853/04]

260. **Mr. Allen** asked the Minister for Foreign Affairs the number of human violations registered to date in 2004 with the human rights desk in his Department in the case of Burma. [28854/04]

261. **Mr. Allen** asked the Minister for Foreign Affairs the number of human violations registered to date in 2004 with the human rights desk in his Department in the case of Israel. [28855/04]

262. **Mr. Allen** asked the Minister for Foreign Affairs the number of human violations registered to date in 2004 with the human rights desk in his Department in the case of Palestine. [28856/04]

Minister for Foreign Affairs (Mr. D. Ahern): I will take Questions Nos. 257 to 262, inclusive, together.

While my Department continually monitors the overall human rights situation in certain countries we do not maintain national registers of individual violations of human rights. We do, however, pay particular attention to the human rights records of all the countries mentioned by the Deputy.

In common with our EU partners, the Government has tabled resolutions at the third committee of the UN General Assembly and at the UN Commission for Human Rights on several of the countries mentioned and, in the context of EU common foreign and security policy, has strongly promoted the advancement of human rights policies in those countries. In addition, we pursue a vigorous policy in defence of human rights defenders. Through this policy, we seek to create a space in which those best placed to advance human rights on the ground can work to best effect.

My Department, through the Government's overseas development aid programme, also supports human rights and democratisation programmes globally through various funding schemes. The main funding mechanism is our human rights and democratisation scheme, which has the broad objective of assisting the development of democratic processes and institutions and the promotion and protection of human rights in developing countries outside of our priority programme countries. In 2004, our total allocation for this purpose was €3 million.

In the case of the countries mentioned by the Deputy, Ireland has been funding, on a regular

basis, human rights and democratisation NGOs in Palestine, Israel, Burma and Sudan.

Foreign Conflicts.

263. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the steps he has taken to secure the release of a person (details supplied). [29076/04]

Minister for Foreign Affairs (Mr. D. Ahern): The Government has been doing everything possible in response to Annetta Flanigan's abduction on 28 October last. We are in active ongoing contact with the United Nations, both in New York and Kabul, and, of course, with Annetta's family. We have also discussed the situation on a number of occasions with Archbishop Eames, who is a great source of support to the family.

Human Rights Issues.

264. **Mr. J. O'Keefe** asked the Minister for Foreign Affairs his views on Ireland's attitude to the treatment of members of the Falun Gong in China; if this attitude has been made clear to the Government of China; and the steps that have been taken through the EU, the UN and otherwise regarding the treatment of members of the Falun Gong by the Government of China. [29078/04]

Minister for Foreign Affairs (Mr. D. Ahern): The Government takes seriously concerns about human rights in China, including those of practitioners of Falun Gong, also known as Falun Dafa. The issue of the treatment in China of practitioners of Falun Dafa has been raised both bilaterally and through the formal framework of the EU-China Human Rights Dialogue, which was established in 1996.

This matter is also addressed at the UN level. At the UN Commission on Human Rights in March 2004 during Ireland's EU Presidency, the EU made a statement on the question of the violation of human rights and fundamental freedoms in any part of the world. In this statement, while reaffirming its commitment to the EU-China Human Rights Dialogue, the EU raised issues of particular concern, including ongoing violations in China of the human rights of Falun Dafa practitioners.

During the EU Presidency and since, we have had several meetings with China at which we also raised the issue of the human rights situation. The Chinese Premier, Mr. Wen Jiabao, accompanied by Foreign Minister, Mr. Li Zhaoxing, visited Ireland on 11-12 May 2004, as part of his first official visit to Europe. On 11 May, official talks led by the Taoiseach took place in Dublin.

At this meeting, both sides expressed their ongoing commitment to the EU-China Human Rights Dialogue. The Human Rights Dialogue is the formal framework through which the EU raises its concerns about individual human rights cases, including those of Falun Gong practitioners, and more general issues, such as the

protection of freedom of religion and expression, which have a particular impact on practitioners of Falun Gong. We emphasised that Ireland is willing to share our experience and expertise with China on human rights. The premier also reported on the measures his government is taking in the field of human rights, which included the addition of an express provision on human rights to China's constitution earlier this year.

Since the Presidency, the Government continues to examine this question with our EU partners, considering our overall relationship with China, our ongoing commitment to human rights and the broader regional and international context. This approach was conveyed to the Chinese authorities by the Taoiseach during his bilateral discussions with Premier Wen when they met in the margins of the ASEM summit in Hanoi, on 9 October 2004 and, most recently, to Chinese Vice-Premier, Mr. Huang Ju, during his current visit to Ireland, from 16 to 18 November 2004. During our meeting with the Vice-Premier, we reiterated Ireland's commitment to the protection and promotion of human rights and fundamental freedoms and again emphasised Ireland's willingness to share its experience and expertise with China in the human rights area.

Overall, there has been an improvement in the human rights situation in China since 1989, which is reflected in the increasing frequency of EU-China meetings, the regular EU-China Human Rights Dialogue and by the first joint seminar which took place in Beijing in June 2004 on China's ratification of the International Covenant on Civil and Political Rights, ICCPR. The early ratification of the ICCPR would be an important development in the legal protection of the civil and political freedoms of Chinese citizens, including followers of Falun Gong. A further seminar on ICCPR ratification took place in The Hague on 8-9 November 2004.

Nevertheless, legitimate concerns persist in Europe and there is ample scope for the Chinese authorities to further demonstrate their stated commitments on improving respect for human rights.

Ireland, together with our EU partners, will continue to encourage the Chinese authorities to respect fully the human rights of all citizens. There will be further discussion of these matters during the EU-China summit, scheduled to take place in The Hague on 8 December 2004.

Ministerial Appointments.

265. **Mr. Durkan** asked the Minister for Foreign Affairs if any new advisers or consultants have been appointed by him since the Government reshuffle of September 2004; if such appointments are replacements for or are in addition to previous appointments; the salary and terms of employment in each case; and if he will make a statement on the matter. [29120/04]

Minister for Foreign Affairs (Mr. D. Ahern): In my capacity as Minister for Foreign Affairs I

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 have appointed a special adviser and a press adviser, both of whom were attached to my office in the Department of Communications, Marine and Natural Resources. The terms and conditions of employment of advisers are set by the Minister for Finance. The contracts of my special adviser and press adviser will terminate no later than the date on which I cease to hold the position of Minister for Foreign Affairs. My special adviser is paid an annual salary of €76,544 and my press adviser is paid €84,684. These are, respectively, the third point and the first long service increment point of the principal officer standard salary scale.

Northern Ireland Issues.

266. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the representations he has made to the British Government regarding the recent abuse of CS gas by the PSNI in Derry and elsewhere. [29139/04]

Minister for Foreign Affairs (Mr. D. Ahern):
 On each occasion in which CS spray is deployed by the Police Service of Northern Ireland, the matter is automatically referred to the Police Ombudsman's Office for investigation under regulation 55(4) of the 1998 Police Act. This practice was voluntarily instigated by the PSNI in an effort to ensure that CS spray, in its initial period of use, is open to independent scrutiny and analysis in terms of the actions of individual officers when deploying the spray.

At present, there are a number of cases of CS spray use by the PSNI under consideration by the Ombudsman's office, at differing stages of investigation. I am confident that the Police Ombudsman is conducting a thorough investigation of the instances of CS spray use in Northern Ireland and I await her conclusions with interest. My officials are closely monitoring the outcome of these investigations, paying particular attention to any recommendations or concerns highlighted by the Police Ombudsman, for follow up with the British Government as and when it is appropriate to do so.

Prevention of Terrorism.

267. **Mr. Durkan** asked the Minister for Foreign Affairs, further to Parliamentary Question No. 177 of 10 November 2004 and in view of the fact that the incident in question was discussed publicly in the media, if he has received assurances from the UK authorities which adequately clear up the incident; if an indication has been given regarding whether the Prevention of Terrorism Act 2000 is likely to similarly affect other Irish persons travelling to the UK; if he has had discussions with the UK authorities with a view to establishing accepted practices and procedures to deal with such cases; if, as is indicated by his reply, such matters will be dealt with on a confidential basis by the Irish and British authorities;

if, in such circumstances, he has satisfied himself that the public interest is best served and that the interests and rights of Irish citizens will be observed and borne in mind in the event of any recurrence; and if he will make a statement on the matter. [29275/04]

Minister for Foreign Affairs (Mr. D. Ahern):
 As I indicated in my reply to Question No. 177 of 10 November, the case to which the Deputy referred is under discussion with the British authorities. Following a meeting with that individual, my officials have reverted to the British authorities and have sought a meeting to discuss this case and the broader issues of concern to which it gives rise.

With regard to the more general question as to whether the Terrorism Act 2000 is likely to similarly affect other Irish citizens travelling to the UK, the Deputy is aware that the Act does allow for all travellers from any country entering the UK to be stopped, searched and examined. In monitoring the application of these provisions what we are seeking to establish is that the powers are exercised in a way which reflects the fact that the vast majority of travellers have no connection whatsoever with terrorism and as such are entitled to expect that any inconvenience to them and disruption to their travel will be kept to the absolute minimum. Travellers also have a right to expect that all stops and searches are carried out with courtesy, consideration and respect for the person concerned.

From time to time my Department receives correspondence from people who wish to complain at their treatment under the Terrorism Act. It is normal practice that each case is followed up with the British authorities and the official response is conveyed to the person concerned. My officials note and analyse any trends or recurrence of problems. As and when appropriate, these are taken up separately with the British authorities as part of the general overview maintained on the operation of the Act.

European Constitution.

268. **Mr. Ring** asked the Minister for Foreign Affairs his views on whether it is fair and in order to produce and make available brochures on the European Constitution when there will be a referendum in this regard; his further views on whether this will create an imbalance in the information given out; and if he will make a statement on the matter. [29426/04]

269. **Mr. Ring** asked the Minister for Foreign Affairs the total cost of producing and circulating the brochure, The European Constitution, Explanatory Guide in both Irish and English. [29427/04]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 268 and 269 together.

It is entirely appropriate for the Government to publish information material on the European

Constitution and to distribute it widely. Equivalent factual material has been produced about every previous major EU treaty. We have a duty to do all we can to promote public awareness of the European Constitution and of its provisions. This is a quite separate question from the public funding of advocacy campaigns during a referendum, which is of course prohibited.

While final details are not yet available, printing, design and translation costs in regard both to the explanatory guide to the European Constitution and the related pamphlet are estimated at €37,000; advertisements in all national daily and Sunday newspapers advising the public of their availability are estimated at €25,000; and postage costs are estimated at €9,000.

Departmental Correspondence.

270. **Mr. Gregory** asked the Minister for Arts, Sport and Tourism if he will reply to correspondence to his office from a person (details supplied) in County Westmeath. [29256/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): A comprehensive reply, which set out the position in respect of coursing, including the annual monitoring arrangement in place for coursing, was issued to the person in question on 15 January 2004.

National Aquatic Centre.

271. **Ms Lynch** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to the concerns of persons with disabilities regarding the lack of adequate facilities for disabled persons at the newly opened national aquatic centre (details supplied); if he has satisfied himself that the centre conforms with all aspects of the Equal Status Act 2000; and if he will make a statement on the matter. [29025/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I have been made aware of the concerns regarding facilities for people with disabilities at the National Aquatic Centre. Campus and Stadium Ireland Development Limited, CSID, the company responsible for overseeing the National Aquatic Centre, has confirmed that all requirements under disability legislation were met in the course of the provision of this facility. I understand consultation took place between the providers and certain representatives of disability groups at the outset of the project. I am anxious to ensure that access to these splendid facilities is available to all. I have recently requested the board of CSID to investigate what further work could be carried out to meet the requirements of the group that have raised concerns regarding accessibility to the National Aquatic Centre.

Sport and Recreational Development.

272. **Mr. Wall** asked the Minister for Arts, Sport and Tourism the number of meetings he has had with the FAI in regard to the implemen-

tation of the Genesis report; the results of such meetings; and if he will make a statement on the matter. [29026/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): As I outlined to the Deputy in reply to a previous parliamentary question on 10 November 2004, I met officials of the Football Association of Ireland on 3 November 2004 arising from the recent developments within the organisation which resulted in the departure of its chief executive officer. I have had no further meetings with the FAI since then.

I fully support the delivery of the reform agenda mapped out in the Genesis report and I have indicated to the FAI that the positions of chief executive and director of finance and administration should be publicly advertised by the end of this year and that the terms of reference for both these posts be agreed beforehand by the joint Sports Council-FAI group which oversees the implementation of the Genesis report. The FAI has stated that it now intends to advertise these positions by year end. I have appointed my own representative to the joint Irish Sports Council- FAI liaison group which is overseeing the reform process. I look forward to working closely with the FAI in the many infrastructural projects which are being developed and which will have a major positive impact on Irish soccer.

Ministerial Appointments.

273. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism if any new advisers or consultants have been appointed by him since the Government reshuffle of September 2004; if such appointments are replacements for or are in addition to previous appointments; the salary and terms of employment in each case; and if he will make a statement on the matter. [29121/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): There have been no new advisers or consultants appointed by me since the Government reshuffle in September 2004.

Swimming Pool Projects.

274. **Mr. Stagg** asked the Minister for Arts, Sport and Tourism the position regarding the approval of contract documents for the replacement of a swimming pool (details supplied) in County Kildare. [29290/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): In the context of its application for grant aid under the local authority swimming pool programme, Kildare County Council has submitted contract documents for both the replacement swimming pool in Naas and the refurbishment of the swimming pool in Athy. These documents are under consideration in my Department. These projects are two of 33 swimming pool projects yet to be completed under the

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programme. A total of 22 projects have been completed or are currently under construction.

Under the local authority swimming pool programme, projects are considered on a case-by-case basis and consideration is given to such issues as to the number and geographical spread of projects within and between counties, whether the area is classified as disadvantaged, the viability of the project, particularly in respect of operational and maintenance issues, overall funding package for the project and technical details. The Department's annual estimates provision for the programme also has a significant influence on the flow of projects through the approval process.

Work Permits.

275. **Mr. Connaughton** asked the Minister for Enterprise, Trade and Employment when a decision will be given on a new work permit application for a person (details supplied); and if he will make a statement on the matter. [29240/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): There is no record in my Department of a valid work permit application in this case. Work permit applications, which are incorrect or incomplete, are not regarded as valid applications and are returned to the employer for completion.

Charitable Organisations.

276. **Mr. Rabbitte** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to allegations that a charitable organisation (details supplied) filed false and incomplete documentation in the Companies Registration Office for two successive accounting years, 1998 and 1999; the reason it was decided to take no action on the matter; and his views on whether the statutory obligation to seek proper and complete documentation from the charitable organisation and to institute prosecutions when considered necessary appears to have been ignored by agencies under his aegis; and if he will make a statement on the matter. [28646/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern): I understand that the matters referred to by the Deputy concern compliance with company law. Since 28 November 2001, the Director of Corporate Enforcement has been responsible for enforcing and for securing compliance with the Companies Acts. He is required under the Company Law Enforcement Act 2001 to be independent in performing those functions. He is also obliged, as a general principle, to keep confidential any information obtained by him in that context. I am not in a position to say, therefore, whether or not any investigation has been or is being carried out by the Office of the Director of Corporate Enforcement in regard to this organisation.

Community Employment Schemes.

277. **Mr. Costello** asked the Minister for Enterprise, Trade and Employment if he will mainstream the community employment scheme for an association (details supplied); if he will increase the number of community employment posts from the current number of 341 to 417; the number agreed with the association in 2002; and if he will make a statement on the matter. [28704/04]

283. **Mr. Ring** asked the Minister for Enterprise, Trade and Employment the plans he has to ring-fence community employment numbers agreed in 2002 in the health sector; and the progress that has been made in this matter to date. [28931/04]

284. **Mr. Ring** asked the Minister for Enterprise, Trade and Employment when the commitment to mainstream the IWA community employment scheme posts, as included in the programme for Government in June 2002 will be honoured; and if he will make a statement on the matter. [28932/04]

285. **Mr. Ring** asked the Minister for Enterprise, Trade and Employment the plans he has to ensure that all IWA community employment posts are graded and paid similar to other health care workers such as home helps; and if he will make a statement on the matter. [28933/04]

286. **Mr. O'Shea** asked the Minister for Enterprise, Trade and Employment the proposal he has regarding the concerns of a movement (details supplied); and if he will make a statement on the matter. [28934/04]

288. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment his views in respect of a submission (details supplied); and if he will make a statement on the matter. [29049/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 277, 283 to 286, inclusive, and 288 together.

Following consultation with the social partners and key stakeholders, I undertook a review of the current policy on the operation of FÁS employment schemes, which comprise community employment, CE, schemes jobs initiative, JI, and social economy programmes, SEPs. On foot of this review, I announced on 10 November 2004 that: in 2005 there will be 25,000 places on CES, JI and SEPs; that the three-year cap will be removed for CE participants aged over 55 — this category of participants will be eligible to participate on CE for a maximum of six years and in the case of people advancing beyond 55 years during their normal period of service on CE, participation can be extended for up to a maximum of six years; and that the current ring-fencing of essential services particularly health related services will be maintained. These arrangements will be of particular benefit to the Irish Wheelchair

Association and the Grow Community Mental Health Movement as regards the provision of carers.

Whereas I have no plans to mainstream health related CE services, the continuance of ring-fencing and the extended participation on CE by older workers will help to secure the continuity of community services generally and will ensure that the existing community service support framework will be maintained.

County Enterprise Boards.

278. **Mr. Kehoe** asked the Minister for Enterprise, Trade and Employment the grants that are available to a person looking to start a small business in County Wexford; and if he will make a statement on the matter. [28711/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): The 35 city and county enterprise boards which were established nationally in 1993 provide a source of support for small businesses with ten employees or fewer. The function of the boards is to develop indigenous enterprise potential and to stimulate economic activity at local level. The boards provide a single point of contact at local level for new and established small businesses. Subject to certain eligibility criteria, enterprises may qualify for support from the CEBs in the form of feasibility, employment and capital grants. In addition, the CEBs deliver a comprehensive range of development and support programmes designed to help new and existing enterprises to operate effectively and efficiently so as to last and grow.

I suggest that the person concerned should, in the first instance, contact Wexford County Enterprise Board, 16-17 Mallin Street, Cornmarket, Wexford — telephone, 053-22965, or fax, 053-24944 — and explore what level of assistance may be available to them.

Work Permits.

279. **Mr. J. O’Keeffe** asked the Minister for Enterprise, Trade and Employment if, following consideration of the appeal lodged, a work permit will be granted to a person (details supplied); and if he will make a statement on the matter. [28727/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): A work permit issued to the employer on 11 November, 2004.

Employment Levels.

280. **Mr. O’Connor** asked the Minister for Enterprise, Trade and Employment the latest employment figures for Tallaght; the comparison with the same month ten years ago; and if he will make a statement on the matter. [28743/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): Forfás, the enterprise, science and innovation policy advisory agency under my Department, undertakes an annual survey to

monitor full and part-term employment in companies assisted by the enterprise development agencies. As this data is published on a county basis, no information is available at sub-county level such as city or town. However data from the 2002 census indicates that in Tallaght, 27,620 citizens were recorded in employment. The corresponding figure from the 1991 census for Tallaght was 17,280.

The Dublin operations of the enterprise support agencies are actively working to promote inward investment to enterprise parks around Tallaght and to encourage indigenous enterprise grow their businesses and expand employment opportunities. The Tallaght area has a large reservoir of talent and human resources. My Department’s agencies will maintain their emphasis on supporting companies in the area in order to maximise the enterprise and job opportunities that economic growth can deliver.

To help address some specific social disadvantages experienced around Tallaght, Enterprise Ireland has provided grant assistance to encourage local enterprise through four community enterprise centres, that is, at Main Road, Bolbrook, Brookfield and Killinarden. In addition, the south Dublin county enterprise board has approved €125,300 to seven Tallaght based clients with a potential for 25 additional jobs in these projects. The south Dublin board has a priority in helping and advising enterprise promoters and the unemployed from disadvantaged areas both in Tallaght and Clondalkin.

Increasing the rate of technology adoption in small and medium enterprises is essential to increase productivity and give small firms the edge in competitiveness. To this end, Enterprise Ireland is also working with Tallaght Institute of Technology to develop industry-third level partnerships.

Job Losses.

281. **Mr. Sherlock** asked the Minister for Enterprise, Trade and Employment the position regarding a new IDA Ireland industry for Mitchelstown, County Cork, as an alternative to job losses at a company (details supplied); if he has requested IDA Ireland to become involved in presenting a case for the Mitchelstown region; the progress being made; and if he will make a statement on the matter. [28796/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): The importance of Dairygold as an employer in Mitchelstown and the entire north Cork area is recognised by me and IDA Ireland. We are conscious of the implications of the job cuts announced recently by the company in line with the company’s restructuring plans. My recent visit to Mitchelstown is testament to my very real interest in the situation in the town.

A new BES building, 2,072 sq. m. in size, has been completed in Mitchelstown and IDA Ireland has been marketing it through its network of overseas offices and project divisions, partic-

[Mr. Martin.]

ularly engineering, ICT and international services. There have been two site visits to date, the most recent being in August 2004. However, no client interest has been expressed in the facility as yet. IDA Ireland will continue to actively market the BES facility in Mitchelstown to potential clients from a complete range of IDA Ireland target sectors in either manufacturing or international services through its project divisions and overseas offices. However, it is always the client company that makes the final decision on where it will locate.

For operational reasons, IDA Ireland markets north Cork as one area which includes Charleville, Newmarket, Kanturk, Mallow, Millstreet, Fermoy and Mitchelstown. In this context, IDA Ireland is developing a new business and technology park in Fermoy, some ten miles from Mitchelstown. IDA Ireland has purchased a 20 acre site on the outskirts of Fermoy where site development works and landscaping have been completed at a cost of approximately €1.5 million. It is IDA Ireland's intention to seek proposals from private developers for the construction of a suitable office building on the park. It is intended that this building will be available mainly for inward investment purposes by qualifying manufacturing and internationally trading services companies. In addition, IDA Ireland is also actively marketing the Fermoy business and technology park as a suitable location for potential greenfield projects. It is anticipated that the future employment opportunities generated at the business and technology park in Fermoy will also benefit the Mitchelstown area and north Cork.

From an inward investment perspective Mitchelstown, due to its proximity to Cork city, also stands to benefit from the continued development in the Cork area where, during the past ten years, direct employment in IDA Ireland supported companies in Cork city and county grew from 10,345 in 1993 to 18,162 in 2003. The sectors contributing to this growth are ICT, pharmaceuticals-health care and international services. This growth is expected to continue into the future, with IDA Ireland announcing in 2003 11 new projects for Cork with the potential to create up to 800 new jobs. To date in 2004, three new projects, Altera, Ecora and Centacor, have been announced with a job creation potential in excess of 400.

I have asked IDA Ireland, as well as the other State agencies such as Enterprise Ireland and FÁS, to work together to find solutions to the problems being faced in Mitchelstown following the recent announcements there. I am confident that their combined efforts will bear fruit in due course.

Job Creation.

282. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment if he will sup-

port the business community and local authorities in County Monaghan in developing industrial opportunities at Knockconny, Monaghan; the proposals he has to encourage IDA Ireland to implement a more RAPID programme of regional development in the context of stated policy for a number of years; and if he will make a statement on the matter. [28930/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): Support for job creation in Monaghan is a day-to-day operational matter for the industrial development agencies. IDA Ireland actively markets County Monaghan as a location for foreign direct investment through its network of overseas offices in order to secure new investment and jobs for the area, while Enterprise Ireland is unrelenting in its support for indigenous companies that want to expand and develop their competitiveness, innovation and export potential.

Work is underway to realise the county's potential through development objectives such as those set out in the national spatial strategy. This includes the selection of Monaghan as a hub town. Nationwide, we are accelerating delivery of economic infrastructure for businesses including broadband, roads, etc. One of the infrastructure areas of greatest importance to enterprise development nationally is telecommunications-broadband connectivity. This is an essential component of a knowledge-based economy and is of particular importance to business in locations with lower population density. Under the Department of Communications, Marine and Natural Resources, MANs — metropolitan area networks — programme, construction of the Monaghan MAN is due to commence in January 2005, with a completion date of September 2005. In addition, IDA Ireland and Enterprise Ireland are currently working with the Armagh Monaghan digital corridor project committee. The objective of this committee is to develop the Armagh and Monaghan areas into a cluster of ICT related industries.

The M-Tek building, located at Knockaconny, has been developed as a high technology enterprise centre which links, through the digital corridor, to the A-Tek building in Armagh. The county enterprise board, IDA Ireland and Enterprise Ireland assisted the Monaghan county enterprise fund to build the M-Tek building at Knockaconny. Enterprise Ireland contributed €126,974 towards its construction. Furthermore, the Knockaconny enterprise centre has to date attracted seven companies employing over 70 people. Space for further advance office building and technology units has been granted planning permission at the site. In the context of a new bypass for Monaghan town, potential business park sites for IDA Ireland acquisition are being investigated.

The work of IDA Ireland in attracting FDI and encouraging new rounds of investment from within the existing population of overseas firms in

Ireland is just one component of an interlocking network of activities being undertaken to expand employment opportunities and the capacity of the county to derive tangible benefits from local and regional development. The national development plan, EU operational programmes for which my Department is managing authority, the national spatial strategy and other strategic policies and investments all have an important role in this process.

I am satisfied that the continuing and intensive efforts of the agencies, the modification of enterprise policies to reflect the reality of the global marketplace and the ongoing commitment of the Government to regional development are positive supports to help stimulate further employment opportunities in the County Monaghan and the wider BMW region.

Questions Nos. 283 to 286, inclusive, answered with Question No. 277.

FÁS Training Programmes.

287. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment if, having regard to cuts imposed by the Government in the Estimates 2004 which resulted in the discontinuation of large numbers of FÁS schemes throughout the country, he expects to restore funding in the Estimates 2005 to facilitate the restoration of all such schemes; and if he will make a statement on the matter [28935/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): Details of funding in support of employment and training schemes delivered through agencies under the remit of my Department will be contained in the Abridged Estimates Volume which is to be published later this week.

Question No. 288 answered with Question No. 277.

Unfair Dismissals.

289. **Mr. Crowe** asked the Minister for Enterprise, Trade and Employment if, in regard to the abuse by employers of the Unfair Dismissals Acts 1977 to 2001 which denies the right of an employee with less than 12 months' service to take a case for unfair dismissal under the Acts, he intends to remove the time barrier and to make the law more in keeping with the principles of natural justice; and if he will make a statement on the matter. [29050/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The Unfair Dismissals Acts 1977-2001, as they stand, do not apply to a person who has been in the continuous service of the same employer for less than one year, and there are no proposals in place at present to amend this provision. However the requirement of one year's continuous service does not apply where the dismissal results from: an employee's pregnancy,

giving birth or breastfeeding or any matters connected therewith; the exercise or proposed exercise by an employee of a right under the Maternity Protection Acts 1994 and 2004; the exercise or contemplated exercise by an employee of the right to adoptive leave, or additional adoptive leave under the Adoptive Leave Act 1995; the exercise or proposed exercise by the employee of the right to parental leave or *force majeure* leave under and in accordance with the Parental Leave Act 1998; an employee's entitlements, future entitlements, exercise or proposed exercise of rights under the National Minimum Wage Act 2000; an employee's trade union membership or activities; the exercise or proposed exercise by the employee of the right to carer's leave under and in accordance with the Carer's Leave Act 2001.

When determining if an employee has the necessary service to qualify under the Acts, a Rights Commissioner, the Employment Appeals Tribunal or the Circuit Court, as the case may be, may consider whether the employment of a person on a series of two or more contracts of employment, between which there were no more than 26 weeks of a break, was wholly or partly for or connected with the avoidance of liability by the employer under the Acts. Where it is so found, the length of the various contracts may be added together to assess the length of service of an employee for eligibility under the Acts.

Departmental Appointments.

290. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment if any new advisors or consultants have been appointed by him since the Government reshuffle of September 2004; if such appointments are replacements for or are in addition to previous appointments; the salary and terms of employment in each case; and if he will make a statement on the matter. [29122/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): Following my appointment as Minister for Enterprise, Trade and Employment on 29 September 2004, I have appointed Mr. Christopher Mannion as special adviser, Ms Deirdre Gillane as policy adviser and Ms Cairiona Meehan as press adviser. Each transferred from the Department of Health and Children with the Tánaiste's advisers moving to that Department. The terms and conditions of their employment have not yet been finalised and will require the formal approval of the Minister for Finance.

Job Losses.

291. **Mr. Kehoe** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the job losses at a company (details supplied) in Rosslare; if he has been contacted by the Department of Communications, Marine and Natural Resources regarding

[Mr. Kehoe.] same; the action he has taken; and if he will make a statement on the matter. [29138/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): I understand from the company in question that it intends to cease its Rosslare-France service no later than 30 November, 2004. The company informed its staff on the *MV Normandy* on 20 October, 2004. I understand that in making the announcement, the company proposed an enhanced voluntary redundancy-early retirement package or the opportunity to redeploy to ships on its three Ireland-UK routes. I further understand that these options were proposed in order to avoid compulsory redundancies. However, these options were subject to co-operation with the company's full proposals which also include restarting the French route with a lower crew cost and new crew from March 2005.

The company has advised me that in the event of consultations with the unions being unsuccessful, it will be operating a collective redundancy of 125 permanent staff, 25 long-term temporary staff, and upwards of 48 seasonal short term staff, at the end of the month.

The Government has an interest in maintaining in operation Irish Continental Group's Ireland to France service, manned if possible by Irish seafarers. Its endeavours will be directed at encouraging the maintenance of the service. Primary responsibility for this area rests with the Minister and Minister of State at the Department of Communications, Marine and Natural Resources, both of whom are keeping in touch with events.

Employment Support Services.

292. **Mr. J. O'Keefe** asked the Minister for Enterprise, Trade and Employment if, and the basis on which, an organisation (details supplied) in Dublin 2 was encouraged by Enterprise Ireland to invest heavily in targeting students from eastern Europe at a time when the Enterprise Ireland and his Department had no mechanism in place to facilitate the students; and if he will make a statement on the matter. [29158/04]

293. **Mr. J. O'Keefe** asked the Minister for Enterprise, Trade and Employment if he will examine the circumstances in which an organisation (details supplied) in Dublin 2 was encouraged to invest moneys which subsequently gave rise to a substantial loss; and if he will make a statement on the matter. [29159/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 292 and 293 together.

Enterprise Ireland had meetings with the company in question in 2002. The purpose of the meetings was to have initial discussions in relation to the possible provision of support for the company's business plans. The company's last meeting with Enterprise Ireland took place on 20 December 2002, and at that meeting it was agreed

that the company would send further information to Enterprise Ireland regarding its business which would be used to support any subsequent application to Enterprise Ireland. On 27 January 2003 the company notified Enterprise Ireland that it was not pursuing an application for support. Enterprise Ireland has not received any additional information or any application for assistance from the company since then. The issuing of visas for study in Ireland is a matter for the Department of Justice, Equality and Law Reform. Enterprise Ireland is the only agency within the remit of the Department of Enterprise, Trade and Employment which has responsibility for the promotion of the education sector and in the absence of any additional information concerning the company an investigation is not warranted.

Employment Action Plan.

294. **Mr. Stanton** asked the Minister for Enterprise, Trade and Employment the date on which the high supports process of the employment action plan began; the number of persons who have availed of the high supports process since its inception; the number who are now in employment following engagement in the process; and if he will make a statement on the matter. [29877/04]

295. **Mr. Stanton** asked the Minister for Enterprise, Trade and Employment if the high supports process of the employment action plan has been extended to all regions in the country; the regions that are using the high supports process; and if he will make a statement on the matter. [29878/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 294 and 295 together.

The high support process was developed and introduced in response to a commitment made under Framework IV of the Programme for Prosperity and Fairness, and follows detailed consultations with the social partners under the aegis of the PPF standing committee on the labour market chaired by my Department is to provide additional supports to meet the needs of those clients who, because of age, health, literacy or other barriers are unlikely to succeed in obtaining and keeping a job in the open labour market.

Having commenced as a pilot in Dublin, Cork, Letterkenny, Galway, Kilkenny, Limerick, Dundalk, Sligo and Waterford in mid-2003, the high supports process was extended nationwide in 2004. Approximately 340 participants availed of the additional supports in 2003 and for the first six months of 2004, approximately 180 participants have engaged with the process.

As the target group comprises persons most distanced from the labour market, it is difficult to confirm the exact numbers placed in employment following engagement under the high supports process. While FÁS makes every effort to track

clients under the process, many who subsequently progress to employment do not advise FÁS. Data on clients who engage under this process form part of the overall progress reports made in respect of the national employment action plan, NEAP. The latest figures available for NEAP indicate that of those clients referred during January-June 2004, 41%-51% — this varies depending on the unemployment duration — left the live register. An evaluation of the high support process has been commissioned by FÁS the outcome of which is expected by the end of December 2004. Any future developments of the high supports process or extension to other client groups will be considered in light of the findings of the evaluation.

Social Welfare Appeals.

296. **Mr. Allen** asked the Minister for Social and Family Affairs the reason the southern health board has terminated the rent allowance for a person (details supplied) in County Cork. [29412/04]

Minister for Social and Family Affairs (Mr. Brennan): The Southern Health Board was contacted regarding this case and advised that during the course of a review of her continued entitlement to rent supplement the person concerned was asked to provide clarification regarding her household circumstances. As she failed to supply the necessary information on her situation, the board withdrew payment of her rent supplement. The board has further advised that the person concerned was unsuccessful in appealing against the decision to the health board appeals officer and that the matter has been referred to the chief appeals officer of the social welfare appeals office. Appeals officers are statutorily appointed and neither I nor my Department have any function in the appeal process.

Social Welfare Benefits.

297. **Ms Shortall** asked the Minister for Social and Family Affairs if he will examine the case of a person (details supplied) in Dublin 11; his policy in relation to widowed persons who were in receipt of long-term payments not covered under the six weeks rule and whose spouses died prior to June 2003; his views on whether the change introduced in June 2003 corrected a discriminatory policy against certain long-term welfare recipients; and if on this basis, he will examine whether such payments can be backdated. [28636/04]

Minister for Social and Family Affairs (Mr. Brennan): Provision was made in budget 2003 to extend the scheme of six weeks payment after death to ensure that where a person in receipt of a social welfare payment dies, the social welfare income paid to the surviving spouse-partner is maintained at the same level for the six weeks after the death of the pensioner. This measure was implemented from June 2003. The person

concerned and her spouse were both in receipt of an invalidity pension at the time of her spouse's death in May 2003. The person concerned was not covered by the new arrangements and did not receive six weeks payment of her spouse's invalidity pension. There are no plans for backdating this arrangement. To do so would involve additional expenditure and could only be considered in a budgetary context.

298. **Mr. Gregory** asked the Minister for Social and Family Affairs the entitlements available to a person (details supplied) in Dublin 7 whose lone parent payment was withdrawn without notice and is now solely dependent on a part-time income. [28653/04]

Minister for Social and Family Affairs (Mr. Brennan): There is a statutory obligation on all claimants to satisfy, and continue to satisfy, the conditions for entitlement to the one parent family payment. One of the qualifying conditions of the scheme is that the claimant must have a qualified child dependant. A person can claim for a child as a dependant if: they have the main care and charge of that child; that child is under age 18 or, in the case of a child aged 18 to 22, that child is in full-time education by day at a recognised school or college. In the case of the person concerned her daughter has ceased full-time education and therefore her payment has been stopped as she no longer satisfies the qualifying conditions of the scheme.

It is normal practice to issue a letter informing claimants that their payment will be stopped. In this case, however, there is no record of such a letter being issued. This is regretted. Procedures have been reviewed to ensure that all claimants are notified before their payment is terminated and a record kept of such notifications. The person concerned is currently in receipt of unemployment assistance.

Social Welfare Appeals.

299. **Mr. Howlin** asked the Minister for Social and Family Affairs the reason a decision in relation to an OIB disablement claim, conveyed by letter dated 20 October 2003 by the appeals office to a person (details supplied) in County Wexford has not been implemented; if his attention has been drawn to the fact that the accident giving rise to this claim occurred in 1995; when this matter will be finalised; when the claimant will receive the entitlement; and if he will make a statement on the matter. [28686/04]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned applied for disablement benefit under the occupational Injuries scheme in respect of three accidents which occurred in 1995. Based on the evidence available at that time his claim was disallowed. He subsequently appealed this decision and following an oral appeal hearing on 17 September 2003 an appeals officer's decision was that the appeal

[Mr. Brennan.] should be allowed. He was notified of this decision by the appeals office on 20 October 2003. In order to determine the correct rate of disablement benefit, he was referred for medical examination so that the degree of loss of faculty could be established. He was examined by one of my Department's medical assessors on 6 May 2004. Due to an error in locating and processing the relevant medical assessment papers the decision was not implemented. This delay is regretted.

The person concerned has now been awarded disablement benefit in respect of each of his three accidents. Aggregated gratuities amounting to €10,365 will be issued in the next week. Any arrears due in respect of compensation for loss of purchasing power will be issued thereafter.

Social Welfare Benefits.

300. **Mr. Morgan** asked the Minister for Social and Family Affairs if he is considering introducing employment rights legislation in respect of sick pay and sick leave; and if he will make a statement on the matter. [28761/04]

Minister for Social and Family Affairs (Mr. Brennan): Responsibility for employment rights issues such as entitlement to sick leave lies primarily with my colleague the Minister for Enterprise, Trade and Employment and I understand that the Deputy has put down a question to him in this regard already. As far as my Department is concerned, employees who are insured may be entitled to the social insurance based income support payment disability benefit, DB. This payment is made by the Department to persons who are unable to work due to illness and who satisfy the contribution conditions. Disability benefit is not normally paid for the first three days of illness, known as waiting days, but is payable for up to 52 weeks if the insured person has between 52 and 259 paid contributions and up until the age of 66 if a person has a total of 260 weeks or more paid contributions since entering employment. Disability benefit is currently paid at €134.8 per week with additional payments for dependants.

Some Irish employees also have access to occupational sick pay schemes administered by their employers which may or may not be integrated with the DB payment. This is a matter between employers and employees whether individually or as part of collective agreements. A number of countries operate a system known as statutory sick pay, SSP, which involves transferring the responsibility for administering sick pay for employees to their employers. Under a statutory sick pay scheme, an employer would be obliged by law to provide a certain minimum standard of pay in the event of illness for a certain minimum period. As part of the Government programme of reviewing expenditure programmes, my Department published a review of illness and disability payment schemes. The working group

which carried out the review considered that an examination of the possible introduction of SSP would have merit from an efficiency and effectiveness viewpoint.

As a first step, it was considered that current sick pay arrangements by employers should be examined in detail and the potential for change assessed. There are no immediate plans to carry out such an examination but the issue will be kept under review by my Department.

301. **Mr. Allen** asked the Minister for Social and Family Affairs if he will investigate the case of a person (details supplied) in County Cork. [28781/04]

Minister for Social and Family Affairs (Mr. Brennan): The Southern Health Board was contacted regarding this case and has advised the person concerned that was in receipt of basic supplementary welfare allowance pending the outcome of an application for one-parent family payment from my Department.

Following a review of her claim the board was in possession of information which suggested a change in her circumstances had occurred. The board wrote to the person concerned requesting that she provide clarification regarding her means and circumstances. After she failed to comply with this request payment of her allowance was withdrawn.

The board has further advised that clarification sought has now been received and that payment of a basic supplementary welfare allowance, at a rate appropriate to her circumstances, has been restored with retrospective effect.

Pension Provisions.

302. **Mr. Penrose** asked the Minister for Social and Family Affairs further to correspondence received from a person (details supplied) in Dublin 9; if this person's old age contributory pension entitlement will be reviewed; and if he will make a statement on the matter. [28785/04]

Minister for Social and Family Affairs (Mr. Brennan): Since reaching 66 years in April 2004, the person concerned has been in receipt of an old age contributory pension at the rate of €83.70 per week based on a yearly average of 14 contributions. As a result of the Deputy's question, the entitlement of the person concerned was re-examined and contributions paid at the modified rate while she was employed as a civil servant were added to her record. She now qualifies for a mixed-insurance pro-rata old age contributory pension at the rate of €91.60 per week from 30 April 2004. As this rate is higher than her current standard old age contributory pension, arrangements are being made to transfer her to the higher rate of pension. The arrears of pension will issue by cheque as soon as possible.

The correspondence supplied with the parliamentary question refers to the homemaker's scheme. This scheme was introduced

from 1994 without retrospection to protect the pension entitlements of those who take time out of the paid workforce for caring duties. It allows up to 20 years to be disregarded when a person's insurance record is being averaged to assess entitlement for contributory pension purposes. Phase 2 of the review of the qualifying conditions for old age contributory and retirement pensions will include an examination of the homemaker's scheme. It is expected that the review will be ready for publication in the next few months and developments in relation to the homemaker's scheme will be considered in the light of the conclusions of that report.

Social Welfare Benefits.

303. **Mr. Allen** asked the Minister for Social and Family Affairs the reason the Southern Health Board has refused to award supplementary welfare allowance to a person (details supplied) in County Cork. [28791/04]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, which is administered on behalf of my Department by the health boards, provides for exceptional needs payments to help meet essential, once-off expenditure which a person could not reasonably be expected to meet out of his or her weekly income.

The Southern Health Board was contacted regarding this case and has advised that an application for an exceptional needs payment was refused on the grounds that the person concerned had been in a position to meet the expenses in question from his own resources and that an exceptional need had not been established.

The board has further advised that the person concerned was unsuccessful in appealing against this decision to the health board's appeals officer. The determination of entitlement to exceptional needs payments is a matter for the health board and neither I nor my Department have any function in deciding entitlement in individual cases.

304. **Mr. Connaughton** asked the Minister for Social and Family Affairs if he is making major changes in the way social welfare benefit is paid to lowly paid part-time workers who through no fault of their own or their employers cannot either find full-time employment locally and where their present employers cannot provide full-time jobs for them; and if he will make a statement on the matter. [28922/04]

Minister for Social and Family Affairs (Mr. Brennan): Unemployment benefit or assistance may be paid where a person is employed for three days or less in any six consecutive days (excluding Sunday). For the purposes of unemployment benefit, a person working less than the normal full-time days in a particular employment may be categorised as part-time, casual or systematic short-time. Part-time employment is regarded as employment where the employee is engaged to

work for less than the normal full-time number of days or hours in the employment concerned. The volume of work must be of an ongoing nature but not sufficient to sustain full-time employment.

Legislation provides that a person is regarded as being engaged in casual employment for unemployment benefit purposes where s/he is normally employed for periods of less than a week, the number of days and the days of the week on which the person is employed varies with the level of activity in the employer's business, and on the termination of each period of employment, the person has no assurance of being re-employed with the same employer. The requirement to have suffered a substantial loss of employment, where a person must work a reduced numbers of days in the week from that which she or he would normally work, and which applies to all other unemployment benefit claims, does not apply to casual workers, as defined.

A person is regarded as being engaged in systematic short-time working where his or her full-time working week is reduced by the employer and where there is a clear repetitive pattern of employment each week. The number of days of benefit payable each week to a systematic short-time worker is limited to ensure that the total of the number of days paid and the number of days worked does not exceed five.

Where a casual or part-time worker has insufficient contributions to qualify for unemployment benefit, she or he may qualify for unemployment assistance, a means-tested payment. Earnings are assessed at 60% for UA purposes. In addition, persons without children are allowed a €12.70 disregard for each day worked. Casual or part-time workers are subject to the same conditions as any other unemployed person for entitlement to UA. The question of changes in the conditions for receipt of unemployment benefit or assistance will be a matter for consideration in a budgetary context and in the context of priorities generally.

305. **Mr. Stanton** asked the Minister for Social and Family Affairs the number of persons that have been refused rent supplement since January 2004; the number of persons that have appealed the refusal for rent supplement and have been successful in their appeal for the rent supplement; and if he will make a statement on the matter. [28927/04]

306. **Mr. Stanton** asked the Minister for Social and Family Affairs the number of persons that were refused rent supplement; the number of persons appealed the refusal for rent supplement and have been successful in their appeal for the rent supplement in the year 2003; and if he will make a statement on the matter. [28928/04]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 305 and 306 together.

Rent supplements are provided for under the supplementary welfare allowance scheme which

[Mr. Brennan.]
is administered on my behalf by the health boards. My Department exercises general direction, co-ordination and expenditure monitoring in relation to the scheme, but has no involvement in individual claim decisions or appeals. Statistics are not available on the number of people refused rent supplement. However, information is available on the number of applications for rent supplement and on the number of claims awarded. In 2003, 56,466 claims for rent supplement were registered of which 53,750 were awarded. To date in 2004 some 39,145 claims have been registered of which 37,035 have been awarded.

Where a person is dissatisfied with the outcome of an application for rent supplement he or she may appeal against the decision to the appeals officer in the relevant health board and if necessary then to the chief appeals officer of the social welfare appeals office.

In 2003, some 288 appeals relating to rent supplement were dealt with by the chief appeals officer of the social welfare appeals office. Of these appeals, rent supplement was awarded in 50 cases, while in the remaining 238 cases the original refusal of rent supplement was upheld. To date in 2004 some 194 cases have been referred to the chief appeals officer. In 59 cases a rent supplement has been awarded while in the remaining 135 cases the original refusal of rent supplement was upheld. Details of the number of appeals to health board appeals officers relating to rent supplement are not available.

Social Welfare Benefits.

307. **Mr. Crowe** asked the Minister for Social and Family Affairs the number of persons who availed of the back to school clothing and footwear allowances in each of the past five years; the details of the take up of this allowance; and if his Department, from its files, can identify the persons who are entitled to the allowance.
[29011/04]

Minister for Social and Family Affairs (Mr. Brennan): The back to school clothing and footwear allowance scheme is administered on behalf of my Department by the health boards. Under the scheme, an allowance of €80 is payable in respect of qualified children aged two to 11 years while €150 is payable in respect of qualified children aged 12 to 22 years.

A person may qualify for payment of a back to school clothing and footwear allowance if he or she is in receipt of a social welfare or health board payment, participating in an approved employment scheme or attending a recognised education or training course, if a child dependant allowance is being paid in respect of the child and the household income is at or below certain specified levels as set out in tabular statement A.

The information held by my Department does not enable it to identify in advance people who might be entitled to the allowance. The information sought by the Deputy in respect of the

years 1999 to 2003 is set out in tabular statement B.

Statement A: The BSCFA standard income limits for 2004 are as follow.:

Couple with	Income Limit	Lone Parent with	Income Limit
	€		€
1 Child	348.10	1Child	238.90
2 Children	367.40	2 Children	260.50
3 Children	386.70	3 Children	282.10
4 Children	406.00*	4 Children	303.70**

*Limit is increased by €19.30 for each additional child.

**Limit is increased by €21.60 for each additional child.

Statement B: Numbers of children who benefited from BSCFA.

Year	Numbers
1999	183,708
2000	158,766
2001	143,029
2002	155,811
2003	172,123

Social Welfare Appeals.

308. **Mr. P. Breen** asked the Minister for Social and Family Affairs the position regarding an appeal for a one parent family payment claim by a person (details supplied) in County Clare; and if he will make a statement on the matter.
[29021/04]

Minister for Social and Family Affairs (Mr. Brennan): The person's application for one parent family payment was disallowed by a deciding officer on the grounds that the person's means exceeded the statutory limit. The person appealed against this decision and, following an oral hearing, the appeals officer disallowed the appeal on the basis that her income, derived from her employment, was in excess of the statutory limit. The person has been informed of this decision.

In the course of the hearing it emerged that the person had recently reduced her working hours, resulting in a significant reduction in her earnings. In the light of this change of circumstance, the appeals officer has referred the case back to the deciding officer for review. The person has been informed of this development.

Under social welfare legislation decisions on claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

Social Welfare Benefits.

309. **Mr. McGuinness** asked the Minister for Social and Family Affairs if the rent supplement

being granted to a person (details supplied) in County Kilkenny will be restored to its full level; and if a decision on the case will be expedited. [29095/04]

Minister for Social and Family Affairs (Mr. Brennan): The regulations governing rent supplement stipulate that, in addition to a minimum contribution, currently €13, each recipient is required to contribute towards his or her rent any additional assessable means he or she has over and above the appropriate basic supplementary welfare allowance rate.

The South Eastern Health Board was contacted regarding this case and has advised that, in the course of a routine review, it came to light that the assessable household income of the person concerned was higher than assessed originally for rent supplement purpose. She was notified of the board's intention to withdraw the supplement. On further detailed review, the board has determined that the person concerned has an entitlement to a reduced rent supplement of €15.70 per week. The board is assessing a possible overpayment of rent supplement and is in contact with the person concerned.

Ministerial Appointments.

310. **Mr. Durkan** asked the Minister for Social and Family Affairs if any new advisers or consultants have been appointed by him since the Government reshuffle of September 2004; if such appointments are replacements for or are in addition to previous appointments; the salary and terms of employment in each case; and if he will make a statement on the matter. [29123/04]

Minister for Social and Family Affairs (Mr. Brennan): Since my appointment on 29 September 2004, I have appointed no additional advisers or consultants to those appointed by my predecessor, Deputy Coughlan. I have appointed a special adviser, Mr. Frank Lahiffe, and a press adviser, Mr. Tom Rowley.

Contracts of employment, which set out the salary and other terms of employment in each case, are being finalised at present and will, in accordance with the terms of the Standards in Public Office Act 2001, be laid before the Houses of the Oireachtas within the required 60 days of appointment.

Social Welfare Appeals.

311. **Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs if he will report on the mechanisms for making an appeal regarding social welfare payments; the number of cases dealt with each year for the past ten years; the number which resulted in favour of the petitioner; and if there are other appeal mechanisms available to persons who are aggrieved by a decision of his Department. [29140/04]

Minister for Social and Family Affairs (Mr. Brennan): Any person who is dissatisfied with a

decision made by a deciding officer of my Department may, by giving notice of appeal to the chief appeals officer within the statutory time limit, have the question referred to an appeals officer for determination. An appeal may be sent either directly to the social welfare appeals office or it may be handed in to any office of my Department for transmission to the appeals office.

When an appeal relates to supplementary welfare appeals, the appeal is made in the first instance to a designated officer of the health board. If the appellant is dissatisfied with this officer's decision he or she can request that the designated officer forward the appeal to the chief appeals officer.

The notice of appeal must contain a statement of the facts and contentions upon which the appellant intends to rely. The appeals office must then pass it to my Department for its comments on these grounds. The deciding officers may change their decisions at this stage in the light of new evidence. If they do not change their decision, an appeals officer will consider the case.

An appeals officer may decide to hold an oral hearing of the appeal, and will invite the appellant to attend. On the other hand, the appeals officer may be able to deal with the appeal on the basis of the written evidence provided. Either way, the appellant will be notified in writing of the outcome of the appeal. If an appeal is unsuccessful the appeals officer must give the reasons for the decision.

It is the policy of my Department, when disallowing a claim because underlying conditions are not satisfied, to offer to review the claim in the light of any further information not already submitted. This does not take from the right of appeal but affords the claimant the opportunity to have the claim fully examined before involving the formal appeals process.

An appeals officer's decision is normally final, but there are circumstances in which it may be changed. These are by an appeals officer if new evidence is furnished subsequently; by the chief appeals officer if the appeals officer has made an error about the law or the facts; by judicial review; or by the High Court on a point of law. It is also open to any person to make a complaint to the Ombudsman where it is considered that the Department has acted without proper authority or contrary to fair or sound administration.

The figures requested are set out in the following table.

	Appeals Decided	Favourable Decisions	Withdrawn
1994	14,971	8,063	1,667
1995	12,087	6,213	1,310
1996	11,613	5,834	1,335
1997	12,835	6,268	1,779
1998	13,990	6,441	1,669
1999	14,397	6,898	1,838
2000	17,060	7,348	2,601

	Appeals Decided	Favourable Decisions	Withdrawn
2001	16,525	7,493	2,253
2002	15,834	7,096	1,836
2003	16,049	7,034	2,403

Note: Favourable decisions include revised decisions by deciding officers arising from the case made in the grounds of appeal, in addition to favourable determinations by appeals officers.

Family Support Services.

312. **Mr. Stanton** asked the Minister for Social and Family Affairs his views on the findings of a recent study commissioned under his Department's families research programme (details supplied) which says it may be opportune to re-focus on the role of economic disadvantage in the development and prolongation of behaviour difficulties in the child; the action that he intends to take as a result of this report; and if he will make a statement on the matter. [29162/04]

Minister for Social and Family Affairs (Mr. Brennan): The study to which the Deputy refers, From Child to Adult, is a longitudinal study of Irish children and their families. The study was co-funded by the Family Support Agency and the Department of Social and Family Affairs under the families research programme.

One of the main objectives of Government policy is to reduce and eliminate child poverty. The strategies to meet this objective are set out in the revised national anti-poverty strategy, NAPS, and, more recently, in the national action plan against poverty and social exclusion. The main outcome aimed for is a situation of greater equality for all children in terms of access to appropriate education, health and housing, thereby seeking to break the cycle of disadvantage and exclusion experienced by certain children in society.

A specific target in the NAPS is to reduce the number of children who are consistently poor to below 2% by 2007 and, if possible, to eliminate consistent poverty among children by then. Significant progress has already been made towards achieving this target. For instance, the number of children who are consistently poor has more than halved in the four year period 1997 to 2001, falling from 15.3% in 1997 to 6.5% in 2001.

The most significant child poverty related measure in my Department has been the increase in child benefit, from which all families have gained, but particularly those on low incomes. The rate of child benefit has risen from €38.09 for the first two children and €49.52 for each child thereafter in 1997 to €131.60 per month for each of the first two children and to €165.30 per month for the third and each subsequent child.

Another income support for low income families is the family income supplement. The aim of this scheme is to provide a weekly cash support for employees on low earnings with families, thereby preserving the incentive to

remain in employment. Family income supplement payment rates have increased annually in line with unemployment payments, maintaining the incentive for people to avail of suitable employment opportunities. In the 2004 Estimates, €56 million has been allocated for this scheme. My Department also provides the one parent family payment which is a payment for both men and women who, for a variety of reasons, are bringing up a child(ren) without the support of a partner. A total of €707.8 million is provided in the 2004 Estimates for this scheme.

An evaluation of the national action plan against poverty and social exclusion will commence early next year with a view to a report on the evaluation being submitted to the European Union by June. The effectiveness of the measures to combat poverty among children will be evaluated in that context and full account will be taken of the findings of the study referred to by the Deputy.

Social Welfare Benefits.

313. **Mr. Ring** asked the Minister for Social and Family Affairs the reason the old age non-contributory pension of a person (details supplied) in County Mayo has been reduced; and the breakdown of the calculations in this case. [29236/04]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned is currently in receipt of widow's non-contributory pension at the rate of €126.50 a week. This is a means tested payment and all income, including income from other pensions, is assessable as means. Where the means of non-contributory pensioners change for any reason, they are obliged to inform my Department so that the rate of pension may be adjusted accordingly.

The person concerned is also in receipt of a British retirement pension. In seeking a review of her entitlement to widow's non-contributory pension, she gave details of an increase in the British pension since her means were last reviewed in 1999. Her current weekly rate of British retirement pension is £31.72 per week. Her current means are calculated as follows:

British Pension	
	€
£31.72 Stg X €1.44476 X 52 =	2,383.04
Amount assessable	2,348.23
Holding	
Net yearly Value (as before)	126.97
Total Yearly Means	2,475.20
Total Weekly Means	47.60

Her widow's non-contributory pension is now due to be reduced to €114.00 per week and arrangements are being made to implement this. Her new weekly rate of pension is the rate appropriate to a person with means of €47.60 per week. She will also continue to receive fuel allowance

of €9 per week. The person concerned is also in receipt of electricity allowance, telephone allowance under the household benefit scheme and free travel.

In reviewing her claim, her entitlement to a living alone allowance was also examined and an allowance of €7.70 per week has been awarded to her with effect from 16 January 2004, the Friday following her 66th birthday. Arrangements are being made to have arrears due in respect of this issued to her. Notification of the revised decision on means and of her right of appeal will be forwarded to the person concerned shortly.

Under social welfare legislation, decisions about claims are made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

Social Welfare Appeals.

314. **Mr. McCormack** asked the Minister for Social and Family Affairs the length of time it takes to deal with an appeal regarding an application for a widow's pension from County Galway; if there are still appeals outstanding since 2003; the way in which the appeals are dealt with; the frequency with which oral hearings are held on appeals in County Galway; the size of the current backlog of cases on appeal waiting to be dealt with by the appeals office; and if he will make a statement on the matter. [29258/04]

Minister for Social and Family Affairs (Mr. Brennan): Figures are not readily available on the time taken to process appeals in the Galway area. At present there is one widow's pension appeal awaiting an oral hearing in County Galway. There are no widow's pension appeals outstanding at any location which were received prior to 2004. Of the 15,224 new appeals registered during 2003, 253, or 1.7%, remain to be finalised. At present there are 4,933 cases awaiting attention in the appeals office. Of these, 13 are widow's pension appeals. Appeals officers have held hearings in Galway on 48 days since the beginning of 2004. A total of 302 cases were heard at these sessions.

The social welfare appeals system is a quasi-judicial one and the procedures involved are designed to ensure that every appellant's case gets full and satisfactory consideration. There is an inevitable time-lag in such a process which is governed by statutory and fair procedure requirements. Appeals officers deal with the full range of social welfare questions, including unemployment, incapacity, insurability, disability, old age and carers' needs. Some are more complex than others and the number of cases dealt with in any session would depend on the issues arising.

The oral hearing process is designed to ensure that the appellant fully understands the question for determination and that he or she is afforded every opportunity to question the basis of the decision and to present his or her appeal fully.

Social Welfare Benefits.

315. **Mr. G. Mitchell** asked the Minister for

Social and Family Affairs if he will provide assistance and advice to a person (details supplied) in Dublin 12 who cannot afford to pay course fees. [29334/04]

Minister for Social and Family Affairs (Mr. Brennan): My Department administers a wide range of second chance educational opportunities to encourage and facilitate unemployed people, lone parents and people with disabilities to improve their skills and qualifications and, therefore, their prospects of returning to the active workforce through various employment supports. One of these supports is the back to education allowance scheme.

To qualify for participation in the back to education allowance scheme — third level option — an applicant must, *inter alia*, be in receipt of a relevant social welfare payment for at least 15 months — 390 days — immediately prior to commencing an approved course of study. The person concerned does not meet this requirement and does not, therefore, satisfy the eligibility criteria for participation in the scheme.

The higher education grant scheme and the free fees initiative may be of interest in this case. These matters are dealt with by my colleague, the Minister for Education and Science.

316. **Mr. Ó Feagháil** asked the Minister for Social and Family Affairs if he will give consideration to the possibility of offering the option of an annual lump sum payment in lieu of a weekly payment to persons in receipt of the free fuel allowance; and if he will make a statement on the matter. [29351/04]

Minister for Social and Family Affairs (Mr. Brennan): The aim of the national fuel scheme is to assist householders who are in receipt of long-term social welfare or health board payments towards their regular heating needs during the winter season from October to April. Under the scheme a fuel allowance of €9 per week is paid to eligible households during this 29 week period, with an additional €3.90 per week being paid in smokeless zones, bringing the total amount in those areas to €12.90 per week. In addition, many households also qualify for electricity or gas allowances throughout the year in the form of a direct credit on their bills.

The long established practice of paying fuel allowance on a weekly basis is convenient for social welfare customers and allows them to budget their regular income towards meeting heating and other recurring essential costs. A less frequent payment of the allowance could leave people unable to meet their needs in a particular week. There are no plans at present to provide an optional lump sum payment of this allowance.

School Transport.

317. **Mr. Naughten** asked the Minister for Transport his plans to review the regulations governing school buses; if he will review the 3:2 ratio on school buses; his views on the level of overcrowding on post-primary buses; if he has

[Mr. Naughten.]
reviewed this situation; and if he will make a statement on the matter. [29102/04]

Minister of State at the Department of Transport (Mr. Callely): In 2002 my Department published a discussion paper on school bus safety. A range of possible safety related enhancements covering vehicles, passenger related measures and the road traffic environment in which school buses operate were identified in the paper. The purpose of the paper was to give the public an opportunity to put forward their views and suggestions on enhancing school bus safety.

Recent developments at EU level regarding the wearing of seat belts will remove the three for two concession in the case of school buses fitted with safety belts. In accordance with Directive 91/671, as amended by Directive 2003/20, the three for two concession for school buses fitted with seat belts will not be permissible after May 2008.

In June 2003 the European Commission published proposals to amend a number of directives relating to the type approval requirements for safety belts and restraint systems, anchorages for safety belts, and seats, their anchorages and head restraints. These proposals provide, *inter alia*, for the mandatory fitment of seat belts in buses and coaches, other than those used on staged-stop urban services, at manufacturing stage for the purposes of obtaining motor vehicle type approval. Under the proposals it would be a requirement for the registration, sale and entry into service of new buses and coaches, from 1 January 2006, that their safety belts and restraint systems, anchorages for safety belts, and seats, their anchorages and head restraints would conform to the technical requirements specified in the proposed amending directives.

The responses to the discussion document are being reviewed by my Department with a view to identifying the most cost effective approach to enhancing road safety for school transport, taking into account the obligations and timing of new EU requirements and proposed requirements.

My Department has been advised by the Department of Education and Science, which has overall responsibility for the administration of the school transport service, that it is satisfied, on the basis of information available from Bus Éireann, which operates school transport services on behalf of that Department, that school buses are being operated in accordance with the requirements of road traffic law.

Driving Tests.

318. **Mr. J. Breen** asked the Minister for Transport when a person (details supplied) in County Clare will be called for a driving test. [29418/04]

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.

Parking Regulations.

319. **Mr. O'Shea** asked the Minister for Transport his proposals to extend the disabled person's parking card scheme to the families of persons with intellectual disability whose children or adult dependants have mobility problems or whose behaviour is such that it is impossible for them to use public transport or walk for any distances; and if he will make a statement on the matter. [29423/04]

Minister for Transport (Mr. Cullen): The Road Traffic (Traffic and Parking) Regulations, 1997 empower local authorities, the Irish Wheelchair Association and the Disabled Drivers Association to grant a disabled person's parking permit where they are satisfied that the applicant is suffering from a disability that prevents him or her from walking or causes undue hardship to the person in walking. The qualifying criterion is, therefore, a question of personal mobility and no specific medical condition is stipulated in the regulations.

It is a matter for each of the issuing organisations to determine whether a disabled person's parking permit should be granted based on each application submitted to it. I have no involvement in respect of the determination of individual applications made by any of those bodies.

Driving Instruction.

320. **Mr. Gormley** asked the Minister for Transport if his attention has been drawn to the concerns of the driving instructor register of Ireland; the progress to date that has been made on the co-funded register; and if he will make a statement on the matter. [28642/04]

324. **Mr. Howlin** asked the Minister for Transport if it is envisaged that the status of registered driving instructors included in the driving instructor register of Ireland, which has been in operation since 1996, will continue to be recognised by the driver testing and standards authority as it was previously by the Department of the Environment, Heritage and Local Government; the position regarding persons of RDI status within the proposed Driver Testing and Standards Authority; and if he will make a statement on the matter. [28691/04]

341. **Dr. Upton** asked the Minister for Transport the status of registered driving instructors under the new provisions of the Driving Testing and Standards Authority; if the instructors will have to sit an additional test; and if he will make a statement on the matter. [29432/04]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 320, 324 and 341 together.

I refer the Deputies to my reply to Question No. 154 on 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 that 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 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 drafting the regulations.

Parking Regulations.

321. **Mr. O'Dowd** asked the Minister for Transport if he will increase parking fines for illegal parking in disabled parking spaces; and if he will make a statement on the matter. [28650/04]

Minister for Transport (Mr. Cullen): Where a person is convicted in court of the offence of illegally parking in a disabled person's parking bay, he or she is liable to a fine not exceeding €800 for a first offence, a fine not exceeding €1,500 for a second or subsequent offence and if a third or subsequent such offence is committed within 12 months the person is liable to a fine not exceeding €1,500 or, at the discretion of the court, to imprisonment for a term not exceeding three months or both. The determination of the actual fine to be imposed in each particular case is a matter for the courts.

The offence in question currently comes within the scope of the on-the-spot fines system. The amount of the on-the-spot fine applicable to this offence is €19, which is the level that applies to the majority of parking offences. Where an on-the-spot fine notice is issued, it is open to the person to whom the notice is addressed to pay the relevant amount so as to avoid the matter proceeding to court.

The Road Traffic Act 2002 provides for the replacement of the current on-the-spot fines system by a fixed charge system. The new system, which already applies to the offences of exceeding a speed limit and breaching the requirements for the use of seat belts, brings greater certainty to the application of administrative charges in respect of offences. It features, in particular, a provision through which the original amount of the fixed charge will automatically increase by 50% where payment is not made within 28 days of the date of the original notice.

The roll out of the system to the majority of traffic and parking offences, including the offence of parking in a disabled person's parking bay, is being progressed in conjunction with the Department of Justice, Equality and Law Reform and the Garda authorities. I envisage that this process will feature the updating of the charges associated with parking offences generally including this offence.

Departmental Staff.

322. **Ms O. Mitchell** asked the Minister for

Transport the number of driving testers who are employed in his Department; the number who are full-time; the number who are on contract; the length of time those on contract have been so; and if it is his intention to recruit further contract testers. [28678/04]

Minister for Transport (Mr. Cullen): The authorised number of driver testers, including a chief tester and supervisory testers, is 130. Of these, there are 103 permanent driver testers and 19 contract driver testers. Of the 19 contract driver testers, 12 have commenced their fourth year and a further seven are due to commence their fifth year in the coming months.

My Department is in discussions with the Department of Finance with a view to filling posts in this area and this may entail the recruitment of further contract testers.

Driving Tests.

323. **Ms O. Mitchell** asked the Minister for Transport if he is satisfied that the average pass-failure rate in the driving test is the same for those tested by contract testers as for those tested by the permanent testers. [28679/04]

Minister for Transport (Mr. Cullen): In 2003, the average pass rate nationally for both permanent and contract driver testers was 54.5%.

Question No. 324 answered with Question No. 320.

Road Signage.

325. **Ms O. Mitchell** asked the Minister for Transport if the introduction of metrification will take place as planned on 22 January 2005. [28693/04]

335. **Mr. Wall** asked the Minister for Transport if the programme for updating of speed limits and road signage will be completed by the set date in regard to all local authorities; and if he will make a statement on the matter. [29113/04]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 325 and 335 together.

It is intended that metric speed limits be in place on 20 January 2005. A metrification change-over board is working to that timeframe to co-ordinate the changeover and provision of metric speed limit signs across 34 city and county council areas. The programme envisages that approximately 58,000 speed limit signs will be in place by 20 January next. The changeover to metric values and a new system for speed limits, which will be introduced in association with metrification, will be supported by new road traffic legislation currently being considered by the Houses of the Oireachtas.

Bus and Railway Stations.

326. **Mr. Durkan** asked the Minister for Transport the extent to which he directs policy in regard to the provision of facilities including health and safety provisions at bus or rail stations;

[Mr. Durkan.]
and if he will make a statement on the matter.
[28859/04]

Minister for Transport (Mr. Cullen): The provision of facilities, including health and safety provisions at bus and rail stations, is a matter for the three CIE operating companies. All bus stops are positioned having regard to road traffic safety considerations in agreement with the Garda traffic department and the relevant local authority.

Air Services.

327. **Mr. P. Breen** asked the Minister for Transport if, in relation to Parliamentary Question No. 1018 of 29 September 2004, officials of his Department have clarified the position with regard to the proposed new charter service to Orlando; if this will comply with the current bilateral agreement; if he will investigate the way in which the service is advertised on the Aer Lingus website (details supplied); and if he will make a statement on the matter. [28860/04]

Minister for Transport (Mr. Cullen): I have examined the Aer Lingus service to Orlando and I can confirm that the service complies with the Shannon stop requirements in the Ireland-US Bilateral Air Transport Agreement. Regarding the manner in which this or any other service is dealt with by Aer Lingus's website, this is a commercial matter for the company and not one in which I have a role. However, the issue raised by the Deputy needs to be drawn to the company's attention and I have asked my officials to do so.

328. **Ms O. Mitchell** asked the Minister for Transport when a report (details supplied) on the future options for Aer Lingus will be published, in view of the fact that much of the elements contained in this confidential report have been reported in the national media in recent days; and if he will make a statement on the matter. [28862/04]

Minister for Transport (Mr. Cullen): The Goldman Sachs report on the future of Aer Lingus is being considered by my officials and me. It has also been circulated to the members of the Cabinet sub-committee established to examine all issues relating to the future ownership of the airline and report back to Government. A meeting of this committee will take place in the near future and it will be a matter for it to decide whether or not to publish the report.

Railway Stations.

329. **Mr. P. McGrath** asked the Minister for Transport if he has proposals to re-open the railway station at Killucan on the Mullingar to Dublin railway line. [29023/04]

Minister for Transport (Mr. Cullen): I refer the Deputy to a similar question asked of me in the House on 2 November last. The position has not changed since then.

I am informed that Irish Rail has been having ongoing discussions with the relevant local bodies

and authorities regarding the re-opening of Killucan station. The existing station has no immediate catchment area and the discussion has centred around the possibility of housing developments which could improve the viability of the station.

The national development plan covers the period 2000 to 2006. While the mid-term review of the plan indicated a lower than expected spend in the BMW region, Irish Rail has, since then, commenced or planned a number of projects in the region. The network resignalling project that originally included Sligo has been extended to include Westport and Ballina. As well as the upgrade of a number of stations in the BMW region, Irish Rail also has plans for the automation of a number of road crossings along rail lines in the region. In addition, the rolling stock acquisition programme being undertaken by the company will result in higher quality services on all lines into the midlands and west.

Road Traffic Offences.

330. **Mr. Wall** asked the Minister for Transport the number of drivers who have received penalty points in Kildare since the penalty points system commenced; the breakdown of penalty points issued; and if he will make a statement on the matter. [29090/04]

Minister for Transport (Mr. Cullen): The Department of the Environment, Heritage and Local Government, which holds and administers the national driver file on which driving licence records are maintained, has provided the following details. The number of drivers who have received penalty points in Kildare in the period to 1 November 2004 is 8,525. Details of the type and number of offences concerned are set out in the following table:

Table: Type and number of offences in respect of which penalty point notices were issued.

Offence Type	Number of Penalty Point Notices Issued
Speeding	9,087
No insurance	1
No Safety Belt — Driver	450
No Safety Belt Front Seat — Child	13
No Safety Belt Rear Seat — Child	21
No Child restraint Rear Seat — Child	1
Total	9,573

Road Traffic Accidents.

331. **Mr. Wall** asked the Minister for Transport the number of fatal accidents that has occurred in Ireland for each of the past three years that involved vehicles not registered here; and if he will make a statement on the matter. [29109/04]

332. **Mr. Wall** asked the Minister for Transport the number of motor or vehicular accidents reported in Kildare for each of the past three

years; the number of fatalities as a result of the accidents for each of the years; and if he will make a statement on the matter. [29110/04]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 331 and 332 together.

Statistics relating to road accidents, based on information provided by the Garda Síochána, are published by the National Roads Authority in its annual road accident facts reports. The most recent report is in respect of 2002. This report and reports relating to previous years are available in the Oireachtas Library. The reports do not contain details of accidents which involved vehicles not registered here. The numbers of accidents in Kildare recorded by the Garda and reported to the National Roads Authority for the period 2000 to 2002 are as follows:

No. of accidents/Fatalities/injuries

	Fatal	Injury	Fatalities	Injuries
2002	19	278	19	416
2001	26	207	31	349
2000	16	284	18	518

Provisional figures for the number of persons killed in road traffic collisions in 2003 show there were 336 fatalities for that year. Statistics relating to the number of traffic accidents in Kildare during 2003 are not yet fully analysed and authenticated. They will be set out in Road Accident Facts 2003, which will be published by the National Roads Authority.

Driving Licences.

333. **Mr. Wall** asked the Minister for Transport the number of applications for provisional driving licences in Kildare for each of the past three years; and if he will make a statement on the matter. [29111/04]

Minister for Transport (Mr. Cullen): I have asked the Department of the Environment, Heritage and Local Government, which holds and administers the national driver file on which driving licence records are held, to provide the information the Deputy has requested. I will forward the information to the Deputy as soon as it is available.

Driving Tests.

334. **Mr. Wall** asked the Minister for Transport the number of driving tests completed in Naas, Carlow and Portlaoise for each of the past three years; the number of passed tests and test failures for each of the years; and if he will make a statement on the matter. [29112/04]

Minister for Transport (Mr. Cullen): The information requested by the Deputy is set out in the following table.

Centre	Year	Total Tests	Total Pass	Total Fail
Carlow	2003	2,493	1,226	1,267
	2002	2,559	1,218	1,341
	2001	3,022	1,521	1,501
Port Laoise	2003	1,836	918	918
	2002	1,789	920	869
	2001	2,021	983	1,038
Naas	2003	6,378	3,416	2,962
	2002	6,174	3,326	2,848
	2001	7,384	4,212	3,172

Question No. 335 answered with Question No. 325.

Road Signage.

336. **Mr. Wall** asked the Minister for Transport if he has satisfied himself that road signage here is sufficiently informative that it benefits visitors and does not cause them problems in determining road rules, especially in relation to laneways (details supplied); and if he will make a statement on the matter. [29114/04]

Minister for Transport (Mr. Cullen): In 1996 a new warning traffic sign was introduced to advise motorists that in this country vehicles are to be driven on the left hand side of roads. The signs provide the necessary information be displayed in a number of languages.

The provision of traffic signs is a matter for each local authority. A comprehensive traffic signs manual was published in December 1996 and issued to all local authorities. This manual provides full information on traffic signs and road markings and sets out standards required to ensure there is clarity and a uniformity of practice in the approach to signage generally. The manual contains the Minister's direction that the drive on left warning sign be used at exits from ports and airports. It also directs that such signs be duplicated on the right hand side of the road and may also be used where hazards may exist on exits from long-stay tourist camps and resorts. A review of that manual is being pursued by my Department in association with the Department of the Environment, Heritage and Local Government and the National Roads Authority.

Road and Rail Networks.

337. **Ms O. Mitchell** asked the Minister for Transport if he plans to take a co-ordinating role to ensure that new road and planned new rail routes share alignments where appropriate. [29115/04]

Minister for Transport (Mr. Cullen): The planning, design and implementation of national road improvement projects is a matter for the National Roads Authority and the local authorities con-

[Mr. Cullen.]

cerned. The local authorities, in their role as statutory road authorities, undertake the detailed planning of individual road projects taking account of the overall policy on the national roads programme, local development plans and environmental impacts.

With regard to rail development, Irish Rail is responsible, in the first instance, for formulating plans, which will meet the identified demands for rail services into the future. Major rail projects require a railway order issued by me in my capacity as Minister for Transport, which involves the preparation of an environmental impact statement and the holding by an appointed inspector of a public inquiry at which all interested parties may be represented.

Irish Rail is developing a proposal to serve Dunboyne via a route which will branch off near Clonsilla on the Dublin-Sligo rail line and run through areas such as Hansfield, which has recently been zoned to cater for substantial residential development. This line will then run northwards towards Dunboyne terminating at a park and ride facility adjacent to the N3. Irish Rail and Meath County Council are undertaking a feasibility study of the rail proposal. This study will include an assessment of how road and rail proposals complement each other.

Under the provisions of the Planning and Development Act 2000, the regional authorities have recently finalised their regional planning guidelines for their regions. These guidelines provide regional land use strategies consistent with the national spatial strategy. They also identify proposed measures for the further development of transport in the regions. All local authorities are now required to have regard to these regional planning guidelines. My Department is working closely with the regional authorities to ensure that planning of transport projects takes full account of the guidelines.

Departmental Appointments.

338. **Mr. Durkan** asked the Minister for Transport if any new advisers or consultants have been appointed by him since the Government reshuffle of September 2004; if such appointments are replacements for or are in addition to previous appointments; the salary and terms of employment in each case; and if he will make a statement on the matter. [29124/04]

Minister for Transport (Mr. Cullen): Since the Government reshuffle of September 2004, I have reappointed in my new Department the press adviser, personal assistants and constituency secretary who worked in my former Department. In addition, I have appointed a special adviser and the contract in respect of this and all appointments will be laid before the Houses of the Oireachtas in due course.

Air Transport Agreement.

339. **Mr. Lowry** asked the Minister for Transport if he will allow the Mid-West Regional Authority the time and opportunity to conduct a regional economic impact study on the impact that open skies and the ending of changes to the current bilateral agreement would have on the economies of the mid-west; his views on and approach to the open skies negotiations; and if he will make a statement on the matter. [29135/04]

Minister for Transport (Mr. Cullen): I have nothing further to add to my reply of 2 November 2004, which, for the Deputy's convenience, I have quoted in full below.

At a number of recent Transport Councils, the Irish position has been that while we are in favour of an open skies agreement between the EU and the US, Ireland's support would be contingent on an acceptable arrangement on Shannon being agreed between Ireland and the US, and that arrangement being reflected in the EU-US agreement. Negotiations between the EU and the US on an open skies agreement will recommence in early 2005, when the new US Administration is in place. Both EU and US officials have maintained contact over the summer, but no negotiations have taken place since last June. Detailed negotiations took place up to June 2004, with the objective of reaching an agreement in time for the EU-US summit in Ireland at the end of that month. However, when the proposed agreement, which would have brought in open skies between all EU member states and the US, was discussed at the Transport Council in June 2004, Transport Ministers felt that the deal on offer was unbalanced in favour of the US.

In the lead up to June 2004, and in line with Ireland's position as outlined at the beginning of this reply, in May 2004 Department of Transport officials travelled to Washington to discuss this issue with the US. An official from the European Commission also attended those discussions. While the Irish delegation was not authorised to conclude any agreement with the US, good exploratory discussions were held. I understand that had an EU-US deal emerged from the Transport Council, a suitable phasing-in over a period of years of open skies between Ireland and the US would have been agreed for inclusion in the EU-US deal that would have been signed at the summit at the end of June 2004. Currently, there are no EU-US negotiations taking place. There is no doubt in my mind, however, that an EU-US open skies agreement is inevitable, once a properly balanced agreement is reached. My officials are maintaining contact informally with the US side to keep open all options for progress on this issue.

It is very difficult to estimate the timeframe in which an EU-US agreement might be reached. I am in the process of familiarising myself with the positions of the various Irish stakeholders

involved. I am conscious of the fact that the new board of Shannon Airport is now required to produce a business plan for the airport and that clarity on the open skies issue would be very helpful to that business planning process. I am also conscious that Irish airlines are currently restricted in the routes they can serve under the existing bilateral arrangement and that expanding scheduled services across the Atlantic is of great importance to the growth of Irish airlines and Irish tourism. In any future dealings with the US on this issue, we will be aware of our European Union obligations.

Rail Services.

340. **Mr. Stagg** asked the Minister for Transport if he has received the draft railway order for the Kildare route project from CIE; the estimated cost of the project; when the public inquiry into this project will be held; if funding will be available to proceed with the Kildare route project; and if he will make a statement on the matter. [29298/04]

Minister for Transport (Mr. Cullen): Irish Rail recently submitted to my Department a business case for a significant increase in capacity on the Kildare rail line to cater for growth in suburban and intercity services operating to and from Heuston Station. The total cost of the project has been estimated at €400 million. An application for a railway order and the setting up of a public inquiry would only be made to me after an assessment of the business case has been completed and the project approved. The Irish Rail proposal is predicated on most of the funding for the project being provided by the Exchequer. This is one of the aspects of the project being considered in my Department and I expect to make a decision in the matter in the near future.

Question No. 341 answered with Question No. 320.

Grant Payments.

342. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the reason a group (details supplied) in County Mayo was not successful in securing funding under the programme of grants for locally-based community and voluntary organisations for 2004; and the basis on which this application failed to achieve a sufficiently high score to enable it to be considered for funding on this occasion. [28664/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The Department of Community, Rural and Gaeltacht Affairs received an application from the group in question under the 2004 programme of grants for locally-based community and voluntary organisations. All applications received were assessed by reference to the criteria published in the scheme guidelines. The application in question was awarded a score

under each of these criteria and the scores were added together to give a total score.

The number of applications for funding received under the programme far exceeded the funds available and only those proposals that achieved a sufficiently high total score arising from the assessment process were recommended for funding. Against this background, the application in question failed to achieve the requisite score to enable it to be considered for funding under this year's programme. The group may have the decision on its application reviewed by applying in writing to the Department and stating the grounds for review.

343. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the number of applications which were received under the programme of grants for locally-based community and voluntary organisations in 2004; the total grant amounts applied for; and the organisations which were successful in obtaining funding, with details of the organisation name, address and amount approved. [28665/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The Department of Community, Rural and Gaeltacht Affairs received 1,365 applications for funding under the 2004 programme of grants for locally-based community and voluntary organisations. Details of the successful applicants, including addresses and amounts approved, are available on the Department's website at www.pobail.ie. The grant amounts applied for were not recorded in cases where the applications fell within ineligible categories, as published in the scheme guidelines, or where they were assessed as a low priority. Apart from these cases, the overall grant amounts applied for totalled approximately three times the €2.7 million budget available for the programme in the current year.

Road Network.

344. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if an official has examined a road (details supplied) in County Mayo; if so, the identity of the official. [28889/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): This application was examined by a regional officer of my Department on 25 August 2004. An estimate of the cost of the works has now been received from Mayo County Council and the application will be considered when the next programme of works under Scéim na mBóithre Áise is being prepared.

Grant Payments.

345. **Mr. McGinley** asked the Minister for Community, Rural and Gaeltacht Affairs if an application has been received in his Department from an organisation (details supplied) for funding; the reasons the application has been refused,

[Mr. McGinley.]
and if he will consider approving a grant for the organisation. [28890/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The Department of Community, Rural and Gaeltacht Affairs received an application from the group in question under the 2004 programme of grants for locally-based community and voluntary organisations. All applications received were assessed by reference to the criteria published in the scheme guidelines. The application in question was awarded a score under each of these criteria and the scores were added together to give a total score.

The number of applications for funding received under the programme far exceeded the funds available and only those proposals that achieved a sufficiently high total score arising from the assessment process were recommended for funding. Against this background, the application in question failed to achieve the requisite score to enable it to be considered for funding under the programme at this time. However, should further funds become available to the programme before year-end, this application will be reconsidered. It is open to any group to have the decision on its application reviewed by applying in writing to the Department and stating the grounds for review.

346. **Mr. Rabbitte** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the fact that a relatively small grant application for renewal of €3,700 to a centre (details supplied) in Dublin 12 to provide education for personal development courses in the community serving a significant number of local persons on a weekly basis has been refused on the basis that the application did not achieve sufficient points; the reasons for this cut-off in funding; if he will review this decision in view of the value of this resource to the local community; and if he will make a statement on the matter. [28891/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The Department of Community, Rural and Gaeltacht Affairs received an application in respect of personal development courses from the group in question under the 2004 programme of grants for locally-based community and voluntary organisations. All applications received were assessed by reference to the criteria published in the scheme guidelines. The application from the group in question was awarded a score under each of these criteria and the scores were added together to give a total score.

The number of applications for funding received under the programme far exceeded the funds available and only those proposals that achieved a sufficiently high total score arising from the assessment process were recommended for funding. Against this background, the appli-

cation from the group in question failed to achieve the requisite score to enable it to be considered for funding under this year's programme. The group may have the decision on its application reviewed by applying in writing to the Department and stating the grounds for review.

Proposed Legislation.

347. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs further to Parliamentary Questions Nos. 81 and 131 of 9 November 2004, if he anticipates that his Department's process of examining and consideration of the recommendations in the report of the national committee on volunteering, *Tipping the Balance*, will be concluded by 31 December 2004; and if he will make a statement on the matter. [28892/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): As stated in the replies to the previous parliamentary questions, a sub-committee of the implementation and advisory group has been examining the *Tipping the Balance* report with a view to identifying how its recommendations might be progressed. The report of the sub-committee is now available and makes a number of practical recommendations in this regard. The Department of Community, Rural and Gaeltacht Affairs is considering these recommendations as part of its overall consideration of the *Tipping the Balance* report. I am reluctant to set a date for the conclusion of this process but it will be brought forward as speedily as possible.

348. **Mr. Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs the number and title of each registered charity in the country; if he has satisfied himself that legislation in this area is adequate to deal with difficulties that arise regarding accountability and expenditure; and if he will make a statement on the matter. [28911/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): As the charities sector is unregulated, there are no registered charities in this country. A list is maintained and published by the Revenue Commissioners of those bodies which have been granted charitable tax exemption, which is sometimes mistaken as a register of charities. The main legislation about charities is over 40 years old. The outdated legal framework does not deliver the degree of accountability and transparency by charities which is necessary to maintain public trust and confidence in the sector.

In An Agreed Programme for Government, there is a commitment to address this unsatisfactory situation by undertaking a comprehensive reform of the law relating to charities to ensure accountability and to protect against charitable abuse and fraud. My Department's consultation paper, *Establishing a Modern Statutory Frame-*

work for Charities, published earlier this year, proposed that a statutory body for the regulation of charities be set up, with responsibility for compiling, publishing and maintaining a list of registered charities. All charities would be obliged to register. Registered charities would be required to file annual returns with the regulatory body. Another of the statutory functions envisaged for the regulatory body would be to ensure the public accountability of charities.

The legislative proposals in the consultation paper met with a broad endorsement from the public. The next step is preparation of the draft legislation. The best estimate publication date for the draft legislation is at the end of 2005. The Department of Community, Rural and Gaeltacht Affairs charities regulation webpage, www.pobail.ie/en/charitiesregulation, can be consulted for information, publications and the latest updates on the proposed legislation.

National Drugs Strategy.

349. **Mr. Crowe** asked the Minister for Community, Rural and Gaeltacht Affairs the Government policy regarding the ongoing support and future development of a community-based response to the growing drugs crisis; his views on whether the various health boards are working to complement that policy; if salaries of community persons working in the sector are covered under the national pay agreement; and if he will make a statement on the matter. [29035/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The Department of Community, Rural and Gaeltacht Affairs has overall responsibility for co-ordinating the implementation of the national drugs strategy. In addition, it has responsibility for the work of the 14 local drugs task forces as well as the young peoples facilities and services fund. The role of the local drugs task forces is to prepare local action plans, including a range of measures in the areas of treatment, education, prevention and curbing local supply, etc. In addition, the local drugs task forces provide a mechanism for the co-ordination of services in these areas, while allowing local communities and voluntary organisations to participate in the planning, design and delivery of those services. The local drugs task forces are designed to complement the extensive range of interventions being delivered through the State agencies.

The local drugs task forces are a vital and important part of the Government's overall response to tackling drug misuse and will continue to be so in the future. The then regional drugs task forces, set up throughout the country, are modelled on the local drugs task force approach. In terms of ongoing support, over €80 million has been allocated or spent to date to implement the various projects contained in the two rounds of plans of the local drugs task forces. A further €12.8 million has been allocated to

approximately 50 projects under the local drugs task force premises initiative and approximately €75 million has been allocated or spent under the two rounds of the young peoples facilities and services fund, primarily in local drugs task force areas. I am satisfied that the services provided by statutory agencies, such as the health boards, and the initiatives being funded through the local drugs task forces and the young peoples facilities and services fund compliment each other. When taken as a whole, I believe that they offer a comprehensive response to tackling the drugs issue in communities. Provision for national pay agreement awards will continue to be made in the annual allocations made by the Department of Community, Rural and Gaeltacht Affairs to drugs programmes.

Grant Payments.

350. **Cecilia Keaveney** asked the Minister for Community, Rural and Gaeltacht Affairs the reason a grant application made under the locally-based community and voluntary organisations programme was not successful (details supplied); and if he will make a statement on the matter. [29036/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The Department of Community, Rural and Gaeltacht Affairs received an application from the group in question under the 2004 programme of grants for locally-based community and voluntary organisations. All applications received were assessed by reference to the criteria published in the scheme guidelines. The application in question was awarded a score under each of these criteria and the scores were added together to give a total score.

The number of applications for funding received under the programme far exceeded the funds available and only those proposals that achieved a sufficiently high total score arising from the assessment process were recommended for funding. Against this background, the application in question failed to achieve the requisite score to enable it to be considered for funding under this year's programme. The group may have the decision on its application reviewed by applying in writing to the Department and stating the grounds for review.

351. **Cecilia Keaveney** asked the Minister for Community, Rural and Gaeltacht Affairs the reason a grant application made under the locally-based community and voluntary organisations programme was not successful (details supplied); and if he will make a statement on the matter. [29037/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The Department of Community, Rural and Gaeltacht Affairs received an application containing a number of proposals from the group

[Mr. N. Ahern.]
in question under the 2004 programme of grants for locally-based community and voluntary organisations. All applications received were assessed by reference to the criteria published in the scheme guidelines. The proposals from the group in question were awarded scores under each of these criteria and the scores were added together to give total scores.

The overall number of applications for funding received under the programme far exceeded the funds available and only those proposals that achieved a sufficiently high total score arising from the assessment process were recommended for funding. Against this background, the proposals from the group in question on computer equipment and refurbishment failed to achieve the requisite scores to be considered for funding under this year's programme. The group may have the decisions on these proposals reviewed by applying in writing to the Department and stating the grounds for review. I am pleased to confirm, however, that the group was awarded a grant of €5,520 in respect of their proposal for funding to purchase chairs, tables and speaker equipment for their community centre.

Departmental Appointments.

352. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs if any new advisers or consultants have been appointed by him since the Government reshuffle of September 2004; if such appointments are replacements for or are in addition to previous appointments; the salary and terms of employment in each case; and if he will make a statement on the matter. [29125/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I assume that the Deputy is referring to the appointment of staff such as special or media advisers. No such advisers or consultants have been appointed by me since the Government reshuffle of September 2004.

Scéim na mBóithre Áise.

353. D'fhiafraigh **Mr. Kenny** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuair sé iarratas le haghaidh Scéim na mBóithre Áise (sonraí tugtha), an bhfuil an t-iarratas scrúdaithe ag an Roinn; agus an ndéanfaidh sé ráiteas ina leith. [29216/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Tá an t-iarratas sa chás seo scrúdaithe ag oifigeach de chuid mo Roinne ó 4 Samhain 2004. Cuirfear an bóthar seo san áireamh i gcoimhlint le cásanna eile nuair a bheidh an chéad liosta eile dé bhóithre áise á réiteach.

Irish Language.

354. **Mr. English** asked the Minister for Com-

munity, Rural and Gaeltacht Affairs the safeguards that are in place to protect the Irish language in the Gaeltacht areas of County Meath; and if he will make a statement on the matter. [29265/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): My Department administers, on an ongoing basis, a range of schemes and initiatives aimed at supporting the language in all of the Gaeltacht areas, including the Gaeltacht areas of County Meath. Specific measures that have recently been initiated by my Department and by Údarás na Gaeltachta to strengthen the language in the Gaeltacht areas of County Meath include the approval of a grant of €330,000 over three years to Comharchumann Ráth Cairn under a new language planning initiative being implemented by my Department in co-operation with Údarás na Gaeltachta, which will facilitate the implementation of specific measures aimed at strengthening the usage of the language at community and household level. Údarás na Gaeltachta will provide grant aid to Comhlacht Forbartha Baile Ghib to facilitate the appointment of a development officer for the area.

Other measures being implemented that will have a positive bearing on the language in Gaeltacht areas include the initiation of a sociolinguistic study on the usage of Irish in the Gaeltacht as a basis for the further strengthening of the linguistic development of the Gaeltacht and for a review of the official Gaeltacht boundaries; the implementation of a language awareness campaign, ár dteanga nádúrtha féin, which seeks to persuade parents in Gaeltacht areas of the advantages of choosing Irish as the predominant household language; the provision of €1.56 million over three years to implement a new language planning initiative in Gaeltacht areas on a pilot basis; the provision of an additional €890,000 in 2004 for the implementation of language-centred initiatives in Gaeltacht areas; the provision of an additional €1 million to Údarás na Gaeltachta in the current year in order to enable it to further assist in the area of pre-schooling, youth services, as well as other support measures for the language in the Gaeltacht; the implementation of the Official Languages Act 2003; the appointment of An Coimisinéar Teanga; and the decision by Government to initiate discussions with other EU member states and with the Commission to seek official working language status for Irish.

I am satisfied that significant progress has been made to the safeguarding and strengthening of the language in the Gaeltacht. I remain amenable to any new recommendations or suggestions as to how this objective can be achieved.

Decentralisation Programme.

355. **Ms Enright** asked the Minister for Agriculture and Food the number of persons who have applied to be decentralised to Port Laoise; the estimated time for completion of the pro-

gramme to Port Laoise; if a location has been found and approved; and if she will make a statement on the matter. [29465/04]

Minister for Agriculture and Food (Mary Coughlan): The closing date for receipt of priority applications to the central applications facility was 7 September 2004. Based on the information provided from this, the total number of persons who applied for decentralisation to my Department's headquarters in Port Laoise is 205. This figure includes staff from my Department, external Civil Service staff and public service staff.

The decentralisation implementation group, chaired by Mr. Phil Flynn, is to report to the Cabinet sub-committee on decentralisation later this month on sequencing and timing. The position may then become clearer as to the estimated time for completion of the decentralisation programme to Port Laoise.

Grant Payments.

356. **Mr. Stanton** asked the Minister for Agriculture and Food the arrangements that are in place to allow for the smooth changeover from special beef and area aid application to the new single farm payment in the situation in which a person who farmed land and made an application during 2000 to 2002 but has since 2002 handed over management, but not ownership of the farm to a relative who has developed the farm since 2002; the position regarding the possibility for a landowner who for reasons such as health or old age to nominate the person who is now farming all or part of their land to draw all or part of the single farm payment; and if she will make a statement on the matter. [28639/04]

Minister for Agriculture and Food (Mary Coughlan): The new single payment scheme is applicable to persons who actively farmed during 2000, 2001 and 2002, who were paid livestock premia and-or arable aid in one or more of those years and who continue to farm in 2005. Under the provisions of the relevant EU regulations, an individual, who was in receipt of direct payments during this period, has at least three options as outlined below regarding the single payment scheme. He or she can take over the management of the farm and claim the single payment; transfer the lands by way of gift to a relative. The transferee can claim the inherited entitlements by completing form SPS/3/NE, available from my Department's local offices and website, and submitting it to my Department.

The lands could be transferred by way of lease or sale whereby the following provisions will apply to the transfer of the single payment entitlements. A lease-sale agreement which is in place by the closing date for receipt of applications for the single payment in 2005 may be considered as the lease-sale of the entitlements with land if the following criteria are met: a clause

is included in the lease-sale agreement indicating that the farmer intends to lease-sell with the land the payment entitlements to be established by the transferee; the transferor applies to establish the entitlements and attach a copy of the lease-sale agreement; the transferee applies for single payment and attaches a copy of the lease-sale agreement to the application.

Land Annuities.

357. **Mr. Ferris** asked the Minister for Agriculture and Food the amount of arrears in annuities owed by farmers with an annual annuity of €200 or more; and the average amount of arrears owed. [28694/04]

Minister for Agriculture and Food (Mary Coughlan): The total arrears of land purchase annuities owed by farmers with an annual annuity of €200 or more amounted to €3.6 million on 31 October 2004 and this amounts to an average of € 1,565 for each farmer in this category.

Food Industry.

358. **Mr. P. Breen** asked the Minister for Agriculture and Food if her attention has been drawn to the serious problems facing the small mushroom growers here, where costs have gone extraordinarily high and where wholesale prices are being reduced by the multinational retailers; the measures she intends to put in place in order to deal with this crisis; and if she will make a statement on the matter. [28861/04]

Minister for Agriculture and Food (Mary Coughlan): The mushroom sector is facing many serious challenges including increases in the costs of production and downward pressure on prices due to increased competition from Dutch and Polish mushroom producers on our main market in the UK. Producers here have found themselves in a price-cost squeeze. Small growers are vulnerable in this situation and it is important for them to form part of a broad supply base. In this regard membership of a producer organisation provides a vehicle to achieve co-ordination of supply and also facilitates the drawing down of EU aid.

The mushroom task force was set up at the end of last year to consider the problems facing the industry. It issued its report earlier this year and made a number of recommendations to address the competitive threats facing the sector. Implementation of these recommendations is ongoing and is important for all in the industry to embrace change so that the sector can maximise its position to face the challenges arising in the future.

Grant Payments.

359. **Mr. Kehoe** asked the Minister for Agriculture and Food the status of the appeal for the single payment scheme for a person (details supplied) in County Wexford; when a decision

[Mr. Kehoe.]
will be made; and if she will make a statement on the matter. [28868/04]

Minister for Agriculture and Food (Mary Coughlan): The person named has been notified that the circumstances outlined in his application did not satisfy the criteria for *force majeure*-exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003. Following this decision, the person named submitted an appeal to the independent single payment appeals committee. It was noted that additional medical evidence was submitted with his appeal and consequently his application is being reviewed by the single payment unit. The person will be notified shortly of the outcome of his appeal.

Grant Payments.

360. **Mr. Hogan** asked the Minister for Agriculture and Food the details of achieving cross-compliance in respect of entitlements to farmers; when she intends to appoint one inspector only to adjudicate on these matters; and if she will make a statement on the matter. [28869/04]

Minister for Agriculture and Food (Mary Coughlan): Under the new single payment scheme farmers may be checked to ensure they continue to respect the various statutory management requirements set down in EU directives and regulations on the environment, food safety, animal health, and welfare, and plant health. Most of these provisions have been in place for some years and generally farmers are aware of the various requirements. In addition, farmers must maintain the farm in good agricultural and environmental condition and the member state will be obliged to ensure that there is no significant reduction in the amount of land under permanent pasture by reference to the total area under permanent pasture in 2003. These requirements are termed cross-compliance.

In general, the rate of inspection required for cross-compliance is 1% of those farmers to whom the relevant statutory management requirements or good agricultural and environmental conditions apply. However, at least 5% of producers must be inspected under the animal identification and registration requirements of cross-compliance as this is the level prescribed under the relevant regulations.

In addition to cross-compliance checks, it is a requirement to carry out standard eligibility checks to verify that the actual area claimed in the single payment application form corresponds with the area held by the farmer and to ensure there are no overlapping claims, or duplicate claim. Checks will also be required to confirm that the lands declared for set-aside purposes are maintained in accordance with the provisions of the EU regulations and that the set-aside obligations are observed. It will also be necessary to verify that the land used to activate entitlements does not contain land used for fruit and vegetable production, potatoes or is in forestry or other per-

manent crops in the year of application for the single payment.

My Department, as the paying agency, will have primary responsibility to ensure that inspections are effective, the required level of cross-compliance and eligibility inspection is carried out, and for fixing any sanctions to be applied. Every effort will be made to integrate inspections to the maximum extent possible thereby minimising the number of inspection visits and to move towards a situation where, in most cases, eligibility and cross-compliance checks can be carried out during a single farm visit. This approach should minimise the level of inconvenience to farmers. However, in certain instances it will not be possible to avoid more than one inspection of the same holding.

My Department has prepared a consultative document on cross-compliance, including details of the standards required, and has made it available to interested organisations. This document, which invites comments by Friday 19 November 2004, has also been posted on my Department's website. When consultations are complete my Department will publish an information booklet on cross-compliance primarily for the assistance of applicants under the single payment scheme.

Bovine Diseases.

361. **Mr. O'Dowd** asked the Minister for Agriculture and Food her views on the story in a newspaper (details supplied) that BSE risk material may have unsuspectingly entered the national food chain through the pipes of a company (details supplied); and if she will make a statement on the matter. [28870/04]

Minister for Agriculture and Food (Mary Coughlan): My Department and two other defendants are being sued in the High Court by a company in Drogheda which had been engaged to store specified risk material tallow by a third party and which claims to have done so unknowingly. The newspaper story to which the Deputy refers is based on a statement made in the course of the case by a former employee of the company. I would not propose to comment on the case other than to say that my Department is vigorously defending its position in the court.

Departmental Budgets.

362. **Mr. Naughten** asked the Minister for Agriculture and Food the current spend under each budget sub-head within her Department; the plans she has to meet the sub-head spend by the end of 2004; and if she will make a statement on the matter. [28871/04]

Minister for Agriculture and Food (Mary Coughlan): In the period January to October 2004, my Department has spent a total of €1.025 billion or 73% of its Voted allocation.

Details are as follows:

Subhead		€ million
A.1 to A.11	Administrative Budget	199.5
B	Research and testing	15.0
C	Food Safety, Animal Health/ Welfare, Plant Health	130.5
D	Market Supports Operational Costs	19.1
E	Income Support in Disadvantaged Areas	227.4
F	Rural Environment Protection	150.3
G	Early Retirement/ Installation Aid	67.3
H	Development of Agriculture	22.4
I	Forestry	81.6
J	Teagasc Grant in Aid	87.0
K	Bord Bia Grant in Aid	12.7
L	Bord Glas Grant in Aid	2.5
M	Food Aid Donations	4.8
N	Other	4.9
Total		1,025

The estimates procedure is intended to ensure that adequate financial provision is made for the provision of public services and the implementation of Government programmes and policies. Budget consumption is not in itself an aim, although every effort is made to provide prudent estimates which are as accurate as possible, having regard to the variables which can affect the level of expenditure.

In the case of my Department, the bulk of voted expenditure relates to demand-led schemes and activities and budget consumption is in many

instances contingent on participation by farmers and other clients in such schemes.

Grant Payments.

363. **Mr. Naughten** asked the Minister for Agriculture and Food further to Parliamentary Question No. 277 of 9 November 2004, the number of successful and unsuccessful applicants by each category; and if she will make a statement on the matter. [28872/04]

Minister for Agriculture and Food (Mary Coughlan): The details sought by the Deputy are set out in the table:

	Number
No. cases received	15,288
No. cases processed	14,635
No. unsuccessful applicants	9,892
No. successful applicants	2,028
No. cases requiring additional information	2,715

<i>Force Majeure</i> decisions by Category		Unsuccessful	Successful
Death of applicant	957	898	59
Incapacity	2,058	1367	691
Disaster	45	39	6
Destruction	28	25	3
Disease in herd	1,627	1230	397
Other exceptional circumstance	5,421	5157	264
Multiple circumstances	1,784	1545	239

My Department has also received in excess of 2000 *force majeure* applications under the second tranche of this measure, which closed on 29 October 2004.

Farm Waste Management.

364. **Mr. Naughten** asked the Minister for Agriculture and Food the plans she has to provide additional funding to farmers to implement

the recommendations of the Brosnan report; and if she will make a statement on the matter. [28873/04]

Minister for Agriculture and Food (Mary Coughlan): The recommendations of the Brosnan report regarding the possibility of allocating increased funding to the farm waste management scheme will be considered. An action programme for the implementation of the Nitrates Directive

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has been submitted to the EU Commission whose response is awaited.

Grant Payments.

365. **Dr. Twomey** asked the Minister for Agriculture and Food if she will investigate the case of a person (details supplied); and if she will make a statement on the matter. [28874/04]

Minister for Agriculture and Food (Mary Coughlan): EU Directive 64/432/EEC provides that, where an animal reacts positively to a TB test, two clear tests at two monthly intervals are required before the officially TB-free status of the holding can be restored. The directive, however, provides for a derogation from the second test provided certain conditions such as an epidemiological investigation and laboratory examinations on the carcass are fulfilled. This derogation is catered for under the Department's singleton policy which, among other things, provides that glands may be removed from the reactor post mortem and tested in a laboratory. On this occasion, the glands were not examined in the laboratory and therefore the herd must be subjected to two clear tests.

The herd of the person concerned had its first reactor re-test on 5 November 2004. This test was clear. The second reactor re-test is due to be conducted on 31 December 2004. If this test is clear, the holding will be de-restricted and the cattle passports will be returned to the person concerned. The person concerned may be eligible for a hardship grant and should submit an application immediately to his local district veterinary office. The hardship grant scheme is aimed at assisting eligible owners or keepers with a restricted holding where animals are retained and fed during periods of restriction. The eligibility period is between 1 November and 30 April, each year.

Early Retirement Scheme.

366. **Mr. Perry** asked the Minister for Agriculture and Food if she will waive or reduce the overpayment in a person's (details supplied) in County Sligo early retirement pension in view of the fact that they have limited finances; and if she will make a statement on the matter. [28941/04]

Minister for Agriculture and Food (Mary Coughlan): It is a requirement of EU Council Regulation 1257/1999, under which the early retirement scheme was introduced, that the early retirement pension may be paid only as a supplement to any national retirement pension payable. This means that any national retirement pension to which a participant becomes entitled, whether before or after entry to the scheme, must be deducted from the early retirement pension.

The overpayment in this case arose from the fact that the person named was, for a time, receiving both an old age contributory pension and the full amount of the early retirement pension. My Department is obliged to recover all over-

payments under the scheme, which is co-funded by the European Union. However, my officials will give very sympathetic consideration to any proposals the person named may wish to make to repay the debt over a period.

Milk Quota.

367. **Mr. Perry** asked the Minister for Agriculture and Food if her attention has been drawn to the fact that a person (details supplied) in County Sligo has applied for additional quota from the national reserve: if a favourable decision will be made in view of the fact that he is a full-time farmer, with substantial borrowings, and taking into consideration the fact that his herd was locked up; and if she will make a statement on the matter. [28945/04]

Minister for Agriculture and Food (Mary Coughlan): Allocations of milk quota from the national reserve are granted on the basis of recommendations from the milk quota appeals tribunal. The tribunal is a body established to consider and advise on applications for additional quota from individual producers who have suffered severe hardship in the context of the milk quota system.

The named person submitted an application for additional quota on the grounds of hardship in the 2003-04 milk quota year. However, there was insufficient quota available in the 2003-04 year to enable the tribunal to deal with all applications received and some, including that from the named individual, were held over for consideration in the current 2004-05 quota year, and it was not necessary for the person to make a fresh application. The tribunal examined his application recently and recommended an allocation of additional quota, effective from the 2004-05 quota year. The person concerned and his co-operative have been notified of this allocation.

The tribunal also considers applications from producers whose herds have been restricted by animal disease such as TB or brucellosis during the quota year. The person named also submitted an application on the grounds of animal disease in the 2003-04 year. The tribunal examined his application last March, but it was unable to recommend an allocation on that occasion. However, if the person's herd is restricted in the current 2004-05 quota year he may apply again under the animal disease scheme.

368. **Mr. Sargent** asked the Minister for Agriculture and Food further to Parliamentary Question No. 291 of 9 December 2003 regarding the matter of recouping from Coillte Teoranta forestry premium grants awarded to it but subsequently excluded from community financing under the guarantee section of the European agricultural guidance and guarantee fund, and confirmed by a European Court decision (details supplied), if she has received the legal advice referred to by her predecessor; and if she has consequently made a decision regarding seeking

the return of these funds from Coillte Teoranta. [29032/04]

Grant Payments.

Minister for Agriculture and Food (Mary Coughlan): The State has repaid the forestry premium grants in question to the EU. On the question of whether or not these moneys should now be recouped in turn from Coillte Teoranta, I can confirm that the advice of the Office of the Attorney General has been received but no decision has been taken in the matter. The question is being reviewed in the context of the future strategy for Coillte.

369. **Mr. Sargent** asked the Minister for Agriculture and Food the legal costs incurred by the State in the unsuccessful application for annulment of Commission Decision 2000/449/EC of 5 July 2000 excluding from community financing

Name	Title	Replacement	Salary Scale
			€
Tom Reddy	Press Adviser	No	82,066.00
Dermot Murphy	Special Adviser	Yes	67,305.00

The above appointments are on a contract basis and will terminate not later than when I cease to hold the post of Minister for Agriculture and Food.

Grant Payments.

371. **Mr. Kehoe** asked the Minister for Agriculture and Food when a person (details supplied) in County Wexford will be awarded a slaughter premium dating back to December 2002 for an animal; and if she will make a statement on the matter. [29137/04]

Minister for Agriculture and Food (Mary Coughlan): Under the 2002 slaughter premium scheme, the person named had 92 animals deemed eligible for payment. Payment has issued in full on these animals.

The person named contacted my Department in March of this year regarding eligibility under the 2002 slaughter premium of one animal which he had exported to Lebanon in December 2002. Following investigations, this animal has now been deemed eligible for slaughter premium and accordingly, payment will issue shortly.

Decentralisation Programme.

372. **Dr. Upton** asked the Minister for Agriculture and Food the number of her Department's Dublin-based staff who have applied through the central applications facility for decentralisation; and if she will make a statement on the matter. [29150/04]

forestry premium grants to Coillte Teoranta. [29033/04]

Minister for Agriculture and Food (Mary Coughlan): The costs of senior and junior counsel borne by the Chief State Solicitor's Office in the case amounted to some €30,000.

Departmental Appointments.

370. **Mr. Durkan** asked the Minister for Agriculture and Food if any new advisers or consultants have been appointed by her since the Government reshuffle of September 2004; if such appointments are replacements for, or are in addition to, previous appointments; the salary and terms of employment in each case; and if she will make a statement on the matter. [29126/04]

Minister for Agriculture and Food (Mary Coughlan): The following appointments have been made to my office since the Government reshuffle in September 2004.

Minister for Agriculture and Food (Mary Coughlan): The closing date for receipt of priority applications from the central applications facility was 7 September 2004. Based on the information received on that date, some 48 Dublin-based staff in my Department are seeking a transfer to decentralised offices in Port Laoise, Macroom and Fermoy: While my Department has received a further break-down of the numbers of staff in the Department who wish to transfer to other organisations, this information does not distinguish between Dublin and province-based staff. Many applications have been made through the central applications facility since 7 September.

Grant Payments.

373. **Mr. Connaughton** asked the Minister for Agriculture and Food when a decision will be made on a force majeure appeal in the name of a person (details supplied) in County Galway; and if she will make a statement on the matter. [29241/04]

Minister for Agriculture and Food (Mary Coughlan): The person named has been notified that the circumstances outlined in his application did not satisfy the criteria for *force majeure*-exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003. Following this decision the person named submitted an appeal to the independent single payment appeals committee. A full review of the circumstances of the case will be carried out by the independent single payment appeals committee and

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the person named will be notified shortly of the outcome.

374. **Mr. Connaughton** asked the Minister for Agriculture and Food the position regarding a *force majeure* appeal in the name of a person (details supplied) in County Galway; and if she will make a statement on the matter. [29242/04]

Minister for Agriculture and Food (Mary Coughlan): The person named has been notified that the circumstances outlined in his application did not satisfy the criteria for *force majeure*-exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003. Following this decision the person named submitted an appeal to the Independent single payment appeals committee. A full review of the circumstances of the case will be carried out by the independent single payment appeals committee and the person named will be notified shortly of the outcome.

375. **Mr. Connaughton** asked the Minister for Agriculture and Food when a decision will be made on a *force majeure* appeal by a person (details supplied) in County Galway; and if she will make a statement on the matter. [29243/04]

Minister for Agriculture and Food (Mary Coughlan): My Department has no record of having received an application under *force majeure* from the person named in respect of his single farm payment entitlements. If the person named can furnish a copy of the *force majeure* application to the single payment unit, Government buildings, Port Laoise, it will be processed as soon as possible and a response will issue directly to the person named.

376. **Mr. Penrose** asked the Minister for Agriculture and Food why it is taking so long for her Department to process applications from persons who entered the REPS 3 programme directly from the REPS 2 programme; if same will be expedited; and if she will make a statement on the matter. [29431/04]

Minister for Agriculture and Food (Mary Coughlan): In keeping with the arrangements that were announced when REPS 3 was introduced in June, REPS 2 participants transforming to REPS 3 have had their REPS 2 payments processed in the normal way and will receive top-up payments by the end of the year. These top-up payments will start to issue next week. This arrangement was a temporary one pending modification of my Department's systems; from this week on, REPS 2 farmers transforming to REPS 3 will receive the full REPS 3 payment.

Asylum Support Services.

377. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform if funding will be made available to a centre (details supplied) in County Cork in view of the fact that the future of the service is in doubt due to the lack of funding for a building. [29022/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Funding in the sum of €40,000 was recently made available from the European refugee fund to the organisation to which the Deputy refers. This is a fund administered by the reception and integration agency of my Department and is used to finance projects in the reception, integration and repatriation areas. I understand that discussions are taking place between the local organisation and officials of the agency regarding the precise use of the funds that have been allocated.

Corruption Perception Index.

378. **Mr. R. Bruton** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to recent information published by Transparency International on the corruption perception index in which it appears Ireland's position has deteriorated significantly in recent years; if he has considered assessing the elements in the Finnish policy which sees it consistently ranked as the country with the lowest perceived corruption in the world; and the elements he believes have contributed to the slide in Ireland's ranking. [29108/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Each year Transparency International, a non-governmental organisation, publishes an international corruption perceptions index, or CPI, which charts perceived levels of corruption in countries worldwide. In the 2003 index Ireland was ranked jointly with the USA at 18th place with a score of 7.5. This compares with a ranking of 23rd from a score of 6.9 in the 2002 index. On the rating scale, a score of 10 represents "highly clean" and a score of 0 represents "highly corrupt". While there is no room for complacency, Ireland's position in the index is improving.

Fireworks Licences.

379. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the number of fireworks licences granted during the past five years. [29310/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Fireworks are deemed to be explosives under the provisions of the Explosives Act 1875. They may be imported into the State only under an importation licence granted by my Department. It is a long standing policy that these

licences are granted only for organised displays conducted by professional and experienced operators and in accordance with agreed safety procedures. The number of importation licences for fireworks granted by my Department in the past five years is set out hereunder:

Year	Number of Importation Licences
2004 (to date)	324
2003	312
2002	246
2001	176
2000	192
1999	143

Decentralisation Programme.

380. **Ms Enright** asked the Minister for Justice, Equality and Law Reform the number of persons who have applied to be moved to Portarlinton under decentralisation; if Portarlinton will be included in the first tranche of decentralisation; the estimated time for completion of the programme to Portarlinton; if a location has been found and approved; and if he will make a statement on the matter. [29463/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As part of the Government's decentralisation programme two areas of my Department, the Data Protection Commissioner's office and the Equality Tribunal will decentralise to Portarlinton. Based on the decentralisation Central Applications Facility data of 7 September 2004, 21 civil servants and one public servant have nominated the Data Protection Commissioner's office as their first preference and 19 civil servants and three public servants have nominated the Equality Tribunal as their first preference for decentralisation.

The CAF will remain open for the receipt of applications until such time as the decentralisation programme has been implemented in full. The decentralisation implementation group is expected to report to the Cabinet sub-committee on decentralisation outlining their views on sequencing and timing later this month. An estimated date for completion of the programme to Portarlinton will not be available until the deliberations of the Cabinet sub-committee are published.

The evaluation of property solutions to fulfil the accommodation brief for the staff decentralising to Portarlinton is currently at an advanced stage. A number of sites have been short-listed and the process of evaluation of these sites by the Office of Public Works is at an advanced stage. When this process is completed, formal negotiations will commence with the respective owners of these sites.

Garda Vetting.

381. **Mr. S. Ryan** asked the Minister for Justice, Equality and Law Reform if he will report on the delay in potential employees obtaining Garda clearance to enable them to take up employment with various agencies dealing with children and young persons; the length of time it takes to receive such clearance; and the way in which he intends to resolve this matter. [28634/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the current average turnaround time for Garda vetting is three weeks, although the vetting of persons who have lived in the United Kingdom may take longer, as enquiries would have to be carried out in that jurisdiction. I do not accept that this time frame constitutes an undue delay. A working group established to examine the expansion and enhancement of the vetting services of the Garda Síochána submitted its final report to both the Garda Commissioner and I in March 2004. On the basis of this report, the Minister of State with special responsibility for children, Deputy Brian Lenihan, recently announced the provision of additional staff resources for the Garda central vetting unit to enable the Garda Síochána's vetting services to be extended to all persons working with children and vulnerable adults. The Minister of State's announcement implements one of the key recommendations of the working group. The other practical recommendations are being brought forward by an implementation group chaired by the Garda Síochána and comprising representatives of my Department; the Departments of Health and Children, Education and Science, and Finance; the Office of the Attorney General; and Mr. Paul Gilligan, CEO of the ISPCC. The enhanced arrangements will be available as soon as the necessary practical arrangements are in place.

Citizenship Applications.

382. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform if an application for naturalisation for a person (details supplied) has been examined; if all necessary documentation has been supplied; when he expects to be able to provide a decision on this application; the date of applications now being examined; and if he will make a statement on the matter. [28649/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): At the time of issue of the letter referred to by the Deputy in March 2003, the average processing time for an application for naturalisation was 15 months. Consequently, the person concerned was informed that his application would be examined in the first half of 2004. Since that time, the processing time has extended to 24 months, primarily due to the significant

[Mr. McDowell.]

increase in the volume of applications being received since 2002. Processing on the 1400 applications received in the first quarter of 2003 is ongoing.

The examination of the application referred to by the Deputy is almost finalised. Until the examination is completed, it is not possible to state if further documentation will be required from the applicant. I have been informed that the application should be submitted to me within the next couple of months. I will inform both the applicant and the Deputy as soon as I have reached a decision on the application.

383. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform the number of applications for naturalisation received for each month since 1997, in tabular form; the number of applications processed for which a decision was made in each month; the number of applications granted in each month; the number of applications denied in each month; the date of applications being examined in each month; and if he will make a statement on the matter. [28655/04]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): Statistical information available in the citizenship section of my Department has always been based on the number of applications received, certificates issued and applications refused. It is not possible, therefore, to provide details of the level of processing, where such processing has not yet resulted either in the issuance of a certificate or in the refusal of a certificate. In the period 1997 to 2001, records were maintained in such a way which would provide statistics of the total number of applications received, the total number of applicants naturalised and the total number of applicants refused in each year. Details in this regard are contained in Table A below.

For the period 2002 to date, records were modified in such a way which would enable the above information to be available on a monthly basis. Details in this regard are contained in Tables B, C and D below. It should be noted that the numbers of certificates issued or applications refused in a given period do not necessarily refer to the applications received during that the same period.

Table A.

	New applications	Certificates issued	Applics. refused
1997	650	294	68
1998	588	352	31
1999	739	416	79
2000	1,004	125	57
2001	1,431	1,012	8
2002	3,574	1,332	109
2003	3,580	1,664	179
2004 (to end Oct.)	3,449	1,227	544

Table B.

2002	New applications	Certificates issued	Applics. refused
January	208	67	0
February	138	132	0
March	139	96	0
April	235	80	2
May	216	226	2
June	177	130	3
July	374	95	26
August	402	99	31
September	279	149	24
October	318	173	3
November	451	83	0
December	637	2	18

Table C.

2003	New applications	Certificates issued	Applics. refused
January	271	90	29
February	256	179	4
March	321	178	60
April	312	238	35
May	283	177	1
June	319	174	0
July	351	114	1
August	236	89	4
September	354	142	7
October	298	90	0
November	304	122	18
December	275	71	20

Table D.

2004	New applications	Certificates issued	Applics. refused
January			
February	326	155	49
March	380	144	137
April	155	107	20
May	515	82	20
June	413	115	9
July	388	146	43
August	266	23	57
September	361	183	9
October	311	110	192

The average processing time for an application for naturalisation has fluctuated between 12 to 15 months and 24 months in the period 1997 to date. It is approximately 24 months at the present time. This is primarily due to the volume of applications that have been received in last three years.

There are 20 staff assigned to the citizenship section of my Department. In all, over 650 staff members are employed by my Department in the provision of services for or in respect of non-nationals. Unfortunately, it has been the case that over 70% of those staff are engaged full time in activities associated with the actual processing of asylum claims or in the provision of support of asylum applicants. However, the major reduction in the numbers of asylum applications is now giving me an opportunity to re-focus those resources on areas of service provision for non-nationals which are under resourced at this point in time. The citizenship area is one of the areas which will benefit from that process.

Garda Equipment.

384. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform, further to Question No. 168 of 4 November 2004, the location of the Garda masts surveyed in the

Dublin city area; the survey findings in each case; the Garda masts surveyed annually; the number of previous occasions on which the Garda mast at a station (details supplied) in Dublin 1 was surveyed; and the date of the last occasion. [28659/04]

386. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the length of time the Garda telecommunications masts have been *in situ* at Garda stations (details supplied) in Dublin 1; the number and the type of antennae attached to the masts which are in use now and in the recent past; the number of the antennae which are for the sole use of Garda communications; the number and the type of antennae which belong to commercial mobile phone companies; the date on which the mobile phone antennae were attached to the masts; if emission audits have been carried out in relation to these masts recently; and if so, if he will provide copies. [28683/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 384 and 386 together.

I am advised by the Garda authorities that surveys of the electromagnetic field strengths on masts have been carried out in the Dublin locations of Tallaght, Ronanstown and Coolock.

[Mr. McDowell.]

As I have already stated in reply to Question No. 168 on 4 November, in all cases the survey findings showed that the cumulative electromagnetic field strength emitting from the Garda masts were thousands of times below both the public and occupational ICNIRP, or International Commission for Non-Ionising Radiation Protection, guidelines.

The number of masts to be surveyed annually can vary from year to year. Neither the mast at Fitzgibbon Street Garda station nor that at Cabra have been surveyed previously although the Garda authorities have informed me that they are in the process of having tests carried out at Fitzgibbon Street. The other information requested by the Deputy for these locations is as follows.

The mast at Fitzgibbon Street was installed in 1985. The following antennae are installed on the mast: eight microwave, six array panels, six AN3U, one SA400, one CAT 165, one TV and one TETRA.

The following antennae are in use by the Garda Síochána: four microwave links, six AN3U, one SA400, one CAT 165, one TV and one TETRA. The following antennae were installed in 1997 under the terms of the contract with O2: four microwave links and six array panels.

The mast at Cabra was installed in 1985. The following antennae are installed on the mast: ten microwave links, six array panels, two AN3U, one SDH150, one SDH450 and one CAT165. The following antennae are in use by the Garda Síochána: six microwave links, two AN3U, two SDH150, one SDH450 and one CAT165. The following antennae were installed in 1997 under the terms of the contract with O2: four microwave links and six array panel.

Visa Applications.

385. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform if the non-national spouse of an Irish citizen, whose passport includes a stamp vouching their entitlement to reside here, is required to obtain a new visa on returning here after each visit to their home country; and if he will make a statement on the matter. [28682/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A citizen from a visa required country is obliged to have a valid Irish visa on each occasion they arrive at the frontiers of the State. There is no exemption for non-national spouses of Irish citizens other than the waiver of the required fee. However it is open to any visa required non national legally resident in the State to apply for a multi re-entry visa to avoid the necessity to obtain a separate visa every time they wish to travel. In this regard, re-entry visas may be applied for from the Department of Foreign Affairs.

Question No. 386 answered with Question No. 384.

Garda Investigations.

387. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the details of the Garda involvement to date in the investigation of the stolen B urine sample and the doping of a horse (details supplied); and if he will make a statement on the matter. [28684/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that a complaint was made to the gardaí about a break-in into a premises in this jurisdiction and that matter is now the subject of an investigation. It would not be helpful for me to make any further comment on Garda involvement in the investigation of the matter specifically referred to by the Deputy.

I have no role in the investigation or prosecution of cases. This is a long standing principle of our system of justice. The role of the gardaí is to investigate alleged offences, to gather whatever evidence may be available and to submit a report to the Director of Public Prosecutions. The question of whether or not a particular person should be prosecuted and for what criminal offence is the responsibility of the DPP. The DPP, who is independent in the performance of his functions, makes his decision on the basis of the Garda findings viewed against the background of common and statute law. In the circumstances it would, therefore, be inappropriate for me to comment further on this case.

Prisoner Releases.

388. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if he has the intention to release persons (details supplied) from prison; and if he will make a statement on the matter. [28697/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I do not intend to release either of the persons referred to by the Deputy at this stage. The first named person was reviewed by the parole board at the end of 2003 and I decided at the time that there was to be no temporary release in this case. The second person referred to by the Deputy is scheduled to have his case reviewed again by the parole board in or around June 2006.

Legal Aid Service.

389. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the initiative by Judge Morris to solicit legal assistance through the Bar Council for persons (details supplied); if he had knowledge or involvement in the initiative; his views on whether the initiative was appropriate in view of the fact that these persons already had unpaid legal advisers for over seven years; if he will reconsider his decision to refuse these persons paid legal representation at the Morris Tribunal;

and if he will make a statement on the matter. [28698/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to the answer to Priority Question No. 74 of 3 November, and also the Adjournment debate of 28 October, both of which dealt with the question of legal representation for the persons concerned. I have no function regarding the legal costs of persons appearing before a tribunal, and I had no prior knowledge of, or involvement in, the initiative of Mr. Justice Morris in this regard.

As regards the pre-payment or guaranteeing of one party's costs, my position has been made clear in this House on a number of occasions. The power to decide the question of costs is a powerful incentive for witnesses to co-operate fully with tribunals, apart altogether from the other potential legal consequences of non-co-operation. It has been used as such by the chairman of this tribunal when he dealt with applications for costs arising out of the first module. It is therefore a very real power and I will not take any step that could possibly impact negatively on the work of the tribunal or the chairman's ability to get to the truth of matters in Donegal. Furthermore, any payment by the State of one party's costs would immediately raise the question as to why the State should not pay the costs of other third parties, or indeed every third party. Selective payments would be open to the interpretation that the State is effectively coming to its own view, in advance of the tribunal's findings, on which are the meritorious and which the unmeritorious parties before it.

The intention of the Oireachtas, in leaving the task of deciding costs to tribunals and in providing tribunals with the power to withhold costs from non-co-operative witnesses, was to ensure the effectiveness of tribunals. It is crucial that this power should remain available to tribunals and I would be very slow to consider any changes which would blunt the effectiveness of tribunals in uncovering the truth, as would be the case if the State were effectively to guarantee the payment of legal costs in advance. I do not believe that it would be sensible for the State to dilute this power in a way. That has been my clear and consistent position on the matter, one which I have maintained in the face of High Court challenges from a number of parties to the Morris tribunal.

The forum now exists for the truth about events in Donegal to be exposed. I know the Chairman and his legal team are pursuing the truth with vigour. The tribunal has already demonstrated its effectiveness in doing so, and the Government has also shown its determination to take action on the findings of the tribunal. I call on everyone involved to participate in what is transparently a fair and effective process. It must also be of relevance for parties and their legal advisors to note that costs are being settled on a modular basis. This, when added to the urgency which the tribunal is bringing to its work, means

that co-operative witnesses can expect to receive their costs much more quickly than might otherwise be the case.

Residency Permits.

390. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the number of applicants who have sought residence here on the basis of an Irish born child prior to the Supreme Court decision of January 2003: the number of applicants after the Supreme Court decision to date: his plans to address these applications on a collective basis; and if he will make a statement on the matter. [28699/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Following the Supreme Court decision in the case of L & O in January 2003, the separate procedure for considering residency applications based solely on parentage of an Irish born child ceased on 19th February 2003. At that date a total number of 11,493 applications on this basis were outstanding. A further 10,584 applications had been granted from 1996 to the date of the Supreme Court decision. In relation to outstanding claims to reside in the State on the basis of parentage of an Irish born child and future claims for leave to remain in the State from the non-national parents of Irish born children, the Government decided that every such case would be examined and decided individually. A notice to this effect was published on 18 July 2003.

The amendment to the Constitution following the June referendum has allowed the Oireachtas to deal with the issue of citizenship for children of non-national parents. The Irish Nationality and Citizenship Bill 2004 is currently before this House. Until that legislation is enacted, the situation on the ground is unchanged. Any person born in Ireland is still entitled to Irish citizenship. This continues to be an attraction to persons with no link to Ireland to seek to come to Ireland to acquire Irish and EU citizenship for their children. In these circumstances it would be inappropriate for any change in procedures to be introduced in advance of the establishment of legislation as envisaged by the recent referendum. I have no plans for dealing with all cases on a collective statutory basis. Each case will be dealt with individually.

I have indicated at a recent meeting of the Dáil Committee on Justice, Equality, Defence and Women's Rights that I will in the near future make public my approach to the resolution of the issues raised in their cases. I have indicated the approach I will take will be on the basis of decency, pragmatism and common sense.

Irish Prison Service.

391. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform when he proposes to publish the most recent report of the Inspector of Prisons; and if he will make a statement on the matter. [28700/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Under his terms of reference, the Inspector of Prisons and Places of Detention is required to submit a written report each year to the Minister for Justice, Equality and Law Reform on his activities. The first annual report of the inspector was provided in 2003 and I arranged for the publication of same. The inspector submitted his second annual report to my office in May 2004. However, the second report raises certain legal issues that need to be addressed. I am in correspondence with the inspector to ascertain if these issues can be resolved so that we may proceed to the publication phase as soon as possible.

Human Rights Issues.

392. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform when he proposes to appoint an Irish representative to the European Committee for the prevention of torture; the way in which he proposes to address to observations of the Human Rights Commission in the third report of the ECPT to the Government; and if he will make a statement on the matter. [28701/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I hope to be in a position to nominate an Irish representative to the European Committee for the prevention of torture and inhuman or degrading treatment or punishment in the near future. The observations of the Human Rights Commission on the third report of the ECPT were submitted to me on 26 October 2004 and are being examined.

Garda Stations.

393. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if he has plans to close Garda stations in Dublin; if Fitzgibbon Street Garda Station will be refurbished; and if he will make a statement on the matter. [28703/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that at the present time there are no plans to close Garda Stations in the Dublin metropolitan region. I am further advised that the accommodation requirements of the gardaí at Fitzgibbon Street are currently under review.

394. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if he intends to retain Fitzgibbon Street, Mountjoy Street and Cabra Garda stations; and if he will make a statement on the matter. [28705/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There are no proposals to close Fitzgibbon Street, Mountjoy or Cabra Garda stations.

Asylum Applications.

395. **Mr. Costello** asked the Minister for

Justice, Equality and Law Reform if, with regard to the monthly and quarterly statistics on asylum published by EUROSTAT, he as a matter of course transmits the entirety of the data sought and within the time requested; if not, the reasons for either incompleteness or delay; and if he will make a statement on the matter. [28728/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Office of the Refugee Applications Commissioner has responsibility for providing EUROSTAT with statistical data in the area of asylum on the basis of a number of categories namely: monthly data on asylum applications broken down by nationality of applicant; monthly data on asylum decisions, at first instance, broken down by nationality of applicant and by decision type. Decision types include Geneva Convention status. Data on applications pending are also requested; quarterly data on applications for asylum by unaccompanied minors broken down by nationality and age group of applicant.

In so far as the relevant data are available to ORAC, I am advised that it is provided to EUROSTAT by that office. While the first two categories of data have to date only been provided on a quarterly basis, I am advised that arrangements have been made to ensure that ORAC now provides the data in question in line with EUROSTAT timeframes on a monthly basis.

Refugee Status.

396. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the number of applications for judicial review of decisions of the Refugee Appeals Tribunal at present listed for hearing before the High Court; and if he will make a statement on the matter. [28729/04]

397. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the number of cases in which leave to apply was sought in respect of applications made for leave to apply for judicial review of decisions of the Refugee Appeals Tribunal in 2004; the number of cases in which leave to apply was granted; the number of cases decided against the applicant; the number of cases decided in favour of the applicant; the number of cases withdrawn on terms favourable to the applicant; and if he will make a statement on the matter. [28730/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 396 and 397 together.

Some 34 applications for the judicial review of Refugee Appeals Tribunal decisions are listed for hearing before the High Court at present. In 2004, leave to apply was sought in respect of applications for judicial review of decisions of the Refugee Appeals Tribunal in 209 cases. Leave to apply was granted in 46 cases. Leave was granted on the basis of an agreed settlement in 42 cases, which did not proceed to judicial review by agree-

ment of all parties. Leave was granted by the court after hearing the application in two cases. Leave was granted by the court on the basis of the tribunal conceding leave in two cases. None of the latter four cases which I have mentioned has been decided by the court, in favour of or against the applicants, to date. One case has been withdrawn on terms favourable to the applicant.

Garda Strength.

398. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform the additional resources that are being made available to the Garda Síochána in Tallaght, Dublin 24; the actions to be provided in that regard; and if he will make a statement on the matter. [28748/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities which are responsible for the detailed allocation of resources, including personnel, that the personnel strength, all ranks, of Tallaght Garda station on 15 November 2004 was 169. The figure compares to 133 gardaí on 1 January 1998 and represents an increase of 36, or 27%, since that date. Garda management will continue to appraise the policing and administrative strategy employed in Tallaght to ensure that an effective Garda service is maintained. The situation will be reviewed by Garda management. The needs of Tallaght will be considered when additional personnel next becomes available, within the overall context of the needs of Garda stations throughout the country.

I am 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 key commitment in An Agreed Programme for Government. The implementation of the commitment will significantly strengthen the force's operational capacity. The Commissioner will draw up plans on how best to distribute and manage the resources, which will be targeted at areas of greatest need, as envisaged in the programme for Government. The programme identifies areas with significant drugs problems and a large number of public order offences. It will be possible to address other priorities, such as the need to increase significantly the number of gardaí allocated to traffic duties. I have promised that the additional gardaí will not be put on administrative duties. They will be put directly into frontline, operational, high-visibility policing and will have a real impact.

Rights of People with Disabilities.

399. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform the consultations he has had with concerned groups in respect of the Disability Bill 2004; and if he will make a statement on the matter. [28749/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Government appointed an expert consultation team in April 2002 to oversee

the national consultation process. The team, which consisted of experts in legal, economic and social affairs, met and heard the views of stakeholders, including the disability legislation consultation group, the social partners, the community and voluntary sector and relevant Departments before it completed its task in February 2003. Deputies are aware that the group represents people with disabilities, their families, carers and service providers. It was established by the National Disability Authority to facilitate dialogue at national level, within the sector and with the consultation team. Following the broad-ranging consultations which took place in 2002 and early 2003, the group presented a document, Equal Citizens — Proposals for Core Elements of Disability Legislation, in February 2003.

Last year, the group met a number of members of the Government, including the Taoiseach, the Tánaiste, the then Minister of State with special responsibility for equality and disability, Deputy O'Dea, and the Minister of State at the Department of Health and Children with special responsibility for disability and mental health services, Deputy Tim O'Malley. The discussions covered such matters as assessment of need, standards, service provision, the need to build capacity in key sectors of the public service to allow for the provision of disability accessible services in a cost-effective way and workable redress mechanisms. Earlier this year, meetings took place between officials and the group at which it was given an outline of the proposals for legislation. Its views about the proposals were discussed and noted for consideration by the Cabinet committee on social inclusion.

The group had further meetings with the then Minister of State, Deputy O'Dea, on 19 May 2004. He outlined the developments in the Government's thinking and mentioned the issues which were still under discussion arising from meetings with officials in the early part of the year. He assured the group that the Government was committed to publishing the Bill at the earliest possible date. The Disability Bill 2004 was published as part of the national disability strategy and launched by the Taoiseach on 21 September 2004. When the then Minister of State, Deputy O'Dea, met the group, the authority and other interested groups on that day, he outlined the content of the Bill and other elements of the strategy. The group recently my colleague, the Minister of State, Deputy Fahey. It outlined to him the main areas of concern to them in respect of the Bill.

Child Care Services.

400. **Mr. Hogan** asked the Minister for Justice, Equality and Law Reform when child care grant assistance will be awarded to a community development (details supplied) in County Monaghan; and if he will make a statement on the matter. [28905/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand that an application for further capital grant assistance was submitted by the group in question to the Department of Justice, Equality and Law Reform in July 2004. The Deputy may be aware that the group has received over €1.3 million in capital and staffing grant assistance under the equal opportunities child care programme, which 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 on favourably in the mid-term evaluations of the regional operational programmes and the national development plan. Following the mid-term review, additional funding of approximately €12 million was made available for the child care measures, bringing the total funding available for the programme to €449.3 million. The figure includes increased provision for capital developments, for which €157 million has been set aside.

The Department of Justice, Equality and Law Reform, with the technical assistance of ADM Limited and my approval, has approved 1,253 applications for capital grant assistance of over €120 million and 997 applications for staffing grant assistance of €103 million since 2000. Almost €45 million has been allocated for projects under the quality measure. Much of the remaining current funding is required for ongoing support to groups providing child care services to disadvantaged families to enable them to participate in employment, education and training opportunities. A list of outstanding capital applications is being finalised and the Department of Justice, Equality and Law Reform will write to the applicants in early December. It would be premature of me to comment further on this capital grant application in the interim.

401. **Mr. Hogan** asked the Minister for Justice, Equality and Law Reform when grant assistance will be awarded for child care to a community group (details supplied) in County Kilkenny; and if he will make a statement on the matter. [28906/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand that a capital grant application for over €1.9 million was submitted by the group to the Department of Justice, Equality and Law Reform some time ago.

The equal opportunities child care programme 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 on favourably in the mid-term evaluations of the regional operational programmes and the national development plan. Following the mid-term review, additional funding of approximately €12 million was made available for the child care measures, bringing the

total funding available for the programme to €449.3 million. The figure includes increased provision for capital developments, for which €157 million has been set aside.

The Department of Justice, Equality and Law Reform, with the technical assistance of ADM Limited and my approval, has approved 1,253 applications for capital grant assistance of over €120 million and 997 applications for staffing grant assistance of €103 million since 2000. Almost €45 million has been allocated for projects under the quality measure. Much of the remaining current funding is required for ongoing support to groups providing child care services to disadvantaged families to enable them to participate in employment, education and training opportunities.

The Deputy may be aware that the group in question has received a total of over €132,500 in capital and staffing grant assistance under the programme. A list of outstanding capital applications is being finalised and the Department will write to the applicants in early December. It would be premature of me to comment further on this capital grant application in the interim.

Visa Applications.

402. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) was refused a holiday visa to Ireland; and if his attention has been drawn to the circumstances in support of this person's wish to visit Ireland. [28907/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application in question was refused because the Department of Justice, Equality and Law Reform's visa office was unable to determine, on the basis of the documentation supplied to it, the link, if any, which existed between the applicant and the sponsor in Ireland. There was an inconsistency between the applicant and the sponsor with regard to the purpose of the visit. The applicant stated that the purpose of the visit was to attend a wedding, but the sponsor made no reference to such an event. He merely stated that he had invited the applicant to stay with him over the Christmas period. It is open to the applicant to appeal against the refusal by writing to the Department's visa appeals officer.

Asylum Applications.

403. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) in County Louth will be granted permission to remain on humanitarian grounds; and if he will make a statement on the matter. [28908/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The persons in question applied for leave to remain in the State on humanitarian grounds following the refusal of their asylum applications by the Office of the Refugee Appli-

cation Commissioner and their appeals by the Refugee Appeals tribunal. The applications are under consideration by the Department and the applicants will be advised of the outcomes in due course.

Prison Accommodation.

404. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the maximum number that Clover Hill Prison is designed to accommodate; the maximum number there was at any time over the past month; the maximum time a deportee has been held there; the deportees who are being held alongside convicted criminals or persons being deported for other than asylum related reasons; and if he will make a statement on the matter. [28909/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Clover Hill Prison is the committal prison for persons sent to prison by the courts in the Dublin and Leinster areas, on remand or awaiting trial. It was designed with a capacity of 400 prisoners, Following some “doubling up”, it has a bed capacity for 433 prisoners. On 15 November 2004, 412 prisoners were detained there. I am informed that the highest occupancy level over the past month was 452.

Persons detained for deportation are treated as remand prisoners — they are subject to the same regime and receive the same privileges. Deportation prisoners are predominantly accommodated on the C division of the prison, along with other non-national prisoners. The power to detain those who are the subject of a deportation order is provided for in section 5 of the Immigration Act 1999, as amended by section 10 of the Illegal Immigrants (Trafficking) Act 2000. Persons can be detained for failing to comply with the requirements of a deportation order or to ensure their removal from the State. The Garda National Immigration Bureau, which is responsible for removals, makes every effort to keep the period of detention to a minimum. While I am unable to provide details on the longest period spent in custody by a person awaiting deportation, I can inform the Deputy that the earliest date that any person currently awaiting deportation was committed to custody for this reason was 5 October 2004. All others awaiting deportation were committed to prison after that date.

Residency Permits.

405. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the reason the application of a person (details supplied) in Dublin 1 for residency here was returned without having been processed; and if he will make a statement on the matter. [28910/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Following the Supreme Court’s decision in the cases of L and O, the separate procedure which existed to enable persons to apply to reside in the State on the basis of parent-

age of an Irish-born child ended on 19 February 2003. The Government decided that the procedure would not apply to cases outstanding on that date. The application was simply returned in cases in which the person had an alternative legal basis for remaining in this jurisdiction. The person to whom the Deputy refers had an alternative legal basis to remain in the State and the application was returned 21 July 2003. The issue of permission to remain will be considered if a person does not have an alternative legal basis for remaining in this jurisdiction, but only in the context of a ministerial proposal to deport. In such cases, the person will be notified of the proposal and given an opportunity to make representations in that regard. If the Minister decides not to make a deportation order following such representations, the factors set out in section 3(6) of the Immigration Act 1999 and the prohibition on *refoulement*, the person will be given leave to remain on a humanitarian basis.

Deportation Orders.

406. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform, further to Question No. 113 of 3 November 2004, the matters unrelated to this persons application which brought about a review of the deportation proposal in the case of a person (details supplied) in County Kildare; the direction in which this review is now headed; when he expects to announce a decision in the case; if the conclusion is likely to lead to a reversal of the previous proposal to deport; and if he will make a statement on the matter. [28912/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Details of the case in question were outlined in my replies to Question No. 113 of 3 November last, Question No. 295 of 5 October last, Question No. 165 of 13 October last and Questions Nos. 427 & 437 of 27 October last. In my replies of 13 and 27 October, I advised the House that the person in question has been given a temporary stay of six months on the effecting of the deportation order made against her while her case is reviewed further by the Department of Justice, Equality and Law Reform. Following further examination of the case, I have decided to grant the person temporary leave to remain for a period of 12 months, with her case being reviewed at the end of that period.

Applications by individuals for leave to remain in the State are dealt with on a case-by-case basis. The merits or otherwise of each application are examined singularly. The granting of leave to remain may arise from a number of factors, none of which may be predominant. It is not usual to comment on individual cases for those reasons. As I said in my reply of 3 November, the decision not to proceed with the effecting of the deportation order in this case arose from matters unrelated to the person’s asylum application. I am satisfied that the decision of the refugee applications commissioner and the refugee appeals tri-

[Mr. McDowell.]

bunal not to recommend the granting of refugee status to the person was correct. There is no threat to the safety of the person if she returns to her country of origin. No issue arises in the case which warrants any amendment to the existing relevant legislation.

Garda Strength.

407. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform the number of gardaí by rank and Garda station in County Mayo; the scale of extra man hours to be allocated to County Mayo under his recent announcement; if he has satisfied himself that gardaí have adequate resources to do their job as intended; and if he will make a statement on the matter. [28913/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities which are responsible for the allocation of Garda resources, including personnel, that the personnel strength of each Garda station in the Mayo division on 15 November 2004 was as follows:

Station	Strength
Achill Sound	4
Balla	3
Ballina	36
Ballindine	1
Ballinrobe	11
Ballycastle	1
Ballycroy	1
Ballyglass	1
Ballyhaunis	9
Ballyvary	1
Bangor Erris	3
Bellacorick	1
Belmullet	19
Blacksod	1
Bonniconlon	1
Castlebar	57
Charlestown	4
Claremorris	21
Crossmolina	3
Easkey	4
Enniscrone	3
Foxford	2
Glenamoy	2
Glenisland	1
Hollymount	1
Keel	1
Kilkelly	2
Killala	2
Kilmaine	1
Kiltimagh	4
Knock	4
Lahardane	1
Louisburgh	2
Mulranny	1

Station	Strength
Newport	2
Partry	2
Shrule	1
Swinford	24
Tourmakeady	1
Westport	27
Total	266

The number of gardaí by rank in the Mayo division is as follows:

Rank	Number
Chief Superintendent	1
Superintendent	6
Inspector	3
Sergeant	45
Garda	211
Total	266

Due to careful financial management within the justice group of Votes, I recently made an additional €4 million available to the Garda Commissioner to be spent on targeted Garda operations. The funding will provide, *inter alia*, for an additional 140,000 hours of overtime for the Garda Síochána between now and the end of the year on high visibility Garda operations. I have been advised that the Mayo division has been allocated 3,000 overtime hours as part of the new high profile policing operation. The management of the Garda is satisfied that adequate resources are in place in the Mayo division to provide a satisfactory policing service in the county.

I am 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 key commitment in An Agreed Programme for Government. The implementation of the commitment will significantly strengthen the force's operational capacity. The commissioner will draw up plans on how best to distribute and manage the resources, which will be targeted at areas of greatest need, as envisaged in the programme for Government. The programme identifies areas with significant drugs problems and a large number of public order offences. It will be possible to address other priorities, such as the need to increase significantly the number of gardaí allocated to traffic duties. I have promised that the additional gardaí will not be put on administrative duties. They will be put directly into frontline, operational, high-visibility policing and will have a real impact.

Registration of Title.

408. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when a deed of transfer application lodged in the Land Registry

office on 3 April 2003 will be finalised for persons (details supplied). [28914/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Registrar of Titles that an application for deed of exchange was lodged in respect of this case on 13 April 2002, and dealing number D2002SM003640P refers. I am further informed that the application is associated with dealing number D2000SM004552X, which was lodged on 15 May 2000. I have been informed that both applications are receiving attention in the Land Registry and will be dealt with as soon as possible.

409. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform the position of a dealing application with the Land Registry office to whom a query issued. [28915/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Registrar of Titles an application for transfer of part and a deed of charge in this case was lodged on 8 May 2004, and dealing number D2004SM003806R refers. I have been further informed that the query which was raised with the lodging solicitor on 25 May 2004 has been satisfactorily resolved and that the application was completed on 11 November 2004.

Garda Investigations.

410. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform if an investigation as to the way in which a person (details supplied), a member of the Garda was discharged from the Garda on the grounds of infirmity of mind. [28916/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that the matter is the subject of a High Court civil action in which the Garda Commissioner and I, as Minister for Justice, Equality and Law Reform, are cited as defendants. As the matter is before the courts, the Deputy will appreciate that it would be inappropriate for me to make any comment at this juncture.

Visa Applications.

411. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform the reason a person's parents were refused entry into Ireland; and to make this a priority case. [28917/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The people in question have not been refused entry into the State. A refugee who is resident in Ireland made an application for visas for his parents to join him here. The application was approved and visas in respect of the persons were issued on 8 November 2004.

Garda Investigations.

412. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if he will consider re-examining the murder of persons (details supplied) under a commission of investigation; and if he will make a statement on the matter. [29065/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Commissions of Investigation Act 2004 provides for the establishment of commissions, from time to time, to investigate into and report on matters considered to be of significant public concern. The Act also provides for the powers of such commissions. However, I am not satisfied that a commission of investigation is warranted in the case of the murders referred to in the question. The Garda investigation into the murders is ongoing. I refer the Deputy to my reply to Question No. 107 of Wednesday, 3 November 2004.

Sexual Offences.

413. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to media reports that there is widespread trafficking in women and girls for the sex trade here and in other European countries; the steps he is taking to counteract such trafficking; and if he will make a statement on the matter. [29067/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda authorities, such as the Garda National Immigration Bureau, are aware of the problems of smuggling and trafficking of women and girls in Europe and from the eastern bloc countries. They have put in place structures and arrangements with a view to securing proper and effective vigilance in this country. Immigration officers at all ports of entry are continuously on alert to detect evidence to counteract any trafficking of human beings.

Garda operations to tackle the exploitation of women and girls in the sex industry have included Operation Quest. International co-operation in this area is hugely important. Representatives of the Garda have attended various working groups and committees in Europe on combating trafficking and smuggling of persons. The Garda has regular meetings with Ruhama, an Irish non-governmental organisation which assists victims of sexual exploitation. It also conducts regular investigations into the involvement of non-nationals in the sex trade.

Legislation being prepared in my Department will criminalise trafficking in human beings for the purpose of their sexual and labour exploitation, as provided for in the EU Council framework decision on combating trafficking in persons and the protocol to prevent, suppress and punish trafficking in persons, especially women and children, which supplement the UN convention against transnational organised crime. The legislation will take account of the Council of

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Europe's draft convention on action against trafficking in human beings. Negotiations on this instrument have not yet been completed.

Garda Equipment.

414. **Mr. Murphy** asked the Minister for Justice, Equality and Law Reform if, in view of the ongoing controversy regarding the standard of Garda equipment, his officials, the gardaí or the Department of Transport have brought to his attention a proposal made by a company (details supplied); if these solutions are being considered; if not, the reason therefor. [29068/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The proposal made by the company to which the Deputy refers was received in my Department and forwarded to the Garda Síochána. The Garda authorities subsequently informed the company that any decision by the Garda Síochána to purchase equipment of the type offered will be subject to national and EU public procurement procedures.

Garda Recruitment.

415. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the date of the next advertisement for new recruits for the Garda Síochána; and if he will make a statement on the matter. [29069/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): 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 programme for Government commitment in that regard. This is a key commitment in the programme for Government, and its implementation will significantly strengthen the operational capacity of the force. Regarding the commencement of the recruitment campaign, I expect that the Garda Commissioner will place advertisements in the national newspapers within the next fortnight inviting applications to join the force, and record numbers of recruits will be taken on. Each quarter, for the next three years, around 274 recruits will be taken into the college.

This record recruitment drive will place at the disposal of the Garda Commissioner a very significant increase in Garda resources. The Commissioner will now be drawing up plans on how best to distribute and manage those 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 particular areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities as well, such as the need to significantly increase the number of gardaí allocated to traffic duties. One thing that I have already promised is that the additional gardaí will not be put on administrative duties. They will be

put directly into front-line, operational, high-visibility policing. They will have a real impact.

Residency Permits.

416. **Mr. R. Bruton** asked the Minister for Justice, Equality and Law Reform if he will make a statement on the status of a person (details supplied); if, in view of the length of time that this person and her two children have been living here, he will make a decision on humanitarian grounds to allow them to remain in view of their commitment to the country; and if he will make a statement on the matter. [29083/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am pleased to inform the Deputy that, having reviewed the case file in this matter, I have decided to grant humanitarian leave to remain in the State to the person concerned and her two children for an initial period of one year. This decision will be communicated in writing to the person concerned very shortly.

Crime Levels.

417. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of arrests made since January 2000 in the area of Dublin city bordered by Meath Street, Thomas Street and Francis Street in which the detainee was found in possession of drugs; the type of drugs in each case; the number that were also found in possession of a weapon; the number of the arrests which resulted in release without charge; the number that are still awaiting a decision from the DPP; and the number that resulted in conviction. [29084/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that the number of arrests made since January 2000 in the area of Dublin City bordered by Meath Street, Thomas Street and Francis Street in which the detainee was found in possession of drugs totals 615. The type of drugs seized were predominantly heroin, cocaine and cannabis.

It is unclear what is meant by the term "weapon" in this instance, but I am informed that, of the 615 detainees, approximately 30% would have been in possession of a syringe. The majority of arrests made would have resulted in the detainee being released without charge pending analysis of the drugs seized by the forensic science laboratory. There are no related files currently with the DPP awaiting a decision as to prosecution. Approximately 76% of the cases have resulted in a conviction.

Prison Committals.

418. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform the number of prison committal orders executed on a county basis in 2001, 2002, 2003 and to date in 2004 for non-pay-

ment of debts; and the shortest and average period of imprisonment. [29085/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Figures on committals for debt-related offences for the years 2001, 2002 and 2003 are set out in the following table. I am informed that figures for 2004 are not yet available and that the county of location refers to the committal court rather than the address of the person committed.

County	2001	2002	2003
Carlow	2	3	5
Cavan	5	3	9
Clare	3	3	4
Cork	13	12	30
Donegal	3	1	2
Dublin	33	32	33
Galway	8	7	6
Kerry	10	17	16
Kildare	3	14	3
Kilkenny	1	6	4
Laois	2	2	1
Leitrim	1	0	3
Limerick	11	21	22
Louth	1	9	11
Longford	2	4	1
Mayo	3	6	4
Meath	2	6	9
Monaghan	0	0	9
Offaly	1	1	2
Roscommon	4	2	1
Sligo	2	2	1
Tipperary	8	11	12
Waterford	3	6	11
Westmeath	2	1	2
Wexford	3	5	10
Wicklow	3	3	3
Total	129	177	214

The shortest time that any of those persons spent in custody was one day. The average sentence passed down by the courts for those offences was 22 days for 2001, 28 days for 2002 and 23 days for 2003. However, it should be noted that in cases where the person paid the outstanding amount the entire sentence would not have been completed.

Garda Equipment.

419. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of gardaí trained in the use of less than lethal weapons; the number of those who are also members of the emergency response unit; the number of gardaí it is planned to train in the use of less than lethal weapons; the number of those who are also members of the emergency response unit; and if he will make a statement on the matter. [29086/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Government noted, on 19 November 2002, my proposal to authorise the introduction of three “less than lethal” devices for use by the Garda emergency response unit where necessary to avoid the use of firearms. The use of these “less than lethal” devices is restricted to the emergency response unit, or ERU.

I have been informed by the Garda authorities that 16 members of the ERU have been trained in the use of “less than lethal” devices. Further training of ERU personnel will take place as operational requirements dictate.

Road Traffic Offences.

420. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the number of drivers convicted of drink driving charges as a result of vehicular accidents in Kildare for each of the past three years; and if he will make a statement on the matter. [29087/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the number of drivers convicted of drink driving charges as a result of vehicular accidents in the Kildare district for each of the past three years is shown in the table below.

Year	
2001	38
2002	41
2003	33

421. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the number of drivers convicted of drink driving offences in Kildare for each of the past three years; and if he will make a statement on the matter. [29088/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the number of drivers convicted of drink driving offences in the Kildare district for each of the past three years is shown in the table below.

Year	
2001	115
2002	106
2003	104

Road Traffic Accidents.

422. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the number of fatal accidents in Kildare for each of the past three years; and if he will make a statement on the matter. [29089/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda

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authorities that the number of fatal collisions and the number of persons so killed in the Kildare district for each of the past three years is shown in the table below.

Year	Number of Collisions	Number Killed
2001	11	13
2002	9	9
2003	6	7

Road Traffic Offences.

423. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the number of convictions for non-compliance with vehicular insurance cover that resulted from vehicular accidents in Kildare for each of the past three years; and if he will make a statement on the matter. [29091/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the number of convictions for non-compliance with vehicular insurance cover that resulted from vehicular accidents in the Kildare district for each of the past three years is shown in the table below.

Year	
2001	19
2002	21
2003	20

424. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the number of convictions for non-compliance with insurance cover in Kildare for each of the past three years; and if he will make a statement on the matter. [29092/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the number of convictions for non-compliance with insurance cover in the Kildare district for each of the past three years is shown in the table below.

Year	
2001	177
2002	190
2003	182

Ministerial Appointments.

425. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if any new advisers or consultants have been appointed by him since the Government reshuffle of September 2004; if such appointments are replacements for or are in addition to previous appointments; the salary and

terms of employment in each case; and if he will make a statement on the matter. [29127/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to advise the Deputy that no new advisers or consultants have been appointed to my office since the Government reshuffle of September 2004.

Registration of Title.

426. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform if the Land Registry Office will convert the property of a person (details supplied) in County Wexford from absolute to possessory title at any time between the 30-year rule; if exceptions can be made in these exceptional circumstances; and if he will make a statement on the matter. [29136/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application for conversion of title which was lodged on 18 May 2004. Dealing Number D2004TJ009284A refers. I am further informed that the application was rejected and was returned to the lodging solicitor on 5 October 2004.

Ministerial Travel.

427. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the arrangements which are in place for the servicing and maintenance of ministerial, judicial and other like State cars; and if he will make a statement on the matter. [29156/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that the arrangements for the servicing and maintenance of ministerial, judicial and other like State cars are that where the Garda transport section cannot undertake the necessary work, the cars are sent to the main dealers for the particular make and model.

Garda Strength.

428. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform further to Question No. 196 of 30 September 2004 of the 496 posts approved for civilianisation in 2001 the number of those positions that have been civilianised; and if he will make a statement on the matter. [29157/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There are currently some 1,026 clerical, administrative and services posts filled by civilians in the Garda Síochána.

In 2001, the Government approved an extensive programme of civilianisation to be introduced on a phased basis over several years. That includes the posts referred to by the Deputy. The programme provided for the civilianisation of those posts in the short, medium and long term, the transfer of the finance function from Garda district clerks to civilian staff, and the transfer of

civilian staff from my Department to the Garda Síochána as civil servants of the State.

The transfer of civilian staff of my Department to the Garda Síochána is provided for in the Garda Síochána Bill 2004, which is currently before the Oireachtas, while the transfer of the finance function is now almost complete. However, as regards the next phase of the civilianisation programme, including the civilianisation of the posts referred to by the Deputy, those will have to be rolled out within the confines of the Government decision of 4 December 2002, which placed a cap on numbers across the civil and public service. My Department is currently reviewing the position with both the Department of Finance and Garda management as to how we will proceed further with Garda civilianisation in the context of the overall constraints on civil and public service numbers.

On a general note, the Deputy will be aware 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 programme for Government commitment in this regard. I want to assure the House again that the additional gardaí will not be put on administrative duties and will deal directly with front-line, operational high-visibility policing.

Visa Applications.

429. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if he will intervene in a case involving an organisation (details supplied) in Dublin 2 without delay to mitigate further damage and losses which are accruing to that school as a result of departmental action; and if he will make a statement on the matter. [29160/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The position remains unchanged since my reply to Question No. 373 of Tuesday, 9 March 2004 regarding the organisation referred to by the Deputy.

To be given permission to remain as an English language student in this jurisdiction, the non-EEA national in question must be in a position to show that he or she is enrolled in a course that provides a minimum of 15 hours of tuition per week. The purpose of this rule is to ensure that study is the primary purpose of the person’s presence in the State and that enrolment in the course in question is not simply a convenient device to enable the putative student to cloak his or her presence for an alternative purpose with the vestige of study.

The school proprietor in question sought initially to arrange, for a fee, the presence of students in the State on the basis of four hours’ attendance per week — the remainder of the tuition to be done remotely via the Internet. The school was promoted on the basis that students would not even have to live near it. When asked why the students would have to go to the trouble and expense of travelling to and living in Ireland

for the purposes of the e-learning scheme envisaged, the proprietor indicated that it was a necessary adjunct to the course that the students immerse themselves in the Irish way of life and practise speaking English in normal everyday situations.

When it became clear to the proprietor that his scheme was not acceptable to the Department, he indicated instead that he would now provide courses which cohered with the Department’s general rule, that is, physical attendance for 15 hours per week. The Department agreed to that arrangement provided that the Garda national immigration bureau were satisfied, on foot of a visit to the school, that reasonable facilities were in place which would support an objective conclusion that the stated policy of the school was in fact its true policy.

I understand that to date the proprietor has been unable to satisfy the Garda national immigration bureau to that effect. I should point out in this regard that it is not the policy of the Department to enable a school to operate in a manner which is unacceptable to acquire the necessary finance to comply with Department requirements — every undertaking of this nature needs an adequate amount of capital investment at the outset.

430. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if he will publish guidelines in respect of the issuing of documentation, approval, visas and green cards in respect of non-national students attending language skills classes; and if he will make a statement on the matter. [29161/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department has for several years had in place a set of detailed student visa guidelines. These are available on the Department’s website, *www.justice.ie*. The guidelines are intended to assist frequent and high-volume users of the student visa scheme. In general terms, however, the principal criteria applied are that the prospective student should have enrolled in a full-time course of study which requires physical attendance of at least 15 hours a week, paid the fees for the course, have evidence of sufficient funds to fully support himself or herself during the stay in the State and should be able to show that he or she will leave the State and return home on completion of the course of studies.

Criminal Assets Bureau.

431. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the details of the operation of the Criminal Assets Bureau since its establishment; and if he will make a statement on the matter. [29168/04]

432. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of persons being investigated by the Criminal Assets

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Bureau; and if he will make a statement on the matter. [29169/04]

433. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the names of the persons with whom the Criminal Assets Bureau has made financial or other settlements; and if he will make a statement on the matter. [29170/04]

434. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of persons with whom the Criminal Assets Bureau has made financial or other settlements; the value of such settlements; and if he will make a statement on the matter. [29171/04]

435. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the amount of property and money seized by the Criminal Assets Bureau since its establishment; and if he will make a statement on the matter. [29172/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 431 to 435, inclusive, together.

I am informed by the Garda authorities that the names of persons with whom the Criminal Assets Bureau has made financial or other settlements cannot be provided. The Revenue Bureau officers at the Criminal Assets Bureau are subject to strict rules of secrecy under the law attached to their work and that 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. That statutory provision of disclosure does not apply to tax settlements entered into with the Criminal Assets Bureau as the law stands.

I am further informed by the Garda authorities that, for operational reasons, it is not considered appropriate for the Criminal Assets Bureau to disclose the information sought by the Deputy regarding the number of persons with whom the bureau has made financial settlements or the number of persons being investigated by the bureau.

The overall sum for tax collected by the bureau from 1996 to 31 October 2004 amounts to €69,262,409. It is not possible to be specific as to how much of that sum collected represents formal settlements as the variety of agreements reached to recover taxes will vary widely across the different types of cases with which the Criminal Assets Bureau deals.

In the period from its inception to 31 October 2003, the bureau has obtained interim and final restraint orders to the value of more than €51 million and €22 million, respectively. Further details of the activities of the Criminal Assets Bureau since its establishment in 1996 are contained in the annual reports of the bureau. Copies are available in the Oireachtas Library.

Prison Building Programme.

436. **Mr. English** asked the Minister for Justice, Equality and Law Reform the plans in place for the relocation of Mountjoy Prison; if it is intended to relocate it to County Mayo; and if he will make a statement on the matter. [29261/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The group established to examine potential sites for a prison complex to replace that at Mountjoy has identified three or four sites as potentially the most suitable for consideration for a new complex and these are being explored further. The exercise will be completed before the end of this year. While no decision has been made on the location of the new prison complex, it is intended that the complex would serve the greater Dublin area and County Mayo would not, therefore, be a suitable location.

Garda Strength.

437. **Mr. English** asked the Minister for Justice, Equality and Law Reform when ten additional, not replacement, gardaí will be drafted into Navan Garda station; and if he will make a statement on the matter. [29262/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, which are responsible for the detailed allocation of resources, including personnel, that the personnel strength of Navan Garda station as at 16 November 2004 was 47 — all ranks. I am informed by the Garda authorities that cognisance is taken of retirements, etc., during each allocation of probationer gardaí. In this regard, the needs of Navan will be fully considered within the overall context of the needs of Garda stations throughout the country during future allocations of probationer gardaí where possible, by way of permanent transfer of members to Navan Garda station.

With regard to Garda resources generally, I am pleased the Government has approved my proposal to increase the strength of the Garda to 14,000 members on a phased basis, in line with 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 draw up plans on how best to distribute and manage these resources. However, the additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies, in particular, areas with a significant drugs problem and a large number of public order offences but it will be possible to address other priorities as well, such as the need to significantly increase the number of gardaí allocated to traffic duties. I have promised the additional gardaí will not be given administrative duties. They will be engaged directly in frontline, operational, high visibility policing duties. They will have an impact.

Garda Recruitment.

438. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform if a person in the process of obtaining leaving certificate mathematics can make an application to join the Garda before the examination results or while they are pending; if the application will only be valid once the examination has been passed; and if he will make a statement on the matter. [29342/04]

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(Mr. McDowell): Entry to the Garda is governed by the An Garda Síochána (Admissions and Appointments) Regulations 1988, as amended. The educational requirements for entry to the Garda are set out in regulation 5 (1)(d) of the 1988 regulations which provide that the commissioner shall not admit a person as a trainee unless the person has, before 1 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 (“the other 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) 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 (“the other assessment”) of a kind that includes Irish, mathematics and English and is, in the opinion of the Minister, of a standard now 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) and in clause (iii) of this subparagraph, the reference to the other examination includes a reference to a combination of two or more examinations of the kind referred to in that clause or of such an examination or examinations and either of the examin-

ations referred to in clause (i) of this subparagraph, and in clause (iv) of this subparagraph, the reference to the other assessment includes a reference to a combination of two or more assessments of the kind referred to in that clause or of such an assessment or assessments and either of the examinations referred to in clause (i) of this subparagraph.

Child Care Services.

439. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform when a decision will be made on an application made for extra capital funding to the EOCP towards the building of a new crèche submitted by a centre (details supplied) in County Cork; and if a decision will be made shortly so that the important development work can proceed. [29343/04]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): An application for further capital grant assistance was submitted by the group in question to Area Development Management Limited on 24 March 2004. The Deputy may be aware that the group has received €236,393 in capital grant assistance and more than €400,600 in staffing supports under the Equal Opportunities Child Care Programme 2000-2006.

The programme 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 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. This includes an increased provision for capital developments for which €157 million has been set aside.

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 projects under the quality measure. Much of the remaining current funding is required for ongoing supports to groups providing child care services to disadvantaged families to enable them to participate in employment, education and training opportunities. A list of outstanding capital applications is being finalised and my Department will write to the applicants in early December. It would be premature to comment further on this capital grant application in the interim.

Citizenship Applications.

440. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform the position regarding an application for citizenship by a person (details supplied) in Dublin 12. [29403/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by officials in the citizenship section of my Department that there is no record of an application for naturalisation or a declaration of postnuptial citizenship having been received from the person referred to by the Deputy.

Visa Applications.

441. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if assistance will be given to a person (details supplied) with her fresh visa application and supporting documentation so that she can visit here; and if the maximum support will be given in this case. [29405/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my response to his previous Parliamentary Question No. 286 of 27 October 2004. It is open to the person in question to lodge a new visa application at the nearest Irish embassy or consulate in her country of residence. Any such application should be supported with a copy of the worker's P60 and current payslips. Full consideration will be given to this new application when it is received by my Department.

School Staffing.

442. **Mr. F. McGrath** asked the Minister for Education and Science if the maximum support and resources will be given to a school (details supplied) in Dublin 9 and the school made a priority. [28640/04]

Minister for Education and Science (Ms Hanafin): Teacher allocations to second level schools are approved annually by my Department in accordance with established rules based on recognised pupil enrolment. Each school management authority is required to organise its timetable and subject options having regard to pupils needs within the limit of its approved teacher allocation. Apart from meeting requirements relating to the provision of the core subjects, the curriculum offered in individual second level schools is a matter for the authorities of the school concerned having regard to its approved teacher allocation. The rules for allocating teaching resources provide that where a school management authority is unable to meet its curricular commitments from within its approved allocation, my Department will consider applications for additional short-term support, that is, curricular concessions. An independent appeals mechanism

is available to school authorities who wish to appeal the adequacy of their teacher allocation.

The school in question applied for a curricular concession allocation and was allocated 1.37 whole-time equivalent teacher posts. The school was notified of this allocation in April 2004 and advised, that, in the event of it not being satisfied with this allocation, it could appeal in writing before 14 May 2004 to the independent appeals committee. The school did not avail of the independent appeals mechanism.

My Department also allocates resource teacher support and special needs assistant support to second level schools and VECs to cater for students with special educational needs. The nature and support provided in each case is based on the professionally assessed needs of the individual student and the advice of the National Educational Psychological Service. The school in question has to date received a total of 0.66 whole-time equivalent teaching posts to cater for students with special educational needs.

Special Educational Needs.

443. **Mr. Stanton** asked the Minister for Education and Science if an increase of one hour per day special needs assistance will be allowed for a person (details supplied) in County Cork; and if she will make a statement on the matter. [28645/04]

Minister for Education and Science (Ms Hanafin): My Department has received an application for an upgrade of a special needs assistant post from a part-time position to a full-time position. My officials are liaising with the National Educational Psychological Service, NEPS, regarding the pupil in question. A decision will be conveyed to the school as soon as this process is complete.

Higher Education Grants.

444. **Mr. Fleming** asked the Minister for Education and Science if her attention has been drawn to the fact that the vocal training music course in the Dublin Institute of Technology, Rathmines, Dublin is not an approved course for the purposes of the third level maintenance trainee grants scheme; her views on the obvious difficulties this can cause for persons who apply to go on the course; and if she will make a statement on the matter. [28675/04]

445. **Mr. Fleming** asked the Minister for Education and Science if she will list the courses for each third level institution which are not approved for the purposes of the third level maintenance trainee grant scheme; and if she will make a statement in respect of these courses for which students apply to enter under the CAO system. [28676/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 444 and 445 together.

Approved courses for the purpose of considering eligibility under the third level maintenance grant scheme for trainees in institutes of technology are full-time courses leading to a national certificate, level 6, and-or a national diploma-ordinary degree, level 7. The course referred to by the Deputy is a one-year music foundation course provided in the Dublin Institute of Technology. As this course does not lead to an award described above, it does not constitute an approved course under the terms of the scheme.

School Accommodation.

446. **Mr. McGuinness** asked the Minister for Education and Science the date on which prefabricated buildings will be provided on site for a school (details supplied) in County Kilkenny; the stage the project is at; the overall cost of the project; the arrangement she has made to provide school places for those waiting to attend at the new prefabricated buildings; if home tuition will be provided for those who are waiting to attend the school; if her attention has been drawn to the number of pupils affected by the delay in providing this accommodation; and if she will make a statement on the matter. [28677/04]

Minister for Education and Science (Ms Hanafin): My Department has approved tenders for three portable structures for the school referred to by the Deputy. The structures being provided will include two classrooms and a sensory integration room. The total cost is approximately €330,000 for three years rental and €114,000 for enabling works required due to the confines of the existing site. The site for the proposed new green field school has been purchased and the building project is at the early stages of architectural planning. Home tuition is intended to provide education for children with a significant medical condition causing major disruption to their attendance at school or as an interim support for children with a significant special educational need pending the provision of an appropriate school based educational service. In the event that applications for home tuition are submitted to my Department on behalf of the pupils concerned, they will be fully considered and decisions will be conveyed to the families concerned.

Residential Institutions Redress Scheme.

447. **Mr. Costello** asked the Minister for Education and Science the number of non-Catholic institutions that have been listed in the schedule to the Residential Institutions Redress Act 2002 including the recent additions; the religious denominations of each such institution; the number of institutions that belonged to the State

exclusively; and if she will make a statement on the matter. [28707/04]

Minister for Education and Science (Ms Hanafin): Section 4 of the Residential Institutions Redress Act 2002 provides that in order for an institution to be placed on the Schedule of the Residential Institutions Redress Act 2002, the facility must have been subject to inspection or regulation by a public body. A total of 128 institutions are listed on the original Schedule to the Act and I recently signed an order for a further 13 institutions to be added to the Schedule. As the religious ethos of an institution was not one of the criteria prescribed under section 4 of the Act, my Department did not require full details of the religious ethos of all the institutions listed. However, based on records held in my Department, 19 institutions on the Schedule were non-Catholic run facilities, of which one was multi-denominational, 13 were State-run and five had a Protestant ethos.

448. **Mr. Costello** asked the Minister for Education and Science if the industrial school at Upton, County Cork and its adjoining lands have been sold; if the proceeds of such a sale have gone or will go towards defraying the contribution of the religious orders to the redress fund; and if she will make a statement on the matter. [28708/04]

Minister for Education and Science (Ms Hanafin): The former industrial school referred to by the Deputy at Upton, County Cork, is the property of the Rosminian Institute of Charity. A portion of that property was offered to the State by that congregation as part of the indemnity agreement signed in 2002. The State accepted that portion. The Southern Health Board is the transferee and it is arranging for the legal transfer to take place. I have no information as to whether the Rosminian Institute of Charity has sold other portions of the land or buildings formerly attached to the industrial school.

Schools Building Projects.

449. **Mr. O'Donovan** asked the Minister for Education and Science the reason a school (details supplied) in County Cork has been removed from the schools buildings programme; the date when it will be once again included on same; and if she will make a statement on the matter. [28709/04]

Minister for Education and Science (Ms Hanafin): The application from 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. All projects are being assessed against the published prioritisation criteria, which were revised earlier this year following consultation with the education partners.

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Each project will be assigned a band rating and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

Schools Building Projects.

450. **Mr. Kenny** asked the Minister for Education and Science the position regarding the replacement of a school (details supplied) in County Mayo; and if she will make a statement on the matter. [28741/04]

Minister for Education and Science (Ms Hanafin): As part of the expansion of the devolved scheme for primary school building works a grant of €200,000 was sanctioned to enable the management authorities of the school in question to provide additional accommodation.

The initiative allows boards of management to address their accommodation and building priorities with a guaranteed amount of funding and gives them control of the building project.

It is my understanding that the interim grant of planning permission has been received and that fire safety certificate and tenders will now be sought. The board of management of the school in question expects that the project will not be on site within the specified timeframe and my Department has agreed to extend this timeframe to the end of March 2005.

Special Educational Needs.

451. **Mr. Ring** asked the Minister for Education and Science the support which can be given to a person (details supplied) in County Mayo who has not attended school since late 2002 in view of the detrimental effect this will have on their future; the reason this matter has been allowed to continue; the further reason it has not been dealt with; and the reason this person is not in the education system. [28789/04]

459. **Mr. Ring** asked the Minister for Education and Science when a replacement school will be found for a person (details supplied) in County Mayo; the reason this matter has been allowed to continue, has not been dealt with and this person is not in the education system. [28899/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 451 and 459 together.

An application for resource teaching and special needs assistant support has been received in my Department from a school that is proposing to enrol the person concerned. I am pleased to advise the Deputy that my Department has recently sanctioned three and a half hours resource teaching support and a full time special needs assistant. My officials have been in contact with the school authorities and it is expected that the person will be enrolled in the school shortly.

Pupil-Teacher Ratio.

452. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science the number of primary schools in Kerry with class sizes under 20, between 21 and 30, between 31 and 40 and over 40 respectively. [28799/04]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is set out below and refers to ordinary classes only for the 2003-04 school year.

Class Size	Number of Schools
0 — 19	93
20 — 29	174
30 — 39	44
40 and over	0

Note that the total of the categories above amounts to 311. This figure is greater than the number of individual schools in Kerry, 141, because, in a breakdown of schools by class size, a school may figure in each of the class size categories.

Third Level Outreach Facilities.

453. **Mr. Hogan** asked the Minister for Education and Science the position regarding the announcement made in 2000 to develop third level outreach facilities in County Monaghan; the progress which has been made to date; and if she will make a statement on the matter. [28893/04]

Minister for Education and Science (Ms Hanafin): In August 2000, the then Minister for Education and Science, Deputy Woods, announced plans to strengthen the education base in areas particularly affected by the dual problems of non-completion at second-level education and low participation rates in higher education. The announcement referred to discussions regarding Wexford and Kilkenny. There is no record of any discussions regarding County Monaghan.

The Minister proposed to deal with the issue in Wexford and Kilkenny through the establishment of effective links with existing higher and further education institutions. In this context, it was decided to proceed with plans to develop outreach centres in Wexford and Kilkenny, led by the Institute of Technology Carlow and NUI Maynooth respectively. These centres are being developed on a pilot basis with the intention that proposals for outreach initiatives in other areas will be reviewed in due course in the light of the experience gained in Wexford and Kilkenny.

Question No. 454 withdrawn.

School Placement.

455. **Mr. Aylward** asked the Minister for Education and Science if, in view of the decision to close a school (details supplied) in County Kilkenny, she will identify alternative secondary school places to the children's parents to allow them make provision for enrolment for Sep-

tember 2005; and if she will make a statement on the matter. [28895/04]

Minister for Education and Science (Ms Hanafin): A senior inspector in the school planning section of my Department is currently examining the situation with regard to alternative places for pupils who would ordinarily attend the closing school to which the Deputy refers. The boards of management of the primary schools involved will be notified of the outcome of this examination which will be completed as quickly as possible.

Student Support Schemes.

456. **Mr. Crowe** asked the Minister for Education and Science the reason a pilot scheme launched in 2001 in County Louth to allow 31 secondary schools to apply for laptops for pupils with dyslexia and other reading difficulties and to apply for funding for teachers to be given training on the whole area of reading difficulties, was not extended to all secondary schools in the county; the schools which benefited from the scheme; the criteria for securing such funding; the number of school principals who were informed of the scheme; the manner by which they were informed; if the scheme is closed, when it closed; if the scheme will be resumed in County Louth; and whether all schools will be informed of further schemes of this kind. [28896/04]

Minister for Education and Science (Ms Hanafin): The scheme to which the Deputy refers is a pilot initiative managed and supported by the National Centre for Technology in Education, NCTE, under the auspices of my Department. The initiative, known as the laptops initiative, is aimed at identifying how laptop computers can best be used to support students with dyslexia or other reading and writing difficulties in second level education in a manner that facilitates learning in an inclusive environment.

The initiative, which is intended to supplement existing provision by schools for students with learning difficulties, has the following objectives: to develop models of classroom management supporting the use of laptop computers in mainstream classes, with a view to enabling students with learning difficulties to participate more fully in mainstream classes; to trial the use of laptop computers as a personal support tool for students with dyslexia or other reading or writing difficulties both in the school and home environments, with a view to identifying the most successful methods of use, their benefits and drawbacks; and to identify ways in which different software products can be used to support students with learning difficulties.

Schools were selected to participate in the initiative on the basis of a number of criteria, as follows: schools which were designated disadvantaged or schools with disadvantaged posts; a representative sample of schools which included different school types, gender make up,

rural and urban, and a national geographical distribution; and all participating schools needed to be reasonably large to enable a minimum critical mass of students benefit from the project so as to ensure optimum impact and success.

Thirty-one schools, namely those on the following list, from around the country were thus selected and invited to participate in the initiative and the relevant school principals were so informed. The NCTE has developed a national framework providing guidelines, training and support for teachers involved in the project. Within this overall framework each school develops its own operational plans for implementing the initiative according to its local situation and circumstances. A full time project co-ordinator has been appointed by the NCTE to support and liaise with the participating schools.

The project extends to May 2005 at which stage the NCTE will commission a comprehensive evaluation of the experience of the participating schools, the efficacy of the hardware and software utilised, the models of practice developed and most importantly the impact on the learning, performance and motivation of the students involved. The results of the evaluation will inform my Department's policy with regard to the future of this project, the dissemination of best practice models to other schools and the wider application of computer technologies for students with dyslexia and other reading or writing difficulties. Participating Schools: Bailieborough Community School, Co. Cavan. Boherbue Comprehensive School, Co. Cork. Causeway Comprehensive School, Co. Kerry. Coláiste Dhúlaigh, Coolock, Dublin. Coláiste Eoin, Finglas West, Dublin. Gairm Scoil Mhuire, Thurles, Co. Tipperary. Greenhills College, Greenhills, Dublin. Kilrush Community School, Co. Clare. Killinarden Community School, Dublin. Larkin Community College, Cathal Brugha St., Dublin. Meán Scoil Ioseph, Foxford, Ballina, Co. Mayo. Moyne Community School, Co. Longford. Our Lady's Secondary School, Castleblaney, Co. Monaghan. Presentation Secondary School, Limerick. Pobalscoil Neasain, Baldoyle, Dublin. Riversdale Community College, Blanchardstown, Dublin. St Aidan's Community School, Tallaght, Dublin. St Dominic's Secondary School, Ballyfermot, Dublin. St David's CBS, Artane, Dublin. St Declan's College, Cabra, Dublin. St Kevin's Community College, Clondalkin, Dublin. St Killian's Community School, Bray, Co. Wicklow. St Brigid's Vocational School, Loughrea, Co. Galway. St Columba's College, Stranolar, Co. Donegal. St. Enda's School, Galway. St Paul's Community College, Waterford. Wexford Vocational College, Co. Wexford. St Oliver's Community College, Rathmullen, Drogheda, Co. Louth. St. Brendan's Community School, Birr, Co. Offaly. Terence MacSwiney Community College, Knocknaheeny, Cork. Ursuline Secondary School, Blackrock, Cork.

Schools Refurbishment.

457. **Mr. Kenny** asked the Minister for Education and Science the position regarding plans to refurbish a school (details supplied) in County Mayo; the finance made available to do this; and if she will make a statement on the matter. [28897/04]

Minister for Education and Science (Ms Hanafin): As part of the expansion of the devolved scheme for primary school building works a grant of €275,000 was sanctioned to enable the management authorities of the school in question to provide additional accommodation.

The initiative allows boards of management to address their accommodation and building priorities with a guaranteed amount of funding and gives boards of management control of the building project.

The school in question constructed two new classrooms, a resource room and a staff room. The works are expected to be completed by the end of the month.

Pension Provisions.

458. **Mr. McGinley** asked the Minister for Education and Science if an agreement has been made with a person (details supplied) in County Donegal regarding gratuity and pension; if not, the position regarding same; and when she expects this matter to be brought to a satisfactory conclusion. [28898/04]

Minister for Education and Science (Ms Hanafin): The position is that the person in question resigned from his teaching post in June 1996 before he reached pension age. He will, however, on reaching 60 years of age in December 2007, qualify for preserved pension and preserved lump sum.

The benefits will be calculated on his pensionable service at the time of his resignation and his pensionable pay at that time, increased in line with approved pay increases in the period between resignation and age 60. He should make application for his benefits approximately three months prior to reaching age 60. These are standard provisions applicable in the case of any teacher who resigns before pension age.

Question No. 459 answered with Question No. 451.

Vocational Training Schemes.

460. **Mr. R. Bruton** asked the Minister for Education and Science the key recommendations of the McIver report on the future of both leaving certificate courses; the number of these recommendations which have already been acted upon; if the implementation group has set out a time schedule for the implementation of the remaining recommendations; and if she will make a statement on the matter. [28900/04]

Minister for Education and Science (Ms Hanafin): Post-leaving certificate courses are labour market programmes, aimed at providing vocational education and training for school leavers and re-entrants to the labour market. The courses are full-time and include modules in general education, vocational training and work experience. Some courses also offer alternative pathways to higher education.

The courses are delivered primarily in schools and colleges under the management of the vocational education committees, with some courses also being provided in secondary, community and comprehensive schools.

The McIver report on the post leaving certificate review was commissioned by my Department to examine the sector and make recommendations regarding the organisational, support, development, technical and administrative structures and resources required in schools and colleges with large scale post leaving certificate, PLC, provision, having regard to good practice in related areas across the system and in other countries. The final report was completed in April 2003.

The report contains 21 over-arching recommendations, incorporating more than 90 sub-recommendations. The principal recommendations are: a reduction in the number of timetabled class teaching hours and appropriate increases in staff to compensate; enhancement of senior and middle management structures to allow more time for assessment, student support and interaction, team development and cross curricular planning, industry liaison and quality assurance processes; an increase in technical and administrative support staff; improvements in student library, IT and social facilities and capital infrastructure; new programme support services; and the establishment of a council of further education colleges.

My Department is currently engaged in discussions with the Irish Vocational Education Association and the Teachers' Union of Ireland regarding the structural changes envisaged in the report, their implications and costs.

Teaching Contracts.

461. **Mr. R. Bruton** asked the Minister for Education and Science the number of teachers at second-level who are on temporary contracts or hourly contracts; the extent to which these arrangements compromise the right of teachers to increments for experience and seniority and to pension cover; if she has plans to introduce greater income certainty for teachers who have not obtained permanent postings; and if she will make a statement on the matter. [28901/04]

Minister for Education and Science (Ms Hanafin): A teacher staffing allocation is issued to each second level school annually by my Department. The majority of the posts are filled by whole time teachers. However, not all positions can be filled on a whole time basis due to

subject requirements. In such cases teachers may be employed on a regular part-time contract or on a casual or non-casual basis by the board of management of the school.

A regular part-time contract is awarded to a qualified teacher who is employed by the board of management prior to 1 November and who teaches a regular number of hours each week for the duration of the school year. There are currently 2,559 teachers employed on regular part-time contracts in the voluntary secondary and community and comprehensive schools. Regular part-time teachers are paid on a *pro rata* basis, including holiday periods and the service is reckoned for pension and incremental purposes.

In the case of qualified teachers working on a casual basis for less than 150 hours in a school year, a daily rate of pay, which includes 22% holiday pay, is paid. Teaching service given on a casual basis since 21 December 2001 in second level schools is pensionable. It has also been agreed that the service shall be reckonable for the award of incremental credit, but the arrangements for the reckoning of such service have yet to be finalised.

In the event that a qualified teacher employed on a casual basis works for more than 150 hours in the school year, each additional hour worked over and above the 150 hour threshold will be paid at a personal hourly rate of pay. The personal hourly rate is determined by dividing the appropriate annual salary by 735. The annual salary takes account of the appropriate point on the common basic incremental scale of the particular qualified teacher and the relevant qualification allowances appropriate to the person.

The personal rate is also payable to a qualified teacher employed on a non-casual contract. A non-casual contract is awarded where a person is employed for a continuous period in excess of 150 hours but the overall period is less than a full school year. Examples of non-casual contracts are where teachers are employed as replacements for teachers absent on maternity leave.

The arrangements that I have outlined are being implemented by my Department on an ongoing basis.

Pension Provisions.

462. **Ms Enright** asked the Minister for Education and Science the position with regard to the status and pension conditions of school caretakers; if previous employment as a school caretaker in a temporary capacity is reckonable if a person moves to permanent employment; and if she will make a statement on the matter. [28902/04]

Minister for Education and Science (Ms Hanafin): School caretakers are employed directly by school management authorities or vocational education committees. Caretakers in vocational schools are employed and paid by the appropriate VEC. Those employed on a whole-time basis are pensionable under the education

sector superannuation scheme, formerly the local government superannuation scheme.

Caretakers employed on a whole-time basis in community and comprehensive schools are pensionable under the terms of the contributory pension scheme for full-time non-teaching staff of comprehensive and community schools.

In the case of voluntary secondary schools, each school receives a grant from my Department for the provision of caretaking and other ancillary services. It is a matter for the school to determine how best to meet its caretaking requirements. No public service pension scheme currently exists for caretakers employed in such schools.

In primary schools there are two separate arrangements for the provision of caretaking services. In both instances the school authorities are the employers. Under a limited scheme introduced in 1979, caretakers are employed on a whole-time bases in 204 schools. In all other primary schools these provisions are superseded by an arrangement under which each school receives a grant from my Department for the provision of caretaking and other ancillary services. No public service pension scheme currently exists for any caretakers in primary schools.

The question of pension cover for those school caretaking personnel not currently covered by an occupational pension scheme, including those caretakers employed on a part-time basis, is among the issues that fall to be considered in the context of the implementation of the recently enacted Protection of Employees (Fixed-term Work) Act 2003 and the Protection of Employees (Part-time Work) Act 2001. Discussions with the education partners are ongoing regarding the implementation of these Acts. My Department's approach will be informed by the outcome of these discussions and developments in the wider public service.

I can confirm that temporary whole-time service is reckonable, subject to payment of appropriate contributions, by persons who are admitted to membership of public service pension schemes.

Special Educational Needs.

463. **Mr. Penrose** asked the Minister for Education and Science if she will review the decision to refuse an application for home tuition for a person (details supplied) in County Westmeath; and if she will make a statement on the matter. [28903/04]

Minister for Education and Science (Ms Hanafin): The home tuition scheme is intended to provide compensatory instruction for pupils who have a medical ailment that is likely to cause major disruption of their attendance at school. My Department provides home tuition grants to pupils who cannot attend school at all, or are absent for a significant proportion of the school year.

I understand that the pupil in question currently attends mainstream school on a full time basis with the support of a resource teacher and

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a special needs assistant. The pupil does not qualify for home tuition. This information was conveyed to the pupil's parents in October 2004.

Teachers' Remuneration.

464. **Mr. Ring** asked the Minister for Education and Science when a person (details supplied) in County Mayo will be approved incremental credit as a special needs assistant based on previous experience. [28904/04]

Minister for Education and Science (Ms Hanafin): In recent months, a decision in the Labour Court found that all special needs assistants, SNAs, who had previous experience as an SNA and who had a break in service would be entitled to apply to my Department for incremental credit. In light of this decision, my Department will be determining the qualifying criteria for incremental credit in consultation with the education partners. Contact will be made with the person concerned as soon as this process has been completed.

Schools Building Projects.

465. **Mr. Perry** asked the Minister for Education and Science if her attention has been drawn to the fact that Mohill Community College, County Leitrim was condemned on asbestos grounds by her officials; if priority will be given to the building of a new school to accommodate up to 450 pupils for the amalgamation of Marion College and Mohill community college: the negotiations that have taken place: the progress made; and if she will make a statement on the matter. [28940/04]

Minister for Education and Science (Ms Hanafin): The Marion College, Mohill, has been surveyed for the presence of asbestos by the Office of Public Works and necessary remedial works were carried out in both 2003 and 2004.

The new school project for Mohill community college is listed for proceeding to tender and construction as part of the 2004 school building programme.

My Department's technical staff is currently examining the pre-tender documentation for this project which was recently submitted by Leitrim VEC. When this examination is complete my Department will be in contact with Leitrim VEC regarding the tendering of this project.

The site for this project is being acquired by my Department under the terms of the Residential Institutions Redress Act 2002. Documentation on the matter is currently with the Chief State Solicitor's Office.

Special Educational Needs.

466. **Mr. Wall** asked the Minister for Education and Science the steps she intends to take to address the concerns contained in correspondence (details supplied) in regard to the new

weighted system for determining resource hours; and if she will make a statement on the matter. [29040/04]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, the proposed new system for resource teacher allocation involves a general 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. An additional 350 teacher posts are being provided to facilitate the introduction of the new system.

I am conscious of difficulties that could arise with regard to this model, particularly for children in small and rural schools, if it were implemented as currently proposed. Accordingly, I will review the proposed model to ensure that 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.

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.

Education Welfare Service.

467. **Mr. Crowe** asked the Minister for Education and Science when she will give sanction to the National Education Welfare Board, NEWB, to employ ten persons for which money has been budgeted. [29041/04]

Minister for Education and Science (Ms Hanafin): My Department recently conveyed approval to the National Educational Welfare Board for the recruitment of ten additional educational welfare service delivery staff to meet the needs identified by the board. When appointed the overall staffing complement of the NEWB will be increased to 94.

State Examinations.

468. **Mr. Crowe** asked the Minister for Education and Science if, in view of the widening gap between male and female achievement at leaving certificate level, particularly in the Dublin area, she will introduce new initiatives in response to this emerging divergence. [29042/04]

Minister for Education and Science (Ms Hanafin): There are multiple factors which contribute to differential performance between males and females in examinations. These include teaching and learning approaches, school culture

and classroom organisation, teacher expectations, student attitudes and behaviour, the later maturation of boys, parental expectations, subject choices, course level and the format and style of questioning in examinations themselves. It is evident that more boys than girls are entered for foundation and ordinary levels of the junior certificate and this is likely to impact on performance and choice in senior cycle. The patterns of difference in the performance of boys and girls in the leaving certificate examinations reflect those found in education systems internationally.

The National Council for Curriculum and Assessment published a research report, *Examining Gender: Gender and Achievement in the Junior and Leaving Certificate Examination Systems 2000-2001*, in June 2003. The report claims that tiered entry systems such as foundation, ordinary and higher levels can significantly interact with gender and points to international evidence that more boys than girls tend to be entered on lower level courses. The study examined such issues as syllabus content, the selection of content for assessment and the format of examination papers for junior and leaving certificate English and mathematics, junior certificate science and leaving certificate physics. None of the syllabi or areas of content chosen was considered to give undue advantage to either sex.

Communicative styles which are narrative, discursive, involve the use of personal experience, imaginative and personal processes, or collaborative approaches along with subjects which involve a high degree of recall were found to favour girls who tend to be better organised and prepared. Communicative approaches which are concise, deductive, functional, argumentative and non-collaborative were found to favour boys, with males coping better with novel or unfamiliar items. The Economic and Social Research Institute is carrying out extensive longitudinal research for the National Council for Curriculum and Assessment on the progress of a cohort of students as they make the transition from primary to second level and progress through junior cycle. The research is providing important information on the factors considered to have significant influence on student performance such as pupil and teacher expectations and school practice in terms of curriculum content on offer to students. Feedback from the study is being disseminated to schools by the National Council for Curriculum and Assessment. The initial report, *Moving Up: The Experiences of First Year Students in Post Primary Education*, was published earlier this year. The issues raised in the ongoing research are being considered by the National Council for Curriculum and Assessment as part of its programme of ongoing curricular review and in the context of the proposals for reform of the senior cycle.

The State Examinations Commission is also considering the research outcomes applicable to the running of the certificate examinations. My

Department is committed to providing the high possible educational opportunities for boys and girls alike and to meeting their differing needs to the fullest extent.

Disadvantaged Status.

469. **Mr. Crowe** asked the Minister for Education and Science if, in view of new research that suggests that language capacity is decreasing in disadvantaged areas, she will introduce new initiatives or programmes in response to this growing problem. [29043/04]

Minister for Education and Science (Ms Hanafin): The Educational Research Centre's report, *Reading Literacy in Disadvantaged Primary Schools*, which I launched earlier this month, provides the first comprehensive analysis of the range of literacy achievement found in disadvantaged primary schools. Over 6,500 pupils in first, third and sixth classes participated in this large scale research which represents a major contribution to our knowledge base about literacy levels amongst disadvantaged pupils. The findings and recommendations of the ERC report will be considered in the context of a comprehensive review of all of my Department's educational disadvantage programmes.

The review, which is currently being finalised, has examined all aspects of existing provision including literacy interventions. I am pleased to inform the Deputy that in response to one of the key findings of the ERC report, namely, the strong correlation between reading levels and the number and use of books in the home, I have decided to allocate €500,000 for the purchase of books for pupils in key disadvantaged areas before Christmas. It is my intention that these books will be used in conjunction with parents to promote a culture of reading in the home. In addition, my Department will continue to operate the following measures to prevent and ameliorate literacy difficulties at primary level: the provision of additional financial and teaching resources to disadvantaged schools to implement reduced class sizes; and financial support for interventions specifically designed to improve literacy levels among those from disadvantaged backgrounds.

The learning-support teacher service provides intensive support for children with literacy difficulties. The number of learning support teachers has increased from 1,302 in 1998 to over 1,500. An additional 350 teachers at primary level will be in place during the 2004-2005 school year to cater for pupils with special educational needs and learning delay difficulties. Continuing assistance is being given in 2004 to disadvantaged primary schools in implementing the learning support guidelines which were published in 2000. Training focuses on the adoption of a whole-school approach to supporting children with literacy difficulties and development and implementation of a literacy plan by each school.

The reading recovery programme is a school based early intervention programme designed to

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reduce literacy problems in schools. It provides intensive, individual help for children who have not responded to the standard instructional programme in reading and writing after one year in school. The reading recovery programme was piloted in Monaghan in 2000 and, following positive evaluation, established in Dublin in 2002-03 to cater to the needs of pupils in schools designated disadvantaged. There are currently 85 primary schools — 51 in Monaghan, 34 in Dublin — participating in the programme. The Department has recently recruited three teachers to train as reading recovery tutors, increasing the total number of tutors to five. Following completion of training, these tutors will train teachers and facilitate the extension of the reading recovery programme for the first time to disadvantaged schools in Cork and Limerick.

The first steps programme offers primary teachers an accurate means of assessing and monitoring children's competencies and progress in reading, writing, spelling and oral language. Training of teachers in selected disadvantaged schools in first steps is ongoing. Early interventions, such as those outlined above, are crucial in addressing literacy problems among children and have a lasting impact on tackling educational disadvantage and social exclusion.

School Accommodation.

470. **Mr. Kenny** asked the Minister for Education and Science if, in view of the fact that she has already sanctioned prefabricated accommodation for a school (details supplied) in County Donegal, she will consider sanctioning a classroom instead if the school funds the cost difference; and if she will make a statement on the matter. [29044/04]

Minister for Education and Science (Ms Hanafin): The management authority of the school to which the Deputy refers did not apply for temporary accommodation for the current school year but has recently made an application for temporary accommodation to be provided for September 2005. All such applications are being considered in the school planning section of my Department and it is planned to publish the list of successful applicants early in the new year.

As outlined in circular PBU 3/04, officials assess each application on the basis of the criteria outlined in the circular and successful applicants will be allocated funding for the provision of accommodation by way of permanent initiative if this is considered appropriate.

Site Acquisitions.

471. **Mr. R. Bruton** asked the Minister for Education and Science the reason her Department offers commercial confidentiality as grounds for concealing its intentions regarding the purchase of a site for a school (details supplied) in Dublin 9 in view of the fact that the proposed deal is with

Dublin City Council and is not in a competitive bidding situation; if she has studied the health and safety report carried out in respect of the existing premises of this school; and the progress that has been made by her Department in respect of this application since this Deputy raised the matter in Dáil Éireann earlier this year. [29045/04]

Minister for Education and Science (Ms Hanafin): My Department's policy on site acquisitions is to treat them with the strictest confidentiality until the acquisition has been completed. This is to ensure that, regardless of who the vendor is, my Department obtains the best value for money. With regard to health and safety issues, individual school authorities are responsible, in the first instance, for ensuring the safety and welfare of children and others in their care. In accordance with the Safety, Health and Welfare at Work Act 1989, it is the responsibility of school management authorities to have a safety statement in place in their schools. They are also obliged to identify possible hazards, assess the risks to health and safety and put appropriate safeguards in place. National schools are given an annual allocation of €3,809 plus €12.70 per pupil under the grant scheme for minor works which can be used entirely at the discretion of school management to address basic health and safety issues relating to the school infrastructure.

The long-term accommodation needs of the school in question are being assessed in the context of an overall review of primary education in the Santry-Whitehall area. The purpose of the examination is to determine the likely demand for national school places in the medium to long term and how existing provision can be maximised to cater for this demand. The review will be completed as quickly as possible.

Schools Building Projects.

472. **Mr. McHugh** asked the Minister for Education and Science if funding will be made available for an extension, comprising two new classrooms and a learning support and general purpose room, to a school (details supplied) in County Galway; if her attention has been drawn to the difficult conditions under which the school is operating; and if she will make a statement on the matter. [29046/04]

Minister for Education and Science (Ms Hanafin): The application for an extension 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. All projects are being assessed against the published prioritisation criteria revised 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 school building programme from 2005 onwards.

School Staffing.

473. **Mr. Ó Fearghail** asked the Minister for Education and Science the circumstances in which an additional teacher was allocated to a school (details supplied) in County Kildare; the nature of the short-term contract offered to this teacher; and if it was her Department or the board of management which determined the duration of the contract offered. [29047/04]

Minister for Education and Science (Ms Hanafin): The staffing of a primary school for a particular school year is determined by reference to the enrolment of the school on 30 September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule which is finalised for a particular year following discussions with the education partners. The only deviation from the agreed staffing arrangements is in the case of schools classified as developing schools. The conditions for obtaining a post as a developing school are outlined in primary circular 03/04, a copy of which issued to the board of management of each school.

The enrolment of the school referred to by the Deputy on 30 September 2003 was 72 pupils, which warrants a staffing of a principal and two mainstream class teachers for the 2004-05 school year. The enrolment required on 30 September 2004 to obtain a post as a developing school was 97. The board of management projected that an enrolment of 98 pupils would be achieved by that date and on this basis provisional sanction for the appointment of three mainstream class teacher was given in a letter to the board on 14 July 2004. According to data submitted to my Department by the board of management, the enrolment on 30 September 2004 was 84 pupils which is well below the required figure. Sanction for the third mainstream post was withdrawn.

To ensure transparency and openness in the system, an independent staffing appeals board is now in place to decide on any appeals on mainstream staffing. The staffing of the school in question for the 2004-05 school year was considered by the appeals board on 21 October 2004. The board rejected the appeal and the board of management of the school was notified accordingly. I am sure the Deputy will appreciate that it would not be appropriate for me to intervene in the operation of the independent appeals board.

The appointment of teachers in primary schools is a matter in the first instance for the board of management of the school concerned. My Department's position is that, as far as possible, only fully qualified teachers should be appointed. In this specific case, the board of management appointed a person to the third mainstream post for the month of September initially. At the request of the board, my Department agreed to the retention of the post for a further period beyond 30 September pending the outcome of the appeal to the staffing appeals board.

Schools Building Projects.

474. **Mr. Ó Fearghail** asked the Minister for Education and Science the situation with regard to County Kildare VEC's proposal to build a new community college in Athy, County Kildare; her views on whether this is a priority project; and if she will make a statement on the matter. [29048/04]

Minister for Education and Science (Ms Hanafin): The new school building project for Athy community school, Athy, County Kildare, is at an early stage of architectural planning. It has a band 3 rating. 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 including Athy community school. 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 school building programme from 2005 onwards.

475. **Mr. Naughten** asked the Minister for Education and Science if she will approve funding for an extension to a school (details supplied) in County Roscommon; when she intends to make a decision on the application; and if she will make a statement on the matter. [29100/04]

Minister for Education and Science (Ms Hanafin): The application for an extension 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. All projects are being assessed against the published prioritisation criteria revised 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 school building programme from 2005 onwards.

School Transport.

476. **Mr. Naughten** asked the Minister for Education and Science if she will review the 3:2 ratio on school buses; her views on the level of overcrowding on post-primary buses; her views on whether the increase in childhood obesity has had an impact on overcrowding on school buses; if she has reviewed this situation; and if she will make a statement on the matter. [29101/04]

Minister for Education and Science (Ms Hanafin): The loading of all school buses is determined by the relevant sections of the road traffic regulations — construction, equipment and use of vehicles — which are laid down by the Department of Transport. The licensed carrying capacity of all vehicles engaged in school transport is based on a ratio of three pupils for every two adult seats, in accordance with the relevant legis-

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lation. I assure the Deputy that irrespective of the legal requirements, which are being fully complied with by Bus Éireann, safety on school buses is of paramount importance to my Department and Bus Éireann. As the Deputy will be aware, Bus Éireann has a very good safety record in the operation of school transport services on behalf of my Department and the company is fully committed to ensuring that the highest safety standards are maintained.

On the specific three for two seating accommodation arrangement, I want to dispel the myth that in some way this arrangement is contributing to an unsafe environment on vehicles used for school transport. While a one to one seating arrangement is desirable and indeed many vehicles providing school transport services carry less than the three for two permitted by law, I assure the Deputy that there is no question of safety being compromised. Great care is taken by Bus Éireann to ensure that the loading of school buses does not exceed the maximum legal carrying capacity on each vehicle in use. My Department and Bus Éireann will comply with all legal requirements of road traffic regulations. The regulations are a matter for my colleague, the Minister for Transport.

Consultancy Contracts.

477. **Mr. Durkan** asked the Minister for Education and Science if any new advisors or consultants have been appointed by her since the Government reshuffle of September 2004; if such appointments are replacements for or are in addition to previous appointments; the salary and terms of employment in each case; and if she will make a statement on the matter. [29128/04]

Minister for Education and Science (Ms Hanafin): I am finalising arrangements on the ministerial team for my Department and will be in touch with the Deputy as soon as this process is concluded.

Special Educational Needs.

478. **Mr. Ring** asked the Minister for Education and Science if a person (details supplied) in County Mayo, who needs a full time classroom assistant, is getting this service; the position of this case; the length of time has this person been approved the full-time classroom assistant for. [29151/04]

Minister for Education and Science (Ms Hanafin): My Department sanctioned 23 hours 20 minutes per week special needs assistant support for this child in June 2002. Recently, my Department received an application for an upgrade of the special needs assistant post from a part-time to full-time position. The application is being considered and a decision will be conveyed to the school as soon as this process has been completed.

479. **Mr. Ring** asked the Minister for Education and Science if a person (details supplied) in County Mayo will lose the resource teaching help currently being provided to them. [29152/04]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, the proposed new system for resource teacher allocation involves a general allocation for all primary schools to cater for pupils with a higher incidence of special educational needs. Such needs relate to borderline mild and mild general learning disability and specific learning disability. The pupils include those with learning support needs who function at or below the tenth percentile on a standardised test of reading and, or, mathematics. An additional 350 teacher posts are being provided to facilitate the introduction of the new system.

I am conscious of difficulties which could arise with this model, especially for children in small and rural schools, if it were implemented as currently proposed. Accordingly, I will review the proposed model to ensure that 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. 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.

480. **Mr. Stanton** asked the Minister for Education and Science the budget totals allocated for each of the CABAS pilot projects funded by her Department for 2004; the breakdown of allocated allowances within these budgets for consultancy fees; and if she will make a statement on the matter. [29218/04]

Minister for Education and Science (Ms Hanafin): As a result of measures intended to streamline the funding allocation process, my Department now provides a budget allocation to the combined applied behavioural analysis school, CABAS, pilot projects on a school-year basis. The arrangements were implemented during the 2003-2004 school year. CABAS Dublin was allocated an overall budget of €928,705.70 for the period from September 2003 to August 2004. Of this amount, a sum of €75,644 was allocated for consultancy. CABAS Drogheda was allocated €1,168,497 for the period from February 2003 to August 2004. Of this amount, a sum of €71,617 was allocated for consultancy. CABAS Cork was allocated €1,597,955 for the period from April 2003 to August 2004. The specific allocation for consultancy is not readily available. I am making

arrangements to forward this information to the Deputy as quickly as possible.

481. **Mr. Stanton** asked the Minister for Education and Science if, in regard to the budget allocated to the Cork CABAS, allowances were made in it for maintenance of the heating system and provision of a cleaning service for the school; and if she will make a statement on the matter. [29219/04]

Minister for Education and Science (Ms Hanafin): The budget allocated by my Department to the combined applied behavioural analysis school Cork includes a provision for the general day-to-day running costs of the facility. The amount allocated for the school year 2003-04 was €17,475.

482. **Mr. Stanton** asked the Minister for Education and Science if her attention has been drawn to the restructuring of all CABAS pilot schools which has been undertaken recently; if she was consulted on the matter; and if she will make a statement on the matter. [29220/04]

Minister for Education and Science (Ms Hanafin): I am not aware of any restructuring of combined applied behavioural analysis school facilities. If the Deputy has any further information and makes it available to me, I will have the matter investigated.

483. **Mr. Stanton** asked the Minister for Education and Science if she is in discussions with the Irish Autism Alliance regarding templates for ABA schools; if other parental groups are being consulted on this matter; if not, the reason therefor; and if she will make a statement on the matter. [29221/04]

Minister for Education and Science (Ms Hanafin): My officials have on-going discussions with the Irish Autism Alliance on a range of issues relating to educational services for children with autism. Those issues include matters relating to the various autism facilities in which members of the alliance are directly involved. No decision has yet been taken in my Department on the future of the facilities in question. In the event that the development of a generic model of autism facility arises for consideration, I will give consideration to the nature and extent of consultation which may be required.

484. **Mr. Stanton** asked the Minister for Education and Science if her Department has conducted financial audits on any of the ABA pilot projects; if she has satisfied herself that guidelines issued by her Department concerning budgets are being adhered to; and if she will make a statement on the matter. [29222/04]

Minister for Education and Science (Ms Hanafin): My Department has not conducted financial audits on the ABA pilot projects. It is, however, open to my Department to conduct

such audits. All ABA facilities must furnish my Department with copies of their annual audited accounts of income and expenditure. They are required to adhere to the budgets provided to them and no additional expansion or expenditure can be undertaken without my Department's prior approval.

485. **Mr. Stanton** asked the Minister for Education and Science if she has officials sitting on the boards of management of the ABA pilot projects; if guidelines or directions have been given to the boards of management to request that independent financial experts be appointed to said boards of management; and if she will make a statement on the matter. [29223/04]

Minister for Education and Science (Ms Hanafin): There are no officials of my Department on the board of management of any of the ABA pilot projects. In line with current Department guidelines, these boards should comprise representatives of parents of children attending the facilities, the staff of the facilities and the ABA consultants. The boards should be chaired by a person other than the director of the facility who is answerable to the board. It is a requirement that all ABA facilities receiving funding from my Department should submit audited accounts on an annual basis.

Education Schemes.

486. **Mr. Stanton** asked the Minister for Education and Science if children attending ABA pilot projects are guaranteed educational provision up to the age of 18 within these pilot projects; if these projects are granted permanent status; and if she will make a statement on the matter. [29224/04]

Minister for Education and Science (Ms Hanafin): My Department intends to take a measured approach to considering the future status of the ABA facilities referred to by the Deputy. The pilot status of these projects will be considered in the context of reports by the inspectorate on autism specific provisions and any issues arising therefrom will be raised directly with the relevant school management.

Regardless of what decision is taken on the long-term future of these facilities, provision will be made for the children attending them to continue to receive an appropriate education up to the age of 18.

Schools Building Projects.

487. **Mr. Stagg** asked the Minister for Education and Science the position in regard to the provision of a new national school at Ardclough, County Kildare; if the purchase of a site is imminent; and if she will make a statement on the matter. [29225/04]

Minister for Education and Science (Ms Hanafin): The property management section of

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the Office of Public Works, which acts on behalf of my Department in regard to site acquisitions generally, is continuing to explore the possibility of acquiring a site for Ardclough national school, County Kildare.

Due to the commercial sensitivities of site acquisitions, it is not proposed at this stage to identify specific sites to be acquired. However, this information will be placed on my Department's website when the relevant acquisitions have been completed. The question of the provision of new accommodation for the school will be considered further when a site has been acquired.

488. **Mr. Stagg** asked the Minister for Education and Science the position in regard to the provision of additional accommodation at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [29226/04]

490. **Mr. Stagg** asked the Minister for Education and Science the position in regard to the application for additional accommodation at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [29228/04]

491. **Mr. Stagg** asked the Minister for Education and Science the position in regard to the required extension at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [29229/04]

496. **Mr. Stagg** asked the Minister for Education and Science the position in regard to the sanctioning of architectural planning for the required extension to a school (details supplied) in County Kildare; and if she will make a statement on the matter. [29282/04]

497. **Mr. Stagg** asked the Minister for Education and Science if her attention has been drawn to the expected growth which Kilcock town, County Kildare will experience in the short term; if her attention has further been drawn to the urgent accommodation requirements of a school (details supplied) in County Kildare; if she will sanction architectural planning for the schools accommodation requirements forthwith in view of the obvious delay which this project will encounter due to the decision to include it in the commission on school accommodation; and if she will make a statement on the matter. [29283/04]

500. **Mr. Stagg** asked the Minister for Education and Science when architectural planning for the permanent building project for a school (details supplied) in County Kildare will be commenced; the expected date of completion of the N4-M4 accommodation plan by the commission on school accommodation; and if she will make a statement on the matter. [29286/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 488, 490, 491, 496, 497 and 500 together.

The applications from the schools to which the Deputy refers are being considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. Under this review, all projects are being assessed against the published prioritisation criteria which were revised 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 school building programme from 2005 onwards.

The commission on school accommodation recently completed the public consultation process on the draft area development plan for the N4-M4 area and it will bring forward its report as soon as possible. Applications for capital funding from schools in this area will continue to be processed under the review mentioned above. When the commission's report becomes available, the appropriate adjustments will be made where necessary.

Schools Recognition.

489. **Mr. Stagg** asked the Minister for Education and Science if permanent recognition of a school (details supplied) in County Kildare has been sanctioned; and if she will make a statement on the matter. [29227/04]

503. **Mr. Stagg** asked the Minister for Education and Science if she will sanction the award of an additional grant to a school (details supplied) in County Kildare; and if she will make a statement on the matter. [29299/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 489 and 503 together.

The school to which the Deputy refers commenced operation with provisional recognition from my Department in 2002. Newly established schools are generally required to undergo a period of provisional recognition, during which the operation of the school and the growth of pupil numbers are monitored.

An application for permanent recognition was recently received from the school in question. It is currently under consideration in the school planning section of my Department. As part of the examination, factors such as the long-term viability of the school, current and projected enrolments and suitability of accommodation will be considered.

An application for grant aid towards the cost of relocating the school is also under consideration. A decision in these matters will be taken as soon as possible.

Questions Nos. 490 and 491 answered with Question No. 488.

Schools Refurbishment.

492. **Mr. Stagg** asked the Minister for Education and Science if funding has been sanctioned for replacement of the roof at a school (details supplied) in County Kildare; the amount sanctioned; when it is estimated the repairs will take place; and if she will make a statement on the matter. [29230/04]

Minister for Education and Science (Ms Hanafin): The roof of the school in question has been surveyed by the health and safety unit of the Office of Public Works which manages the asbestos remediation programme on behalf of my Department.

I am pleased to advise the Deputy that I have authorised the Office of Public Works to carry out the necessary remediation works to the roof in question. I understand that the Office of Public Works is liaising with the school authorities on the matter.

Early Childhood Education.

493. **Mr. English** asked the Minister for Education and Science the plans in place to guarantee or to grant every eligible child a place in a pre-school in the rapidly expanding towns of County Meath; and if she will make a statement on the matter. [29259/04]

Minister for Education and Science (Ms Hanafin): The further development of early childhood services in accordance with the White Paper on Early Childhood Education, Ready to Learn, is being undertaken on a collaborative, phased basis and will draw together and build upon the many examples of best practice in early childhood education that have emerged in recent years.

To help combat disadvantage and promote access to education, special emphasis will be placed on the provision of appropriate pre-school education in areas of social deprivation and for those with special needs. To that end my Department supports the Early Start scheme which funds 40 centres that aim to expose children aged three-four years from disadvantaged areas to a positive pre-school environment so as to improve their overall development and long-term educational experience and performance. The Department also funds 52 pre-schools for Travellers which aim to develop children's cognitive, language and social skills, to prepare children for entry to primary school and to provide a foundation for further learning.

My Department established the Centre for Early Childhood Development and Education, CECDE, in October 2002 to develop, within a three year period, a quality framework for early childhood education and to develop, through active research with existing programmes, targeted interventions for children who have special needs or who are disadvantaged. The centre is currently developing a quality conceptual framework of early childhood learning and development which will be completed early in 2005.

In addition, Ireland recently participated in a major OECD review which assessed quality, access and co-ordination in early childhood provision. This review was published on 24 September and offers a number of important recommendations and observations which will inform policy and programme development in the sector and will assist the work of the CECDE, among others.

Early childhood education and care is a horizontal policy issue involving several Departments and agencies. The policy implications of the recommendations arising from the OECD review are under active consideration within my Department and also by the relevant sub-group of the Government's high level working group on childcare and early education.

Schools Building Projects.

494. **Mr. Stagg** asked the Minister for Education and Science if the architectural planning of the new school (details supplied) in County Kildare has been completed; if she will sanction the necessary capital to enable the project to commence; and if she will make a statement on the matter. [29280/04]

Minister for Education and Science (Ms Hanafin): The new school building project for the school referred to by the Deputy is at an early stage of architectural planning. It has a band two rating.

My Department's technical staff are currently examining the stage three mechanical and electrical documentation in order to complete the stage three submission. The school authorities will be kept advised of developments.

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 including the school referred to by the Deputy. 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 school building programme from 2005 onwards.

495. **Mr. Stagg** asked the Minister for Education and Science if phase two of the extension project to a school (details supplied) in County Kildare will be sanctioned in 2005 in view of the acceptance by the school authorities of the proposal for the overall extension of 27 classrooms in two phases; and if she will make a statement on the matter. [29281/04]

Minister for Education and Science (Ms Hanafin): The application from 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. Under this review, all projects are being assessed against the published

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prioritisation criteria which were revised 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 school building programme from 2005 onwards.

Following conclusion of the budgetary process I intend to publish the 2005 building programme which will operate in the context of a multi-annual framework.

Questions Nos. 496 and 497 answered with Question No. 488.

School Accommodation.

498. **Mr. Stagg** asked the Minister for Education and Science if she will sanction temporary accommodation for a school (details supplied) in County Kildare in 2004, in view of its urgent requirement to facilitate resource teaching and the delays which the project will experience by its inclusion in the commission on school accommodation study; and if she will make a statement on the matter. [29284/04]

Minister for Education and Science (Ms Hanafin): An application for temporary accommodation for the 2004-05 school year was received from the school authority to which the Deputy refers. All applications for temporary accommodation were considered by the school planning section of my Department in the context of the available funding for 2004 and the number of applications for that funding. Unfortunately, it was not possible to approve all applications received and only those with an absolute and demonstrated need for additional accommodation were approved.

The school's application is, however, now being considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. Under this review, all projects are being assessed against the published prioritisation criteria which were revised 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 school building programme from 2005 onwards.

Applications for capital funding from schools in the N4-M4 draft area development plan will continue to be processed under the review mentioned above. When the commission on school accommodation's report in this matter becomes available, the appropriate adjustments will be made where necessary.

Schools Building Projects.

499. **Mr. Stagg** asked the Minister for Education and Science if the architectural planning for the extension to a school (details supplied) in County Kildare has been completed; if not, when

it is likely to be completed; if she will sanction funding for the project; if she will sanction the provision of a general purpose room based on the number of classrooms in the new school rather than restricting same to 200 square metres; and if she will make a statement on the matter.

[29285/04]

Minister for Education and Science (Ms Hanafin): The building project for the school referred to by the Deputy is at an early stage of architectural planning. It has a band two rating.

My Departments officials recently wrote to the school with queries on a stage three submission, developed sketch scheme, and a response is awaited.

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 including the school referred to by the Deputy. 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 school building programme from 2005 onwards.

Question No. 500 answered with Question No. 488.

501. **Mr. Stagg** asked the Minister for Education and Science if she will sanction funding for the required extension to a school (details supplied) in County Kildare; and if she will make a statement on the matter. [29289/04]

Minister for Education and Science (Ms Hanafin): The extension project for the school referred to by the Deputy is at an early stage of architectural planning. It has a band three rating.

My Department's technical staff are currently examining the stage three documentation, developed sketch scheme. The school authorities will be kept advised of developments.

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 including the school referred to by the Deputy. 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 school building programme from 2005 onwards.

Schools Refurbishment.

502. **Mr. Stagg** asked the Minister for Education and Science if she has received an application to fund the required covered walkway at a college (details supplied) in County Kildare under the 2005 summer works scheme; and when a decision will be made in this matter. [29291/04]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers has submitted an application for grant aid under the summer works scheme 2005, for a covered walkway.

All summer works scheme applications are currently being assessed in the school planning section of my Department. I intend to publish the list of successful applicants early in the new year.

Question No. 503 answered with Question No. 489.

School Accommodation.

504. **Mr. Stagg** asked the Minister for Education and Science if there are funds available to allocate to a school (details supplied) in County Kildare to enable the provision of temporary classrooms at the school; and if she will make a statement on the matter. [29301/04]

Minister for Education and Science (Ms Hanafin): An application for temporary accommodation has been received from the school authority to which the Deputy refers. All applications for temporary accommodation for the 2005-06 school year are currently being assessed in the school planning section of my Department. I intend to publish a list of the successful applicants early in the new year.

505. **Mr. Stagg** asked the Minister for Education and Science if there are funds available to allocate to a school (details supplied) in County Kildare to enable the provision of temporary accommodation at the school; and if she will make a statement on the matter. [29302/04]

Minister for Education and Science (Ms Hanafin): An application for temporary accommodation has been received from the school authority referred to by the Deputy. All applications for temporary accommodation were considered by the school planning section of my Department in the context of the available funding for 2004, and the number of applications for that funding. Unfortunately, it was not possible to approve all applications received, and only those with an absolute and demonstrated need for additional accommodation were approved.

The need for additional accommodation at the school is, however, being considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. Under this review, all projects are being assessed against the published prioritisation criteria which were revised 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 school building programme from 2005 onwards.

Site Acquisitions.

506. **Mr. Stagg** asked the Minister for Edu-

cation and Science the number of sites examined by the OPW since 1999 regarding its work in identifying a site for the new national school for Kill, County Kildare; the number of sites which were recommended as suitable by the OPW; the number of offers to purchase which were made on foot of recommendations from the OPW; if any of these sites remains available for purchase; if there is a prospective site under discussion for purchase; and if she will make a statement on the matter. [29305/04]

Minister for Education and Science (Ms Hanafin): The property management section of the OPW, which acts on behalf of my Department regarding site acquisitions generally has been requested to compile the information requested by the Deputy on the acquisition of the site for the new national school in Kill, County Kildare. As soon as this information is made available to my Department, it will be forwarded directly to the Deputy.

507. **Mr. Stagg** asked the Minister for Education and Science if she has sanctioned the proposals by the County Kildare VEC to relocate a school (details supplied) in County Kildare; and if she will make a statement on the matter. [29308/04]

Minister for Education and Science (Ms Hanafin): The question of the relocation of St. Patrick's Post-Primary School, Naas, County Kildare, to an alternative site is under examination in my Department at present. Discussions have been held with County Kildare Vocational Education Committee, the local authority and representatives of a developer on the matter. These discussions are ongoing and it is not possible to indicate at this stage when they may be concluded and when a final decision will be taken in the matter.

Schools Building Projects.

508. **Mr. Stagg** asked the Minister for Education and Science the position on the provision of an extension to a college (details supplied) in County Kildare; and if she will make a statement on the matter. [29309/04]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that construction has commenced on an extension project at the school to which he refers. The project is due to be completed in early 2005.

Third Level Fees.

509. **Mr. G. Mitchell** asked the Minister for Education and Science if she will provide assistance and advice to a person (details supplied) in Dublin 12 who cannot afford to pay course fees. [29333/04]

Minister for Education and Science (Ms Hanafin): Under the terms of the higher education grants scheme administered by the local

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authorities under the aegis of my Department, the position is that, generally speaking, students who are entering approved courses for the first time are eligible for grants where they satisfy the relevant conditions as to residence, means, nationality and previous academic attainment.

A candidate's reckonable income for the purposes of the means test is his or her gross income from all sources and the gross income of his or her parents or guardians, where applicable, with certain specified social welfare and health board payments being exempt. Grant assistance may not be awarded in any case where the reckonable income exceeds the prescribed income limits for the award of a grant.

I understand that the candidate in question was refused a higher education grant on the basis that reckonable income exceeded the prescribed income limits for the award of a maintenance and fees grant. I regret that it is not possible to allow grant aid where reckonable income exceeds the prescribed limits, irrespective of the particular circumstances.

I advise the Deputy that section 473A of the Taxes Consolidation Act 1997 provides tax relief, at the standard rate of tax, for tuition fees paid in respect of approved courses at approved colleges of higher education, including certain approved undergraduate and postgraduate courses in EU member states and in non-EU countries. The application form — IT31 form — to claim tax relief on tuition fees is available from the Revenue Commissioners. Further information is available from the student's local tax office.

Schools Building Projects.

510. **Mr. Ring** asked the Minister for Education and Science when funding will be provided to a school (details supplied) in County Mayo in view of the fact that all planning stages were completed early in 2004; when funding will be available for this project; when this matter will proceed to tender stage; and when will construction commence. [29337/04]

Minister for Education and Science (Ms Hanafin): The PE hall for the school referred to by the Deputy is at the stage of advanced architectural planning and my Department's officials have received a combined stage 4/5 — detail design/bill of quantities — submission from the school authorities.

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, including the school referred to by the Deputy. 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 school building programme from 2005 onwards.

School Staffing.

511. **Mr. Ring** asked the Minister for Education and Science the schools in County Mayo that benefited as a result of the additional 500 special needs assistant positions announced on 22 October 2004. [29338/04]

512. **Mr. Ring** asked the Minister for Education and Science the way in which the additional 500 special needs assistants will be divided out, with details of the number which will be assigned to each county. [29339/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 511 and 512 together.

I recently sanctioned an additional 295 special needs assistant, SNA, posts to support over 500 pupils with special care needs. As these SNAs are not assigned to individual schools but to the children with significant need, it would be inappropriate to provide information on the names of these children. Responsibility for recruiting the SNAs rests with the individual board of management.

Special Educational Needs.

513. **Mr. Allen** asked the Minister for Education and Science if her attention has been drawn to the situation of a person (details supplied) in County Cork; if she will investigate the reason a school service is not being offered to this person and there has been no contact from her Department with their mother regarding this unacceptable situation which is known to the local inspectorate. [29340/04]

Minister for Education and Science (Ms Hanafin): My Department's inspectorate is liaising with the special schools referred to by the Deputy regarding enrolment of the child in question. A decision will be conveyed to the parents at the earliest possible date. Pending a school placement, my Department has approved ten hours per week of home tuition.

Schools Building Projects.

514. **Mr. Kenny** asked the Minister for Education and Science the position regarding the provision of new school premises at a school (details supplied) in County Mayo; when official recognition was given to this school; if arrangements have been finalised regarding site acquisition and new buildings; the moneys allocated for 2004-05; and if she will make a statement on the matter. [29341/04]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers was granted permanent recognition with effect from May 2000. The property management section of the OPW, which acts on behalf of my Department regarding site acquisitions generally, is currently exploring the possibility of acquiring a site for this school.

The application from the school for permanent accommodation 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. All projects are being assessed against the published prioritisation criteria, revised 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 school building programme from 2005 onwards.

Special Educational Needs.

515. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that her Department and the Department of Health and Children establish compatible databases on children and adults who have a diagnosis of Asperger's syndrome; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29358/04]

516. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that her Department and the Department of Health and Children establish compatible databases on children and adults who have a diagnosis of PDD-NOS; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29359/04]

517. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that as a matter of urgency research be conducted into the national prevalence of autistic disorder; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29360/04]

518. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that as a matter of urgency research be conducted into the national prevalence of Asperger's syndrome; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29361/04]

519. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that as a matter of urgency research be conducted into the national prevalence of PDD-NOS; if such a

recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29362/04]

520. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that her Department and the Department of Health and Children establish compatible databases on children and adults who have a diagnosis of autistic disorder; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29363/04]

521. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that until such a time as national ASD databases are fully operational, her Department and the Department of Health and Children agree a prevalence rate for ASDs as a basis of forward planning for the provision of services and to ensure that resources will be sufficient — prevalence estimates indicate that as an initial target, provision be made for services for at least 20 per 10,000 with autistic disorder and for 36 per 10,000 with Asperger's syndrome; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29364/04]

522. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that forward planning by the Government be based on international prevalence rates, until our national ASD databases are fully operational; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29365/04]

523. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that the role of parents as advocates for their children/young adults with autistic spectrum disorders be formally recognised; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29366/04]

524. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that structures be established to ensure that the provision of support services and therapies are delivered smoothly and seamlessly; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be com-

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pleted; and if she will make a statement on the matter. [29367/04]

525. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that a national forum for autistic spectrum disorder be established to facilitate the dissemination of information and exchange of views between parents, professionals and Departments; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29368/04]

526. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that her Department initiate a parent-school partnership scheme for persons with autistic spectrum disorders, and that this entail the creation of partnership facilitator posts; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29369/04]

527. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that consultation, collaboration and the inclusion of parent representatives-voluntary and support organisations on education, health, vocational and training and supported employment policy-planning teams and committees at local and national levels be recognised as a key feature of future policy formation for ASDs and that professional input and training be provided to such a parent representatives-organisations as appropriate; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29382/04]

528. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that persons with Asperger's syndrome-high functioning autism have the opportunity and be actively encouraged to participate on health or education planning committees; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29383/04]

529. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that parents be informed of their entitlement to attend all meetings and case conferences concerning their

children, including those where the progress or intervention of their child may be under deliberation, and that advance notice of such meetings be supplied to parents to facilitate attendance; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29384/04]

530. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that emphasis be placed on the centrality of parents in decision making relating to their child with an ASD; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29385/04]

531. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that her Department and the Department of Health and Children co-ordinate a national Asperger's syndrome-high functioning autism awareness campaign aimed at teachers, parents and the medical profession in an effort to combat current low levels of awareness and identification rates and that awareness be raised among professionals of the need for referral of suspected cases of Asperger's syndrome-high functioning autism to the appropriate secondary or tertiary services and that special training be provided within the relevant professions on Asperger's syndrome-high functioning autism; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29386/04]

532. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that structures for the provision of diagnosis should include arrangements for the early diagnosis of Asperger's syndrome/high functioning autism and for the diagnosis and assessment of adolescents-adults with Asperger's syndrome-high functioning autism; the importance of early diagnosis of Asperger's syndrome/high functioning autism and the equal importance of the availability of assessment for the adolescent-adult diagnosis of Asperger's syndrome-high functioning autism should be highlighted among the education and health services; if such a recommendation has been carried out, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29388/04]

533. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that the child-adult and family support plans and the statement of educational needs be afforded statu-

tory status, including statutory entitlement to the provision of an IEP, and that an IEP be established for each individual based on the results of relevant assessments; if such a recommendation has been carried out, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29390/04]

534. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that a working group, which would include representatives of the Department of Education and Science, the Department of Health and Children, parents and other relevant representatives, be established in each health board region to review the specific needs of people with Asperger's syndrome-high functioning autism of all ages in the region; if such a recommendation has been carried out, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29391/04]

535. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that the assessment and service provision functions be independent of each other and that the assessment process be transparently free of any vested interest; if such a recommendation has been carried out, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29393/04]

536. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that following diagnosis of ASD, intervention commence within 30 days and that additional assessments, as necessary, be conducted within three to six months; if such a recommendation has been carried out, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29394/04]

538. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that information on a variety of empirically validated methodologies be available to parents and that the values underpinning differing approaches be explored from the professional and parental perspectives before making decisions on educational placements; if such a recommendation has been carried out, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29396/04]

540. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that the Minister for Education and Science recommend

to the Minister for Health and Children the introduction of statutory child and adult family support plans for those with an ASD; if such a recommendation has been carried out, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29399/04]

541. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that the Department of Education and Science, in collaboration with parents, the health board and relevant voluntary/non-Governmental organisations, develop formal behavioural guidelines for staff and that these guidelines be distributed to all schools and institutions catering for persons with ASD; if such a recommendation has been carried out, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29400/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 515 to 536, inclusive, and 538, 540, and 541 together.

The Deputy has tabled a number of questions on individual recommendations in the report of the task force on autism. These recommendations provide an invaluable basis for the development of educational services and supports for persons with autism. However, in responding to the recommendations, my Department has had to give priority to a number of key areas before detailed individual recommendations can be addressed. These key areas involve the implementation of the core legislative and structural measures required to underpin service development and delivery. This approach is critical to the implementation of many of the individual recommendations of the task force, including those relating to assessment, parental involvement, service delivery, information dissemination, promotion of inclusion and co-ordination between health and education authorities.

The Education for Persons with Special Educational Needs Act 2004 has now been enacted and, on the structural front, the National Council for Special Education, NCSE, has been established on a statutory basis. While these developments represent significant progress, a considerable amount of additional input is required before the measures can begin to have a positive impact on services for children with special educational needs, including those with autism.

Over the course of the coming months, I expect that significant progress will be made in this regard. Specifically, consideration will be given to the detailed measures required to enable the Act to be commenced. In addition, it is intended that the NCSE will assume operational status in the new year and a range of measures are in hands to ensure that this objective is realised. These measures include comprehensive supported training for the council's special educational needs organisers and the drawing up of detailed work

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protocols on the various areas of work for which the council will assume responsibility.

This work will be carefully planned and executed over the coming months. I will address many of the recommendations of the task force. Other recommendations will be addressed over time in consultation with the council and other interested parties.

Special Educational Needs.

537. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that parents have access to accurate information regarding mainstream and specialised educational options for the placement of their child post diagnosis; if such a recommendation has been carried out and the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29395/04]

Minister for Education and Science (Ms Hanafin): My Department is at present developing, in consultation with the Irish Autism Alliance, a set of detailed responses to frequently asked questions about educational provision and supports for children with autism. These responses will focus on such matters as school placement options, educational assessments, in-service training, health-related support services and school transport.

It is intended that development of this resource will be completed shortly.

Question No. 538 answered with Question No. 515.

539. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendations (details supplied) in the report of the task force on autism of October 2001; if such a recommendation has been carried out and the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29398/04]

583. **Ms Enright** asked the Minister for Education and Science the progress which has been made on the recommendations (details supplied) in the report of the task force on autism of October 2001; if such recommendations have been carried out; if so, the extent to which; if not completed, when they will be completed. [29477/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 539 and 583 together.

I am concerned to ensure that all policy proposals from my Department reflect the primary role parents have in the primary and post-primary education systems. Indeed recent legislative developments from my Department and others have embraced the principles laid out in the

report of the task force on autism and referred to by the Deputy.

Article 42 of the Constitution acknowledges that the family is the primary and natural educator of a child and all legislation must take account of that fact. The Education for Persons with Special Educational Needs Act 2004 provides for the greater involvement of parents of children with special educational needs in the education of their children. Parents have a central role in the education of their child and the Act guarantees parents the right to be involved in the assessment of their child. The Act clearly outlines the rights of parents in the assessment and decision making process of their child's education.

The Act sets out a range of services, which must be provided, including assessments, education plans and support services. Under section 4(3) of the Act, where parents believe that their child may have special educational needs, they may request the relevant health board or the National Council for Special Education, established under the Act, to carry out an assessment of the child. Parents of a student with special educational needs may also request the principal of a school to take measures to meet the educational needs of that student, including arranging for an assessment to be carried out. Under the Act, there is an obligation on the health board, council or principal to facilitate the participation of the parents in the carrying out of an assessment of their child.

Every child with special educational needs is entitled to an individual education plan, prepared by appropriate professionals. The IEP will set out the child's educational needs, the special education and related support services to be provided to him or her and the goals, which the child is to achieve over a period of not more than 12 months. Parents have a right to participate and provide inputs in the preparation of the IEP. The IEP is subject to regular review and amendment. Under section 11 of the Act, the principal must report to the parents on the operation of each education plan and section 14 of the Act requires boards of management to ensure that parents of a student with special educational needs are informed, consulted and allowed to participate in all significant decisions concerning their child's education.

The Act also provides for an appeals process where parents can submit decisions concerning their child's education to an independent review board. The review board has power to compel bodies, including health boards, to take specific actions to address matters before it, thus giving parents a quick, cheap and effective route to secure education for their child's needs. The assistance and advice of a special educational needs organiser is available to parents in many circumstances and under the Comhairle (Amendment) Bill 2004 parents will also have access to an advocacy service to assist them in

accessing all social services including those under the Education for Persons with Special Educational Needs Act 2004.

The membership of the council will take into account the desirability of the participation of persons with special educational needs, their parents and representatives and will have two members nominated by the National Disability Authority. Furthermore, the consultative forum, which will advise the council, will be representative of voluntary bodies involved in the promotion of the interests of persons with disabilities and other interested parties including parents.

Questions Nos. 540 and 541 answered with Question No. 515.

542. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that no student should be discriminated against by being suspended or expelled from their educational programme due to behaviours resulting from the severity of their disability; if such a recommendation has been carried out and the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29401/04]

Minister for Education and Science (Ms Hanafin): Under the provisions of the Education (Welfare) Act 2000, the board of management of all recognised schools should, in consultation with specified persons, prepare a code of behaviour in respect of students registered at the school which should specify the following: (a) the standards of behaviour that shall be observed by each student attending the school; (b) the measures that may be taken when a student fails or refuses to observe those standards; (c) the procedures that should be followed before a student may be suspended or expelled from the school concerned; (d) the grounds for removing a suspension imposed in relation to a student; and (e) the procedures to be followed relating to notification of a child's absence from school.

When behavioural difficulties arise, the school authorities should consult with the relevant professionals and parents well before the stage where suspension or expulsion needs to be seriously considered.

The provisions of the Education Act and the Education (Welfare) Act mean that a school board of management cannot expel a student lightly and that parents have the right of appeal in the event that it does happen. Section 29 of the Education Act provides for parental right of appeal to the Secretary General of my Department in respect of: (1) permanent exclusion from a school; (2) suspension for a period which would bring the cumulative period of suspension to 20 days in any one school year, or (3) refusal to enrol.

Where the appeals board determines that the board of management of the school has acted in breach of its policies, fair procedures or the law, it may make recommendations to the Secretary General of my Department who may direct a school to take whatever action is necessary, including reinstatement.

Where a school proposes to expel a student for a breach of the school's code of conduct, it must notify the National Educational Welfare Board, which will make every reasonable effort to ensure that, in the event of expulsion, alternative provision is found for the child. The education welfare officer will liaise with parents and education providers to ensure that the educational needs of the child are met.

543. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that schools and programmes educating one or more students with an ASD are properly resourced; if such a recommendation has been carried out and the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29402/04]

562. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that provision for children with ASDs be sufficient to meet demand in all geographical regions and be based on admission criteria which reflect diagnostic category, assessed needs and parental choice; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29451/04]

565. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that her Department secure sufficient support services for children with ASDs; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed. [29454/04]

600. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendations (details supplied) in the report of the task force on autism of October 2001 that supports be provided as needed for children with an ASD when in a mainstream setting; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29494/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 543, 562, 565 and 600 together.

Every effort is made to ensure that children with special educational needs, including children

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with autistic spectrum disorders, receive an education appropriate to their needs. Decisions regarding the most appropriate model of response in each particular case are based on the professionally-assessed needs of the individual child.

Children who have been assessed as having special educational needs, including autism, have access to a range of special support services. The services range from special schools dedicated to particular disability groups, through special classes-units attached to ordinary schools, to placement on an integrated basis in ordinary schools, with special back-up supports.

My Department's policy is to ensure the maximum possible integration of children with special educational needs into ordinary mainstream schools. Many children with such needs, including autism, are capable of attending mainstream schools on a fully integrated basis with the support, where necessary, of special resource teachers and-or special needs assistants.

Children with more severe disabilities are catered for in special schools which are dedicated to particular disability groups. There are 108 special schools in the country at present. These schools cater for children from four to 18 years of age and each school enjoys a significantly reduced pupil teacher ratio and other staffing supports. For example, each class catering for a maximum of six pupils with autism will have a staffing of at least one teacher and two special needs assistants. Additional special needs assistant support is provided if deemed necessary. Special schools also receive increased rates of capitation funding.

Where placement in a special school is not considered necessary, children with special educational needs, including those with autism, can attend special classes attached to ordinary mainstream schools. All special autism classes enjoy the same increased levels of staffing and funding as are made available to the special schools. Children with autism attending special classes attached to ordinary schools may, where appropriate, be integrated into ordinary classes for periods of the school day and, in that way, benefit from being able to socialise with their non-disabled peers. A total of 139 special classes for autism are in place in the primary system at present. Further special classes for autism may be established nation-wide, as appropriate.

While children are awaiting a suitable educational placement, my Department may sanction home tuition as an interim measure, if appropriate. The following dedicated resources are now deployed to support children with special educational needs, including those with autism, in the primary system: more than 2,600 resource teachers — up from 104 in 1998; more than 1,500 learning support teachers — up from 1,302 in 1998; more than 1,000 teachers in special schools; more than 600 teachers in special classes; more than 5,000 special needs assistants — up from 300

in 1998; more than €30 million on school transport for special needs pupils; more than €3 million towards specialised equipment and materials — up from €0.8 million in 1998.

To appreciate the scale of improvement in the provision of resources to primary schools for special needs, it is worth reflecting on the fact that, at approximately 10,700, the number of adults providing services to children with special educational needs in primary schools today equates to more than half of the 21,100 primary teaching force in 1998.

My Department is continuing to develop the network of special educational provision for children with autism. The extent of progress can be measured from the fact that, since 1998, when autism was first recognised as a distinct special educational need, the number of dedicated facilities that have been developed is as follows: eight pre-school classes for children with autism; 134 special classes for children with autism attached to special schools and mainstream schools; five special classes for children with Asperger's syndrome; eight autism facilities, some of which are providing an applied behavioural analysis model of response to children with autism.

Another major landmark in the development of autism specific services was the joint launch last month by my predecessor and the Minister with responsibility for Education in Northern Ireland of the Middletown Centre for Autism. This marked the successful completion of the purchase of the former St. Joseph's Adolescent Centre, Middletown on behalf of the Department of Education in the North and the Department of Education and Science in the South. Both Departments plan to refurbish the property to meet the needs of a centre of excellence for children and young people with autism throughout the island of Ireland. The centre will be dedicated to improving and enriching the educational opportunities of children and young people with autistic spectrum disorders.

Four key services will be provided by the centre: a learning support service, on a residential basis; an educational assessment service; a training and advisory service, and an autism research and information service.

I believe that the steps taken in recent years and those currently in hand represent significant progress in the development of services for children with autism. However, I fully recognise that further progress is required and my Department in consultation with parents and existing service providers will seek to ensure that the recent rate of development is maintained.

Pupil Teacher Ratio.

544. **Mr. F. McGrath** asked the Minister for Education and Science if a school (details supplied) in Dublin 7 will lose its 2.2 teachers under the current proposals; and if this school will be made a priority case. [29428/04]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, I am conscious of difficulties that could arise in relation to the proposed model for allocating resource teachers to primary schools, particularly for children in small and rural schools, if it were implemented as currently proposed.

Accordingly, I will be reviewing the proposed model to ensure that 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.

It is important to emphasise that applications may continue to be made for specific resource teacher allocations in respect of pupils with lower-incidence special educational needs.

School Enrolments.

545. **Mr. F. McGrath** asked the Minister for Education and Science the position regarding the review of schools in the Whitehall area of Dublin; and the implications for a school (details supplied) in relation to its request for a school. [29429/04]

Minister for Education and Science (Ms Hanafin): Officials in the school planning section of my Department are actively conducting an overall review of primary education in the Whitehall area of Dublin. The purpose of the examination is to determine the likely demand for primary school places in the medium to long term and how existing provision can be maximised to cater for this demand.

This review, which will be completed as quickly as possible, is taking the long term accommodation needs of the school referred to by the Deputy into consideration.

Special Educational Needs.

546. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that formalised Department of Education and Science-university partnerships be established to develop appropriate programmes for persons with ASDs; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29435/04]

547. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that a visiting teacher service, similar to the visiting teacher service for children with impaired hearing and with a high level of very specialised training in

the area of autistic spectrum disorders, be put in place for persons with ASDs; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29436/04]

549. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that schools providing for persons with ASDs implement the statementing procedure and detailed individual education plans which respond to the needs of the child and provide for the education in the least restrictive setting; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29438/04]

550. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that extreme caution be exercised when deciding who should be informed about the diagnosis of Asperger's syndrome, and that the dignity and decision of each person regarding disclosure or non-disclosure of disability status among peers be respected; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29439/04]

551. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that the marginalised lifestyles and social isolation of those with ASDs be acknowledged through proactive policies that promote social inclusion, positive mental health and community integration; that such strategies be prioritised and funded for late adolescents-adults with AS-HFA in the mainstream who are without a dedicated service provider and at risk of social isolation or depression though lack of social opportunities; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29440/04]

552. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001, that the Department of Education and Science introduce behaviour support teams in each region to support the education of children with ASDs and additional behavioural difficulties; if such a recommendation has been carried out; if so, the extent to which, if not completed, when it will be completed; and if she will make a statement on the matter. [29441/04]

553. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that a range of suitable options be developed, so that students presenting with significant behavioural challenges will remain in a suitable educational programme, uninterrupted, while simultaneously supporting the staff who are charged with educating them; if such a recommendation has been carried out; if so, the extent to which, if not completed, when it will be completed; and if she will make a statement on the matter. [29442/04]

554. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that all persons diagnosed with AS-HFA have access to age-appropriate social, communication and life skills training programmes across the range of educational settings; that where diagnosis is made during adolescence-adulthood, intervention programmes i.e. peer support groups-social understanding initiatives should be implemented immediately; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29443/04]

555. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that Garda and probation officers be aware of AS-HFA and respond to it sensitively; that it be a part of pre-service training at the Garda Síochána College, Templemore and part of in-service training in the probation department; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29444/04]

556. **Ms Enright** asked the Minister for Education and Science the progress which has been made on the recommendation in the report of the task force on autism of October 2001 that special pre-school classes offer validated approaches of teaching children with an ASD; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29445/04]

558. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that prescribed therapies and behaviour management support be made available, and delivered as agreed on the support plan of IEP, regardless of the location at which the child receives their education; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29447/04]

559. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that formal reviews be conducted at least at this age; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29448/04]

560. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that the NEPS be involved in collaboration with the relevant health board psychologist, in the placement and subsequent monitoring of children aged five years and under who have an ASD; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29449/04]

561. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that independent evaluation research on pre-school programmes funded by her Department and, if relevant, by the Department of Health and Children, be conducted to inform future planning and provision; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29450/04]

563. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that the function of special needs co-ordinator be assigned to a named teacher in each school; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29452/04]

564. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that provision for children with ASDs ensure appropriate opportunities for meaningful integration and inclusion with their similarly aged peers and be written into the school plan; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed. [29453/04]

567. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that a review of the progress and the individual education plan for each child with an ASD be carried out annually or at an appropriate request of a parent or teacher; if such a recommendation has

been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29456/04]

568. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that there be a full, independent, multi-disciplinary assessment to effect the smooth transfer of the children from the primary sector to the second level sector; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29457/04]

569. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that children with ASDs in primary schools have full access to the curriculum of their similarly aged and ability peers, with appropriate modification, as identified by the relevant statement of need and individual education plan; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed. [29458/04]

571. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that her Department inspectorate regulates and annually report on primary provision for children with ASDs; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed. [29460/04]

572. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that schools review, at least annually and in the context of the school plan, their provision for children with an ASD in all aspects of the education of their child; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29461/04]

573. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendations (details supplied) in the report of the task force on autism of October 2001 that research be carried out on methodologies and approaches, on the benefits of various clinical interventions, on the development of ASD-specific components of teacher and classroom assistant training, on curricular interventions, on inclusion in education for persons with ASDs, on strategies for successful mainstream education and that there be systematic evaluation of all pilot projects; if such a recommendation has been carried out and the extent to which; if not completed, when it will be com-

pleted; and if she will make a statement on the matter. [29467/04]

574. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendations (details supplied) in the report of the task force on autism of October 2001 that the Department of Education and Science make available a range of approaches and therapies to meet the unique needs of each students with an ASD, that such provision includes as appropriate, a choice/combination of home based, mainstream or specialist settings and the various core therapies of speech and language, occupational and behavioural therapy, and physiotherapy when specified; if such a recommendation has been carried out and the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29468/04]

575. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendations (details supplied) in the report of the task force on autism of October 2001 that funding be made available for research into the effectiveness of various approaches and strategies used to support with ASDs including the specific curricular approaches to promote to academic potential and social and emotional progress of children with AS-HFS; if such a recommendation has been carried out and the extent to which; if not completed, when it will be completed. [29469/04]

576. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendations (details supplied) in the report of the task force on autism of October 2001 that the Department of Education and Science issue a national ASD policy statement which will emphasise the primary of the principles of inclusion and the latest restrictive environment, and which will require schools to include a statement of provision and curriculum access and support for person with an ASD within the school plan; if such a recommendation has been carried out and the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29470/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 546, 547, 549 to 556, inclusive, 558 to 561, inclusive, 563, 564, 567 to 569, inclusive, and 571 to 576, inclusive, together.

The Deputy has tabled a number of questions in relation to individual recommendations in the report of the task force on autism. At the outset, I want to say that these recommendations provide an invaluable basis for the development of educational services and supports for persons with autism.

However, in responding to the recommendations, my Department has had to give priority to a number of key areas before detailed individual

[Ms Hanafin.]

recommendations can be addressed. These key areas involve the implementation of the core legislative and structural measures required to underpin service development and delivery. This approach is critical to the implementation of many of the individual recommendations of the task force including those relating to assessment, parental involvement, service delivery, information dissemination, promotion of inclusion and co-ordination between health and education authorities.

With regard to legislation, the Education for Persons with Special Educational Needs Act 2004 has now been enacted while, on the structural front, the National Council for Special Education has been established on a statutory basis. While these developments represent significant progress, a considerable amount of additional input is required before these measures can begin to have a positive impact on services for children with special educational needs, including those with autism.

Over the course of the coming months, I expect that significant progress will be made in this regard. Specifically, consideration will be given to the detailed measures required to enable the Act to be commenced. In addition, it is intended that the NCSE will assume operational status in the new year and a range of measures are in hands to ensure that this objective is realised.

These measures include comprehensive supported training for the council's special educational needs organisers and the drawing up of detailed work protocols in relation to the various areas of work for which the council will assume responsibility.

This work is will be carefully planned and executed over the coming months. It will address many of the recommendations of the task force. Other recommendations will be addressed over time in consultation with the council and other interested parties.

Question No. 547 answered with Question No. 546.

Special Educational Needs.

548. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that the Department of Education and Science instruct and resource the in-career development section of the Department to prioritise the training of all staff involved in the education of students with ASDs to ensure their understanding of how the particular ASD and any accompanying disorder affects the student's learning style; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29437/04]

Minister for Education and Science (Ms Hanafin): At the outset, it is important to state that the existing full-time pre-service primary teacher training courses in the colleges of education contain appropriate elements to assist teachers in dealing with the full range of pupils, including those with special educational needs.

In addition, there are inputs to both the higher diploma in education and the education degree programmes in the University of Limerick, as part of a general alertness orientation programme, on the variety of pupils' learning difficulties which teachers may encounter in the classroom.

In recent years my Department has adopted a strategy designed to greatly expand the provision of continuing professional development for personnel working with pupils with special educational needs, including those with autism. This training provision aims to provide development and support at individual teacher level, and, crucially, at whole school staff level.

In particular, it is the policy of my Department to provide for a range of additional and continuing professional development programmes to further enhance the skills of teachers working with pupils with special educational needs, including those with autism. The additional training provision is specifically designed to address the complex range and variety of training needs in this area.

In this regard, in consultation with the colleges of education, a major expansion in the range of postgraduate training for teachers in this area has been authorised. My Department is currently providing support for 160 places on a postgraduate diploma programme in special educational needs; 12 places on an applied behavioural analysis programme; 20 places on a postgraduate programme in autism; 16 places on a masters programme; and 160 on the postgraduate programme in learning support.

In September 2003, the establishment of the special education support service, which currently provides a range of training and support for teachers at local level, was authorised. This service is developing training teams which will further support teachers working with children with special educational needs in primary and post-primary schools. The number of places made available at post-graduate level and the overall inservice requirement in this area are kept under ongoing review.

Questions Nos. 549 to 556, inclusive, answered with Question No. 546.

Special Educational Needs.

557. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that her Department provide the staff necessary to conduct home and school programmes, including

intensive behavioural intervention in the locations and to the extent indicated; and that this be conducted in approach specific (details supplied) schools or classrooms; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed. [29446/04]

Minister for Education and Science (Ms Hanafin): My Department is continuing to develop the network of special educational provision for children with autism. The extent of progress can be measured from the fact that, since 1998, when autism was first recognised as a distinct special educational need, the number of dedicated facilities that have been developed is as follows: eight pre-school classes for children with autism; 134 special classes for children with autism attached to special schools and mainstream schools; five special classes for children with Asperger's syndrome; and eight autism facilities, some of which are providing an applied behavioural analysis model of response to children with autism.

Another major landmark in the development of autism specific services was the joint launch last month by my predecessor and the Minister with responsibility for Education in Northern Ireland of the Middletown Centre for Autism. This marked the successful completion of the purchase of the former St. Joseph's Adolescent Centre, Middletown on behalf of the Department of Education in the North and the Department of Education and Science in the South. Both Departments plan to refurbish the property to meet the needs of a centre of excellence for children and young people with autism throughout the island of Ireland. The centre will be dedicated to improving and enriching the educational opportunities of children and young people with autistic spectrum disorders.

Four key services will be provided by the centre: a learning support service, on a residential basis; an educational assessment service; a training and advisory service, and an autism research and information service.

In addition, my Department may sanction home tuition grants for children with autism for whom a home-based ABA programme is considered appropriate or in cases where such children are awaiting an appropriate school placement.

I believe that the steps taken in recent years and those currently in hand represent significant progress in the development of services for children with autism. However, I fully recognise that further progress is required and my Department in consultation with parents and existing service providers will seek to ensure that the recent rate of development is maintained.

Questions Nos. 558 to 561, inclusive, answered with Question No. 546.

Question No. 562 answered with Question No. 543.

Questions Nos. 563 and 564 answered with Question No. 546.

Question No. 565 answered with Question No. 543.

566. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that special needs assistants be adequately trained and remunerated; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29455/04]

Minister for Education and Science (Ms Hanafin): My Department has 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 for personnel, including special needs assistants, SNAs, who work with children with special educational needs, including children with autism. SNA training is provided in accordance with the priorities and overall demands of the system. Particular needs, for example, those of children with autism, are taken into account in establishing the relevant priorities.

A general training course for SNAs has also been put in place by the teacher education section of my Department, in conjunction with three colleges of education and the network of education centres. Some 20 hours of training are provided for SNAs, through their local education centres. Linked with this training is the option for the SNAs, in consultation with the individual colleges, to continue the training to certification level. To date, a significant number of SNAs have participated in these initial courses and priority has been given to those who have not previously had training in this area of work.

Revised pay arrangements for regular part-time special need assistants employed in the 2004 to 2005 school year in primary schools were introduced recently. Part-time special needs assistants who are employed for a regular number of hours each week over the course of the full school year are now being paid at the appropriate revised hourly rate for each hour worked with effect from 1 September 2004. The details of the revised rates were issued in Circular Pay 21/04. Special needs assistants employed in infant classes for the full duration of the infant school day are now paid for 27 hours per week at the appropriate hourly rate subject to verification by the board of management of the school.

Circular Pay SNA 18/04, outlining the terms of the brief absences available to special needs assistants, issued to boards of management of primary schools in August 2004. Superannuation

[Ms Hanafin.] arrangements were agreed for special needs assistants in April 2004 and the appropriate deductions are made from salary on an ongoing basis. It is proposed to introduce a payroll operated by my Department for the payment of special needs assistants employed in secondary and community or comprehensive schools in the near future.

Questions Nos. 567 to 569, inclusive, answered with Question No. 546.

Pupil-Teacher Ratio.

570. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that pupil-teacher ratios should continue to remain small, as for early education, and responsive to individual needs; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29459/04]

Minister for Education and Science (Ms Hanafin): The pupil-teacher ratio for children with autism, at 6:1, is the most preferential pupil-teacher ration for pupils with special educational needs. I have no plans to alter that arrangement. In addition, two special needs assistants provide care support to a maximum of six pupils. Depending on the circumstances, a higher level of SNA support may be approved.

Questions Nos. 571 to 576, inclusive, answered with Question No. 546.

Special Educational Needs.

577. **Ms Enright** asked the Minister for Education and Science the progress which has been made on the recommendation in the report of the Task Force on Autism of October 2001 that her Department establish a committee, which will include parent representatives, to develop agreed guidelines and procedures for monitoring children's progress; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29471/04]

578. **Ms Enright** asked the Minister for Education and Science the progress which has been made on the recommendation in the report of the Task Force on Autism of October 2001 that schools enrolling students with ASDs ensure a whole school ethos conducive to appropriately supporting the needs of these students; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29472/04]

579. **Ms Enright** asked the Minister for Education and Science the progress which has been made on the recommendation in the report of the

Task Force on Autism of October 2001 that schools enrolling students with ASDs ensure that there is a written policy indicating the arrangements, including assessment and recording procedures, teaching approaches, support services, child safety provision and staffing and material resources to support successfully the needs of these students; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29473/04]

581. **Ms Enright** asked the Minister for Education and Science the progress which has been made on the recommendation in the report of the Task Force on Autism of October 2001 that schools enrolling students with ASDs actively promote inclusion for these students and that research be initiated to review the success, if inclusive and special placements for students with ASDs; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed. [29475/04]

582. **Ms Enright** asked the Minister for Education and Science the progress which has been made on the recommendation in the report of the Task Force on Autism of October 2001 that her Department, through the inspectorate, SNOs or otherwise, take responsibility for the identification, training arrangements and employment of teachers to support students with AS-HFA who are availing of the home tuition scheme; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed. [29476/04]

584. **Ms Enright** asked the Minister for Education and Science the progress which has been made on the recommendation in the report of the Task Force on Autism of October 2001 that community integration and education and transport arrangements for adolescents with AS-HFA be age-appropriate and arranged with due respect to the right of each person to retain confidentiality regarding disability status among peers and that, if relevant and appropriate, grant support in lieu of special transport be provided in order to retain confidentiality; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed. [29478/04]

585. **Ms Enright** asked the Minister for Education and Science the progress which has been made on the recommendation in the report of the Task Force on Autism of October 2001 that individual and group counselling be provided for adolescents with AS-HFA to assist persons to come to terms with the implications of the disorder and to address emotional, behavioural and educational issues which may arise; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed. [29479/04]

586. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the Task Force on Autism of October 2001 that her Department and the Department of Health and Children should encourage, support and provide funding for young people with AS-HFA to join local gyms and health centres, particularly during holidays, in an effort to maintain or improve community integration and their physical and mental health through the provision of positive social opportunities; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29480/04]

587. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the Task Force on Autism of October 2001 that her Department provide a national policy-code of practice document which would outline key areas of concern and general recommendations regarding the provision of support, protection and flexible education to meet the holistic needs of persons with AS-HFA in mainstream classes and schools, that this policy should be circulated to all schools and parents of this group; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29481/04]

588. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the Task Force on Autism of October 2001 that the State put significant resources into the development and implementation of intensive early services programmes for children on the autistic spectrum; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29482/04]

589. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the Task Force on Autism of October 2001 that her Department, in conjunction with the health boards and in consultation and agreement with parents, develop protocols for nationally agreed intervention models to be developed in each region; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29483/04]

590. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the Task Force on Autism of October 2001 that educational — under her Department — and independent clinical — under her Department and health boards — assessment and intervention be offered from the point of diagnosis; if such a recommendation has been carried out; if so, the

extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29484/04]

593. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the Task Force on Autism of October 2001 that children be allowed dual enrolment, that is, in a mainstream setting as well as a specials ASD class; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed. [29487/04]

594. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendations (details supplied) in the report of the Task Force on Autism of October 2001 that statements of educational need, individual educational plans and child and family support plans be developed for the young child; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29488/04]

595. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendations (details supplied) in the report of the Task Force on Autism of October 2001 that individual, ongoing and multi-professional assessment be offered to establish effective, sequentially ordered intervention programmes; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29489/04]

596. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendations (details supplied) in the report of the Task Force on Autism of October 2001 that her Department inspectorate play an active, well defined role in promotion, monitoring and evaluation of ASD early services programmes; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29490/04]

597. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendations (details supplied) in the report of the Task Force on Autism of October 2001 that her Department form partnerships in order to adequately resource and support a range of existing pre-schools and to provide integrated pre-school experiences for children from the point of diagnosis to five years of age, with ASD-specific supports funded by her Department and that a set of standards, guidelines and monitoring procedures be defined to accompany this development; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29491/04]

598. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendations (details supplied) in the report of the Task Force on Autism of October 2001 that formal links between her Department, health boards and universities with education and psychology departments be established for the purposes of developing appropriate early education for children with ASDs; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29492/04]

601. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendations (details supplied) in the report of the Task Force on Autism of October 2001 that the visiting teacher for ASDs scheme, suggested in this report, be available to children with an ASD in all pre-school settings; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29495/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 577 to 579, inclusive, 581 and 582, 584 to 590, inclusive, 593 to 598, inclusive, and 601 together.

The Deputy has tabled a number of questions in relation to individual recommendations in the Report of the Task Force on Autism. These recommendations provide an invaluable basis for the development of educational services and supports for persons with autism. However, in responding to the recommendations, my Department has had to give priority to a number of key areas before detailed individual recommendations can be addressed. These key areas involve the implementation of the core legislative and structural measures required to underpin service development and delivery. This approach is critical to the implementation of many of the individual recommendations of the task force, including those relating to assessment, parental involvement, service delivery, information dissemination, promotion of inclusion and co-ordination between health and education authorities.

With regard to legislation, the Education for Persons with Special Educational Needs Act 2004 has now been enacted while, on the structural front, the National Council for Special Education, NCSE, has been established on a statutory basis. While these developments represent significant progress, a considerable amount of additional input is required before these measures can begin to have a positive impact on services for children with special educational needs, including those with autism.

Over the course of the coming months, I expect that significant progress will be made in this regard. Specifically, consideration will be given to the detailed measures required to enable the Act to be commenced. In addition, it is intended that the NCSE will assume operational status in the

new year and a range of measures are in hands to ensure that this objective is realised. These measures include comprehensive supported training for the council's special educational needs organisers and the drawing up of detailed work protocols in relation to the various areas of work for which the council will assume responsibility.

This work is will be carefully planned and executed over the coming months. It will address many of the recommendations of the task force. Other recommendations will be addressed over time in consultation with the council and other interested parties.

Bullying in Schools.

580. **Ms Enright** asked the Minister for Education and Science the progress which has been made on the recommendation in the report of the Task Force on Autism of October 2001 that her Department identify and circulate a formal standard policy and guidelines on anti-bullying, that anti-bullying policies and proactive protection strategies be implemented and that bullying prevention and the way in which to respond to this issue form part of teacher education, particularly for students with AS-HFA; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed. [29474/04]

Minister for Education and Science (Ms Hanafin): Individual school management authorities are responsible for implementing effective policies to counter bullying in their schools. My Department has issued Guidelines on Countering Bullying Behaviour to all primary and post-primary schools to assist schools in devising school-based measures to prevent and deal with instances of bullying behaviour and to increase awareness of the problem among school management authorities, staff, pupils and parents.

Each school authority is responsible for formulating a written code of behaviour and discipline, which should include specific measures to counter bullying behaviour. A further circular in 1994 reminded school authorities of their responsibility in formulating a written code of behaviour and discipline, which should include specific measures to counter bullying behaviour.

The guidelines provide advice on the procedures for investigating allegations of bullying and for dealing with substantiated instances.

The education of students in both primary and post-primary schools in relation to anti-bullying behaviour is also a central part of the social, personal and health education curriculum.

Questions Nos. 581 and 582 answered with Question No. 577.

Question No. 583 answered with Question No. 539.

Questions Nos. 584 to 590, inclusive, answered with Question No. 577.

Special Educational Needs.

591. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the Task Force on Autism of October 2001 that special classes specifically developed for children with an ASD aged five and under be established in mainstream and some special schools and that these be differentiated on the basis of need and level of functioning; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed. [29485/04]

Minister for Education and Science (Ms Hanafin): I wish to advise the Deputy that my Department has established eight pre-school classes for children with autism, four in Dublin and four in Cork. Additional pre-school classes for children with autism may be established, as appropriate.

In addition, my Department may sanction home tuition grants for children with autism who are of pre-school age and for whom a home educational programme is considered appropriate.

592. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the Task Force on Autism of October 2001 that pre-school children with an ASD be eligible for provision under the home tuition scheme; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29486/04]

Minister for Education and Science (Ms Hanafin): My Department currently sanctions home tuition for pre-school age children with autism, as appropriate. Any other interventions being provided for the children in question are taken into consideration when determining the appropriate level of home tuition provision.

Question No. 593 answered with Question No. 577.

Questions Nos. 594 to 598, inclusive, answered with Question No. 577.

Special Educational Needs.

599. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendations (details supplied) in the report of the task force on autism of October 2001 that the NEPS be authorised to become involved with pre-school and early services programmes; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [29493/04]

Minister for Education and Science (Ms Hanafin): The process of developing the National Educational Psychological Service, NEPS, dates

back to a Government decision of February 1999. The decision included agreement to the establishment of NEPS, giving it delegated authority to develop and provide an educational psychological service to all students who need it in primary and post-primary schools and in other relevant centres supported by my Department. The decision also agreed that there should be an initial development period of five years.

NEPS has now reached the end of its development period, during which time there have been many changes in the educational system, some of which have implications for the work and mandate of NEPS. For example, a number of reports, including that of the task force on autism, have been produced that have possible implications for its role. The recent establishment of the National Council for Special Education also will affect the work of NEPS. For these reasons, an intensive process of strategic review, including consultations with relevant sections of my Department and other stakeholders, is under way in relation to NEPS at present. Issues such as the development of a psychological service for children and young people outside the mainstream school system will be considered as part of that process.

Question No. 600 answered with Question No. 543.

Question No. 601 answered with Question No. 577.

Overseas Missions.

602. **Mr. F. McGrath** asked the Minister for Defence if he has satisfied himself that Irish soldiers serving abroad under the United Nations are given the maximum support with regard to their safety; and if further missions are planned in 2005. [29183/04]

Minister for Defence (Mr. O'Dea): The safety of Irish personnel serving overseas is always of paramount concern to me. While no absolute guarantees can be given with regard to the safety of troops serving in missions, it is my policy and practice to ensure that Defence Forces personnel are appropriately trained and equipped to carry out their mission.

Defence Forces personnel serving on all overseas missions are equipped with the most modern and effective equipment. This equipment enables troops to carry out the mission assigned, as well as providing the required protection specific to the mission. In the case of Liberia, for example, a wide range of equipment and force protection assets has been deployed with the contingent. This equipment includes Mowag APCs, armoured vehicles and support weapons, heavy machine guns and a mortar platoon.

Due to the equipment modernisation programmes that have taken place in the Defence Forces over the past few years, UNMIL is the best equipped battalion ever to serve overseas. Ongoing threat assessments are carried out in

[Mr. O'Dea.]

mission areas and we continually review both personal equipment and force assets to ensure that Defence Forces personnel are appropriately equipped to fulfil their roles. Pre-deployment training is provided to members of the Permanent Defence Force and is updated in the light of increased threat.

I am satisfied that that all appropriate security measures are in place to ensure the safety of all Defence Forces personnel serving overseas.

Ireland receives requests from time to time to participate in various missions and these are considered on a case by case basis. Ireland is currently contributing approximately 745 Defence Forces personnel to 21 different missions throughout the world. Subject to final approval by the UN Security Council of an appropriate resolution and the approval of Dáil Éireann, the Government has decided to deploy a contingent of the Permanent Defence Forces for service with EUFOR, the planned EU led mission/operation in Bosnia and Herzegovina. Once this planned deployment is completed, the total number of Defence Forces personnel then serving overseas will be 776, which is within Ireland's maximum sustainable commitment of 850 personnel under the United Nations stand-by arrangements system, UNSAS.

Looking to 2005, no other deployments are planned or envisaged at this time.

Emergency Planning.

603. **Mr. Timmins** asked the Minister for Defence the discussions he has had with military personnel with respect to the emergency planning section. [29188/04]

Minister for Defence (Mr. O'Dea): The Government task force on emergency planning, which I chair, was established in October 2001. The membership of the task force includes Ministers, senior officials of Government Departments, senior officers of the Defence Forces and the Garda Síochána, and officials of other key public authorities that have a lead or support role in Government emergency planning. The work of the task force continues and there have been 34 meetings to date. The most recent meeting was held on 28 October 2004 and I intend convening the next task force meeting later this month.

An interdepartmental working group on emergency planning supports the work of the task force and carries out studies and oversight of emergency planning structures and processes. This working group has met on 31 occasions and continues to meet on a regular basis. The interdepartmental working group, DWG, on emergency planning encompasses all Departments with lead roles in the various Government emergency plans and those key public authorities, including the Defence Forces, which plan to support such activities. This working group, under the guidance of the Government task force, continues to meet and is chaired by the office of emergency

planning. It is a forum for developing strategic guidance to all those involved in emergency planning and for sharing information on emergency planning.

The office of emergency planning was established, following a Government decision in October 2001, as a joint civil and military staffed office within my Department. The office supports the work of the task force and continues to work with Government Departments and other public authorities to ensure the best possible use of resources and compatibility between different planning requirements. A key area of activity is oversight of emergency planning, to refine and continuously improve them through review and revision, and to generally provide the basis for an increased confidence in the emergency planning process.

The lead responsibility for specific emergency planning functions remains with the relevant Government Departments. Emergency plans are co-ordinated by the various lead Government Departments responsible at a national level and through the local authorities, including the Fire Service, the health boards and the Garda divisions at local and regional levels. International linkages have also been important as a means of sharing expertise and resources. The European Union continues to develop a programme to improve co-operation within the Union and candidate countries to prevent and limit any consequences of major emergencies.

The Defence Forces contribute significantly to the work of both the task force and the interdepartmental working group on emergency planning to ensure that their emergency planning and preparations are to the highest standards and are well co-ordinated with the lead Government Departments and the other key public authorities involved.

The objective of the Government is to ensure that all State bodies can react quickly and efficiently to any large scale emergency. As I indicated at a recent task force on emergency planning, my expectation is that all Government Departments and key public authorities will have the correct plans and response arrangements in place so that a large scale emergency in Ireland will be handled efficiently and effectively.

We must take advantage of the time that we have to refine arrangements to ensure co-ordination of all those responding so that, should we be unfortunate enough to experience a large scale emergency, we will be in a position to mount a credible response. As chairperson of the task force, my approach will be that such responses should be characterised by effective management of all aspects of emergency planning and by a high level of public confidence in all the response arrangements.

I will continue to report regularly to Government on emergency planning, on a confidential basis, and I am pleased to report to this House

that there continues to be excellent co-operation between my Department and all other Departments and public authorities in these vital areas of work.

Defence Forces Recruitment.

604. **Mr. Stanton** asked the Minister for Defence the policy regarding the enlisting of persons in the Permanent Defence Forces or the Reserve or persons who have had criminal offences and who have either served their time or paid fines imposed by a court; and if he will make a statement on the matter. [28641/04]

Minister for Defence (Mr. O'Dea): The policy regarding the enlistment in the Defence Forces of persons who have had criminal offences and who have either served their time or paid fines imposed by a court, is governed by Defence Force regulations.

In this regard, Defence Force regulations stipulate that the following persons will not be enlisted in the Permanent Defence Force: a person who has been convicted of a serious offence by a civil court; a person who has been convicted by a special criminal court of a scheduled offence under the Offences Against the State Act, 1939, unless: (i) a period of seven years has elapsed since the date of the conviction, or (ii) a free pardon has been granted in respect of such conviction, or (iii) the disqualification incurred as a result of such conviction, from holding office or employment remunerated out of public funds has been remitted by the Government under subsection (5) of section 34 of the said Act.

Defence Force regulations also stipulate that a person who has been convicted of a serious offence by the Special Criminal Court or by a civil court shall be ineligible for enlistment in the Reserve Defence Force.

Ministerial Travel.

605. **Mr. Timmins** asked the Minister for Defence if his attention has been drawn to a newspaper article (details supplied); and if he will make a statement on the matter. [29038/04]

Minister for Defence (Mr. O'Dea): The newspaper article referred to by the Deputy suggests that the Government is considering the sale of the Lear jet which was acquired for the ministerial air transport service. There is no truth whatsoever in this suggestion. The Lear jet proved to be an essential asset in meeting the needs of Ministers who attended numerous meetings during our EU Presidency and will continue to be required in the future. The aircraft provides an excellent service for short and medium haul flights and has proven extremely reliable since it entered service in January this year.

During the course of the EU Presidency the aircraft performed 78 missions, mainly to various European locations, and had 100% dispatch reliability over the period. The Lear jet is an efficient and effective replacement for the

Beechcraft KingAir and a welcome addition to the MATS service.

Defence Forces Property.

606. **Mr. Wall** asked the Minister for Defence when he will address problems contained in correspondence (details supplied); and if he will make a statement on the matter. [29039/04]

Minister for Defence (Mr. O'Dea): My Department wrote to Kildare County Council on 2 June 2004 seeking to have the roadway in question upgraded and taken in charge by the council and its substantive response is currently awaited. My Department is contacting the council again in order to expedite the matter.

Ministerial Appointments.

607. **Mr. Durkan** asked the Minister for Defence if any new advisers or consultants have been appointed by him since the Government reshuffle of September 2004; if such appointments are replacements for or are in addition to previous appointments; the salary and terms of employment in each case; and if he will make a statement on the matter. [29129/04]

Minister for Defence (Mr. O'Dea): The appointments that I have made since my appointment as Minister for Defence following the Government reshuffle are outlined in the table below:

Appointment	Salary	Terms of Employment
Special Adviser	€70,578 per annum	Contract
Press Adviser	€53,977 per annum	Contract

The special adviser appointment is a replacement appointment and the press adviser is an additional appointment.

Question No. 608 answered with Question No. 66.

Overseas Missions.

609. **Mr. Durkan** asked the Minister for Defence the discussions that have taken place either at EU or UN level with reference to potential overseas deployments of Irish troops on peacekeeping, peace-enforcement or similar missions; and if he will make a statement on the matter. [29267/04]

611. **Mr. Durkan** asked the Minister for Defence the extent of the discussions he has had with EU or UN authorities regarding Ireland's future participation in troop deployments; and if he will make a statement on the matter. [29269/04]

Minister for Defence (Mr. O'Dea): I propose to answer Questions Nos. 609 and 611 together.

I refer the Deputy to my earlier replies today on EU rapid response elements and possible

[Mr. O’Dea.] additional overseas peace support deployments. I have not had any discussions at EU or UN level regarding further deployment. I should stress that Ireland’s participation in overseas peace support operations is considered on a case by case basis, having regard to existing commitments, and is subject to the usual requirements of Government decision, Dáil approval and UN authorisation.

Defence Forces Equipment.

610. **Mr. Durkan** asked the Minister for Defence the extent to which the Defence Forces are equipped to meet likely eventualities in the event of terrorist attack; and if he will make a statement on the matter. [29268/04]

612. **Mr. Durkan** asked the Minister for Defence if he has satisfied himself regarding the adequacy of the necessary equipment for the Defence Forces in the event of a gas or similar attack; and if he will make a statement on the matter. [29270/04]

Minister for Defence (Mr. O’Dea): I propose to take Questions Nos. 610 and 612 together.

The Garda Síochána has primary responsibility for law and order, including the protection of the internal security of the State. The Garda continuously monitor the potential threats to the State arising from international terrorism in co-operation with the Defence Forces. The advice available to me at this time is that, while the Garda authorities recognise that the terrorist threat to Europe may currently be high, it is low with regard to Ireland. Notwithstanding this, it is important that all prudent precautions are taken and that matters are kept under continuous review.

The Defence Forces make contingency plans for a range of scenarios where the security of the State may be at risk. In addition, the Defence Forces have contingency plans in place regarding the provision of aid to the civil power, meaning in practice to assist, when requested, the Garda Síochána, and the provision of assistance to the civil authorities for a range of emergency situations.

The capacity of the Defence Forces to deal with major emergencies is kept under constant review. Plans and procedures are updated as necessary and such additional equipment as is required to address any perceived deficiencies is acquired on the basis of identified priorities. Training and preparation for such events is also provided for in the Defence Forces annual training plan.

The Defence Forces have available to them equipment for monitoring and protecting its members in dealing with nuclear, biological or chemical, NBC, threats identified from time to time. The requirement for additional NBC equipment is kept under continuous review by the director of operations and the director of ordnance. A programme for the purchase of NBC

equipment is ongoing and whatever equipment deemed necessary is purchased expeditiously to meet the changing requirements.

The most important defence against any attack is of course 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.

Question No. 611 answered with Question No. 609.

Question No. 612 answered with Question No. 610.

Question No. 613 answered with Question No. 75.

Question No. 614 answered with Question No. 58.

615. **Mr. Durkan** asked the Minister for Defence if he has satisfied himself that all military equipment including motor vehicles, aircraft and seagoing vessels are sufficiently modern to meet current and future requirements and in line with international norms; and if he will make a statement on the matter. [29274/04]

Minister for Defence (Mr. O’Dea): The acquisition of new equipment and facilities for the Defence Forces has been a key focus in recent years. Significant investment has taken place and I am satisfied that the Army, Air Corps and Naval Service are now well equipped with modern equipment for their day to day roles at home and overseas.

However, while much has been done and a great deal has been achieved with regard to both equipment and infrastructure, I am aware that more needs to be done. While expenditure programmes will now have to be more prioritised due to the changed financial situation I will ensure that a substantial re-equipment programme will be maintained to further enhance the efficiency and effectiveness of the Army, Air Corps and Naval Service.

Question No. 616 answered with Question No. 72.

Election Management System.

617. **Mr. Costello** asked the Minister for the Environment, Heritage and Local Government when he proposes to provide for prisoners to exercise the right to vote; and if he will make a statement on the matter. [28702/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The issue of voting by prisoners is under review in my Department, in conjunction with the Department of Justice, Equality and Law Reform and the Office of the Attorney General.

International Agreements.

618. **Ms Harkin** asked the Minister for the Environment, Heritage and Local Government if Ireland has ratified the Aarhus Convention; and if not, when the Government intends to do so. [29077/04]

619. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the reason the international Aarhus Convention Agreement signed on 25 June 1998 has not yet been laid before Dáil Éireann as apparently required under Article 29.5.1 of the Constitution. [29588/04]

625. **Mr. Carey** asked the Minister for the Environment, Heritage and Local Government the reason the international Aarhus Convention Agreement, signed on 25 June 1998, has not yet been laid before Dáil Éireann, as required under Article 29.5.1 of the Constitution; and if he will make a statement on the matter. [28692/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 618, 619 and 625 together.

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. Ireland's 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, recent developments suggest that it is now less clear as to when and if work undertaken at EU level in drafting a directive to give effect to this pillar will be completed. Any such directive would, in due course, be transposed into national law but my Department is exploring other options to enable the convention to be ratified in the event that no directive on the access to justice pillar will be agreed. When the above work is completed, the instrument of ratification will be submitted to Government and laid before the Oireachtas in accordance with the requirements of the Constitution.

Traveller Accommodation.

620. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government if approval will be given to the application from Fingal County Council for a traveller group housing scheme at Lissenhall, Swords, County Dublin and sanction for the necessary finance to com-

plete the scheme as a matter of urgency. [28633/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Approval to commence construction of this scheme issued to Fingal County Council on 12 November 2004.

Water and Sewerage Schemes.

621. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the position regarding a water scheme (details supplied) in County Mayo; when funding was sought for this scheme; the estimated costs of the scheme; and when it will be operational. [28651/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Kilmaine and Shrule water supply scheme, which will be served by an extension of the Tuam regional water supply scheme, is included in my Department's water services investment programme 2004-06 as a scheme to start construction in 2005 at an estimated cost of €5.3 million. Contract documents submitted by Mayo County Council for the scheme are under examination in the Department and will be dealt with as quickly as possible.

Slaughter of Seals.

622. **Mr. R. Bruton** asked the Minister for the Environment, Heritage and Local Government if he will report on the slaughtering of seals in Kerry and on the follow-up investigation which is underway; and if he will make a statement on the need for a rescue service for seals at risk. [28661/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In response to reports of an unlawful killing of seals, gardaí, accompanied by officials from the National Parks and Wildlife Service, NPWS, of my Department and from the Department of Communications, Marine and Natural Resources, as well as by a veterinary expert, visited Beginish, one of the Blasket Islands, on 5 November 2004. On the island they found 51 dead grey seals — eight adults and 43 pups.

While it was clear that some of the animals had been shot, it was not at that stage possible to establish the cause of death of a number of them. Accordingly, it was decided to remove three carcasses for full post-mortem. The post-mortems revealed that one had died from shooting, one had been bludgeoned to death and the third had been hit with force through the eyes with a sharp metal object. A further visit was made to the island on 8 November by members of the Garda Síochána, accompanied by NPWS officials, to continue the investigation, and one further carcass was removed for examination.

[Mr. Roche.]

I welcome the fact that a full-scale investigation of this incident is being rigorously pursued by the Garda, working closely with NPWS. As the investigation is still progressing it would not be appropriate to furnish further details at this time. Separately, all NPWS regional staff working in coastal areas have been instructed to be on special alert over the course of the current seal breeding season.

The priority, in light of this appalling incident, is to harness full public and community support for the requirements of the law on animal welfare and wildlife protection; and to leave no doubt that offences will be vigorously prosecuted. This approach aims to ensure the safety of wild seals in their natural breeding habitats, without recourse to ongoing special security interventions which would be logistically difficult to sustain and problematic in nature conservation terms.

Election Management System.

623. **Mr. J. O’Keeffe** asked the Minister for the Environment, Heritage and Local Government the universities and other institutes of higher education, to the graduates of which voting rights to Seanad Éireann are denied; and if he has proposals to extend the franchise as provided for in Article 18 (4)(2) of the Constitution. [28667/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Section 7 of the Seanad Electoral (University Members) Act 1937 provides that every citizen of Ireland who has received a degree, other than an honorary degree, from the National University of Ireland or from the University of Dublin is entitled to be registered as an elector for the National University of Ireland or Dublin University constituency, respectively.

The report on Seanad reform by the sub-committee of the Seanad Committee on Procedure and Privileges was published earlier this year. It sets out a comprehensive package of recommendations for further consideration and action concerning the composition, functions and future role of the Seanad. These include proposals to widen the electorate for the higher education constituency.

The Taoiseach has asked me to chair an informal all-party parliamentary group to establish the extent of cross-party agreement on the report’s recommendations and to advance, with consensus, proposals for the implementation of Seanad reform. I will be approaching party leaders in relation to this very shortly.

Archaeological Sites.

624. **Mr. J. O’Keeffe** asked the Minister for the Environment, Heritage and Local Government the main activities of the Dúchas underwater archaeology unit in 2004; if it publishes an annual report; the details of the main equipment available to the unit; and the details of salaries and

the amounts expended to date for travel and subsistence by those involved in the unit. [28681/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The underwater archaeology unit is part of the heritage and planning division of my Department. Its main duties in 2004 involve: advising on applications to dive on wrecks; assessing development-related impacts on underwater archaeological sites; undertaking archaeological surveys of wreck sites in order to assess their nature and condition and to devise appropriate management strategies for them; examining threats to underwater sites when reported; and compiling and publishing an inventory of shipwrecks around our coast.

The activities of the underwater archaeology unit are outlined in my Department’s annual report. The main equipment available to the unit may be described as follows: (1) scuba dive equipment with lifelines and through water communications system, dry suits, regulators and stab jackets; (2) full surface supplied equipment with diver panels, back-up air bank, hard wire communications system and compressors; (3) two boats — RIB and Pioneer Multi — and an inflatable — Yamaha — with attendant engines, flares and GPS navigational system; and (4) miscellaneous safety equipment — oxygen kit, life jackets and surface marker buoys.

The underwater archaeology unit has a staff of three archaeologists who are proficient in diving, one at senior archaeologist level — pay scale €49,497 to €61,504, and two at archaeologist level — pay scale €26,944 to €52,881. To date, the unit has expended €12,415 on travel and subsistence for 2004.

Question No. 625 answered with Question No. 618.

Water and Sewerage Schemes.

626. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the situation regarding commencement of the Castlebar environs sewerage scheme, County Mayo; the extent and cost of the contract involved; the time scale for completion; when it is expected that work will commence; and if he will make a statement on the matter. [28744/04]

627. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the reason the village of Breaffy, Castlebar was excluded from the Castlebar environs sewerage scheme; if his attention has been drawn to the fact that there are now 1,000 houses in this parish, many of which have no connection to a mains system; his proposals to deal with this; and if he will make a statement on the matter. [28885/04]

634. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Castlebar environs sewerage scheme, stage two, as submitted by Mayo County Council; the estimated cost

of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28964/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 626, 627 and 634 together.

The Castlebar environs sewerage scheme has been approved for construction in my Department's water services investment programme 2004-06 at an estimated cost of €58.5 million and work has already started on a number of advance sections. My Department approved the tender documents for the treatment plant in June 2004 and the council is currently short-listing contractors to tender for this element of the scheme. The council's contract documents for the pumping system and tender recommendation in respect of the collection system are currently under examination in my Department and will be dealt with as quickly as possible.

I understand that Mayo County Council intends to review the options for serving Breaffy in the context of a future proposal for a second phase of the scheme that is still at a preliminary stage. This second phase is listed as a post 2007 requirement in the list of water services schemes

submitted by the council in response to my Department's request to local authorities in 2003 to produce updated assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of the assessments. The assessments were taken into account in the framing of the water services investment programme 2004-06 published in May 2004. In light of the timescale envisaged for the second phase of the scheme by the council, it would not be possible to consider it for inclusion in the programme at this time. However, it will again be considered when the programme is next being rolled forward in accordance with the council's prevailing priorities at that time.

Departmental Appointments.

628. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government the consultancy companies hired by him since June 2002 and the year engaged, the fees paid and a description of the consultancy; the amount paid to the consultancy companies as well as the list of non-public service staff hired by him since June 2002; and the salary cost for the staff from June 2002. [28887/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The information requested in relation to payments to consultancy companies and non-public service staff employed by my Department is set out in the table below:

Consultancy	Consultant	Fee Paid	Years of Payment	Year Engaged
		€		
Participation of J. Fitzgerald, ESRI in UN Review of Climate Change	Economic & Social Research Institute	9,525.02	2002	2002
Emissions Trading Study	I.C.S. Byrne O'Cleirigh	41,673.81	2003	2003
Transposition of EU Legislation	Eugene Regan (Barrister at law)	19,360.00	2004	2003
PWC Consultancy on Motor Tax Offices Customer Satisfaction	Price Waterhouse Cooper	14,049.95	2003	2002
PWC Consultancy on Motor Tax Offices Customer Satisfaction	Price Waterhouse Cooper	14,701.50	2002	2002
Review/Revision of Part (Fire Safety) of Building Regulations	British Research Establishment (BRE)	14,774.10	2002	2002
Review/Revision of Part B (Fire Safety) of Building Regulations	BRE	16,544.57	2003	2002
Review/Revision of Part B (Fire Safety) of Building Regulations	Fergal Sweeney	98.25	2003	2002
Preparation of Revised Diagrams for Technical Guidance Document L	McHugh O'Cofaigh	6,110.50	2002	2002
Preparation of Diagram for Attic Conversion (Fire Safety) Leaflet	McHugh O'Cofaigh	1,452.00	2004	2004
"Great Place to Work" Benchmarking Report	Discovery	4,050.00	2003	2003
Facilitation at Senior Managers' Conference	Hay Group	10,648.00	2003	2003
Quality Customer Care Training	Jefferson Computer Ltd	1,391.50	2002	2002
Analysis of Customer Care Training Workshop	Jefferson Computer Ltd	2,504.70	2003	2002
Guest Speaker at the Senior Managers' Conference	The Change Alliance	5,364.84	2003	2003
The Drawing Up of Safety Statements and Safety Audits for the Departments Offices	QTS Limited	6,873.00	2004	2003
Design of Library Leaflets	Carton Levert	2,081.57	2002	2002

Consultancy	Consultant	Fee Paid	Years of Payment	Year Engaged
Assist with Specification and Selection of Financial Software	Deloitte & Touche Management Consultants	32,263.00	2002	2002
Assist with the Implementation of Financial Management System	Oracle	662,112.00	2003	2003
Implementation of the New Financial Management System under the Management Information Framework (MIF)	Oracle	204,078.53	2004	2003
Environmental Awareness Campaign Race Against Waste	Mc Cann Erickson	1,584,232.68	2003	2003
Environmental Awareness Campaign Race Against Waste	Lyle Bailie International (formerly known as McCann Erickson)	1,915,765.32	2004	2003
National Litter Pollution Monitoring System	Tes Consulting Engineers	91,021.38	2003	2003
National Litter Pollution Monitoring System	Tes Consulting Engineers	120,348.10	2004	2003
Strategic Review of Fire Safety and Fire Services in Ireland (Facilitation With Stakeholders)	Mr J.J. O Dwyer	5,445.00	2002	2002
Strategic Review of Fire Safety etc. (Facilitation with Stake Holders)	Mr J.J. O Dwyer	4,605.03	2003	2002
Artwork for Production of Registration Forms	Acrobat	2,020.00	2002	2002
Printing and Mailing of Leaflet Explaining Electronic Voting to Electors for Referendum on Treaty of Nice	Bark	65,804.83	2002	2002
Advertising Campaign to Publicise The Supplementary Register used for Referendum on the Treaty of Nice	Brindley Advertising Ltd.	16,969.23	2002	2002
Publicity Campaign Draft Register of Electors 2003-2004	Brindley Advertising Ltd.	99,999.57	2002	2002
Production of Advertisements Regarding the Register of Electors	Brindley Advertising Ltd.	38,017.48	2004	2004
Publicity Work on Promotion of Electronic Voting Including Roadshow for Nice II Referendum	Carr Communications Ltd	23,936.07	2002	2002
Publicity Campaign Draft Register of Electors 2004-2005	Cawley Nea Ltd.	159,607.47	2003	2003
Validation of IES Irish STV Count Software	Electoral Reform Services	64,840.22	2004	2004
Validation of Revised STV Count Rules Software	Electoral Reform Services	33,532.72	2003	2003
Examination and Assessment of Electronic Voting & Counting Project	Local Government Computer Services Board	46,750.00	2004	2002
Further Review of Ie and Review of Source Code for Count Software for Nice II Referendum	Nathean Technologies Ltd.	17,745.86	2002	2002
Review and Architectural Assessment of Voting Machine Software for Use At 2004 Elections	Nathean Technologies Ltd.	52,390.58	2003	2002
Code Review of IES Election Software	Nathean Technologies Ltd.	132,025.52	2004	2004
Provision of Data base Used in Distribution of Information Leaflets to Electorate Using Electronic Voting at General Election and Nice Referendum	Precision Marketing Information Software Ltd.	27,563.80	2002	2002
Report of Hardware and Software Testing of Modified Voting Machine	PTB	21,735.75	2003	2003
Artwork for Production of Registration Forms	The Design Consultancy	1,256.59	2003	2003
Artwork for Production of Registration Forms	The Design Consultancy	983.13	2004	2003
Testing of Voting Machine	TNO	28,281.50	2003	2003
Report on the Present State and Future Protection of Thatched Structures in Ireland	Consarc Design Group Ltd.	12,491.04	2004	2003
Examination of The Issue of Trust-Type or other Organisations to Manage Heritage Properties (Built and Natural) In Ireland	Indecon International Economic Consultants	30,181.83	2004	2004

Consultancy	Consultant	Fee Paid	Years of Payment	Year Engaged
Feasibility Study on Applied Construction Innovation Centre	Fitzpatrick & Associates	5,157.21	2003	2002
Feasibility Study on Applied Construction Innovation Centre	Fitzpatrick Associates	6,900.00	2002	2002
Security for Online Motor Tax Project	Kerna Communications Ltd.	11,616.00	2002	2002
Assessment of Emerging Demands on Local Authorities	Mazar Consultants	8,470.00	2003	2003
Assessment of Emerging Demands on Local Authorities	Mazar Consultants	8,470.00	2004	2004
Review of Loyal Government Finance	Indecon International Economic Consultants/Institute of Local Government Studies	87,329.33	2004	2004
Review of City & County Development Boards Strategy	Fitzpatrick Associates	67,822.08	2002	2002
Preliminary Research as to International Systems Governing Lobbyists	Institute of Public Administration	1,996.50	2003	2003
Review / Evaluation of the Pilot Social Inclusion Unit Programme	Fitzpatrick Associates	17,726.50	2004	2004
Review/Evaluation of The Pilot Community Warden Service	Fitzpatrick Associates	16,173.66	2004	2004
Legal Advice on Contract Procedure	A & L Goodbody	7,887.99	2002	2002
Legal Advice on Contract Procedure	A & L Goodbody	19,824.06	2003	2003
Legal Advice on Contract Procedure	A & L Goodbody	4,700.00	2004	2002
Testing/Evaluating Postprocessing Techniques for the Improvement of Hirlam Forecasts of Near-surface Weather Parameters: Setting up an Operational System for the Display of Postprocessed Data on the Research and Applications Division Website	Angela Cummins	9,405.00	2003	2003
Database and Visualisation System	Chris tian Seidemann	1,140.00	2002	2002
Development of a Prototype Application for the Production of Weather Forecast Data in Copyready Format for the Print Media	David Lloyd	7,353.00	2003	2003
Examination of Interim Accounts System with a View to Certifying that System is Fair and Transparent in Relation to the Computation of Charges to Aviation	Deloitte & Touche	29,764.00	2003	2003
Development of New Applications to Enable more Efficient Provision of Existing Climatological Services and the Provision of New Products and Services. Production of Appropriate user Documentation.	Gillian McCarthy	3,764.00	2002	2002
Climatology Consultancy	John Doyle	10,944.00	2002	2002
Climatology Consultancy	John Doyle	24,240.00	2003	2003
Climatology Consultancy	John Doyle	21,548.00	2004	2002
Enhancement of Existing PC Network by Deployment of New Pcs; to Include Review and Assessment of Desktop Strategy and Production of a Report	Lindsey Hogan	6,897.00	2003	2003
Development of a Prototype System for Real Time Display of Weather Information.	Patrick Cooney	3,333.00	2002	2002
Attitudinal Survey (PMDS)	Precept Consulting	10,164.00	2002	2002
Agrometeorological Advice	Tom Keane	500.00	2002	2002
Work to Attain ISO 9000 Quality Standard for Aviation Division (Met Eireann)	Irish Quality Centre	22,990.00	2004	2003
Analysis of & Advice on Archaeological Excavation Reports	Caroline Rock	16,562.00	2004	2004
Advice on Piled Foundations in Relation to Archaeology	Horgan Lynch Consulting Engineers	3,630.00	2004	2004
Report on Footpath on Torc Mountain	Chris Barron	3,800.00	2002	2002
Professional Engineering Consultancy for Upgrade of Green Road, Glendalough	Gerard Higgins	5,905.89	2003	2003
Eia Study on Diamond Hill, Connemara National Park	Environmental Resource Management Ltd.	51,460.57	2003	2003

Consultancy	Consultant	Fee Paid	Years of Payment	Year Engaged
Consulting Engineering Services on Pathworks at Torc Mountain, Killarney National Park	Hickey Moynihan	22,972.57	2003	2003
Consulting Engineering Services on Building Works at Muckross Farm Yard	Malachy Walsh	25,859.81	2003	2003
Production of Business and Marketing Plan for Doneraile Court, Doneraile, Co. Cork.	May Day Marketing	8,203.80	2003	2003
Production of Business and Marketing Plan for Proposed Visitor / Study Centre at Clara, Co. Offaly	May Day Marketing	13,915.00	2003	2003
Woodland Management Consultancy Services at St. Saviour's Wood, Wicklow Mountains National Park	Michael Doyle	7,500.00	2003	2003
Guidelines for Departmental & Local Biodiversity Action Plans	Sarah Ferris	6,300.00	2002	2002
Consulting Engineering Services on Pathworks at Diamond Hill, Connemara National Park, Co Galway	P. J. Tobin & Co. Ltd	57,592.18	2004	2004
Legal Actions being taken by Ireland against the Sellafield Mox Plant	BSH — Scientific Consultancy	1,572.62	2002	2002
Legal Actions being taken by Ireland against the Sellafield Mox Plant	Canadian Nuclear Research Centre	12,292.70	2002	2002
Legal Actions being taken by Ireland against the Sellafield Mox Plant	Canadian Nuclear Safety Commission Dr. Patsy Thompson	1,912.51	2003	2002
Legal Actions being taken by Ireland against the Sellafield Mox Plant	IC Consultants	10,744.77	2002	2002
Legal Actions being taken by Ireland against the Sellafield Mox Plant	Mr Timothy Walsh	14,205.75	2002	2002
Legal Actions being taken by Ireland against the Sellafield Mox Plant	Sage Safety	16,994.21	2003	2002
Communication Consultancy	Monica Leech Communications	47,197.95	2002	2002
Communication Consultancy	Monica Leech Communications	135,036.00	2003	2003
Communication Consultancy	Monica Leech Communications	120,968.35	2004	2003
Draft Landscape Wind Farm Guidelines	Mos Art	14,520.00	2003	2003
Professional Fees for Legal Services	O'Donnell Sweeney Solicitors	25,410.00	2003	2003
Consultation, ICT Maintenance and Technical Support for PRTB	I.T. Force	4,101.90	2003	2003
Provision of Training for Mediators for PRTB	Institute of Public Administration	37,312.31	2002	2002
Provision of Training for Mediators for PRTB	Institute of Public Administration	14,502.49	2003	2002
Provision of Registration and Case Tracking System (Racts) for PRTB	System Dynamics	46,369.01	2003	2003
Provision of Drafting and Design of PRTB Leaflets	Threshold	5,300.00	2003	2003
Training for PRTB Adjudicators	Institute of Public Administration	62,737.64	2004	2004
Consultation, Inc Maintenance and Technical Support for PRTB	I.T. Force	4,458.85	2004	2004
Provision of Registration and Case Tracking System (Racts) for PRTB	System Dynamics/Formally Connect Global Solutions	42,236.01	2004	2004
Pavement Condition Study of the Non-national Road Network and Review of Pavement Management Systems	Rps/Mcos Ltd	183,545.00	2003	2003
Pavement Condition Study of the Non-national Road Network and Review of Pavement Management Systems	Rps/Mcos Ltd	275,316.00	2004	2004
Editing/ Redrafting Work on National Spatial Strategy	Institute of Public Administration	1,830.57	2002	2002
Additional Work on NSS	Jonathan Blackwell & Associates	1,452.00	2004	2003
Production & Amendments to Rural Mapping	White Young Green	871.20	2004	2004
Consultancy In Respect of the avail ability of Land for Housing	Goodbody Economic Consultants	38,236.00	2003	2003
Consultancy: National Vehicle and Driver File — INGRES RDBMS Upgrade	Computer Associates Plc	2,299.00	2002	2002

Consultancy	Consultant	Fee Paid	Years of Payment	Year Engaged
Assessment of Dust Nuisance Caused at Naval Base from Former Irish ISPAT Plant At Haulbowline. Required in Relation to Legal actions being taken against the Company in Liquidation and The Liquidator.	Enviros Aspinwall Environmental Consultants	17,127.55	2003	2003
Consultancy Study to Examine the Application of Economic Instruments, including Environment Levies, on Specified Products/Materials	Mciver Consulting / Patel Tonra Environmental Solutions Limited	52,725.75	2003	2003
Consultancy Study to Examine the Application of Economic Instruments, including Environment Levies, on Specified Products/Materials	Mciver Consulting / Patel Tonra Environmental Solutions Limited	14,670.25	2004	2004
Consultancy Study on the Preparation of Estimates of Packaging Material Placed on the Market in Ireland	Perchards / Ffact Management Consultants	37,848.80	2003	2002
Consultancy Study to Prepare a Draft National Strategy on Biodegradable Waste	Rpsmcos Limited	84,900.60	2004	2003
Economic Evaluation of Water Supply and Wastewater Treatment Projects	DKM Economic Consultants	60,182.98	2003	2003
Economic Evaluation of Water Supply and Wastewater Treatment Projects	DKM Economic Consultants	92,241.19	2004	2003
Drinking Water National Monitoring Programme	E.G. Petit & Co.	869,110.24	2003	2002
Drinking Water National Monitoring Programme	E.G. Petit & Co.	147,773.07	2004	2002
Asset Management & Valuation Model — National Water Study	W.S. Atkins Ireland Ltd.	35,828.10	2003	2002
The Preparation of a Public Sector Benchmark for Water/Wastewater Projects and a Model for Reviewing Projects and Benchmarking Costs	Pricewaterhousecoopers and RPS/MCOS	44,231.55	2004	2003
Economic Analysis of Water use	Camp Dresser & McKee (Ireland) Ltd.	313,915.00	2004	2004
Total Paid		9,199,002.61		

Some 18 non-public service staff have been engaged by the Department since June 2002. Names, date of appointment and functions of these staff are as set out in the table below.

Non-public service staff.

Name	Date Appointed	Function
Pat Daly	06-Jun-02*	Special Adviser to Minister Martin Cullen
Sean Dower	14-Jun-02*	Personal Assistant to Minister Martin Cullen
Inez O'Neill	14-Jun-02*	Personal Secretary to Minister Martin Cullen
Deirdre Heney	15-Aug-02	Personal Assistant to Minister of State Noel Ahern
Siobhan McGrath	16-Sep-02	Personal Secretary to Minister of State Noel Ahern
Michael Talbot	17-Sep-02	Civilian Driver to Minister of State Noel Ahern
Dan Pender	17-Jun-02*	Press Officer
Sinead McGowan	18-Jun-02*	Personal Assistant to Minister of State Pat the Cope Gallagher
Aideen Gilleen	19-Jun-02	Personal Secretary to Minister of State Pat the Cope Gallagher
Denis Murray	08-Jul-02*	Civilian Driver to Minister of State Pat the Cope Gallagher
Fred Sweeney	12-Apr-03*	Civilian Driver to Minister of State Pat the Cope Gallagher
John Ward	24-Apr-04*	Civilian Driver to Minister of State Pat the Cope Gallagher
Michael Daly	25-Oct-04	Civilian Driver to Minister of State Batt O'Keefe.
Tom Gately	11-Oct-04	Civilian Driver to Minister of State Batt O'Keefe.
Geraldine Cole	29-Sep-04	Personal Assistant to Minister Dick Roche
Sean Fitzpatrick	11-Oct-04	Press Officer
Katherine Woods	29-Sep-04	Personal Assistant to Minister of State Batt O'Keefe
Ciara Furlong	29-Sep-04	Personal Secretary to Minister Dick Roche.

*Employment with the Department ceased on 29 September 2004.

[Mr. Roche.]

The total salary cost for these staff from June 2002 to date is €1,085,397.91.

Correspondence with EU Commission.

629. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government if his Department will release letters of formal notice and reasoned opinions in the circumstances outlined by EU Commissioner Ms Margot Wallstrom (details supplied). [28888/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): On the basis of legal advice, my Department does not divulge details of correspondence with the European Commission in connection with EU complaints or infringement proceedings while these are still active. When such complaints or infringement proceedings are terminated or cease to be active, the release of correspondence is open to request by interested parties and consideration by my Department, subject to any applicable exemptions under Freedom of Information legislation or, where appropriate, the regulations on access to environmental legislation.

Local Authority Housing.

630. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government when the initiative to meet long-term housing needs of rent supplement recipients, which was announced on 7 July 2004, commenced; the local authorities that are now using the scheme; the number of persons that have tried to avail of the scheme; the number of those who had their long-term housing needs met by the scheme; and if he will make a statement on the matter. [28929/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The Government announced in early July 2004 a new initiative whereby local authorities will meet the long-term housing needs of social welfare rent supplementation recipients. The new arrangements will involve local authorities progressively assuming responsibility over a four-year period for accommodating rent supplement recipients who have been assessed as having long-term housing need, excluding asylum seekers, or other non-nationals who do not have leave to remain in the State permanently, and persons in receipt of rent supplement as a back to work incentive or of mortgage supplementation. The new arrangements are being implemented to cater for an estimated 19,000 existing rent supplement recipients with a long-term housing need.

The Government decided that the new arrangements would be rolled out through groups of local authorities in a number of phases and has set a target of September 2008 to complete the implementation of the new arrangements in all local authorities. The new rental accommodation initiative is a collaborative project between the

Department of the Environment, Heritage and Local Government, local authorities, the Department of Social and Family Affairs and the community welfare service.

The rollout of the new arrangements is commencing in an initial group of lead authorities: Dublin, Galway and Limerick cities, South Dublin, Donegal, Offaly, Westmeath County Councils and Drogheda Borough Council. It is proposed to commence rollout arrangements in the remaining local authorities during 2005.

The main actions since July to end of October 2004 have been to consult with interested parties, advise local authorities of the requirements of the Government decision, put in place the structures necessary to commence the project, identify and resolve where possible any issues impacting on and to engage resources needed to support the implementation of the scheme. Work has already commenced in the lead authorities towards identifying persons on rent supplement in need of long-term housing support. The next step will see the commencement of the transfer of rent supplement recipients to the lead authorities from January 2005.

Water and Sewerage Schemes.

631. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government the progress made on Tubbercurry sewerage scheme; the negotiations that have taken place; and if he will make a statement on the matter. [28947/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Tubbercurry sewerage scheme is included in my Department's water services investment programme 2004-2006 under the serviced land initiative at an estimated cost of €1.3 million. Additional information recently received from Sligo County Council on the approval of the preliminary report for the scheme is under examination in my Department and will be dealt with as quickly as possible.

632. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Ballina main drainage, stage two, phase two, sewerage scheme, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of this proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28959/04]

650. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Achill Sound sewerage scheme, County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was

received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28987/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 632 and 650 together.

The Ballina main drainage scheme and the Achill Sound sewerage scheme are included in my Department's water services investment programme 2004-2006 to commence construction in 2005 with estimated costs of €14.85 million and €8.38 million, and proposed population equivalent treatment plant capacity of 25,000 and 2,000, respectively. Contract documents for both schemes were approved last May and my Department is awaiting the submission by Mayo County Council of tender recommendations in both cases.

633. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Ballintubber sewerage scheme, Castlebar, County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28961/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): No such proposal has been received by my Department nor was it included in the list of water and sewerage schemes submitted by Mayo County Council in response to my Department's request to 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.

Question No. 634 answered with Question No. 626.

635. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Westport sewerage scheme, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28965/04]

644. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Knock sewerage scheme, County Mayo, as submitted by Mayo County Council; the estimated cost of the

scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28977/04]

648. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Cong sewerage scheme, County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28983/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 635, 644 and 648 together.

The Westport, Knock and Cong sewerage schemes have been completed at costs of €53.5 million, €17 million and €3.2 million, respectively. My Department has no current proposals from Mayo County Council in respect of any of these schemes.

636. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Tourmakeady sewerage scheme, extension on Finney Road, County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28968/04]

651. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Mulranny sewerage scheme, Murreveagh extension County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28988/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 636 and 651 together.

The Tourmakeady sewerage scheme extension on Finney Road and the Mulranny sewerage scheme extension to Murreveagh have been for approved for serviced land initiative funding in my Department's water services investment pro-

[Mr. Roche.]
gramme 2004-2006 at estimated costs of €100,000 and €300,000, to provide services for 37 and 71 residential sites, respectively. The advancement of these schemes to construction stage is now a matter for Mayo County Council.

637. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Ballyglass sewerage scheme, Claremorris, County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28969/04]

638. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Claremorris sewerage scheme, stage two, County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28970/04]

639. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Roundfort sewerage scheme, Ballinrobe, County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28972/04]

647. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Urluar sewerage scheme, Kilkelly, County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28982/04]

654. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Knockmore sewerage scheme, County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects

approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28992/04]

655. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Killasser sewerage scheme, County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28993/04]

656. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Straide sewerage scheme, County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28995/04]

657. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Midfield sewerage scheme, County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28996/04]

658. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Roosky sewerage scheme, County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28997/04]

659. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Carracastle sewerage scheme, Ballina, County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its pro-

vision; and if he will make a statement on the matter. [28998/04]

660. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Parke sewerage scheme, County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [29000/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 637 to 639, inclusive, 647, 654 to 660, inclusive, together.

These schemes were categorised as post-2007 requirements in the list of water services schemes submitted by Mayo County Council in response to my Department's request to local authorities in 2003 to produce updated assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of the assessments. In light of the timescale envisaged for the schemes by the council, it would have been premature to consider them for inclusion in the 2004-06 programme. They will, however, be considered for future phases of the water services investment programme in accordance with the council's prevailing priorities at that stage.

640. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Neale sewerage scheme, Ballinrobe, County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28973/04]

652. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Ballyheane sewerage scheme, County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28990/04]

653. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Crossboyne sewerage scheme, County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the pro-

posed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28991/04]

673. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the position with regard to a sewerage scheme extension (details supplied) in County Mayo. [29232/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 640, 652, 653 and 673 together.

The Neale, Ballyheane and Crossboyne sewerage schemes, together with a number of other schemes, are included in a grouped project that has been approved to advance through planning in my Department's water services investment programme 2004-2006 at an overall estimated cost of €5.95 million.

I approved Mayo County Council's brief for the appointment of consultants to prepare a preliminary report for the project last week. Pending receipt of this by my Department, details of the proposed capacities of the individual schemes may appropriately be sought from Mayo County Council.

641. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Newport sewerage scheme, County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28974/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Newport sewerage scheme has been approved for funding in my Department's water services investment programme 2004-2006, under the rural towns and villages initiative, at an estimated cost of €7.95 million. My Department is awaiting the submission by Mayo County Council of a preliminary report that will, *inter alia*, indicate the proposed capacity of the scheme.

642. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Kiltimagh sewerage scheme, County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if

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he will make a statement on the matter.
[28975/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Kiltimagh sewerage scheme, estimated to cost €13.2 million, is included in my Department's water services investment programme 2004-2006 to commence construction in 2005 with proposed treatment plant capacities of 3,300 population equivalent under stage one and 5,000 population equivalent under stage two. My Department is awaiting submission of Mayo County Council's contract documents for stage one. It is envisaged that stage two will be advanced when additional treatment capacity is required in due course.

643. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Balla sewerage scheme, treatment plant upgrade, County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28976/04]

645. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Louisburgh sewerage scheme, treatment plant upgrade County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28979/04]

646. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Ballindine sewerage scheme, treatment plant upgrade County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be made available in 2005 for its provision; and if he will make a statement on the matter. [28980/04]

649. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the Ballycastle sewerage scheme, treatment plant upgrade, County Mayo, as submitted by Mayo County Council; the estimated cost of the scheme; the capacity of the proposed scheme; the date upon which this proposal was received in his Department; when he expects approval to be forthcoming for the scheme; if any moneys will be

made available in 2005 for its provision; and if he will make a statement on the matter. [28984/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 643, 645, 646 and 649 together.

The Balla, Louisburgh, Ballindine and Ballycastle sewerage schemes have all been completed under the serviced land initiative measure of my Department's water services investment programme at costs of €220,000, €250,000, €330,000 and €270,000, respectively. My Department has no further proposals from Mayo County Council in respect of any of these locations.

Question No. 644 answered with Question No. 635.

Question Nos. 645 and 646 answered with Question No. 643.

Question No. 647 answered with Question No. 637.

Question No. 648 answered with Question No. 635.

Question No. 649 answered with Question No. 643.

Question No. 650 answered with Question No. 632.

Question No. 651 answered with Question No. 636.

Questions Nos. 652 and 653 answered with Question No. 640.

Questions Nos. 654 to 660, inclusive, answered with Question No. 637.

EU Directives.

661. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the situation in relation to the implementation of the EU Directive 2000/53/EC concerning end of life vehicles; if he will give an update in relation to the legal proceedings which have been initiated by the European Commission against Ireland in relation to this matter; and if he will make a statement on the matter. [29012/04]

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. However, legal proceedings were initiated against Ireland by the European Commission on the grounds that the directive was only partially transposed as the regulations on the detailed arrangements for implementation of the directive in Ireland had not been made.

The European Court of Justice made a judgment in this case on 28 October 2004 and found that Ireland had failed to fulfil its obligations in relation to the full transposition of the directive. It is intended to make regulations as soon as possible fully transposing the directive provisions and facilitating its full implementation in 2005.

Tax Code.

662. **Mr. Lowry** asked the Minister for the Environment, Heritage and Local Government if he intends to discuss changes to the system of vehicle registration tax with the Minister for Finance; and if he will make a statement on the matter. [29051/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): A pre-budget submission from SIMI has been received. This submission, as with all other pre-budget submissions, will be considered in the context of preparations for the forthcoming budget and Finance Bill. It has been the practice of successive Ministers for Finance not to comment at this time on what may or may not be contained in a forthcoming budget and I do not intend to depart from this approach.

Road Network.

663. **Mr. Lowry** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the urgent need to replace the bridge linking Killaloe, County Clare with Ballina, County Tipperary; if the necessary resources have been committed to building a new bridge; and if he will make a statement on the matter. [29052/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In 2004, a grant of €100,000 each has been allocated to Clare, Limerick and North Tipperary County Councils for a feasibility study in respect of the provision of a new bridge to cross the River Shannon.

In August this year my Department sought applications from local authorities for funding for non-national roads in 2005 under the EU co-financed specific improvement grants scheme. The initial selection of projects to be submitted for consideration for funding under this scheme is a matter for local authorities. I will announce the 2005 allocations early in 2005.

Housing Scheme for the Elderly.

664. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government when a decision is expected in respect of the tenders for Santry community centre and senior citizen housing project; and if he will make a statement on the matter. [29055/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Dublin City Council will be mak-

ing a formal submission to my Department shortly seeking approval for the acceptance of a tender for the construction of senior citizens' dwellings and a community facility at Oak Park, Swords Road, Dublin.

Housing Grants.

665. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the plans he has to introduce house repair grants in view of the number of houses that need such repairs and the financial impossibility of their owners to carry them out; and if he will make a statement on the matter. [29058/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The Irish National Survey of Housing Quality 2001-2002, which was commissioned by my Department, indicates that 93% of house owners and 96% of house purchasers are satisfied or very satisfied with the general condition of their accommodation. The fact that the age profile of the housing stock is favourable by international standards, with 43% of the stock having been built since 1980 or 27% built since 1990, also contributes to a reasonable general condition of dwellings.

Local authorities provide grants to private householders for repairs and changes to dwellings in certain circumstances. The improvement works in lieu of rehousing scheme enables local authorities, instead of providing a local authority house, to improve or extend a house not owned by them which is, or will be, occupied by persons in need of local authority housing or by tenants-tenant purchasers who surrender their houses. For households on waiting lists for local authority housing, the scheme enables them to remain in their existing homes and neighbourhood and, at the same time, enjoy proper housing conditions much sooner than they otherwise might.

A further scheme, the special housing aid for the elderly scheme, to cater for the specific needs of the elderly, was established in 1982 to provide assistance by way of necessary emergency repairs and to improve the housing conditions of elderly persons living alone in unfit or insanitary conditions. In 2000 the scheme was extended to include the provision of suitable heating systems where found necessary to meet the needs of elderly persons. The scheme is operated by the health boards in line with the various guidelines issued from time to time by my Department. Funding for the scheme has increased significantly in the past number of years with a provision of €6,348,690 in 1998 and €11,536,000 for 2003. In addition to the provision of €11.6 million for 2004, an additional €4 million was recently made available to the health boards for the operation of the scheme. The scheme is very effective, with the number of jobs completed increasing from 3,302 in year ended 31 December 1998 to 4,169 in year ended 31 December 2003. A further 1,988 jobs were completed by 30 June 2004 and

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with the additional funding provided it is expected that in excess of 5,000 households will be assisted this year under the scheme.

The essential repairs grant scheme also provides for the payment of a grant to a person carrying out essential repairs to a house where, in the opinion of the housing authority, the repairs, whilst less than those appropriate to render the house fit in every respect, constitute repairs it considers are reasonably necessary to prolong the useful life of the house. The administration of the scheme is a matter for individual local authorities. The Department recoups to local authorities two thirds of their expenditure on the payment of individual grants and it is the responsibility of the authorities to fund the remaining one third from their own resources from amounts provided for that purpose in their annual estimates of expenditure. The scheme is directed primarily at older persons living in poor housing conditions.

My Department financially assists local authorities in upgrading, renovating and redeveloping their housing stock through the remedial works and the regeneration programmes. A provision of €168 million is available in the current year to local authorities for the regeneration and redevelopment of run down estates.

It is intended to continue focusing on these schemes which meet a broad range of needs in terms of house repairs and there are no proposals to introduce a further scheme for this purpose.

Planning Issues.

666. **Mr. Haughey** asked the Minister for the Environment, Heritage and Local Government if he has plans to change the retail planning guidelines; and if he will make a statement on the matter. [29059/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The retail planning guidelines prescribe a maximum floor area of 6,000 sq. m. gross retail floor space for large-scale single retail warehouse development. This aspect of the guidelines has been under review, taking account of the need to ensure proper planning and sustainable development, while also supporting effective competition in this sector of retailing in the context of ongoing developments in retail formats.

To assist in carrying out the review, interested parties were invited to make submissions to my Department. Some 71 submissions were received and have been assessed. The submissions received raised many complex issues and these have been fully considered in the context of determining whether any changes are needed in the guidelines. I expect to be in a position to announce the outcome of the review in the near future.

Coursing Events.

667. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government the dates and names of all coursing events for the 2004-05 season. [29070/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Wildlife Acts 1976 and 2000 provide for the regulation by licence of the capture of hares and by coursing clubs affiliated to the Irish Coursing Club. While such licences do not directly regulate the holding of coursing events, the national parks and wildlife service of my Department obtains a schedule of these events from the ICC prior to issuing a composite licence. The following is the current fixture list for the 2004-05 coursing season, as supplied to my Department by the ICC.

	Coursing Club	Fixture Dates
1	New Ross	Fri, Sat, Sun 24, 25, 26 September
2	Liscannor	Sat, Sun 25, 26 September
3	Glin	Fri, Sat, Sun 1, 2, 3 October
4	Westmeath United	Sat, Sun 9, 10 October
5	Ballyheigue	Sat, Sun 9, 10 October
6	Cashel	Sat, Sun 9, 10 October
7	Regional Coursing Club, Co. Limerick	Sat, Sun 9, 10 October
8	Crohane & Killenaule	Sat, Sun 16, 17 October
9	Edenderry	Sat, Sun 16, 17 October
10	Loughrea	Sat, Sun 16, 17 October
11	Fermoy & Grange	Wed, Thurs 20, 21 October
12	Ballinagar	Sat, Sun 23, 24 October
13	Charleville	Sat, Sun 23, 24 October
14	Gorey	Sat, Sun 23, 24 October
15	Miltown Malbay	Sat, Sun 23, 24 October
16	Thurles	Sat, Sun 23, 24 October
17	Castleisland	Sun, Mon 24, 25 October
18	Lixnaw (Abbeydorney)	Sat, Sun 30, 31 October
19	Mitchelstown	Sat, Sun 30, 31 October
20	Westport	Sat, Sun 30, 31 October

	Coursing Club	Fixture Dates
21	Listowel	Fri, Sat, Sun 5, 6, 7 November
22	Clonmel & Kilsheelan	Sat, Sun 6, 7 November
23	Freshford	Sat, Sun 6, 7 November
24	Limerick City	Sat, Sun 6, 7 November
25	Mallow	Sat, Sun 6, 7 November
26	Trim (Leinster Open)	Sat, Sun 6, 7 November
27	Ballyduff	Fri, Sat, Sun 12, 13, 14 November
28	Co. Carlow	Fri, Sat, Sun 12, 13, 14 November
29	East Donegal (Ballymena)	Fri, Sat, Sun 12, 13, 14 November
30	Ardpatrick & Kilfinane	Sat, Sun 13, 14 November
31	Cappoquin	Sat, Sun 13, 14 November
32	Borris-in Ossory	Sat, Sun 20, 21 November
33	Co. Cavan (Dungannon)	Fri, Sat, Sun 19, 20, 21 November
34	Bandon & Carey's Cross	Sat, Sun 20, 21 November
35	Killimer/Kilrush	Sat, Sun 20, 21 November
36	Waterford	Sat, Sun 20, 21 November
37	Rathkeale	Sat, Sun 20, 21 November
38	Knockgraffon	Fri, Sat, Sun 26, 27, 28 November
39	Balbriggan	Sat, Sun 27, 28 November
40	Enniscorthy	Sat, Sun 27, 28 November
41	Kilflynn	Sat, Sun 27, 28 November
42	Rathcormac	Sat, Sun 27, 28 November
43	Doon	Sat, Sun 4, 5 December
44	Ennis/Clarecastle	Sat, Sun 4, 5 December
45	Johnstown/Urlingford	Sat, Sun 4, 5 December
46	Glanworth	Wed, Thurs 8, 9 December
47	Rathdowney	Sat, Sun 11, 12 December
48	Newbridge Open	Sat, Sun 11, 12 December
49	Newcastlewest	Sat, Sun 11, 12 December
50	Castletowngeoghegan	Sat, Sun 18, 19 December
51	Dungarvan	Sat, Sun 18, 19 December
52	East Donegal	Sat, Sun 18, 19 December
53	Nenagh	Sat, Sun 18, 19 December
54	Roseberry Open	Sun 26 December
55	Roscrea (Borrisoleigh)	Sun, Mon 26, 27 December
56	Co. Kerry	Sun, Mon 26, 27 December
57	Cork	Sun, Mon 26, 27 December
58	Dundalk & Dowdallshill	Sun, Mon 26, 27 December
59	Mooncoin	Sun, Mon 26, 27 December
60	North Kilkenny	Sun, Mon 26, 27 December
61	Galway & Oranmore (Roscommon)	Sun, Mon 26, 27 December
62	South Clare	Sun, Mon 26, 27 December
63	Wexford & District	Sun, Mon 26, 27 December
64	Abbeyfeale	Tue, Wed 28, 29 December
65	Athy Open (Old Kilcullen)	Fri, Sat 31 Dec, 1 January
66	Fethard Open	Sun 2 January
67	Milford Open	Sun 2 January
68	Galbally	Sun, Mon 2, 3 January
69	Kilcreevin/Ballymote (Tubbercurry)	Fri, Sat, Sun 7, 8, 9 January
70	Clonakilty	Fri, Sat, Sun 7, 8, 9 January
71	Tradaree	Fri, Sat, Sun 7, 8, 9 January
72	Sevenhouses	Sat, Sun 8, 9 January
73	Templetouhy	Sat, Sun 8, 9 January
74	Macroom	Wed 12 January
75	Cork Co. Open	Sat, Sun 15, 16 January
76	Knockgraffon Open	Sat, Sun 15, 16 January
77	Dromina Open	Sun 23 January
78	Donabate Open	Mon 24 January

	Coursing Club	Fixture Dates
79	Clonmel & District Open	Sun 30 January
80	The National Meeting, Clonmel	Mon, Tue, Wed 31 Jan, 1, 2 February
81	Duleek Open	Sun 6 February
82	Fedamore Open	Sun 6 February
83	Tipperary & District	Sat, Sun 12, 13 February
84	Cork Co. Open Munster Cup	Sun 13 February
85	Irish Cup	Fri, Sat, Sun 18, 19, 20 February

Local Authority Housing.

668. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if it is his policy to permit the transfer of State assets such as local authority housing stock, as recently proposed by Dublin City Council, out of public ownership to alternative landlords; if such a policy is being driven by Dublin City Council alone; if it is with his consent; if discussions on this issue have already taken place between his Department and Dublin City Council officials; and if he will make a statement on the matter. [29071/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The Government is committed to the continued expansion of the social rented housing stock by both local authorities and voluntary housing bodies.

It is understood that a discussion report on a possible transfer of ownership of Dublin City Council rented housing stock was submitted to the council's housing, social and community strategic policy committee in November 2003. No proposals have been received in my Department seeking such an approval for a transfer of ownership of rented houses and no discussions have been held between the Department and the city council on the matter.

Derelict Sites.

669. **Mr. Murphy** asked the Minister for the Environment, Heritage and Local Government when his Department will respond to Cork County Council's request for townlands (details supplied) to be designated under the Derelict Sites Act 1990. [29074/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I intend very shortly to prescribe a number of areas, including the townlands specified, to be urban areas for the purposes of the Derelict Sites Act 1990.

Departmental Appointments.

670. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if any new advisers or consultants have been appointed by him since the Government reshuffle of September 2004; if such appointments are

replacements for or are in addition to previous appointments; the salary and terms of employment in each case; and if he will make a statement on the matter. [29130/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Since the Cabinet changes of September 2004 I have neither appointed any new adviser nor engaged any new consultant to provide services to my office.

Social and Affordable Housing.

671. **Mr. Walsh** asked the Minister for the Environment, Heritage and Local Government the timescale for the provision of affordable houses at Clonakilty, County Cork; and if he will make a statement on the matter. [29141/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Cork County Council is commissioning a feasibility study for this project which will bring a number of suitable settlement models forward for discussion. The timescale for construction and delivery of units will be determined following the selection of a suitable model, and the detailed design and planning processes. As with all projects under the affordable housing initiative, all such activities are being progressed as a priority with some being paralleled as necessary with a view to early delivery of units.

Housing Aid for the Elderly.

672. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if he intends to reapprove the community warden service in Naas town, County Kildare following the pilot scheme, in view of the fact that the service has been reduced by half; and if he will make a statement on the matter. [29231/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The pilot community warden service was launched in February 2002 in five local authorities, Galway, Leitrim and Wexford County Councils, Galway City Council and Naas Town Council. My Department has commissioned an independent evaluation of the pilot projects and a final report is due shortly, following which the future of the service will be considered further.

Question No. 673 answered with Question No. 640.

Water and Sewerage Schemes.

674. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government when the Bruff water supply scheme will be upgraded. [29233/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Bruff water supply scheme was 27th on the list submitted by Limerick County Council in response to my Department's request to local authorities in 2003 to produce updated assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of the assessments. The assessments were taken into account in the framing of the water services investment programme 2004-2006, published in May 2004. Given the rating afforded to the scheme by the council, it has not been possible to include it in the programme.

Planning Issues.

675. **Mr. English** asked the Minister for the Environment, Heritage and Local Government the number of planning applications received during the past two years by each local authority; the average length of time taken by each local authority to either grant or refuse applications; the number of requests for further information by

each local authority during the planning process; the percentage of applications granted and refused by each local authority in the two year timeframe; and if he will make a statement on the matter. [29246/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The tables set out below contain data for 2002 and preliminary data for 2003, based on information supplied by planning authorities, on the number of planning applications received by planning authorities, the number of decisions made on planning applications and the rate of grant and refusal as a percentage of decisions made. Data for borough and town councils are included with county council data.

It should be noted that decisions to grant or refuse planning permission in a given year will not necessarily relate to the applications received in that year, as a number of decisions taken early in a year relate to applications received in the previous year and applications received at the end of a year would not be decided until the following year.

Data are being compiled on the percentage of planning decisions made within eight weeks and will be sent to the Deputy shortly. Data are not available on the average length of time taken by planning authorities to process planning applications or on the number of requests for further information.

2002	Planning applications received	Decisions made on planning applications	Decisions to grant	Decisions to refuse	Decisions to grant as % of total decisions	Decisions to refuse as % of total decisions
Carlow	690	716	630	86	88.0	12.0
Cavan	1,573	1,639	1,487	152	90.7	9.3
Clare	2,536	2,000	1,630	370	81.5	18.5
Cork	5,806	6,041	4,976	1,065	82.4	17.6
Donegal	4,658	4,431	3,779	652	85.3	14.7
Dún Laoghaire	1,498	1,561	1,315	246	84.2	15.8
Fingal	1,900	1,805	1,409	396	78.1	21.9
Galway	5,241	3,372	2,931	441	86.9	13.1
Kerry	3,657	3,860	3,170	690	82.1	17.9
Kildare	1,900	1,946	1,585	361	81.4	18.6
Kilkenny	1,449	1,456	1,194	262	82.0	18.0
Laois	928	940	806	134	85.7	14.3
Leitrim	703	742	642	100	86.5	13.5
Limerick	1,980	2,092	1,815	277	86.8	13.2
Longford	650	686	605	81	88.2	11.8
Louth	1,618	1,874	1,481	393	79.0	21.0
Mayo	2,729	2,604	2,266	338	87.0	13.0
Meath	1,983	2,120	1,631	489	76.9	23.1
Monaghan	1,172	1,182	1,013	169	85.7	14.3
North Tipperary	1,490	1,208	1,099	109	91.0	9.0
Offaly	1,229	1,207	949	258	78.6	21.4
Roscommon	1,366	1,438	1,378	60	95.8	4.2
Sligo	1,003	1,141	924	217	81.0	19.0

2002	Planning applications received	Decisions made on planning applications	Decisions to grant	Decisions to refuse	Decisions to grant as % of total decisions	Decisions to refuse as % of total decisions
South Dublin	1,094	1,097	912	185	83.1	16.9
South Tipperary	1,409	1,233	1,075	158	87.2	12.8
Waterford	1,275	1,323	1,177	146	89.0	11.0
Westmeath	1,121	1,147	934	213	81.4	18.6
Wexford	3,275	3,086	2,419	667	78.4	21.6
Wicklow	1,607	1,347	1,091	256	81.0	19.0
Sub Total	57,540	55,294	46,323	8,971	83.8	16.2
Cork City Council	805	783	695	88	88.8	11.2
Dublin City Council	3,108	2,989	2,596	393	86.9	13.1
Galway City Council	672	634	551	83	86.9	13.1
Limerick City Council	334	334	320	14	95.8	4.2
Waterford City Council	351	342	314	28	91.8	8.2
Sub-Total	5,270	5,082	4,476	606	88.1	11.9
Total	62,810	60,376	50,799	9,577	84.1	15.9

	Planning applications received	Decisions made on planning applications	Decisions to grant	Decisions to refuse	Decisions to grant as % of total decisions	Decisions to refuse as % of total decisions
Carlow	932	860	775	85	90.1	9.9
Cavan	2,076	1,702	1,527	175	89.7	10.3
Clare	3,030	1,995	1,709	286	85.7	14.3
Cork	7,102	6,256	5,084	1,172	81.3	18.7
Donegal	5,384	4,714	3,953	761	83.9	16.1
Dún Laoghaire	1,742	1,764	1,556	208	88.2	11.8
Fingal	2,020	1,799	1,294	505	71.9	28.1
Galway	7,221	5,591	4,353	1,238	77.9	22.1
Kerry	4,373	3,726	3,062	664	82.2	17.8
Kildare	1,951	2,054	1,499	555	73.0	27.0
Kilkenny	1,756	1,535	1,256	279	81.8	18.2
Laois	1,197	1,079	977	102	90.5	9.5
Leitrim	946	754	667	87	88.5	11.5
Limerick	2,286	2,050	1,818	232	88.7	11.3
Longford	782	659	563	96	85.4	14.6
Louth	1,905	1,679	1,288	391	76.7	23.3
Mayo	3,814	2,918	2,614	304	89.6	10.4
Meath	2,492	2,106	1,597	509	75.8	24.2
Monaghan	1,254	1,155	1,090	65	94.4	5.6
North Tipperary	1,677	1,258	1,163	95	92.4	7.6
Offaly	1,272	1,110	852	258	76.8	23.2
Roscommon	1,713	1,288	1,212	76	94.1	5.9
Sligo	1,259	1,090	965	125	88.5	11.5
South Dublin	1,568	1,337	1,083	254	81.0	19.0
South Tipperary	1,504	1,296	1,098	198	84.7	15.3
Waterford	1,525	1,301	1,139	162	87.5	12.5
Westmeath	1,255	1,042	857	185	82.2	17.8
Wexford	3,656	3,334	2,571	763	77.1	22.9
Wicklow	2,028	1,442	1,169	273	81.1	18.9
Sub Total	69,720	58,894	48,791	10,103	82.8	17.2
Cork City Council	964	910	752	158	82.6	17.4

	Planning applications received	Decisions made on planning applications	Decisions to grant	Decisions to refuse	Decisions to grant as % of total decisions	Decisions to refuse as % of total decisions
Dublin City Council	4,480	3,276	2,850	426	87.0	13.0
Galway City Council	579	602	515	87	85.5	14.5
Limerick City Council	338	364	325	39	89.3	10.7
Waterford City Council	465	410	330	80	80.5	19.5
Sub-Total	6,826	5,562	4,772	790	85.8	14.2
Total	76,546	64,456	53,563	10,893	83.1	16.9

676. **Mr. English** asked the Minister for the Environment, Heritage and Local Government if he will deal with the number of planning applications appealed to An Bord Pleanála during the past year on a local authority basis; the percentage of planning applications referred to the board that were subsequently upheld or overturned, on a local authority basis; and if he will make a statement on the matter. [29247/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Information on the number of planning decisions of planning authorities appealed to An Bord Pleanála is contained in the annual report of An Bord Pleanála 2003, which will be available in the Oireachtas Library, on its imminent publication. A copy of the report will be forwarded to the Deputy on publication.

Local Authority Funding.

677. **Mr. English** asked the Minister for the Environment, Heritage and Local Government if he will provide details in relation to all applications for funding by Meath and Kildare County Councils in respect of the delivery of public services and facilities in both counties, including

Programme	2002	2003	2004
	€	€	€
Kildare County Council			
LGF — General Purpose Grants	15,256,241	16,494,787	19,507,617
Water Services Investment Programme	7,614,367	25,052,414	12,647,104
Non-National Roads	18,307,462	13,960,703	20,867,825
Meath County Council			
LGF — General Purpose Grants	17,681,100	18,687,615	21,849,991
Water Services Investment Programme	13,460,428	15,810,191	19,445,161
Non-National Roads	21,560,437	10,054,028	17,227,215

Local Authority Staff.

678. **Mr. English** asked the Minister for the Environment, Heritage and Local Government the breakdown of the number of planning staff employed in the planning department of each local authority; the breakdown of the level of funding allocated to each local authority for plan-

ning department activities; the details of the applications lodged in 2002, 2003 and 2004 by each local authority for funds specifically for planning department activities; and if he will make a statement on the matter. [29248/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Annual allocations to local authorities are made following consultations with these authorities and having regard to the Department's relevant Estimates provisions, and not normally on foot of individual programme applications or bids from local authorities.

Information in relation to the estimated current expenditure and income of local authorities is published in the annual local authority budgets, the latest version of which is in respect of 2003 and is available in the Oireachtas Library. The 2004 version will be published shortly. While considerable data are provided in these volumes they exclude capital grants.

The following table gives details of recent annual allocations from my Department to Meath and Kildare County Councils in respect of local government fund general purpose grants, the water services investment programme and non-national roads.

ning department activities; the details of the applications lodged in 2002, 2003 and 2004 by each local authority for funds specifically for planning department activities; and if he will make a statement on the matter. [29249/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The table set

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out below sets out the numbers of professional staff employed in the planning department of each planning authority as of 30 June 2004.

General purpose grants are provided annually to local authorities. The grants are not allocated for specific administrative sections or departments of the authorities. The allocation of general purpose grants is a matter for the individual local

authorities and is not overseen by my Department.

The amounts expended by each planning authority on administering the planning system are published in the annual planning statistics which are published by my Department. They are available in the Oireachtas Library for 2002 and will shortly be published for 2003.

Planning Authority	Authorised Planners (Permanent)	Authorised Planners (Temporary)	Vacancies (Permanent)	Vacancies (Temporary)	Engineers	Technicians	Other Professionals	Total
<i>County Council</i>								
Carlow	4	1	0	0	0	4	0	9
Cavan	13	0	-3	-1	1	2	1	13
Clare	16	0	-2	0	0	4	2	20
Cork	55	0	-6	0	1	6	3	59
Donegal	19	6	0	0	0	7	2	34
Dún Laoghaire-Rathdown	23	0	-1	0	0	8	3	33
Fingal	30	2	-4	0	0	11	4	43
Galway	20	1	-3	-1	6	8	3	34
Kerry	12	0	-2	0	5	9	0	24
Kildare	16	4	-3	0	0	7	0	24
Kilkenny	6	0	0	0	4	4	2	16
Laois	8	1	0	0	0	3	0	12
Leitrim	6	0	-1	0	1	2	0	8
Limerick	13	0	0	0	2	6	2	23
Longford	4	1	0	0	0	1	0	6
Louth	9	3	0	0	0	3	0	15
Mayo	11	1	0	0	3	1	0	16
Meath	15	1	-2	-2	1	3	1	17
Monaghan	10	0	-1	0	0	0	0	9
Offaly	5	3	0	-3	0	2	1	8
Roscommon	6	2	0	0	2	3	0	13
Sligo	10	0	-2	0	2	3	1	14
South Dublin	25	2	-3	0	0	6	2	32
Tipperary NR	7	0	-2	0	1	5	0	11
Tipperary SR	5	0	0	0	3	6	1	15
Waterford	4	1	-1	0	4	2	0	10
Westmeath	10	0	0	0	1	1	2	14
Wexford	14	3	-2	0	0	8	0	23
Wicklow	10	3	-3	0	3	2	0	15
Sub Total	386	35	-41	-7	40	127	30	570
<i>County Boroughs</i>								
Cork	14	0	-2	0	1	4	2	19
Dublin	60	0	-6	0	0	12	2	68
Galway	8	0	-1	0	0	5	1	13
Limerick	4	0	0	0	0	2	0	6
Waterford	4	0	0	0	0	3	0	7
Sub Total	90	0	-9	0	1	26	5	113
Total	476	35	-50	-7	41	153	35	683

Planning Issues.

679. **Mr. English** asked the Minister for the Environment, Heritage and Local Government if he has proposals to provide a league table or other performance measurement mechanism to

highlight the speed and efficiency by which local authorities are processing planning applications; and if he will make a statement on the matter. [29250/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Earlier this

year, my predecessor launched a set of 42 service indicators against which all city and county local authorities are required to report their performance on an annual basis, commencing with 2004. The indicators span the range of local authority functions, including planning. The time taken to process planning applications is included.

Local authorities are required to report their 2004 performance results to the Local Government Management Services Board, LGMSB, no later than end-March 2005. An independent assessment panel will visit a small number of authorities on a random basis to verify their returns to the LGMSB. The LGMSB will report the overall performance results to me along with their analysis, which will incorporate the findings of the independent assessment panel.

This process is intended to facilitate the identification of good practice and to encourage all local authorities towards improved performance.

680. **Mr. English** asked the Minister for the Environment, Heritage and Local Government the procedure by which local authorities can take estates in charge including the procedures open to local authorities to take action against developers who fail to complete estates in full or in full compliance with the planning permission granted for the development; and if he will make a statement on the matter. [29251/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Section 180 of the Planning and Development Act 2000 provides that a local authority may take an estate in charge by initiating the procedures under section 11 of the Roads Act 1993 to take a road in charge. Where, in compliance with section 180 of the Act, the local authority makes an order declaring a road to be a public road, it must also take in charge any open spaces, car parks, sewers, water-mains, or drains within the attendant grounds of the development.

In order to ensure that estates are completed satisfactorily, sections 34(4)(g) and 180(2)(b) of the Planning Act provide that a planning authority may attach a condition to a planning permission requiring the giving of adequate security for the satisfactory completion of a development, and, if the development is not subsequently completed satisfactorily, may apply the security to that satisfactory completion.

Where an estate is not completed by a developer, the Planning Act has strengthened and simplified the enforcement powers available to planning authorities. Among these powers, planning authorities are entitled to refuse to grant planning permission, subject to the consent of the High Court, to any developer who has substantially failed to comply with a previous permission.

Under section 180 of the Planning Act planning authorities must take an unfinished estate in charge, where so requested by the majority of qualified electors who own or occupy the houses in the development, if enforcement proceedings

have not been commenced by the planning authority within seven years of the permission for the development expiring.

Local Authority Funding.

681. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the efforts he has made to secure the required capital funding in the 2005 Estimates to fulfil the Government's commitment in An Agreed Programme for Government 2002 to increase the output of the voluntary and co-operative housing sector to up to 4,000 homes per annum during the lifetime of the programme; if his attention has been drawn to the need and urgency to have capital funding for voluntary and co-operative housing capital increased significantly in the 2005 Estimates in view of the fact that it can take from two to three years to develop social housing projects from identifying sites to completion of houses; and if he will make a statement on the matter. [29252/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The Government has responded actively to the increased level of social housing need by expanding social and affordable housing output very significantly, with capital spending in 2004 at four times the 1998 level.

As part of this expanded programme, it has sought to promote the growth and development of the voluntary and co-operative housing sector. This policy has met with significant success. The 2004 provision for the voluntary housing capital assistance scheme and the capital loan and subsidy scheme is €234 million compared to €92 million for the two schemes in 2000. As a result, output has grown by about 80% with completions likely to reach about 1,700 units this year. It is acknowledged that physical progress has not reached the levels anticipated largely due to higher than anticipated construction costs, and some capacity problems within the sector in the early stage of the National Development Plan 2000-2006. This point was recognised in the ESRI mid-term review of the plan.

However, the Government remains committed to continuing to support and develop this sector. The capital provisions for 2005 for the various social and affordable housing programmes will be determined in due course, following consideration of the five-year social and affordable housing action plans for the period 2004 to 2008, which local authorities have prepared at county and city level. This plan-led approach will focus on achieving maximum output under the programmes and ensuring that this output is delivered in a coherent, integrated and sustainable manner. The main objective in introducing this action plan approach is to ensure that the significant investment available for these programmes and the benefits of the new multi-annual capital envelope approach, achieves the desired effect in the long term by tackling real need and breaking

[Mr. N. Ahern.]

cycles of disadvantage and dependency. Local authorities were asked to take account of the role of the voluntary and co-operative housing sector in preparation of these plans to ensure an integrated approach to meeting housing needs.

Housing for the Elderly.

682. **Cecilia Keaveney** asked the Minister for the Environment, Heritage and Local Government the position in relation to an application for sheltered housing by an association (details supplied) in County Donegal; and if he will make a statement on the matter. [29417/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): An application for a grant under the voluntary housing capital assistance scheme has been received from Donegal County Council, which is responsible for the detailed administration of the scheme in its area. Documentation requested was recently received and the application is under consideration. The council will be advised of the outcome as soon as possible.

House Prices.

683. **Mr. Ó Fearghaíl** asked the Minister for the Environment, Heritage and Local Government his views on the prospects for moderation in house price inflation; and if he will make a statement on the matter. [29420/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): My Department does not undertake forecasts of house prices. However, detailed information on house prices is set out in my Department's housing statistics bulletins, copies of which are available in the Oireachtas Library. The rate of house price increase is now considerably lower than in the late 1990s and more recent trends show continuing moderation. I am aware that a number of market commentators have expressed the view that there is likely to be further moderation in house price trends as house completions data indicate another record year of output for 2004. The Government will continue to focus on measures to promote a high level of housing supply in response to demand.