



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 18 November 2004.

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DÁIL ÉIREANN

—————
Déardaoin, 18 Samhain 2004.
Thursday, 18 November 2004.
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Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m.

—————
Paidir.
Prayer.
 —————

Suspension of Member.

An Ceann Comhairle: Before coming to the Order of Business I must deal with a postponed division relating to the suspension of a Member. Yesterday, on the question, “That Deputy Cowley be suspended from the service of the Dáil”, a division was claimed and, in accordance with Standing Order 61, that division must take place now.

Question put.

The Dáil divided: Tá, 52; Níl, 26.

Tá

Ahern, Dermot.
 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.
 Ellis, John.
 Fleming, Seán.
 Gallagher, Pat The Cope.
 Glennon, Jim.
 Grealish, Noel.
 Hanafin, Mary.
 Harney, Mary.
 Haughey, Seán.
 Hoctor, Máire.
 Jacob, Joe.
 Kelleher, Billy.
 Kelly, Peter.
 Kitt, Tom.

Lenihan, Brian.
 Lenihan, Conor.
 McEllistram, Thomas.
 McGuinness, John.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 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.
 Sexton, Mae.
 Smith, Brendan.
 Smith, Michael.
 Wallace, Dan.
 Walsh, Joe.
 Wilkinson, Ollie.

Níl

Boyle, Dan.
 Breen, James.
 Broughan, Thomas P.
 Connolly, Paudge.
 Costello, Joe.
 Ferris, Martin.
 Gilmore, Eamon.
 Gogarty, Paul.
 Healy, Seamus.
 Higgins, Joe.
 Higgins, Michael D.
 Howlin, Brendan.
 Lynch, Kathleen.

McHugh, Paddy.
 McManus, Liz.
 Moynihan-Cronin, Breeda.
 Ó Caoláin, Caoimhghín.
 O'Sullivan, Jan.
 Penrose, Willie.
 Rabbitte, Pat.
 Ryan, Eamon.
 Ryan, Seán.
 Sargent, Trevor.
 Shortall, Róisín.
 Stagg, Emmet.
 Wall, Jack.

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

Question declared carried.

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

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

Mr. Connolly: I seek the adjournment of Dáil Éireann under Standing Order 31 to debate a matter of national importance, namely, the omission of 15 applicants from counties Monaghan and Cavan from the list of approved grants totalling €17.2 million from the Dormant Accounts Fund Disbursements Board and whether the applicants in question will receive favourable treatment in the next tranche of grants from the fund.

Mr. J. Higgins: I wish to seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the need for the Government to state categorically that Aer Lingus will be maintained in full public ownership; the need to source sufficient funds to develop the national airline service as a quality operation and the necessity to bring Aer Lingus workers to a central role in the management and development of the airline.

Mr. Gogarty: I wish to seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the publication of further reports citing high unemployment levels among graduates of teacher training colleges and the need for the Minister for Education and Science to tackle this problem, particularly in the context of ensuring that class sizes are reduced as originally promised by the Government, given that one in seven children leave primary school with literacy problems.

Mr. Eamon Ryan: I wish to seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the revelations from by the National Roads Authority at a transport committee yesterday that the €807 million planned investment in the widening of the M50 will still result in that roadway being severely congested from the moment of the project's completion and whether our priority for investment should not therefore be in the construction of the €1.3 billion metro and other public transport projects in advance of the investment in the M50 upgrade.

Mr. Boyle: I wish to seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the reason the budget of Development Co-operation Ireland is being reduced by €1 million in order that a payment be made to the Band Aid Foundation, in lieu of no VAT rebate being given for the activities of that organisation; and that such sharp practice is informed by the Government

being unwilling to address why charities are asked to pay value added tax.

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

Order of Business.

The Tánaiste: It is proposed to take No. 14a, motion regarding membership of committees; No. 14b, Safety, Health and Welfare at Work Bill 2004 — instruction to committee; No. 25, Road Traffic Bill 2004 — Second Stage (resumed); No. 26, Disability Bill 2004 — Second Stage (resumed); and No. 27, Water Services Bill 2003 [*Seanad*] — Second Stage (resumed). It is proposed, notwithstanding anything in Standing Orders, that Nos. 14a and 14b shall be decided without debate.

An Ceann Comhairle: There is one proposal to put to the House. Is the proposal for dealing with Nos. 14a and 14b without debate agreed to? Agreed.

Mr. Kenny: There are two ways to kill a reform agenda. One is not to act on it and the other is to delay it through endless discussions and consultation. Consultation cannot be a substitute for decision. Those were the words used by the Tánaiste last March.

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

Mr. Kenny: Yes. In view of the Government's failure to make any decision and the subsequent debacle concerning Aer Lingus—

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

Mr. Kenny: I have.

An Ceann Comhairle: The manner in which the Deputy is approaching it is not appropriate. There were questions on this issue during Leaders' Questions twice this week. The Deputy must ask a question on legislation.

Mr. Kenny: The Ceann Comhairle is not allowing me to ask a question. When will the findings of the Goldman Sachs report on Aer Lingus be discussed in the House? When will the air navigation and transport Bill dealing with the financing of aircraft be introduced to the House, particularly in view of the fact that Aer Lingus has turned the corner but is now in a precarious position? It needs €1 billion in investment. What will the Government do about this? Instead—

An Ceann Comhairle: On the legislation, Tánaiste.

Mr. Kenny: —of having personalised attacks made by the Taoiseach on management figures of Aer Lingus—

Mr. J. O’Keeffe: It was disgraceful conduct.

An Ceann Comhairle: Deputy Kenny is out of order. This matter has been discussed twice this week on Leaders’ Questions. It is not appropriate on the Order of Business.

Mr. J. O’Keeffe: It is appropriate.

The Tánaiste: The legislation will be introduced early next year. The Minister for Transport intends to publish the Goldman Sachs report.

Mr. J. Higgins: When?

The Tánaiste: After the Government has considered it.

Mr. J. Higgins: When will that be?

The Tánaiste: We will let the Deputy know when.

Mr. Kenny: The Tánaiste said consultation cannot be a substitute for decision.

The Tánaiste: I still agree with what I said.

Mr. Connaughton: Good news.

An Ceann Comhairle: I have called Deputy Rabbitte.

Mr. Rabbitte: On 29 March, the Tánaiste said the Progressive Democrats would walk out of Government if transport reforms did not go ahead—

An Ceann Comhairle: That does not arise on the Order of Business. Has the Deputy a question appropriate to the Order of Business?

Mr. Stagg: It does.

Mr. Howlin: Will the Ceann Comhairle allow the Deputy to complete his sentence?

Mr. Connaughton: The Chair is being very sharp.

Mr. Penrose: The Ceann Comhairle cannot anticipate what a Deputy is about to ask. We are sick of this racket.

Mr. Stagg: Do not be so rude.

An Ceann Comhairle: I suggest Deputy Penrose reads Standing Orders.

Mr. Penrose: I know as much about Standing Orders as the Ceann Comhairle. It is my business to know and interpret them.

Mr. Rabbitte: When will the transport reforms Bill be brought forward? Does the Tánaiste agree that the senior management in Aer Lingus was seeking to—

An Ceann Comhairle: The second question has already been debated on Leaders’ Questions twice this week.

Mr. Stagg: The Chair is interrupting again.

Mr. Rabbitte: Does she think the members of senior management at Aer Lingus were seeking—

An Ceann Comhairle: Tánaiste, on the legislation.

Mr. Rabbitte: —to enrich themselves on the back of State company?

Mr. Stagg: The Ceann Comhairle is the chief heckler for the Government.

An Ceann Comhairle: I ask Deputy Stagg to withdraw that remark.

Mr. Stagg: A Cheann Comhairle, I find you constantly—

An Ceann Comhairle: Deputy Stagg withdraw the remark. The Deputy knows the Standing Orders. Leaders’ Questions is available for the leaders of the parties.

Mr. Stagg: —interrupting Members in mid-sentence.

An Ceann Comhairle: I ask the Deputy to withdraw the remark.

Mr. Stagg: Of course, I withdraw the remark because you will only make me leave the House. However, it stands nonetheless.

An Ceann Comhairle: Then resume your seat. Tánaiste, on the legislation.

The Tánaiste: The transport reform Bill will be introduced next year to provide for the liberalisation of transport services.

Mr. Rabbitte: Does she still agree with her remarks on 29 March?

Mr. J. O’Keeffe: She will be eating her own words.

Mr. Stagg: Fianna Fáil is closing the Progressive Democrats down.

Mr. Rabbitte: A Cheann Comhairle, no Member has spoken this morning except yourself. The Tánaiste wanted to reply to the question. I asked her if it is the intention—

An Ceann Comhairle: The Tánaiste cannot be out of order anymore than the Deputy. If the Deputy is not happy with Standing Orders, I suggest the House should change them and the Chair will implement them.

Mr. Rabbitte: Is it still the intention of the Progressive Democrats to walk out of Government if they do not get their way on transport reforms?

An Ceann Comhairle: That does not arise on the Order of Business. There is no provision for Leaders' Questions on a Thursday.

Mr. Kenny: Because the Taoiseach is away having acting lessons this morning.

Mr. Durkan: A grand man for threading the boards.

Mr. Sargent: Given the urgency of the position facing Aer Lingus, some of the legislation dealing with international financing for aircraft should be brought forward urgently to give us the opportunity—

An Ceann Comhairle: Does the Deputy have a question in mind?

Mr. Sargent: —to hear the Government's clear view, if there is such a thing.

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

Mr. Stagg: He is heckling again.

Mr. Sargent: I am asking about promised legislation as straightforwardly as I can without interruption. The air navigation and transport Bill—

An Ceann Comhairle: It has already been dealt with.

Mr. Sargent: My other question on promised legislation, which hopefully can be answered after the question on Aer Lingus which is urgent, concerns the medical practitioners Bill. Following a meeting with Patient Focus, the need for a redress board and the number of files that have gone missing, perhaps burned, this legislation should be given urgent priority for publication.

The Tánaiste: The House passed a Bill on Aer Lingus in April 2004 which provides the Government with the mechanisms it may need regarding the future of Aer Lingus.

Mr. S. Ryan: So it could sell it off.

The Tánaiste: The medical practitioners Bill is priority legislation that is being worked on by my officials and it will be published next year.

Mr. Hayes: Will the Ceann Comhairle bear with me while I ask this question?

An Ceann Comhairle: So long as it is in order.

Mr. Hayes: When is it proposed to change Standing Orders? It is very frustrating for ordinary quiet backbenchers with issues to raise to be ruled out of order every day. The

11 o'clock Tánaiste is a very reasonable person. Will she move to help us because it is most frustrating? I spent two or three years in the Seanad where one can raise issues and get genuine answers across the floor from the Government parties. That is lacking in this House and it is totally unfair.

Mr. Murphy: The Deputy has no intention of going back there.

The Tánaiste: The Government Chief Whip is very anxious to have discussions with his colleagues over the next few weeks to discuss Dáil reform, including Standing Orders.

Mr. R. Bruton: That anxiety has been there for a long time.

Mr. M. Higgins: There is a suggestion that the national monuments legislation, which we await, is to consolidate six national monuments Acts. The late date suggested in the Government's programme will cause great conflict. I was responsible for one of those Acts which is being seriously misinterpreted by the Minister for the Environment, Heritage and Local Government and his predecessor in regard to the protection of national monuments, particularly in the Tara area.

The Tánaiste: As the Deputy knows, we enacted one Bill in this area earlier this year. The other Bill with 86 heads is being revised and will be published in the second half of next year.

Mr. M. Higgins: That means we will solve the issues in court rather than through legislation.

Mr. Stagg: As usual.

Caoimhghín Ó Caoláin: Is there a specific date for publication of the Dormant Financial Assets Bill, which seeks to extend the dormant accounts treatment of assets other than life assurance and bank accounts? Is there a specific date for its publication, which is promised in the coming year? Will the heads of the Bill be circulated in advance?

The Tánaiste: I have no precise date for that but it will be next year.

Ms Shortall: What is the reason for the delay in the Railway Safety Bill? It is 16 months since Committee Stage was completed. When can we expect to have Report Stage here?

Mr. Howlin: It has been derailed.

The Tánaiste: I do not know. The Minister may come forward with amendments. I will speak to him — he has just left the House. It is ordered for Report Stage. I do not know why there is a delay.

Ms Shortall: It does not take a year.

The Tánaiste: I will speak to the Minister about that. I presume it is awaiting amendment.

Mr. M. Higgins: The Minister needs talking to all right.

Mr. J. Higgins: The Tánaiste promised a debate on the Goldman Sachs report on Aer Lingus. In view of the importance of this issue will the Tánaiste be more precise and give us a timescale for that debate?

Will the Tánaiste share with us this morning whether she feels her political marriage of convenience is in some difficulty—

An Ceann Comhairle: The Deputy's first question on the debates in the House is appropriate. He will have to find another way to put the second question.

Mr. Howlin: It is the seven year itch.

The Tánaiste: The Goldman Sachs report will be published. As for my political philosophy I am a socially concerned liberal.

(Interruptions).

Mr. Durkan: We have seen a lot of sea changes in this House in the past week.

Mr. M. Higgins: They are all coming out.

Mr. Eamon Ryan: It is catching.

Mr. Kenny: Perhaps Deputy Joe Higgins will give the Tánaiste a test in the same way as he gave the Taoiseach one yesterday. When will the legislation on entitlements to health services be published?

The Tánaiste: Much detail will be discussed on entitlements to health services this afternoon, which the Deputy will welcome because he is a very fair-minded person. To which Bill is the Deputy referring?

Mr. Kenny: The 2001 health strategy promised that a Bill on entitlement to health services would be published in 2002.

Mr. Rabbitte: We have heard many promises in the past seven years but little has changed.

Mr. Kenny: On 26 October the Taoiseach — I do not know whether he was acting or practising his acting lessons — told me that legislation was being worked upon with particular relevance to the persons aged 70 years and over who were

granted medical cards and from whom payments have been extracted since. The Taoiseach promised that legislation is being drafted. It does not appear on the C list where 66 other Bills are mentioned.

The Tánaiste: Tomorrow the legislation to establish the Health Service Executive will be published. I will bring forward amending legislation for the people aged over 70 years either before Christmas or shortly thereafter.

Mr. Howlin: The whistleblowers protection Bill has been hanging around for a very long time. It has passed Second Stage. The Minister for Enterprise, Trade and Employment has indicated that now the Government is minded to adopt a sectoral approach to this issue. Does the Government intend to withdraw this Bill or to proceed to Committee Stage and amend it?

The Tánaiste: No decision has been made to withdraw the Bill. The Deputy needs to speak to the Minister for Enterprise Trade and Employment. A view was taken in the Department that it would be better to do this sectorally

Mr. M. Higgins: That means it is gone.

The Tánaiste: It was done already under the Competition Acts and is being done under other legislation too.

Mr. Stagg: Why did the Tánaiste not do it?

The Tánaiste: There are serious legal implications in doing it.

Mr. R. Bruton: We have been waiting for seven years.

Mr. Howlin: The Tánaiste caved in on it.

The Tánaiste: There are serious legal implications.

Mr. Howlin: Will the Tánaiste send me a briefing note on it?

Mr. Eamon Ryan: Will the Government be willing to allow a debate on the issue of major road programmes in the greater Dublin area given the concerns—

An Ceann Comhairle: The Deputy must refer to promised legislation.

Mr. Eamon Ryan: I wish to make a brief point of order. I am unable to ask questions of the Minister on roads issues because any time I do the Chair rules them out as being outside the remit. In those circumstances and given the public controversy around such programmes as the Tara Road and the efficacy of the M50—

An Ceann Comhairle: The Deputy should ask a question on legislation. This is not appropriate to the Order of Business.

Mr. Eamon Ryan: In regard to the Order of Business and promised debate, does the Tánaiste agree that since Deputies are unable to raise questions with the Minister on the issue, we should have a debate—

An Ceann Comhairle: The Deputy should allow the Tánaiste to speak.

The Tánaiste: The Road Traffic Bill 2004 is being discussed today. It may be appropriate for the Minister to go to a committee of the House to discuss the specific road issues.

Mr. P. Breen: Has the Cabinet sub-committee set a date to discuss the Goldman Sachs report? That committee has not met.

The Tánaiste: It will meet next week.

Ms McManus: I understand that the Ceann Comhairle must ensure that we behave in an orderly fashion but the method and order in which he called Members to ask questions this morning is eccentric and discriminatory.

An Ceann Comhairle: I do not mind the Deputy feeling that my method is eccentric, that is her thought on the matter—

Ms McManus: I think it is eccentric.

An Ceann Comhairle: —but it is not discriminatory. The Deputy must withdraw that.

Ms McManus: I would be happy to say it is eccentric—

An Ceann Comhairle: Is the Deputy withdrawing it?

Ms McManus: —and I withdraw my other comment. It is unfortunate that it is so eccentric but I understand that the Ceann Comhairle must ensure that we carry out our business in an orderly fashion. Do the Ceann Comhairle and the Tánaiste consider it orderly that a major health Bill as yet unpublished will be debated on Wednesday, guillotined and rushed through the Dáil before Christmas, unnecessarily, without important amendments being published? When will the amendments to the Health Bill be published? We need to see these amendments. Would the Tánaiste not consider it more appropriate, given that there is no chief executive officer for the Health Service Executive, to delay the establishment of the executive for approximately six months so that we can have a proper debate about important health issues and the future of the health service in a way that respects our democratic responsibilities?

Deputies: Hear, hear.

The Tánaiste: I accept it is not desirable that legislation is not published well in advance of a debate in this House. That is a priority not just for the Government but for the country and for the 120,000 people who work in the health services. They are working full-time or part-time to deliver health services. To be helpful and to give the Opposition spokespersons an opportunity to have the Bill in advance of the debate, I gave each party a copy of the Bill on Tuesday. The amendments are technical amendments resulting from the Government decision to make the chief executive officer of the Health Service Executive the accounting officer. There will be no substantial Government amendments to the Bill. It will be published later this evening or tomorrow. There are no surprises in it, with the possible exception of the Accounting Officer issue, as it has been well documented in all the reports published to date and in all the speeches and briefings given by my predecessor. It is not desirable to delay it. The momentum on reform has to be maintained and the uncertainty surrounding issues for staff cannot be allowed to proceed until the middle of next year.

Ms McManus: When will we get the amendments?

The Tánaiste: Sometime in the next ten days, but they are merely technical amendments to facilitate the fact that the CEO of the HSE will be the Accounting Officer, as opposed to the Secretary General of the Department of Health and Children.

Mr. M. Higgins: That is a big issue.

Tánaiste: Yes it is a big issue.

Mr. Durkan: Given the increasing evidence of Internet and mobile phone abuse in areas such as child pornography and on-line gambling and the potential this has to damage society, will the Tánaiste indicate when the Electronic Communications (Miscellaneous Provisions) Bill will come into the House? Can that Bill be expanded to cater for the type of issues I have just raised?

Tánaiste: The heads of the Bill are expected shortly and it will not be published until next year. I am not in a position to say whether those matters mentioned by the Deputy can be incorporated. He should discuss it with the line Minister.

Mr. Boyle: Will a Supplementary Estimate have to be introduced to the House for the Department of Foreign Affairs, given that the Government has now purloined €1 million from the budget of Development Co-operation Ireland? This has given the impression that it is giving extra money for development aid, when in fact it is robbing Peter to pay Paul.

Tánaiste: I am not aware that a Supplementary Estimate is necessary. If it were, it would obviously be introduced.

Membership of Committees: Motion

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

That Deputy Seán Haughey be discharged from the Select Committee on European Affairs and that Deputy Michael Mulcahy be appointed in substitution for him. That Deputy Michael Mulcahy be discharged from the Select Committee on Education and Science and that Deputy Seán Haughey be appointed in substitution for him.

Question put and agreed to.

Safety, Health and Welfare at Work Bill 2004: Motion.

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

That, notwithstanding anything in Standing Orders, it be an instruction to the Select Committee on Enterprise and Small Business that it has power to make provision in the Safety, Health and Welfare at Work Bill 2004 in relation to the amendment of section 32 of the National Standards Authority of Ireland Act 1996 to provide for the re-instatement of the investigative powers of the Director of Consumer Affairs removed by the passage of that Act.

Question put and agreed to.

Road Traffic Bill 2004: Second Stage (Resumed).

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

Mr. Sargent: Many people would have quite a lot to say about this Bill when it comes to their daily experience. In this House, we have to recognise that the planning we are making nowadays will not be simply a matter of concern for this generation, but will be a legacy in the future. The debate on this Bill has focused on the issue of speed limits and that is of immense importance. We in the Green Party are anxious to take on board the current concern about road traffic which focuses on speed and road safety. Given the carnage on our roads, this is close to everyone in this House but it is particularly poignant in the light of the horrific head-on collision which involved the car of the Minister for Community, Rural and Gaeltacht affairs, Deputy Ó Cuív. On behalf of the Green Party, I would like to pass on good wishes for a speedy recovery to all those involved. I understand the American tourists were the most critically injured and they are very

much in our thoughts. We should learn something from that horrific incident and bring it to bear in this legislation, or if necessary, through further regulation and reform.

Someone can fly to this country from anywhere in the world and land with all the personal strain of having travelled so far and can then directly hire a car. That person might be unfamiliar with the locality, not to mention the rules of the road, but can drive wherever he or she may wish, not knowing where he or she is going. It really is surprising that there are not more serious accidents of the type that involved the Minister's car. All of us in this House should take stock of that. It cannot be said that we have not been warned. I urge all of those involved, particularly those in the car hire sector, to recognise that there is a serious issue that cannot be overlooked.

An Ceann Comhairle: I do not think it is appropriate for us in the House to apportion blame when the accident is still being investigated.

Mr. Sargent: I thank the Ceann Comhairle for reminding me of that. I do not mean to apportion responsibility. I am simply saying that it would be worth looking at current regulations and I hope we can avoid accidents in the future. In the debate on this legislation, avoiding accidents should be at the front of every speaker's mind. As a motorist, a cyclist and a pedestrian, the Ceann Comhairle will be aware that road traffic is an issue for everyone. Sometimes we feel it is only an issue for motorists, which is an indication of the dominance of the car lobby in this House. It is also an indication of the horrors of motorcar accidents, as these accidents are graphically presented on newspaper covers on a daily basis. It has been independently proven that vehicle speed on roads causes most accidents. That comes down to speed limits. We presume that if a car can go fast, then it should be accommodated. We should have realised by now that we need to focus on the optimum speed of a vehicle, rather than its ability to go fast. I do not doubt that the 30 mph speed limit has been the norm in built-up areas in this jurisdiction. We should take stock of that as we change to kilometres per hour. The metrification process should be seen as an opportunity to reduce speed limits. People should be helped to get used to a speed limit of 30 kph rather than 30 mph. The change will be of benefit to all road users because it will bring us into line with the many countries, which use the metric system, as well as introducing the latest road safety developments to this country.

It is clear that Ireland, whether by default or design, has become the most car-dependent country in the world. I base that assertion on the number of miles travelled by cars in Ireland compared with other countries. A change is needed in this regard, not only in the interests of road safety but also because a substantial amount of energy is required to maintain Ireland's infamous

[Mr. Sargent.]

position in the international league table. It is not as if Ireland is like Iraq which has extensive oil wells or the United States which has a major centre of the motor industry in Detroit. It cannot be argued that we have a warped patriotic duty to burn as much energy as possible and to drive our cars as far as possible.

Ireland, which is the fifth most oil-dependent country in the world, is vulnerable because it does not have security of oil supply. It needs to import copious levels of energy to get by on a day-to-day basis in the manner to which we have become accustomed. As it does not have a motor manufacturing industry, all cars must be imported which involves the expatriation of considerable moneys. The plan's economic, health and safety and environmental effects will be very damaging. It will impair our ability to enjoy a reasonable quality of life and to be reasonably content. I urge the Government to take stock of where we are in this regard. The Road Traffic Bill 2004 gives us an opportunity for such reflection.

One of the merits of the Green Party's policy of reducing speed limits is that it will lead to a reduction in fuel consumption. It is a sensible suggestion on every front. It will protect human life, make the streets safer for other road users and lead to a reduction in the number of road casualties. I urge the Government to accept the amendments, which will be proposed by the Green Party on Committee Stage in an attempt to reduce speed limits.

All Deputies are accustomed to seeing speed cameras at various locations but many of us are convinced that most of the cameras do not work. It seems that drivers can speed past them without being penalised. Many people do not have confidence in the enforcement of the road traffic laws. They think the steps, which have been taken are token gestures or mere deterrents rather than enforcement measures. Word gets around in a small country. Many people consider that the Government's inability or unwillingness to resource traffic management properly and to enforce road traffic laws strictly is an indication of its lack of seriousness in respect of road safety. The Green Party favours the installation of more speed cameras which work and will lead to enforcement.

As we engage in constituency work, Deputies often hear complaints about the theft of cars, especially by minors. Such actions often result in carnage, frustration and damage to property. The Bill needs to restrict the sale of cars to minors. This matter does not seem to be taken seriously enough. It seems that cars can be sold to minors who then drive them without insurance or the necessary paperwork. Such people often cause significant damage to themselves and others. It is unforgivable that such problems continue to recur. There has been a great deal of hand-wringing about what is ubiquitously and unfortunately called "joyriding", even though it generally causes misery rather than joy.

The highly organised car theft culture seems to be run as a business. Many cars have been stolen in my locality. My next door neighbour, unfortunately, is one of those who have had motor vehicles stolen from outside their houses. No trace is found of many of the cars, which are taken, but there is a supposition that they have been taken to a port to be transported to another jurisdiction. I have asked in the Dáil on many occasions why one is not required to provide proof of ownership at our ports when one is bringing a car outside the country. Such a measure would quickly end the lucrative and illicit trade in stolen cars.

The Green Party's spokesman on transport, Deputy Eamon Ryan, has raised the issue of road planning on many occasions. I do not doubt that the Government is in a position to make critical and strategic decisions on road development. Unlike the local authorities, it controls decision making and holds the purse strings in this regard. It can guarantee that the provision of roads by the National Roads Authority and local authorities is dictated centrally by the Departments of Transport and the Environment, Heritage and Local Government. Many roads are being built in the expectation that they will be around for many years to come. Much more light will be thrown on this matter tonight, during a lecture organised by the sustainable economics foundation Feasta. I cannot speak further on it in the time available to me.

We have taken the provision of energy for granted for a long time, but we face an international sea change in that regard. Many roads which are being constructed at present will still be in use when we reach peak global oil production, which could happen in 2007, 2008, 2010, 2020 or 2025. Some commentators in the geophysics sector believe that peak oil production has already been reached. It will be a painful wake-up call for many people whenever it happens. The Government has a responsibility not to leave people in the dark and say that it did not know, when building those roads, that there would be enormous difficulty in supplying the energy required for people to drive on them in future. The price of oil is like the price of drugs or anything else in that it is a matter of supply and demand. The current increase in price is a clear reflection of uncertainty surrounding oil production. It is not just about the war in Iraq or storms in the Gulf of Mexico, it is about uncertainty over production alongside all those other factors.

It is strange that the Government continues to deny expert opinions, including some from the oil production sector, that have made it very clear that we must prepare for change. I recently addressed a breakfast meeting of the Dublin Chamber of Commerce at which I made these points. It was interesting that a member of the audience from one of the major oil companies was in absolute agreement with me. All he could say was that they were aware of it and making preparations for change so that, they hope, they

will be able to dominate the market in future when oil is not so readily available.

Where does that leave the rest of us? There is not the same quantity of hydrogen, and if one wants it, one must still find energy to make it. If that energy is not available, one will not have as much hydrogen. Ultimately, roads now being built, some of them in very unfortunate areas, such as near the Hill of Tara, will be seen by many in the future as white elephants. They may be used, but not to the capacity for which they were designed. Real questions arise.

We have been discussing how the tribunals cost a fortune and that something must be done about them. However, when it comes to looking back at the design life of such roads and realising that it is not possible to meet the energy demands for which they are designed, who will say that it was not known in 2004, or whenever the roads were built or completed, that there would be a problem in 20 or 30 years? I wonder whether the Government will find itself like some of the individuals asked to appear and answer questions regarding the Dublin and Monaghan bombings, for example, on what the Government of the day knew and why it did not act. I can envisage members of this Government being called out of retirement in their dotage to say whether they were aware of the peak in oil production, something well known in 2004, and why they carried on regardless.

Mr. Naughten: I welcome the opportunity to speak on this important legislation. I hope that the Minister for Transport, Deputy Cullen, and the Department will take into account some of the points raised before Committee Stage. As a former spokesperson on transport, I thank the Minister and departmental officials, who have done tremendous work in the area in recent years. I wish them the best of luck regarding this legislation and the other forthcoming Bills.

I support a system that saves lives and is fair. While there is no doubt that the penalty points system introduced by the former Minister for Transport, Deputy Brennan, has saved lives and has the potential to save thousands more, there are serious questions about its fairness. That unmarked Garda vans and cars are hidden on long, straight sections of road, with gardaí instructed to reach target quotas every month, does nothing to change the attitudes of Irish drivers. In conjunction with that, there are unacceptable speed limits. Many speakers mentioned examples of 30 mph speed limits on dual carriageways and 60 mph speed limits outside schools. I am glad the legislation is before us and I hope it will resolve some of the current crazy anomalies.

However, it is pointless putting sensible speed limits in place if the enforcement is farcical. I have great concerns about the fixed speed cameras proposed. It is critically important that they are installed to save lives rather than collect fines. How the contract for such cameras is drawn up

and structured is also vital. Speed cameras will work only if they are highly visible. The one at the Spa Hotel on the N4 must be one of the most effective in the country, yet it is a high-visibility camera. The vast majority of motorists are aware that it is there, and it slows traffic down. It cannot be seen as a revenue-raising machine or cash cow for the Department of Justice, Equality and Law Reform.

It is critical in the context of the legislation that a structure be put in place whereby local communities can have a functioning role regarding where speed cameras are located. They know from day-to-day experience where the risks are on a specific section of road. They know better than an engineer coming from Dublin where a speed camera should be sited and traffic should be slowed down. We must get local communities involved as has been done in other countries, for example, the UK, where it has been extremely effective.

We must also examine inexperienced drivers. There is forthcoming legislation to overhaul the driver testing and training system, which is long overdue. The backlog in driving tests is crazy. It can take up to 12 months in some parts of the country for someone to obtain a driving test appointment. The previous Minister in charge of road safety in the last Government, Deputy Molloy, to his credit and that of his officials, worked hard at trying to reduce the backlog in driving tests, a task in which he succeeded.

As a result of one irresponsible comment in 2002 by the last Minister for Transport, Deputy Brennan, all that came to naught. When he announced that he was clamping down on unaccompanied drivers on provisional licences, all of a sudden the backlog was restored, yet no change has taken place regarding such unaccompanied drivers. There are also vacancies in the driving test service that, if filled, could lead to an additional 15,000 tests per annum. It would at least help alleviate the current problem, yet nothing seems to be happening on the issue.

As I said, I welcome the element of the legislation, section 9, dealing with speed limits, especially outside schools. From 1997 to 2001, 55 pedestrians and 21 cyclists under the age of 14 were killed on Irish roads. There are more child pedestrian fatalities in this country than anywhere else in the European Union. A 1 mph reduction in the average speed leads to a 5% reduction in road crashes. A sensible approach to speed limits could have a major impact, especially in urban areas and in the vicinity of schools. Such a measure was successfully implemented in Scotland a number of years ago. The speed limit was reduced by 20 mph in the vicinity of schools and built-up areas and the number of recorded accidents reduced significantly in the trial areas while the number of serious and fatal accidents reduced by 20%.

However, it is pointless introducing legislation unless local authorities adopt it wholeheartedly. I have spoken to a number of local authority

[Mr. Naughten.]
officials nationwide over recent months, many of whom say the provision relating to the reduction of speed limits outside schools is impractical and cannot be implemented. It is critically important that the directors of roads services in each local authority should be brought together and given a full briefing by departmental officials to ensure the legislation is implemented because it is pointless putting it on the Statute Book otherwise.

The Department should also provide local authorities with powers under section 9 to introduce traffic management by-laws relating to pick-up and drop-off points and one way systems in the vicinity of schools. Traffic can be chaotic outside schools, especially in the morning, as drivers pull up on the side of the road and let children out of both sides of the car. This will lead to fatalities if we are not careful. While local authorities can make by-laws under current legislation, they cannot restrict their implementation to specific times of the day or periods of the year. Similar measures have been introduced regarding speed limits and local authorities should have the power to introduce by-laws relating to traffic management in and around schools during term time, especially in regard to pick-up and drop-off points. Deputy Sargent worked on this issue in the past and he produced a report, which he submitted to the Department.

Section 10 provides for speed limits near road works. The Departments of Transport and the Environment, Heritage and Local Environment should address the mess relating to signage for road works. Throughout the country, one passes warning signs to slow down because of loose chippings and so on, but there is moss growing on the signs because local authorities have not taken them down, having erected them two or three years previously. As a consequence, many drivers ignore warning signs for men at work and loose chippings because signs are left up for years, and when they encounter signs relating to a genuine risk, they ignore them. The legislation needs to be amended in this regard.

If a Member leaves an election poster up on a pole seven days after a general election, he or she is correctly prosecuted and fined. A similar provision should apply to local authorities so that when the risk of a hazard has dissipated, they should remove warning signs and not leave them *in situ* for a number of years. There is an onus on litter wardens to implement legislation in regard to local authorities to ensure this abuse does not continue because it is impacting on road safety.

Last Monday, the Minister for Community, Rural and Gaeltacht Affairs was involved in an accident and, thankfully, he was not seriously hurt. I hope the two Americans who were injured in the accident will completely recover. The issue of foreigners driving on the wrong side of the road has been debated in the Oireachtas on a number of occasions. An American man who drove along the wrong side of the road one night in March 2003 was involved in a head-on collision

with a car, killing his sister-in-law who was a back seat passenger. It was estimated a number of years ago that more than 11% of traffic accidents involved foreign drivers. Given that the number of road fatalities has reduced in recent years, it is probable that this percentage has increased in the same period.

The Irish Insurance Federation claims that between 10% and 15% of accidents involving hire cars are caused by tourists driving on the right hand side of the road. A total of 25,000 cars are hired annually and a warning system for foreign drivers needs to be introduced. Tourists are being encouraged to visit Ireland and a significant number is attracted. According to the latest figures, 46% of American tourists and 41% of tourists from mainland Europe travel around Ireland by car. A significant problem arises in this regard. Signage has been erected at many ports but little else has been done to improve the position. Technology has been developed so that warning devices can be fitted in cars but they have not been used.

The tax system creates a difficulty because vehicle registration tax and VAT are applied to the retail price of a vehicle, which also includes safety equipment such as enhanced brakes, seat belts or additional air bags. VAT is applied to all these features. The Department of Transport in conjunction with the Department of Finance should examine this issue prior to the budget to ensure safety equipment in vehicles is not subject to double taxation. Changes should be made to reduce VAT and VRT on hire cars in which safety devices are fitted.

Bord Fáilte realised this was a significant problem in the mid-1990s. The board produced a six-point plan to address the issue of foreigners driving on the wrong side of the road. Sadly, its plan has gathered dust since. Thankfully, we have not been discussing the death of a Member in an accident caused by a tourist driving on the wrong side of the road, but that could easily have been the case. Must we wait for more fatalities or for other Members to be involved in such accidents before action is taken on this issue? I ask the Department to examine this issue together with the Department of Finance and Bord Fáilte. The Department of Transport has a co-ordinating role, which should be used to ensure the number of accidents involving foreign drivers, which comprise a significant percentage of road accidents, is reduced. This issue cannot be ignored if foreigners are to be encouraged to drive in the State. I do not have a difficulty with them but structures must be put in place in this regard.

I am also disappointed that the issue of spray suppression systems for heavy goods vehicles is not covered in the legislation. EU legislation on this is in place since 1989 and the United Kingdom introduced regulations on it as far back as 1984. Regulations on this issue have been in place for the past 15 years throughout the European Union, yet the Government has failed to implement any measures on it.

On a rainy day like today when many of us will leave Leinster House to travel down the country, we will be caught behind a heavy goods vehicle unable to see where we are going as a result of the spray from the rear of the vehicle in front. In many parts of the European Union driving a vehicle that raises such spray is illegal, yet we are prepared to tolerate it. The volume of heavy goods traffic on our roads is very high. Rail freight might have addressed that. However, we have significant numbers of heavy goods vehicles on our roads daily. Drivers must drive blind when they are stuck behind them trying to overtake. They cannot see what is happening in front of them because of the spray. Spray also affects cars driving on an open road when they meet one of these vehicles coming in the opposite direction. The backwash of spray on their windscreens blinds the drivers for ten or 20 seconds.

Nothing has been done on this issue. It is a great relief when the vehicle one is caught behind is a transcontinental heavy goods vehicle because they have spray suppression systems installed. They would be prosecuted outside of Ireland if they were not. However, heavy goods vehicles that do not leave Ireland do not have the system in place. The issue must be addressed because 37% of all accidents on Irish roads occur during wet weather conditions. In 2000, wet weather conditions contributed to 146 fatal and approximately 3,000 serious injury accidents. This is a major issue. The legislation exists at EU level, but for some unknown reason the Government has ignored it and has failed to implement it. If vehicles were forced to install spray suppression systems, they could be effective in reducing fatalities on our roads.

The Department should also consider introducing an amendment on Committee Stage to deal with level crossings. When I met Iarnród Éireann officials recently they informed me that in the past 12 months there has been a doubling of the number of incidents at level crossings. Some vehicles zigzag through level crossings when the barriers are down. There is a problem with regard to signage and alignment, a function of the local authorities. I hope the Department, in conjunction with the Department of the Environment, Heritage and Local Government, will address that.

The Department should also consider introducing amendments to current laws that will allow the prosecution of individuals who zigzag through the crossings. Gardaí have informed me that under current legislation it is difficult to prosecute an individual, even when provided with video evidence by Iarnród Éireann. I urge the Department to address this issue on Committee Stage to ensure this abuse does not continue as it can have fatal consequences as we saw in the United Kingdom recently.

Mr. Ring: We are great for introducing legislation. We are the best country in Europe at introducing legislation that takes money from the

taxpayer and ordinary individuals. In a parliamentary question yesterday, my colleague, Deputy Paul McGrath, asked how much tax was collected from fuel, VRT and VAT. Last year the sum collected from taxpayers was €3 billion. The Government is great when it comes to taking money from hard-pressed motorists.

Deputy Naughten mentioned driving tests and the suggestion to give the contract for testing to the private sector. It should not be given to the private sector. We should instead provide more people and resources to the current driving test section. However, this will not happen. The system will be privatised so that the consumer can be ripped off again. Consider, for example, the NCT. Is it not wonderful for the Government that testing is up to date and cars can be tested on a yearly basis if necessary? How is it we cannot have the same efficiency with regard to driving tests? It is because the Government gets more money from the car tests than it does from driving tests.

If the Government was serious about road safety and learning to drive, it would start simply and put the subject on the school curriculum. It would be simple to provide that every county would have a centre where second level students could be taught the rules of the road and how to drive. Then when they were old enough, they could apply for their driving test. The subject would be on the curriculum if the Government was serious about educating drivers and putting money into road safety. However, it is not. There is a conflict of interest because the Government is more interested in taking as much tax as it can from the hard-pressed motorist.

Cars are dangerous weapons. Every day many people are killed on our roads. Some of the drivers on our roads have not had proper driver training. Every day I see people who do not know how to drive around a roundabout. We have more roads and roundabouts than ever, yet people have not been properly taught the rules of the road. If we were serious about safety, the subject would be taught in schools.

Deputy Naughten was right that signage is a problem. More accidents take place and more people are killed on our roads every year as a result of bad signage, particularly in the summer when we encourage visitors to come here. The main complaint to Bord Fáilte concerning Dublin city and our rural roads is that people cannot find their way. Why do we not have proper signage on every road throughout the country? Why are resources not in place to do this? Again, it is because of a conflict of interest. The Government is more interested in taking tax and money from people than spending money on signage.

I remember hearing some years ago that one of my constituents was killed on his way to work by a foreign tourist who was later charged and convicted of driving on the wrong side of the road. My constituent left behind a young family. I raised the issue of signage at that time and on many other occasions. Around that time the

[Mr. Ring.]

Government began to erect signs around the country warning tourists on what side of the road they should drive. However, it took a number of accidents for this to happen.

The Government and local authorities are the greatest contributors to accidents. For example, on Tuesday morning when I was coming to Dublin I came to Charlestown where I saw a sign directing me to take a different route because the Ballaghaderreen road was closed. I followed the diversion for six or seven miles without encountering another sign. I did not know whether I was on the right road. Eventually after another couple of miles I saw a small sign directing me left. There was little other signage on the route. I know the area but still found it difficult to know if I was on the correct route. What would a stranger think in the same situation? He would not know where he was.

Another great scandal here is when local authorities resurface roads but do not add a white line for several weeks. If we are serious about road safety, that is unacceptable. White lines should be put on roads as quickly as possible after roads have been resurfaced. Companies get plenty of money from the State and county councils to do this job and they should be obliged to do this work as a priority. I travel to and from Dublin city every week and I have seen this on many occasions.

When I set off from home the day before yesterday I encountered a set of temporary traffic lights five miles out the road due to road works by Mayo County Council. There was another set of temporary traffic lights at Ballaghaderreen also due to joint road works by Mayo and Roscommon county councils. Some 500 yards up the road I encountered another set of temporary traffic lights where a wall was being built. A few hundred yards further on there was a fourth set of temporary traffic lights and, lo and behold, between there and Longford was a fifth set of temporary traffic lights. I do not mind traffic lights being erected when there is a need but in some cases it is doubtful whether there is a need. A certain amount of time is required for every journey but it is bad planning on the part of local authorities for one to encounter five sets of temporary traffic lights on one national primary road on one day. That should not happen. Only one job should be allowed at any one time and it should be finished before the next one begins.

As I stated to my colleague Deputy Paul McGrath yesterday, the State took in €3 billion in taxation. The biggest single complaint from motorists is the condition of our roads. I propose a test for the Minister, his departmental officials or the National Roads Authority, that they should travel from Dublin to Mayo. Speed cameras and traffic islands with lighting have become very common on roads as traffic calming measures. This is the responsibility of local authorities. I guarantee that 50% of the lighting at these points will not be working which is the

cause of many accidents, as people do not see them until they hit them. It is time we tackled this problem. Legislation should be introduced to ensure that if these lights are not working they must be replaced within 24 hours.

A constituent came to my clinic recently whose tyre burst when his tyre hit a pothole. He did tremendous damage to his car that will cost him €400 or €500 to get fixed. That pothole was there for weeks. There should be a regulation to the effect that potholes, which are notified to local authorities, should be repaired within 24 hours. People pay €3 billion to the State in taxes and this is the least they can expect. They have a right to be protected by the State. If a person has no car tax he or she is fined €400 or €500 in court yet the State will not regulate signage, ensure lights are working on traffic islands or repair potholes. There is no recourse for this dereliction of duty. We cannot have two rules in this land; we must have the same rules for citizens and the State. It is time citizens were protected.

Deputy Naughten referred to the reduction of speed limits outside schools, which I welcome. A number of people in my local area have complained about the manner in which schoolchildren cross the road. In this case there is a set of traffic lights adjacent to the school but the children do not obey the rules when crossing. Traffic is held up because they run across the road without looking up or down and vehicles are forced to give way. They should be educated on road safety. The Garda has a job to do in this regard. They should go to schools and explain the rules of the road and the purpose of traffic lights.

In his response, will the Minister tell me how many people have been prosecuted for jay walking? One can witness this phenomenon in the city every day. One has to be extremely careful when driving on the quays because even when traffic has been given the green light one person or another will take a chance to run across the road. We heard recently that most of the Luas accidents were due to car drivers breaking red lights. That is happening every day and this problem must be tackled. However, legislation on jay walking must also be implemented. It is difficult enough to drive on our roads, especially on days like today or yesterday when there has been a great deal of rain. Drivers try to be as vigilant as possible and it makes driving that much more hazardous when people jump off footpaths even though the traffic has the right of way. We all have responsibilities regarding road safety, pedestrians as well as drivers.

The greatest single complaint I get, particularly in regard to rural roads, relates to water tables. This was not such a serious problem when we had no money, few good roads and very few people working for the State. In the past, water tables were opened on a regular basis. There is legislation on this matter yet every time there is heavy rain we see large puddles everywhere and in some cases flooded roads. Why do local authorities not open the water tables? We have wonderful and

qualified engineers who are paid enormous salaries by the State yet when new roads are constructed they do not appear to know how to deal with drainage and water tables. They appear to operate on the basis that they can put in wall-to-wall roads without leaving room for drainage to allow water to run off the roads.

It is time local authorities did their job properly in regard to opening water tables, particularly on rural roads. In the past people had responsibility for keeping water off roads. When floods occurred they came out during the night and painted yellow paint on the road. The water table was opened as soon as the rain stopped but this does not happen any more, which is wrong.

Another speaker referred to speed cameras. Speed cameras are also used in Britain where they work well. Perhaps we need more speed cameras. They should be properly signed as people have a right to know where they are located.

I welcome the changes regarding speed limits. People travelling from the west on the N5 go from a 70 mph zone to a 50 mph zone. It does not make sense for people to go from a 70 mph speed limit to a 50 mph speed limit on a dual carriageway with a camera located around the corner. That is not fair and is merely a means of taking money from people under false pretences. I accept that we need speed cameras and should have them in place. People need to slow down and obey the law but it does not make sense to have such varying speed limits on a dual carriageway coming in to Dublin. They go from 70 mph to 50 mph to 40 mph and 30 mph. One could drive safely at a greater speed than is specified and this matter needs to be addressed. We must take a more reasonable approach to speed limits. There is an increasing number of cars on the road because more people have more money as a result of the economy.

I urge the Minister of State and his Department to consider my proposal to teach schoolchildren how to drive. Many of them have fads for fast cars and it is only right that we provide for such lessons in the curriculum, even if it only involves teaching the rules of the road. We should make them compulsory and have them form part of tests at the end of the year. Children of 14 or 15 years of age cannot wait until they turn 17 or 18 to drive a car. Therefore, we should teach them the good habits of driving properly at a young age, rather than allowing them to be taught bad habits on dangerous roads. The scheme would cost money but it should be undertaken.

The Green Party will not like my raising this issue, about which I am not too put out. There is a daft European rule, which prevents hedge-cutting in the summer months because of birds' breeding patterns. Which is more important — birds' lives or people's lives? In County Mayo, local people and tourists complain that when they contact the county council to inquire about getting hedges cut, they are informed that it cannot be done because legislation bans it between April

and September. That legislation needs to be re-examined. People are entitled to have safe roads, which means having these hedges cut back. The rule is fine in cities like Paris and Dublin where there are no hedges, but it does not work in rural Ireland.

Since I entered politics, my heart has been broken every year in the summer months because of the danger caused by hedges not being cut in County Mayo and the rest of rural Ireland. It is wrong that we do nothing about this. Will the Minister of State and the Department of the Environment, Heritage and Local Government seek a derogation from the EU to have a reasonable law in this regard because it is not right that hedges cannot be cut back during the period of prime growth between April and September? Many accidents have been caused as a result.

We can introduce all the legislation we want, and we are good at doing so, when it means taking money from the taxpayer. At the time Ireland joined the then EEC, Fianna Fáil and the Government at the time gave a commitment to the people on vehicle registration tax that if we joined the Community, we could bring a car into Ireland from any country in Europe without having to pay any tax on it. However, the Government was granted a special derogation from Europe to set up its own taxation system, which is wrong. In the next few weeks, we will discuss the EU constitution. I intend to make myself busy telling people not to vote for it unless we get the same concessions as the rest of Europe. A person from Spain or Britain can bring a car into Ireland and it will not attract tax. Why are Irish citizens again crucified by the Government? We are either in Europe or we are not. I will raise this issue and make it part of the EU constitution debate. The people will know all about it, as will the Government parties. We want the same rules and regulations as the rest of Europe. The Government took €3 billion off the taxpayer this year in VRT and other taxes.

Mr. Connolly: I welcome the opportunity to speak on this Bill, the effect of which will be to transform the road traffic scene in Ireland for generations to come. The date 1 January 2005 will be a truly momentous day with the transfer of our speed limits to the metric system. This will be on a par with 1 January 2002 when the euro became Europe's first major unified currency since the Roman Empire. It will be the greatest logistical operation in the country's history when the changeover from miles to kilometres takes place on New Year's Day 2005 — in 43 days' time — yet I am not sure the public is aware these changes will take place then. I have not seen an awareness campaign in the newspapers, which should be under way.

We should begin to see more than 58,000 new metric speed limit signs being erected in the coming months in readiness for the changeover. Road distance signs have been converted to the metric system for more than ten years in a somewhat

[Mr. Connolly.]

pointless exercise. When I read that the distance to a place is 80 kilometres, I still convert it to 50 miles. I buy my petrol in litres but I still convert it into gallons and try to work out how many miles per gallon I am getting. There are also difficulties in regard to measurements in sport. For example, it sounds better for one to tip a score over from 55 yards rather than 47 or 48 metres. Many people's mindset still works that way.

Motorists have continued to think using a mile-age mindset irrespective of signage. Rationalisation of this semi-metric system will align Ireland with continental Europe where metric signage and speed limits are the norm. While all road signs within the past ten years used the metric system, plenty of old-fashioned imperial signs are still scattered around the country, especially in rural parts of the west and south. We should give serious consideration to retaining some of these old imperial signs because they are part of our heritage. One can walk into public houses and see genuine road signs hanging on their walls but it is not the place for them. Rather, they belong in a museum or should be allowed to remain where they are. When will we ever again see signs which read "Tydavnet 4½ miles" or "Ballybay 8¼ miles"? If we leave them in place, people will know what they were for and will remind them that we had an imperial system at one point in time. I have never seen these signs for sale and wonder whether people whip them away in the middle of the night because it is never talked about. The next thing one sees a sign hung up in a pub which reads, for example, "Carrickroe 2½ miles", which intrigues me.

Meanwhile, speed limits everywhere are stated in miles per hour, irrespective of units used on other signs. The one remaining exception to the metric system in Europe will be the UK and Northern Ireland, with whom we have a common border, where it will be necessary to clarify any confusion arising from the different systems. Not alone are people in the South not aware of the change on 1 January, but people in Northern Ireland have no idea. I am from a Border area and can see we need a major awareness campaign. Quite a number of major roads cross from Northern Ireland into the South, such as the M1 motorway, and all its junctions should be well signposted.

When people in Northern Ireland see the new signs, they will think it is great that the South has caught up, not realising the signs refer to kilometres per hour, and will continue driving at 100 mph. There is an onus on us to create greater awareness because no efforts have been made to date. I can see these people saying in court that they were not aware of the change and that they saw a sign which read "100" and assumed it referred to 100 mph rather than kph. Ignorance of the law is no excuse but we should make an effort.

There are also a number of unapproved crossings between North and South. People will cross

the Border and see a sign for 80 kph but no effort is being made to ensure people understand that it will refer to kph rather than mph. We should have a major awareness campaign along the Border. Approximately 25% of the fatal accidents in the country occur in the four counties of Cavan, Monaghan, Louth and Meath. There are nine major blackspots in the country, five of which are in the north east, and statistics show that Northern vehicles are involved in a high proportion of those accidents, possibly because they have come from a rigid regime in the North. They observe speed limits in Northern Ireland but they can drive at whatever speed they want as there is no disincentive to their doing so in the Republic. There is no common agreement that penalty points will be imposed north and south of the Border. They do not have that burden so it is as if they have been freed once they cross the Border. A strong awareness campaign should be carried out there and I hope the Minister will do that. He must address the issue as a matter of urgency.

The former Minister for Transport, Deputy Brennan, promised a review of speed limits, with speed limit signs to be converted to the continental metric system by September this year. There are still numerous examples of unrealistic and positively dangerous speed limits on our roads, for example, 30 mph and 40 mph limits on dual carriageways. Most Deputies have discussed this exhaustively. There should be a common sense approach. The people concerned should sit behind the wheel of a car and consider whether it is sensible to have a limit of 40 mph on a dual carriageway. I do not believe it is sensible.

The signs are probably put there for the right reason. Local authorities always consider these signs beforehand but different councils have different policies. There might be a 30 mph speed limit in south Dublin but in a similar environment in County Meath there might be a 40 mph limit. There is no consistency. People should know by looking at a road or at a locality that there will be a level of consistency in the speed limits adopted by the local authorities.

It appears to be the national sport to take a long stretch of dual carriageway and put a 40 mph limit on it. We are familiar with the one outside UCD. I have driven on that road a number of times but it was not until I read about it in the newspaper that I realised I had been driving in a 40 mph zone. I do not know whether it is safe to acknowledge it but I drove above the speed limit on that road. I was unaware of the limit. There was nothing to indicate that the road should be a 40 mph zone. It might have changed since then. However, there was a favoured spot on that road for the gardaí to check motorists' speed.

It would be infinitely more sensible for the gardaí to patrol roads and watch the type of driving we encounter every day. I drive regularly and I often see people taking scary chances. One actually slows down because one is afraid there will be an accident. One sees people overtaking three

and four cars when they are not in a position to do so. One also sees them taking chances by overtaking on hills and so forth.

There is not enough courtesy on the roads and this causes frustration. One might be driving on a 60 mph stretch of road and be stuck behind a lorry travelling at 58 mph. There is insufficient awareness. Motorists do not look in their mirrors and show the common courtesy of pulling into the other lane. If somebody wants to drive ahead even if the limit is 60 mph, let them do so.

There should be greater use of unmarked Garda cars. We should get rid of the practice of gardaí simply sitting behind a speed trap to catch motorists. They should be sent out in unmarked cars. That is how they will find the real risk takers. There is too much emphasis on statistics and on how many bookings the gardaí might have made on a particular day. In some stations there is pressure on gardaí to keep the statistics high. The gardaí would be better off abandoning the concept of statistics and going out on the roads to catch the risk takers who are likely to cause death on the roads. Would it not be better to catch one of those rather than ten people for merely driving at 35 mph in a 30 mph zone? The psyche must be changed. The gardaí must drop the statistics and catch the really dangerous guys on the road. How often have we seen a family wiped out in an accident? It happened in my constituency recently. Families innocently driving on the roads have been simply destroyed by reckless drivers.

There is another aspect to this. We are all aware of drivers in our communities who are considered to drive "like a lunatic", as it is commonly described. One will hear members of the community say: "That guy could kill somebody". These people are well known. It would be better to target such people rather than let them continue to drive like lunatics. In some cases, these people are not even insured, which is another problem.

Local speed limit signs sometimes show suicidal limits of 60 mph, the same limit as on national primary routes. They urgently require revision downwards. There is a standard speed limit of 60 mph yet one can travel at that speed on a side lane or a town road. There is nothing to indicate otherwise. There will now be a new general speed limit, a motorway speed limit and other speed limits. It is unrealistic to have a new speed limit of 80 mph on smaller rural roads. Some roads are not fit for speeds above 40 mph. I am still thinking in terms of miles per hour; I have not yet changed to the metric system.

The speed limits should be graded. It should not be the case that once one drives off the main road the speed limit is 80 kph. What is wrong with 70 kph? That limit is necessary in many cases. On the other hand, there are roads, which are fit for speeds of 90 kph. There should be a graded system. There should be a town limit on some of the smaller roads, some of which are only fit to accommodate one car. It is illogical to have an 80

kph speed limit on such roads. A 50 kph speed limit might be more suitable. I hope this issue will be considered further.

Driving standards also require drastic improvement, especially on dual carriageways and motorways. It is true that when people have their driving licences they are qualified to drive on the public road but the abilities of drivers differ. One example is the person who steadfastly remains on the overtaking lane of the dual carriageway, driving at 45 mph, and refuses to move over. That encourages road rage in anybody with human reactions but I have never heard of prosecutions for this type of driving.

Then one encounters drivers travelling at 45 mph on the main roads. Their attitude is: "I am only going a mile up the road so what is your hurry?" However, if one encounters a number of such drivers it can lead to road rage. People forget that they are driving on a national primary route. Most of the other drivers are on a 50 or 100 mile journey but the people I mentioned are never prosecuted. We always just tackle the easy targets, not the qualified drivers who do not have good driving practices.

Another example is the motorist who arrives at a roundabout and has to look ten times before they move. We have to get these people moving. When I was driving in Paris a number of years ago and trying to observe the speed limits, I was struck by the behaviour of the policemen there. Their frustration was clearly showing as they urged the traffic to move along. It is important that people be a little more aware and consider up-skilling their motoring practices. The other problem is the learner driver on the motorway whose car displays L plates. They are a hazard. I am not sure that they should be on a motorway but one often sees them there. This must be dealt with too.

The Driving Instructor Register of Ireland has protested at the many years of inaction by successive Governments on driver training policy. It has long been calling for a cohesive driver training policy for new drivers. The two main driver instructor associations embarked on a process, in 1991, of undertaking a five year research and development programme with a view to establishing and operating a register for Irish driving instructors. At the time, Ireland was the only European country not to operate such a register. The register had received encouragement throughout this time from the Department of Transport and was to be reviewed after a period of three years in operation prior to being formalised.

Since then, the register has received the ISO 9001 accreditation and it has examined more than three quarters of Ireland's driving instructors. Red tape continues to inhibit the register from being included in the proposed driver testing and standards authority. Its establishment has been deferred. This is a loss for the road safety initiative while lives continue to be lost on our roads.

[Mr. Connolly.]

The National Roads Authority will fund the changeover to metric speed limits at a cost of €5 million. The delay in liaising with the Society of the Irish Motor Industry, with a view to having speedometers converted to metric, is difficult to fathom. Currently, only left-hand drive cars contain such speed dials. It is feared that the conversion of right-hand drive cars will result in increased costs for already overburdened motorists. At the launch of its new model Focus in Italy, Ford indicated that it was set a deadline by the Department of Transport and acted accordingly. As a result, from 2005 all Ford stock will contain only metric speedometers. That is, perhaps, a message for me because I drive a Ford car and I may now have to take action of some sort. The legislation has been coming down the tracks for some time and the responsibility should lie with those who sell cars to ensure that, on 1 January 2005, each contains a metric speedometer.

It is essential that the Department of Transport liaise with the motor industry to have metric speedometers fitted in cars at the time of manufacture and to facilitate alterations to existing vehicles. It would be good if some company or other took the initiative in this area and developed a system which could be fitted to such vehicles and which would clearly indicate a motorist's speed in metric measurements. In light of technological advances, there should be no reason that this could not happen. There is no reason, for example, that one should not be able to have fitted to the dashboard of one's car a small dial or sensor to indicate the speed at which one is travelling in kilometres per hour. Surely there is some bright spark who could invent such a device which would sell extremely well. Car manufacturers should consider developing devices of this sort.

I understand the Government is intent on producing ready reckoners to help motorists cope with the changeover to the metric system. These would be placed, either on the dashboard or windscreen of a vehicle, in the driver's line of sight and would show speeds in kilometres per hour. That is fine but I do not know if a person driving at 50 mph would be able to consult a ready reckoner to discover that this converts to 80 kph. There is a definite need to produce devices which immediately display the speed at which one is driving. On the entrance road to Cootehill, County Cavan, there is a sign, erected as part of an insurance initiative, which displays for drivers the speed at which their vehicles are travelling. It should not be difficult to produce a monitor one could place inside one's car which would show the speed at which the vehicle is travelling.

The RIAC carried out a survey that, a mere one in seven drivers — approximately 15% — could convert a speed of 70 kph into the miles per hour equivalent. This highlights the level of confusion that exists. People do not want to think about this matter. As stated earlier, it goes back

to the mindset where people just want to know the number of miles separating one town from another or the number of miles to the gallon they will get from their car. The RIAC reported that widely differing answers were received to the question posed in the survey. The lowest figure given was 30 mph and some motorists believed that 70 kph was equivalent to over 100 mph. Although motorists were aware of the impending change, they were at a serious disadvantage when it came to making the necessary conversion from miles to kilometres per hour.

People from Northern Ireland and tourists from Britain are going to have difficulties with this when they visit this country, particularly when it comes to speed traps etc. Motorists from the UK who travel here with their cars by ferry or those from Northern Ireland will need to have access to the ready reckoners to which I refer. Visitors to Ireland who hire cars in order to drive around will find it confusing and more difficult to do so. There will not be difficulties, however, if the vehicles they hire contain proper metric speedometers. If they hire cars containing imperial system speedometers, they will encounter problems. There is an onus on rental car companies to ensure that metric speedometers are contained in all their vehicles.

The use of miles to measure distance and the use of the miles per hour speed measurements in Britain are often cited as evidence of the position the imperial system still holds. It is curious, however, that petrol has been sold in litres for several years without confusion and that many warning signs show heights in metric measurements. Britain received a derogation from Europe to continue to use imperial road and speed limit signs and safety issues are frequently quoted in terms of changing the speed limits in that country to metric. It is the use of two incompatible systems that risks confusion among British motorists when they visit this country on holiday.

The switch to metric speed limits is one of the most momentous events since the conversion to decimal currency in 1971 and the more recent adoption of the euro. However, motorists are ill-prepared for the changeover. Member of the public must be supplied with the maximum amount of relevant information regarding the impending changeover to metric signage and speed limits because this changeover will have major implications in terms of road safety.

A number of Members referred to the need to get the message across to young people in respect of driving and road safety. The only way to do this is through the school curriculum. It was suggested that a safer driving plan could be used to target younger drivers. There is also the concept of the early drive programme. There is more to driving than the physical act of doing so. People should be made aware of road courtesy, etc.

I wish to highlight an issue of major importance in terms of road safety, namely, people who go walking on roads at night and who do not wear

armbands. I have never seen anybody been fined in respect of this. People who go walking without armbands present a serious threat so motorists. Some type of on-the-spot fine should be introduced in respect of this matter.

Another issue to which I wish to refer is people who drive with ill-adjusted dipped headlights. It is frustrating that when one is driving at night, one is blinded by the headlights of every tenth car one encounters. People are not prosecuted if their dipped headlights are badly focused and a cause of difficulties for other motorists.

Road planners should give greater consideration to continental styles when planning our roads. For example, allowing traffic to turn right off a national primary route should be a thing of the past. We should make greater use of flyovers, etc. We must also bypass more towns because the volume of traffic on our roads is too great. Almost everyone over 18 now owns a car because of the lack of alternatives. I refer here to the fact that we have no public transport system. When motorways are being built, consideration should be given to constructing rail tracks alongside them.

Mr. Kehoe: I welcome the Bill, which contains a number of good provisions. The Minister for Transport and his Department should have had the foresight to begin preparing people for its implementation a number of years ago. This is another case of a legislative provision being introduced by a Department which only then considers what it might have done to prepare the way for its passage. I refer to section 8, which covers the changeover of speed limits from miles per hour into kilometres per hour. I accept there has been a recent change of Minister but the Department could have begun preparing people for the changeover during the past year.

Each year, county councils send letters to each registered car owner to inform them that the tax on their cars is due. We could have prepared people for the new metric speed limit by including with those letters information regarding its advent in January 2005. The spin doctors in the Department should have had the foresight to ensure that this information was issued months ago rather than relying on a mail shot in January to make people aware of the changeover.

Many speakers have described roads and roundabouts in their counties. As a representative of a rural constituency I will speak about the consistency of speed limits on roads and motorways, in villages and on back roads. I travel to Dublin every Tuesday morning from Enniscorthy. In the 15 miles from the Glen O' The Downs to the Loughlinstown roundabout, I am faced with three or four different speed limits. I have raised this issue in the House before. On the dual carriageway coming into Kilmacanogue, the speed limit is 50 miles per hour. The road surface is good, the road is straight and there are two lanes each way. The NRA has stated that it is the responsibility of Wicklow County Council to

decide the speed limit and it decided on 50 miles per hour. Replies given in this House in response to questions about roads or bypasses state that the NRA rather than the Department has responsibility, yet the NRA is not empowered to set speed limits and must defer to the county councils. The lack of consistency of speed limits on motorways and dual carriageways is ludicrous. The speed limit can change from 70 miles per hour, to 40 miles per hour, to 60 miles per hour and back down to 30 miles per hour. Another speaker referred to speed limits in towns and cities. I have never yet seen a speed limit sign in Dublin inner city. Speed limits should be clearly signposted. There is no speed limit sign down by the docks or in O'Connell Street. I usually drive at 30 miles per hour in town traffic because one can never tell what will appear. Tourists drive rented cars from Dublin Airport into the city centre. They will see every kind of sign except a speed limit sign.

I have spoken to people in the motor industry who have informed me that the speedometer in any new car in the next few years will show speed in miles per hour with a smaller display for kilometres per hour. The Minister and his Department should have foreseen this situation and consulted the motor industry. Ireland is a member state of the EU. Other countries such as the UK have had to deal with the same situation. I am confident the relevant ministries have foreseen this situation and consulted the motor industry. There are spin doctors in every Department. The Taoiseach has a large staff in his Department yet the Government was not able to get the simple things right, informing the motor industry and road users of the rule changes which will come into effect in the near future. What plans has the Department for making people aware of the change? Will there be an awareness campaign in the media? How will the Department ensure that every road user and every registered driver with either a full or a provisional licence is fully informed of the changes this Bill will cause? I ask the Minister to respond in his closing remarks. A few television and newspaper advertisements or notices on the local and national radio will not be sufficient. What about the unfortunate driver who is not aware of the change and is caught?

On the question of speeding in towns and cities, I receive frequent representations from schools about speeding traffic near schools. Drivers speed through villages without any care for the children. They are in a hurry and do not give a thought to the children. Every school and parent would like to see speed ramps on roads although that is not the solution. Another speaker described them as speed cushions, which is what they are, as people just drive through them. I recently wrote to the Garda superintendent in Wexford town and to local gardaí in a particular village about speed checks. I asked them to arrange some form of speed check in this area. If a road is straight and wide, drivers will speed. Wexford County Council, in conjunction with the

[Mr. Kehoe.]

NRA, have installed traffic-calming measures in a number of villages in County Wexford and they have worked very well. Traffic islands and road narrowing improvements have been installed. Funding must be provided either through the county councils or the NRA to provide traffic-calming measures. These measure are usually introduced on main roads such as the N11 through Oilgate, Ballynaboola and Camolin.

I live in a rural area where there are approximately 25 cars in a mile stretch of road. The owners pay tax to the county councils and registration fees such as VRT to the Government. Landowners are responsible for cutting the hedges and keeping the hedges in check so that they do not meet in the middle of the road. However, it is forbidden to cut hedges during the nesting season from April until August and cutting is allowed in September. The peak growing time is the summer months. Car accidents are happening because hedges are not cut. The farmer has responsibility of cutting hedges but they cannot be cut in the summer. Every county council should be given the responsibility of keeping hedges under control, especially on the more heavily used roads. The onus should not be on farmers because they are the people who pay tax. County councils should also be given responsibility for keeping roads in good condition, including repair of potholes etc. It is not much to ask county councils to ensure these measures are in place.

The previous Deputy spoke of road rage, something we all experience every day. Country Deputies in particular or those living outside the greater Dublin area are faced with road rage incidents every day. I spend a great deal of time driving and if I am doing 50 miles per hour, I will always see someone doing 80, 90 or 100 miles per hour to get in front of me. These people do not care if they have to pass two, three, four or five cars. I often wonder what they see in front of them when they experience road rage. Do they have some type of tunnel vision that makes them do it or do they see their lives flashing in front of them?

On the other hand, driving on a dual carriageway or motorway at 70 miles per hour, one will always come across the person doing 20 or 30 miles per hour. Those people are as much danger to road users as the person doing 90 or 100 miles per hour because they cause delays and, if any congestion is caused, people try to pass them. I always say that time is money. That is the way society is now and I wonder if that is the reason for many of the road rage incidents.

I visited Italy recently where I spoke to an Italian man who told me he had never visited a country, which had traffic lights at roundabouts. I used to laugh about that. The only roundabout in Dublin at which there are no traffic lights is the Loughlinstown roundabout, and it runs as smoothly as those in Ballymun, Ballyfermot, Lucan and so on at which there are traffic lights.

It makes me laugh to see them. The traffic lights on the Red Cow roundabout should be switched off for about three weeks to see what will happen, although that might not be possible now because the Department, not knowing what to do with the Luas, decided it had to pass through the roundabout. The lights at that roundabout will not be able to be turned off now because the Department does not want anyone crashing into the Luas.

If the Department of Transport did some form of European study examining roundabouts and the way traffic operates in other countries, it might be able to find out if other European countries have traffic lights on roundabouts. If that is the case, will the Minister come back to me on it because I would be interested to know that information? I might table a parliamentary question on it although it will probably take the Department some time to find out the information. It will probably say the National Roads Authority is responsible for that as well. However, I would be interested to obtain that information.

Someone spoke earlier about driving instructors. I welcome that the Department of the Environment, Heritage and Local Government will bring forward a Bill dealing with driving instructors. I look forward to the publication of that legislation because, in the past week or so, I met a driving instructor who spoke to me about the operating register and said that they had been in contact with the Government over the years which had received letters and e-mails from driving instructors on a range of issues which must be addressed. I look forward to speaking on that Bill when it comes before the House.

We educate young people in every area, sometimes in the wrong way, but one of the most important areas which is as important as the leaving certificate is passing a driving test and getting a driving licence. However, young people do not respect that. A driving licence is a key to life because if someone works five miles from home, he or she can drive to his or her place of work but if he or she does not have a driving licence, he or she must use alternative transport, which can be expensive, especially in rural Ireland where people depend on their cars. People often forget that a driving licence is one of the most important pieces of documentation they can have and it should be treated with respect. They also forget how hard people have to work to get a full driving licence, sometimes resitting the test on two, three or four occasions.

The Bill is to introduce the offence of supplying mechanically propelled vehicles to minors. I understand that last Christmas, minors were seen driving small scooter bikes at about 20 or 25 miles an hour. Is that covered in the Bill? I am sure there is some provision covering minors using mechanically propelled vehicles. After Christmas last year I saw two or three minors using scooter bikes and driving at 15 or 20 miles an hour. There are also small motorbikes, which can do 20 or 25 miles per hour. We also have people using quad

bikes. Nowadays, every family has a good deal of money and, when Santa comes, they can look after their children and get them whatever they want. If they were to ask for a car, would some parents buy one for them to keep them happy?

Something must be done as soon as possible to address this problem, especially now that we are coming into the Christmas period. Gardaí must be given the power to stop these minors driving on a public roadway or pathway and tell them to use them on their own property. I have seen children as young as 12, 13 and 14 years of age using these vehicles in my town of Enniscorthy. Gardaí should have the power to ensure those people use these vehicles on their own property instead of public areas where a major accident could occur.

I am grateful for the opportunity to speak on the Bill. I hope, when replying, the Minister can answer some of the queries I raised.

Mr. Hayes: This is a welcome opportunity for those of us who are drivers and road users to discuss road safety. Road safety is one of the most important issues for discussion in this House, especially to those of us who live a long way from Leinster House and who travel a great deal in, for example, a rural constituency. We have first-hand knowledge of the many issues that are important to people using public roads.

The Bill is important legislation. Some of its provisions are encouraging and while I welcome them, the Bill is notable for the number of issues it does not address, some of which I will discuss later. A welcome aspect of the legislation is the introduction of a new offence relating to the supply of mechanically propelled vehicles to minors. That is important because it is a problem, which has caused concern, havoc and many accidents. This is particularly the case in housing estates in Dublin as well as larger towns and some villages. Cars with a high cc can be dangerous when young people aged 13 or 14 years sit behind the wheel. The value of second-hand cars is such that people can buy high powered cars in garages for small sums. Young people should not have such cars and I welcome the Bill's provision to outlaw this dangerous practice which has developed in recent years.

There are arguments for and against changing speed limits. I request the Department to alert and educate the public about the proposed changes in speed limits. I travel extensively and have incurred penalty points for speeding. On receiving a fine by post for speeding on one of the bypasses close to Dublin, I could not believe I was in the speed zone cited. I drove at slightly over the speed limit on the Lucan bypass because I was not aware of it. This problem must be sorted out.

The Lucan bypass is only one example of many such areas. The 30 mph speed limit is applied too far beyond the boundaries of many villages. We need to address the imposition of speed limits in different areas and ensure they are properly sign-

posted. Limits should be displayed at two points on the approaches to and exits from villages and towns. Although the idea behind changes in speed limits is good, the issue must be examined more closely.

The area of driving instruction should have been addressed in the Bill. I have proposed on previous occasions that driving instruction should be made a syllabus subject in secondary school, specifically in transition year. We offer excellent transition year subjects, from which students derive considerable benefit. I ask the Minister, a man who appreciates new ideas, to consider including driving instruction in the curriculum.

A school safety award run by South Tipperary County Council generates significant interest from students and teachers. Teachers want to instil in students attending national school the importance of road safety. The competition, which is also run by other local authorities, should be encouraged and extended. Given that everybody needs a car to engage in their everyday business, whether attending college or travelling to work, it would be worthwhile to introduce driving instruction as a project in transition year. I ask that this proposal be considered.

Apart from changes in speed limits, we must place flashing lights outside every school located on a public road to warn drivers of the dangers. Thousands of young people walk along busy roads to and from school. Flashing lights are highly effective in the areas in which they have already been installed. The Department should grant aid every local authority to install them at schools because people will slow down if they see them.

Traffic calming measures have not been implemented in villages. They are particularly necessary in villages located on our busier regional roads. Deputations from many villages attend county council meetings to seek the introduction of such measures. Effective traffic calming measures should be introduced in all villages on main regional roads as a matter of urgency.

Drink driving is a major issue. Is a drugs test available to test those found driving at high speeds late at night when accidents occur? I am informed that no regulations are in place for dealing with this problem, which must be tackled, particularly with regard to people driving between 3 a.m. and 5 a.m. when many bad accidents occur. Somebody is using the vast amount of drugs imported here and if it includes people driving cars, the matter must be addressed. We have shied away from this major issue, whereas we have been extremely rigid in our approach to drink driving by introducing rules and regulations and changing limits. The Minister should establish a commission or committee or find another way to properly address the problem of driving while under the influence of drugs.

As we are discussing road traffic and safety, it is only fair to mention the many new developments in road infrastructure, particularly bypasses. Members have seen significant

[Mr. Hayes.] improvements in traffic safety with the many bypasses that have opened, especially those on the Cork to Dublin road at Monasterevin, Cashel and Kildare. I commend the National Roads Authority on the efficient manner it has developed these projects and conducted its business.

However, public representatives, various community groups and chambers of commerce are frustrated with some of the NRA's actions. For example, two slip roads were removed from the plans for the Cashel bypass. The people of Cashel held a protest march to bring this to the attention of the National Roads Authority and the Government. However, no public representative was properly informed about the exclusion of those roads. Even with the bypass now open, the Minister for Transport must suggest to the National Roads Authority to build these two slip roads. An opportunity is available to do so with the building of the new roads between Cashel and Mitchelstown and Cashel and Culahill. I look forward to the completion of these roads.

I welcome the Bill and note many Members have spoken with great knowledge on it. Road safety is a concern to Members because we drive a great deal and we see and hear much about it. I wish the Minister for Transport, Deputy Cullen, well in promoting and developing road safety. It is about saving lives and we must all be concerned about it.

Mr. Gregory: I hope my contribution will be as constructive as those of the other Members referred to by Deputy Hayes. The most dangerous place to be is in a car on our roads, which the evidence from statistics shows. For that reason, I welcome all measures that will help bring about safer travel on roads for those who use them.

I wish to focus on the issue of heavy trucks using our roads. In a recently submitted parliamentary question to the Minister for Transport, I asked if a survey involving heavy vehicles, trucks and so on will be commissioned in view of the high incidence of fatalities in road accidents involving trucks. The Minister's reply was, not unusually, in the negative. I am sure he has his reasons for believing it was not necessary. In the reply he stated:

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 and that report, along with reports relating to previous years, are available in the Oireachtas Library.

The road accident facts reports contain details of the number of accidents where goods vehicles were involved. Provisional figures for 2003 indicate that 336 road deaths occurred during that year. A breakdown of the number of traffic accident fatalities in 2003 involving goods vehicles is not yet fully analysed and authenticated. Details will be set out in the

Road Accident Facts 2003, which will be published by the National Roads Authority in the near future.

In 2002, there were 346 fatal accidents and 376 fatalities. Goods vehicles were involved in 50 fatal accidents. [Approximately one in seven of all fatal accidents.] In 2002, goods vehicles comprised 12.5% of the vehicle fleet and were involved in 14% of fatal accidents. A National Roads Authority study relating to the number of vehicle kilometres of travel in Ireland in 2001 indicates that the average number of kilometres travelled by goods vehicles is significantly higher than other vehicle types. [That is not surprising.] There is no evidence, therefore, that heavy goods vehicles are disproportionately involved in road collisions.

However, in the next paragraph, the Minister makes an important point when he states:

It is unfortunately the case however, that the consequences resulting from a collision with a heavy goods vehicle are generally more severe than with a smaller type of vehicle. [This is obvious to those who travel on the roads and is common sense.] The primary immediate investigative role in relation to road accidents is vested in the Garda Síochána. Priority in such investigations must be given to determining the causes of road accidents and in particular whether a breach of the road traffic laws contributed to the occurrence.

Given the pivotal role played by the Garda in accident investigation, they are tasked with the preparation of detailed reports in relation to each accident they attend. These reports are forwarded to the National Roads Authority and, subsequently, to each local authority to establish accident trends and causes generally and to facilitate remedial works to road infrastructure where such action is deemed to be necessary. In view of the arrangements outlined above, I do not consider that separate surveys or studies of accidents involving heavy goods vehicles, as suggested by [myself] the Deputy are necessary.

The Minister's reply is somewhat ambiguous. It states that the consequences of a collision with a heavy goods vehicle are generally severe. However, that is an obvious conclusion. If a car is hit by a heavy truck, the strong likelihood is that there will be fatalities and horrific injuries. The fatalities will almost be always among the passengers in the more vulnerable vehicle. The driver of the truck will be uninjured, slightly injured or, as is heard in news reports of such horrific accidents, suffering from shock. The details required for the study I want commissioned are already available in the Garda's accident investigation reports given to the National Roads Authority. Why not stop beating about the bush and list the findings and recommendations, if any? If none has been made, it would be a useful exercise to make recommendations. A commissioned study into these types of

accidents is necessary and would be a worthwhile and inexpensive project. If the NRA report to local authorities seeks to establish trends and causes presumably it has a responsibility to make appropriate recommendations and if not, somebody does. I refer to recommendations other than the carrying out of certain remedial works to road infrastructure.

If 14% of fatal road accidents involve trucks, what percentage of those accidents results in fatalities or serious injuries? It is probably very high, certainly higher than the 14% to which the Minister referred in his reply. The Minister might say that had I submitted a question on this he would have replied but it is useful to have his attention when I have a few minutes to expand on the point. If, as seems logical, fatalities result from a high percentage of all accidents involving trucks, a study of the available evidence is clearly required to make recommendations to deal with that issue. To suggest that since only 50 people died in 2003 from accidents involving trucks there is no need to do anything would be scandalous. I hope the Minister's reply does not suggest this.

It might surprise many road users that the rules of the road specify an ordinary speed limit of 50 mph for goods vehicles having a designated gross vehicle weight in excess of 3,500 kg, which is approximately in excess of 3 tonnes, and the same applies to single decker coaches or buses. I have to be on the road more regularly than I like to be. Anyone who travels the roads and says that trucks, buses and coaches keep to 50 mph needs his or her head examined. The Minister uses the roads and his head does not need examining. He knows what I say is the case. It is no laughing matter and the 50 people who die each year, or those who suffer horrific injuries from accidents involving trucks, are well aware of that fact. The unfortunate ones who died have paid the ultimate price.

To some degree this has been swept under the carpet. This is not a diatribe against truck drivers but many people in control of trucks drive recklessly and irresponsibly, and far faster than is permitted or safe for other road users because they know if they are involved in an accident the odds are they will not be injured, unless they are unlucky enough to hit another, heavier truck. If they hit a car it will probably be viewed strictly as an accident and incur no penalty. Maybe I am going too far but I want to make the case that there is a need to establish the facts concerning trucks, how they travel, whether they keep within the limits, whether the law is rigorously enforced and whether additional measures need to be taken to ensure the number of people who die or are injured as a result of accidents involving trucks is reduced. I do not say this in any malicious way but when a truck driver sees the road signs listing the numbers killed on that stretch of road in the previous year he is not deterred because he knows that few if any of those fatalities include truck drivers. It can only

deter truck drivers in so far as they have a human feeling about those road deaths.

Commercial trucks on the road have schedules to meet. We see them on the quays in Dublin every day trying to beat the lights, either to get out of the city traffic to reach a destination in the country or to get to the port to meet some schedule they are required to meet. For the very reason outlined in the Minister's reply, that I have emphasised a couple of times already, there is a need for a more comprehensive code of conduct for truck drivers, a more rigorous system of enforcement of the special speed limits that already exist and are not enforced for heavy trucks and a more severe penalty points system or whatever applies to trucks, with more severe penalties for those in breach of speed limits or other rules of the road.

Not all truck drivers are reckless, irresponsible or uncaring about more vulnerable road users. These comments are based on observation through using our roads and seeing how some trucks adhere to the rules, keep within the 50 mph limit and drive responsibly but unfortunately they are in a minority. I speak purely from observation and for that reason would welcome a study of the issue. A heavy truck is a death trap for road users in the event of an accident, although not for the drivers who have a special responsibility for the way they drive and the control of their vehicles. As legislators we also have a special responsibility to put a system in place, and more importantly to enforce it and see to it that it is enforced as a safeguard to encourage and ensure greater care and responsibility on behalf of those who control heavy goods vehicles.

I suspect the official attitude in the past was that heavy commercial traffic had a critically important role in economic life with powerful business interests involved and therefore nothing should be done to enforce too rigorously anything that would interfere with it moving around the country. I do not advocate any measure that would unnecessarily put unreasonable restrictions on such traffic but there is perhaps a need for a range of special measures specifically for heavy trucks to ensure that their drivers use greater responsibility and care.

It would be difficult for me as a public representative for Dublin Central to speak on the issue of road traffic without referring to the Navan road which runs right through my constituency and is now a funnel into the city for cars, trucks and all sorts of vehicles coming from the Dublin suburbs and various counties on the outskirts of Dublin. That is increasingly becoming a nightmare for residents who live off the Navan road in areas like Ashington, Kinvara, Kempton and so on. These people, in trying to get to work, simply cannot get on to the main road. In that context, they keep reminding local representatives including myself that there are huge new developments taking place off the Navan road in places like Pelletstown and in the former Phoenix Park racecourse which will further exacerbate the

[Mr. Gregory.]

problem. They are looking for measures to alleviate the difficulties they have.

I welcome the provision preventing the sale of mechanically propelled vehicles to minors. It has been an issue in my constituency for many years and one about which the Garda have always appeared to be helpless to do anything. I hope the measure contained in this Bill will bring an end to that difficulty and that we will not have that additional hazard on our roads.

Minister for Transport (Mr. Cullen): I agree with Deputy Gregory that enforcement is without doubt the key issue for road safety.

I thank Deputies from all sides for their positive and constructive contributions to what has been an open and interesting debate. The overall welcome for the Bill reflects an acceptance by Members that legislation on issues such as speed limits should be the subject of fairly regular review by the Oireachtas. It is important that our system of speed limits, which is the central component of this Bill, should be seen to be reasonable, appropriate, flexible and geared to the promotion of road safety.

The debate raised many issues, some of which are not directly addressed in the Bill. However, they show that Members of the House are concerned about road safety in all of the issues and policies that contribute to its promotion. In the time I have available today to respond to the debate, I will concentrate on issues that have a direct relevance to the Bill, but I am conscious of the other matters that have been referred to and will note them in the development of policies in those areas.

Deputy Shortall raised the general issue of court challenges to the Road Traffic Acts and suggested that this revealed flaws in the legislation. The Deputy is correct in suggesting that road traffic legislation is the subject of very frequent challenges. The loss of a driving licence as a result of a conviction for a traffic offence is something that many people will challenge, particularly those who depend on driving for their livelihood. Such challenges are not unique to this country, and in the particular area of drink driving the challenges both here and in other jurisdictions have been vigorous and numerous. The House will be aware of the completion of a number of cases in the High Court relating to the operation of the evidential breath testing system. In all of the challenges to date, the High Court has supported the legislation and the system operated by the Garda. The most recent decision of the High Court is the subject of an appeal to the Supreme Court. If a decision of a court suggests there is a difficulty in any element of the road traffic legislation, my Department will proceed, along with the office of the Attorney General and other Departments, to address such difficulties, if necessary through the promotion of amending legislation.

A number of Deputies raised important issues regarding speed limits generally. I acknowledge the important point made by Deputy Olivia Mitchell that there is a tension in the application of speed limits between the need for national standardisation and the need for local flexibility to cater for particular needs. This is the essential dynamic that provides the background to the proposals in Part 2 of the Bill. The introduction of penalty points for speeding offences more than two years ago resulted in an enhanced focus and awareness of speed limits. The proposal in the Bill, which encourages a greater involvement for the public in the process that leads to the application of speed limits locally, will provide for a more general acceptance and support for speed limits. Deputy McHugh referred specifically to the requirements on local authorities to advertise proposals to make speed limit by-laws. The Bill provides that where a county or city council proposes to make by-laws, it must publish a notice of the proposals in at least two daily newspapers published and circulated in the State or in the area to which the by-laws relate. Given that the public will be afforded an opportunity to make its views known on the speed limit proposals, it will be in the interest of the councils to ensure the broadest scope for the dissemination of information on making by-laws. Speed limit proposals for specific areas will have an effect on national roads and this must inform the approach of the local authorities in meeting their responsibilities under the legislation. The guidelines that will be made available to local authorities will refer in particular to this matter.

Deputy Mitchell referred to the definition of a built-up area provided for in the Bill. The purpose of including the definition is to bring greater clarity to the current position. Under the existing Road Traffic Acts, the built-up area speed limit only applies within the boundaries of cities and towns where there are urban authorities. The proposals in this Bill do not change that position. A number of Deputies referred to speed limits on regional and local roads. Section 6 proposes that the default maximum speed limit on regional and local roads will be 80 kph. This represents a reduction of more than 10 mph on the present general speed limit of 60 mph and reflects the recommendation made by the working group that carried out a review of present speed limit structures and policies in 2003.

I am aware that the National Roads Authority's accident facts data for 2002 indicates that there is a very high rate of fatal and injury accidents on two-way single carriageway roads. Those roads, the vast majority of which are regional and local roads, account for nearly 80% of fatal and injury accidents. The percentage of fatalities that occurred on rural roads has not been below 65% in any year since 1991.

Deputies Crawford and McHugh expressed concerns that the maximum limit of 80 kph would be too restrictive on some regional roads. While national roads come under the remit of my

Department through the National Roads Authority, regional roads and local roads come under the remit of the Minister for the Environment, Heritage and Local Government. The road engineering advice from that Department is that 80 kph is the most appropriate speed limit for the vast majority of the regional road network which covers more than 11,000 kilometres, and that a maximum speed limit of 80 kph represents the best road safety match for at least 90% of more than 11,000 km of rural regional roads. Road safety would be best served by setting the default speed limit at 80 kph since it makes it an easier task for local authorities to make special speed limit by-laws to apply a higher limit to superior standard regional roads where warranted, rather than to apply a blanket higher limit across the network in primary legislation in the anticipation that by-laws would subsequently be made to apply a lower speed limit across 90% of the network. Deputy Deenihan suggested that the built-up area speed limit should be 40 kph as opposed to 50 kph. However, the standard speed limit in built-up areas throughout Europe is 50 kph and we should be consistent.

The debate gave rise to some very interesting comments on the process for the changeover to metric speed limits. Deputies Mitchell, Shortall and Crawford referred to the provision of traffic signs to support the new speed limits. The general policy principles that underpin the proposal to introduce metric speed limits have been in the public domain since October 2003. Based on those principles, it was prudent to make the appropriate arrangements to ensure that the traffic signs needed to support the changeover will be ready at an early date.

This has been done. The majority of the 58,000 signs, which are required have been supplied to the various local authorities so they can be put in place before 20 January 2005. The progress that has been made in planning the changeover does not restrict the role of the Oireachtas in examining and determining the overall legislative framework for speed limits.

Deputies Olivia Mitchell and Shortall spoke of the need to inform drivers of the change to metric speed limits when they cross the Border. The provision of information to people arriving in the State has been considered in depth by the changeover board. The board, as part of its consideration, has engaged in a significant and fruitful engagement with the authorities in Northern Ireland where imperial speed limits will continue in place. A series of information traffic signs pertaining to metrication is being prepared for long-term deployment. When the signs are being provided, there will be a particular focus on the Border region, ports and airports. The signs, which will complement the normal speed limit signs that are provided at Border crossings and other points of entry, will advise motorists that speed limits are set in kilometres per hour.

Deputy Olivia Mitchell also queried the timing of speed limit by-laws. Section 12 will provide

appropriate arrangements to ensure that existing by-laws will continue to have effect under the metric system. This is necessary to provide that local authorities will not be able to make new by-laws until at least two months after the changeover date.

I have indicated that approximately 58,000 new metric speed limit signs will have to be provided by 20 January 2005 to serve the public road network of approximately 97,000 km. This considerable logistical challenge, which involves 34 county and city councils and the National Roads Authority, is being co-ordinated by the metrication board. It is proposed that the "on the ground" changeover process of replacing imperial signs with new metric signs will commence at least three days before 20 January. It is inevitable that motorists will encounter metric and imperial speed limit signs at various locations while they are driving during the three days in question. A public information and awareness campaign will focus on heightening awareness of speed limits during this period, to avoid confusion while the new speed limit signs are being erected.

I assure Deputies that this matter has been considered at length. While I was keen for the shortest possible changeover, I also knew I had to be realistic. The changeover period will be confined to the three days preceding 20 January. Extra care and patience will be required on the roads while the full changeover process is taking place. The erection of 58,000 signs is quite a significant undertaking, but I have been assured that they will be put in place by 20 January 2005, when the new metric system will be initiated.

A number of Deputies spoke about speedometers in vehicles. The Society of the Irish Motor Industry and the Department of Transport have been considering the progression of the metrication of speed limits since early 2003. The society was represented on the working group that conducted a review of speed limit structures and policies in 2003 and it has recently participated in the metrication board. I commend the society on its support in the pursuit of the overall proposal. Not only has it actively contributed to the board's deliberations, it has ensured that the vast majority of vehicles entering our market from 2005 will have speedometers which are metric only or predominantly metric. I thank the society in that regard.

There are no plans for a programme of retrofitting metric speedometers in vehicles which are currently in use. There is no one-size-fits-all template that could safely address all the various types of speedometer in use. As part of the public information programme that is being developed, information packs which will include a simple conversion table for drivers will be distributed.

The need for a comprehensive public information and awareness programme has been raised by a number of Deputies. I confirm that the changeover to metric speed limits will be supported by a major nationwide integrated public awareness programme, involving television, radio

[Mr. Cullen.]

and press advertising. A lo-call 1890 number will be available for queries and questions. Information will be available soon on a dedicated website.

Deputy Eamon Ryan suggested that the proposed new 30 kph speed limit should be used on a broad basis in urban areas. He sought clarification from me about the provisions to be contained in the guidelines, which will be issued to local authorities in respect of this matter. As Members are aware, the new speed limit structures proposed in the Bill will see the retention of two fundamental provisions that apply at present. The speed limit in built-up areas, which will be 50 kph, will continue to apply on a default basis. Elected members of city and county councils will be empowered to replace default speed limits by means of proposals for the application of special speed limits in by-laws.

The deployment of the 30 kph speed limit will be a matter for elected members of local authorities. It is reasonable to expect that the limit will be applied in places where it can deliver the greatest benefit to all road users, especially pedestrians. That principle will be reflected in the guidelines, which will be informed by the experience of other countries which have used 30 kph speed limits. The United Kingdom's experience has shown that the use of a 20 mph speed limit without appropriate traffic calming measures has had negligible effects on achieving reductions in the speed of vehicles. The guidelines will put a specific emphasis on the deployment of the 30 kph limit. They will place particular attention on the use of the 120 kph speed limit on dual carriageways on national roads. The guidelines will offer comprehensive advice on the appropriate deployment of speed limits and the making of speed limit by-laws to local authority members and officials, the National Roads Authority, the Garda and all interested parties and individuals.

All Members are aware that local authorities can, for safety purposes, bring traffic almost to a standstill if they are doing specific works in a built-up area. I agree that we should give them certain powers to ensure they can continue to do so. Many speakers mentioned that they are conscious of the problems associated with places where children congregate, such as schools. They have argued that provisions such as traffic calming measures should be available in such areas. It is a matter for local authorities, however. It is obvious that we do not want such powers to be used widely. There may be specific difficulties at places of access to and exit from schools. It would be no harm to empower local authorities by giving them the opportunity to consider such issues, at least. It makes sense that such provisions should be made so that the matter does not have to be dealt with in legislation by the House again. Members were right to raise issues of this nature. Members of local authorities are in the best position to deal with such matters, on the advice of the Garda and local authority officials.

Deputy Olivia Mitchell referred to the possible introduction of road markings to indicate speed limit zones. Last year, a working group conducted a comprehensive review of speed limit structures and policies, including signposting policy, in the context of the signposting of speed limits. The group was asked to consider a number of proposals for new approaches to speed limit signage. A road marking system that involves coloured and coded on-road markings to denote various speed limit zones was considered. Having examined the proposals, the working group indicated in September 2003 that it felt there was no compelling argument for changing the current approach to speed limit signposting. It decided there was a clear case for ensuring that the signposting of speed limits should reflect current common international approaches.

The working group advised against the adoption of complex signage proposals which deviate substantially from current national and international practice and experience. It argued that the limited proposals for changes to speed limit signage recommended in its report were consistent with such an approach. New signage proposals, which have regard to the new speed limit structures proposed in this Bill and have been formulated in light of international practice, are being considered. The proposals will address issues such as the deployment of alternative speed limits at single locations in certain circumstances.

As a former Minister for the Environment, Heritage and Local Government, I am aware of the issues involved. Mr. John Bowman once said to me, while he was wearing one of his other hats, that he thought I could introduce another colour of box, other than the yellow box, for traffic control purposes, for example to deal with Luas junctions. I am making my officials uneasy because I am speaking from the top of my head. I understand the point made by Deputy Olivia Mitchell. I do not think one should have a black and white view of these matters.

Everyone's view of our role is that we should consider everything continually to enhance pedestrian safety in built-up areas and the smooth operation of different modes of transport as they interact. We must be careful that we do not confuse people by an over-elaborate system of warnings. A balance must be struck, but there is some merit in certain issues.

I am aware that other colleagues would like to speak, but perhaps I might first deal with one or two other issues. Deputy Olivia Mitchell raised the issue of age thresholds and penalties regarding driving certain vehicles. A person must be 17 to obtain a provisional licence to drive a motor car. However, a person can get a provisional licence for a small motor cycle, that is, under 125 cu. cm., at 16 years of age, which is the minimum specified in the EU directive on driving licences. If the ban on the supply of mechanically propelled vehicles were pegged at under 17 by the Bill, it would prohibit persons from supplying

motorcycles to persons aged 16. I appreciate the points raised, in particular by Deputies Olivia Mitchell, Shortall, Broughan, Eamon Ryan and Curran, regarding the penalties proposed for this new offence. I will re-examine the issue with a view to presenting an amendment on Committee Stage. Making it a criminal offence to sell vehicles to people under 16 is one of the most fundamental issues in the Bill. We are well aware of the consequences of that practice, and this provision is a good safety measure as much it is common sense.

The Department of the Environment, Heritage and Local Government is actively engaged with the Society of the Irish Motor Industry, the Irish Motor Vehicle Recyclers' Association and the Metal Merchants' Association of Ireland with a view to developing a voluntary, industry-led, producer responsibility initiative to implement the requirements of Directive 2000/53/EC on end-of-life vehicles. The directive incorporates several significant requirements, including measures aimed at ensuring that ELVs may be deposited free of charge by their final owners at authorised treatment facilities and then dismantled, treated and recovered in an environmentally sound manner, meeting the recovery and recycling targets by average weight per vehicle, achieving an 85% rate of reuse or recovery by 2006 and a 95% rate by 2015, and preventing waste from vehicles.

Deputy Shortall raised an issue relating to end-of-life vehicles, and I know that Deputy Olivia Mitchell is familiar with the issue. Enabling provisions to facilitate implementation of the directive were incorporated in the Protection of the Environment Act 2003, which I steered through the two Houses. It is intended to make regulations as soon as possible fully transposing the directive's provisions and facilitating its implementation in 2005. Pending making the regulations and the commencement of the free ELV take-back scheme required by the directive, adequate powers are available to local authorities under the Waste Management Act 1996 to deal with abandoned or dumped vehicles.

Deputy Crowe asked about the scope of the functions relating to the fixed-charge system that it is proposed to outsource. While the Deputy will appreciate that the provision in the primary legislation should establish the policies and principals, section 17 does not set specific parameters to provide that outsourcing relating to the fixed-charge system will be limited to functions regarding administrative matters that support the system. Currently, as Deputies know, the Bill deals simply with outsourcing the administration of the penalty points system, and we should take it from there.

I have covered most issues. There is a range of questions to which I am sure Deputies will return on Committee Stage. Almost all Deputies are concerned and recognise that enforcement is a key issue. We are certainly working closely with the Department of Justice, Equality and Law Reform. There is a very important role for the

Garda in being visible. The public must understand the system, as we know from the first implementation of penalty points. The great drop in the number of fatalities on the roads has been marvellous. We must return to the issue of awareness regarding enforcement. The Garda computer systems must be up and running, and I look forward to that happening. I urge the implementation of all systems for which they are responsible, and I am confident they will facilitate all the road safety needs outlined in the legislation.

I thank Deputies from all sides once again for a very good and constructive debate on all the issues raised. If I have omitted any issue, as I probably have, I will deal with it directly on Committee Stage. I commend the Bill to the House.

Question put and agreed to.

Road Traffic Bill 2004: Referral to Select Committee.

Minister for Transport (Mr. Cullen): I move:

That the Bill be referred to the Select Committee on Transport, in accordance with Standing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

Disability Bill 2004: Second Stage (Resumed).

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

Dr. Devins: While we are now discussing the Disability Bill 2004, the Government's overall strategy is to put in place the most effective combination of policies, legislation and services so that people with disabilities will be able to participate in society fully and equally. This Bill is that strategy's central element and follows broad discussion with the disability sector, particularly the disability legislation consultation group. The Taoiseach has clearly stated that the funding issue, in many ways a central component of any legislation, will be dealt with through a multi-annual funding programme to be announced as part of the Estimates later today and the budget later this month. We can spend as long as we wish debating legislation in the House, but unless the funding is in place to underpin and resource it, such legislation is simply a waste of time.

In the past, spending on disability was on a year-to-year basis, something that naturally gave rise to uncertainty. Adoption of a multi-annual approach to funding is a very welcome step forward. This is the first time such an approach has been adopted by any Government, and it underlines the proactive and positive approach the Minister of State at the Department of Justice, Equality and Law Reform, Deputy Fahey, and the Government are taking in dealing with this complex problem.

[Dr. Devins.]

Fianna Fáil have had a long tradition of looking after the more vulnerable people in society, and this Bill is another positive and very welcome step in that direction. I will now comment on some of the more specific points, which will allow the disabled to participate fully and equally in society. The Bill guarantees each person with a disability the right to an independent assessment of health and educational needs. That assessment will be undertaken without regard to cost or the relevant agency's ability or capacity to supply the service. It will be given to the applicant in the form of a service statement.

I am delighted that persons with disabilities will have the right to get the service statement themselves. In my experience of dealing with health and educational agencies, this is the first time that the person in question has had that right enshrined in legislation. I consider it a very important step forward that will be of great use and benefit to disabled people as they try to access the service or help they require. The assessment report will clearly state whether the person has a disability and, if so, its nature and extent. It will also state what educational and health needs arise from it. It will point out the services that must be provided to the disabled person so that his or her needs may be met and, most importantly, a timescale within which those services must be delivered. Finally, it will show when a review of the assessment should be undertaken.

That is a very important point, as it will allow the disabled person the right to have his or her assessment changed as necessary. Sometimes what is required to help people cope with a disability at a certain age is different from what is needed some years later. Unfortunately, disability is not a static condition or state. As disabled people grow, their needs change. The ability of the assessment statement to reflect the real needs of the disabled person at any point is a key component of the Bill. I also welcome the fact that a relative, guardian or personal advocate may apply for the assessment on behalf of the person with a disability.

Unfortunately, a number of disabilities preclude a disabled person from making an application for his or her assessment on his or her own.

The right to the assessment must not
2 o'clock be lost as a result. Following the assessment, the service statement will issue and it will become an important component of a disabled person's life.

Sections 13 and 14 deal with the complaints of a disabled person regarding the statement. They will be heard by complaints officers, who although appointed by the health authority, will be independent in carrying out their investigations. Their job will be to resolve the complaint informally and, where this is not possible, make a written recommendation to the chief executive officer of the health or educational service provider, which must be implemented by him or her.

If he or she cannot provide the service, he or she must give a written opinion to that effect, which must be sent to the disabled person. I welcome this transparent and traceable record. If the disabled person is not satisfied that his or her needs are being met, an appeals mechanism is provided under sections 15 to 19, inclusive, to pursue his or her case.

The availability of the written statements will make it easier for people with disabilities to achieve their entitlements and it is welcome that the Bill outlines the steps to doing so. An appeal can be lodged against the recommendation of the complaints officer or the written recommendation of the chief executive officer of the health authority or the head of the educational service provider. Appeals will be heard by an independent officer appointed by the Minister for Health and Children. He or she will have statutory powers to summon witnesses, enter premises and obtain information. It will be an independent office with its own budget and staff.

While I hope this mechanism will be seldom used, one must be realistic and expect that a number of people with disabilities will need to have recourse to the appeals officer to obtain the service they justly deserve. The appeals officer's role under the legislation is strong and the rights of the people with disabilities will be protected as a result. If the appeals officer's recommendations are not implemented, the disabled person or the officer, on his or her behalf, can apply to the courts for an enforcement order. The court can then order the supply of the health or educational service to the disabled person as per his or her service statement.

This is one of the most important Bills to come before the House since I became a Member. We are finally recognising the large number of people who have not been able to participate in society to the same extent as able members. People with disabilities have the same rights as the rest of the population and, for too long, they have had to battle hard to achieve their just entitlements. The legislation will give them that to which they are justly entitled, no more or no less. It is a new dawn and I wish that people with disabilities will take their rightful place in our society. I congratulate the Ministers involved and I commend the Bill to the House.

Debate adjourned.

Message from Select Committee.

Acting Chairman (Mr. Ardagh): The Select Committee on Justice, Equality, Defence and Women's Rights has completed its consideration of the Irish Nationality and Citizenship Bill 2004 and has made amendments thereto.

Disability Bill 2004: Second Stage (Resumed).

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

Mr. Murphy: The previous Disability Bill was withdrawn because every organisation representing people with disabilities opposed its provisions. There was a public outcry that the Government of one of the richest countries in the world had failed to provide entitlements as a matter of right to people with disabilities. Having failed to understand or recognise their needs and the mood of the electorate who wanted a Bill more acceptable to the various organisations, the Government retreated into the consultative process. This was considered a victory for the disabled because the Government was expected to engage in a long and detailed consultation process with various representative organisations before publishing a new Bill. The Government was true to its word and a long and detailed process followed. Organisations and voluntary workers spent long hours negotiating with Government officials in the hope that their members would finally be given the recognition and resources they needed to live a life in which equality, independence and choice came as naturally to them as they did to everybody else.

However, there was a long wait prior to the publication of the legislation. The Bill was expected to be an improvement because the Government had finally recognised that the people, by their nature, wanted to do the right thing. The long consultative process should have produced an acceptable Bill but, on its publication, it became apparent that the consultative process was only a smokescreen and a delaying tactic to get over the general, local and European elections. The leopard had not changed its spots. The legislation contained different wording and a number of improvements in procedures but, on closer examination, no improvement had been made on the substantive issue — right of entitlement.

The Government consulted representative organisations but then chose to ignore the vast majority of their recommendations. The Bill is more restrictive than its predecessor. It is cuter and couched in better language but, in the final analysis, its main objective is to indemnify the State against an obligation to treat people with disabilities equally. Everything is contingent on the availability of resources, and the process of assessment and service statement could make their position worse. The assessment will establish the need of every disabled person without a direct or binding link to the service statement. All the statement may do is raise expectations because people with disabilities may find resources are not available.

Nobody, including people with disabilities and their representative organisations, expects that everything can be achieved overnight but the Bill should force Departments and health boards to provide services within a reasonable timeframe. The Bill is designed to prevent people from using the courts to obtain their rights. This would be fair given that politicians, not judges, should make decisions in this regard but, in these circum-

stances, the Bill should guarantee basic services as a right.

The Bill is confined to health and educational services, which is a narrow perspective. Many other services such as housing, employment and transport need to be included. The Bill fails to ensure the Department of the Environment, Heritage and Local Government is compelled to consider the accommodation needs of people with disabilities. While the legislation addresses the 3% quota for employment in the public sector, it fails to make provision regarding the private sector. The Government constantly tells us how well business and the economy is doing, yet there is no compulsion on, nor encouragement given to, the private sector to make a contribution to the employment needs of people with disabilities. No reference was made to increasing the 3% quota for public bodies, even though if it were proportionate to the entire population, it should be closer to 10%. The Government does not seem to realise that public bodies are taking the easy option, even at 3%. The people on their employment panels have, in some cases, the mildest physical disability. There is no obligation on them to employ people with a sensory, learning or mental disability. The process needs review. It is almost impossible for a deaf person to get on one of the panels. However, it is only large organisations, like the public service, that have the volume and type of work available needed to employ people with this type of disability.

In the short term the disabled employment requirement for public bodies should be raised to a minimum 5%. A proportion of that percentage should be people with sensory, learning and mental disabilities. The private sector should be asked, if not compelled, to participate in providing suitable employment on the same basis as public bodies. The Government is well capable of providing tax incentives in other areas. It should use some of that enthusiasm for tax breaks that would ensure the private sector fully participates in the employment of disabled people.

Transport is a major problem, especially for disabled people in rural areas. The failure to underpin transport in the Bill will only serve to widen the urban-rural divide for people with disabilities. There is serious concern among organisations representing disabled people, young and old and those with progressive disabilities. The definition of disability, the assessment process and the service statement do not appear to be designed to cater for these sectors. The system is based on the assessment of need at a particular time and does not provide for continuing assessment of growing needs. This may exclude people, especially young people whose condition may deteriorate over time if they are not given services at an early age.

This also applies to older people. By the nature of their disabilities they will get worse each year and in many instances rapid deterioration may occur. If elderly people are only entitled to services based on the service statement and initial

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assessment, they may find themselves in a worse situation than they were prior to this legislation.

We are all familiar with how rules and regulations can be used by officialdom to deny or delay a service, particularly when resources are scarce. Resources are scarce and bound to remain so as the legislation does not provide for ring fencing of funds. Money will be made available for disability services depending on how much money remains when the other services have been catered for. We all know that even in this time of plenty when the economy is booming, existing resources, especially for health and education, are scarce and unable to cater for the current services, not to mind provide for new services.

A greater proportion of our population than ever is getting older and living longer. Inevitably, we will have a greater proportion of people with disabilities. Elderly people who develop a disability late in life are entitled to the same equality, independence and dignity as the general population.

During the presentations made by the many disability organisations to the Joint Committee on Justice, Equality, Defence and Women's Rights it became painfully obvious that the majority of the organisations wanted this legislation scrapped. Despite the significant number of pre-discussions, the Government did not listen. Many organisations tried desperately to discover some procedural improvements in this Bill on the previous one before concluding the Bill was fundamentally flawed.

The Aware submission stated:

The draft Bill is not convincing of a commitment to bring about equality. The scope of the legislation is not sufficiently broad. Independence is lacking in the Bill. Everything is restricted by financial or geographic concerns.

The association for deaf blind had problems with the Title of the Bill and employment targets. While broadly welcoming the Bill, the Genetic and Inherited Disorders Organisation wanted employment and insurance included in the Bill. The Irish Association for Spina Bifida and Hydrocephalus spoke of a mother who asked whether the introduction of the Bill would provide an occupational therapist or speech therapist for her son or whether it would provide a coach to take her son to a special school. The answer to all her questions was "No" unless substantial changes were made to the Bill.

The Not for Profit Business Association said many issues needed to be addressed, including the definition of disability, independent assessment, the complexity of the complaints system, the complexity of the appeals system and the lack of ring fencing. It also conceded there were fundamental flaws in the Bill as drafted.

The Institute for Design and Disability said the Bill was fundamentally flawed. It has recommended a change to every section of the Bill. The

National Parents and Siblings Alliance said the definition of disability in the Bill was an example of failing to address the needs of people with disabilities and that it was a narrow Bill aimed at excluding a large number of people from even being assessed. They said that the phrases used repeatedly in the Bill, for example, "where resources allow" and "where practicable" make it utterly irrelevant.

Children in Hospital Ireland concluded its assessment of the Bill by saying: "There will be no second chance to make it right." The association urged the committee to make its best effort to ensure the Disability Bill was amended so that the needs and rights of vulnerable children with disabilities and their families and carers would be met.

As this is a second attempt at a disability Bill, most organisations are hoping that through the many amendments they have suggested, the Bill will become acceptable in some way. I urge the Government to heed these genuine concerns. I hope the Minister will table sufficient amendments to make the Bill acceptable.

Disabled people, the organisations representing them and the public should realise that Fine Gael and any other Opposition party or Deputy cannot introduce worthwhile amendments because procedural rules in the Dáil prevent the acceptance of Opposition amendments if there is a cost on the Exchequer. The only way to improve this Bill is for the Government, even at this stage, to recognise its mistakes and introduce significant amendments.

Despite that this nation has become materialistic over recent years, I am convinced there is more than enough humanity in the people to demand these changes be made. They will expect them to be implemented in their name by a Government that up to now has promoted Ireland as an economy rather than a society.

Mr. O'Donovan: I am glad of the opportunity to speak on this Bill. I welcome it and am glad that after many difficulties it is before the House. I am aware that many groups came before the Joint Committee on Justice, Equality, Defence and Women's Rights to make suggestions and submissions.

The Bill is a significant step in the right direction. CoAction West Cork is one of the organisations close to my heart. The funding it received in 2003 was five times what it received in 1997. This increased input in an organisation dealing with intellectual and other disabilities is an important step. Many improvements have been made in recent years. Groups and parents dealing with people with intellectual or physical disabilities deserve more. One will never have a Utopian situation where people will get everything they want but the Bill is a major step in the right direction.

The Minister should reflect on the definition of disability. Reference is made in the Bill to "significant disabilities" and a distinction is drawn

between mild and severe disability. The terms "substantial" and "enduring" are also used. Does that in any way exclude those with a mild or less severe physical or educational disadvantage? Will the Minister please clarify the matter?

For the first time since the foundation of the State the Bill provides health and educational assessments for people with disabilities. This is a positive and necessary step. In fairness, most interested parties recognise this as an important feature of the Bill. However, such assessments will raise the expectations of service providers and the parents or guardians of those dealing with people with disabilities. We must ensure adequate resources will be provided to implement the recommendations of the assessments in the areas of education, housing and so on.

One of the major gripes that has been brought to my attention by service providers and parents is that up to now there has been no long-term provision for the needs of people with disabilities. I welcome the announcement today regarding the Book of Estimates that the Minister for Finance, Deputy Cowen, is to provide significant multi-annual funding for disability groups. I am delighted this is the case. Service providers and parents need the reassurance that funding will be in place for a minimum of five, seven or even ten years. Ring-fenced funding in this area will commence in 2005. That is the first time this has been done, although I acknowledge the significant funding in this area provided by the former Minister for Health and Children, Deputy Martin, who invested the considerable sum of £80 million in a three year programme. However, that is in the past and we must look forward. Such an amount would in no way satisfy the current needs that exist. Consistency in funding is crucial for parents and service providers.

The question arises as to who will carry out the assessments. Health boards, as we know them, have been abolished. I was never a member of a health board but I have had a positive experience of them in carrying out assessments and dealing with groups such as CoAction West Cork, the COPE Foundation and the Brothers of Charity in Kerry. Parents must have the utmost confidence that the assessment and appeals process is foolproof. If they do not have that confidence we will have a major problem. I hope this issue can be addressed.

The right of advocacy was raised by a disability group. In this context we often think of solicitors and barristers in courts. The right of advocacy should be available to clients and their families from the commencement of the assessment process through to the appeals stage. I discussed this matter with parents and a chief executive of a service provider. Lawyers are not always necessary in this context. A family friend or another parent with first-hand experience of the matter can do as good a job in terms of advocacy. Unlike paid professionals many people often work in this area in a voluntary capacity out of the goodness of

their heart. It is a critical mainstay of the legislation that the assessment and appeals process, including advocacy, is transparent and is equally available in west Cork or west Mayo as in Dublin.

An attempt was made in the Bill initiated in 2000 to do away with the right of people to go to the courts as a last resort. I welcome the fact that an individual retains the right to seek redress in the courts. However, this should always be used as a last resort. We have seen from the Kathy Sinnott and other cases the inordinate length of time the cases took to come before the courts. Such cases were difficult for families and sometimes went to an appeals stage. These cases cost the State a great deal of money. On a number of occasions in parliamentary party meetings I made the point that we should put more money into every sphere of disability rather than give funding the Department of Health and Children or the Department of Education and Science to defend cases. Some of our solicitor and barrister colleagues get relatively fat fees for defending cases which in some respects are indefensible. The money would be better used in the provision of resources for people with disabilities.

Most cases which have gone to court relate to the educational needs of people with disabilities. Health boards have been dragged in to that scenario but, in essence, cases were taken because people with either a physical or intellectual disadvantage were not in a position to avail of education and had to pursue their cases through the courts. An interdepartmental group involving 11 ministries has been set up. It is critical that the Department of Education and Science should play a more central role than the Department of Health and Children or any other Department.

CoAction West Cork was set up as a voluntary group 30 years ago in my local townland.

It has close to 300 clients. It has excellent facilities in Bantry, Castletownbere and Dunmanway, and the President, Mrs. McAleese, opened new premises last year in Skibbereen. The group is doing extremely good work. The year before last, CoAction went out to set up bus services to try to transport people the 100 or 110 miles from the remote peninsulas in west cork to the COPE Foundation and other institutions in Cork city, as it had previously been physically impossible because of lack of a train service and a bad bus service. While telling people on one of the peninsulas about its facilities, training schools and educational and therapeutic services, CoAction discovered 12 or 14 people who came out of the woodwork. Some of them were in my age group and had been hidden away or had not previously been recognised on any register. All of a sudden, CoAction realised that instead of there being 20 people with disabilities living on the peninsula, there were actually 32 or 34. We may live in the 21st century and think we have advanced greatly but we are still reaching out to people who have been neglected, although I hope this is the exception rather than the rule.

[Mr. O'Donovan.]

I am chairman of the All-Party Oireachtas Committee on the Constitution, of which the Minister of State, Deputy Brian Lenihan, is my predecessor. At one stage, the committee made a commitment to examine the issue of disability in the context of the Constitution. Article 45 of the Constitution recognises many socio-economic rights and commends them as guides to the Houses of the Oireachtas but removes them from the judgments of the courts and so on. When the Constitution was framed, it was decided that socio-economic rights such as the right to housing, which the committee considered in its recent property report, should be left to the Executive.

We hear regularly from disability groups that legislation should be rights based. However, that was not provided for by the Constitution. I would dearly like the committee to examine this issue in more detail but the fact is that the Constitution leaves such provisions to the Executive. This is because the Executive is responsible for spending the money in the various Departments and, if one provided a rights-based approach, it would mean that the Judiciary would decide who gets what. I am not sure that is the appropriate way to proceed.

I visited New Zealand and Australia to examine the position of people with disabilities and children's rights there in comparison to other countries in Europe. Australia has gone through an evolution in the whole area of intellectual and physical disability. For example, authorities in New South Wales have commissioned studies on the issue and have completed a great deal of work and the conclusions of those studies are parallel to the Government's in facing up to these problems.

The All-Party Oireachtas Committee on the Constitution committed to examine these issues but it was felt that if we were to have a parallel examination of disability this year, which would probably take 12 months or more, the committee might obstruct, delay or impede the work of this Bill. We felt that would be inappropriate and inexcusable. However, at some stage, the committee will examine the issues and we could commence our work sometime next year or early the following year.

We must acknowledge that this Bill is a major piece of work, which has not just been dreamed up. The first attempt to introduce the legislation two or three years ago faltered and much work has been invested since by the 11 Departments, which were involved in the strategy group. This year, some €2.5 billion will be spent on the disability sector across the Departments. This figure does not include social welfare payments which could push the figure well over €3 billion, which is not small money.

The plan spearheaded by the Taoiseach, with the Minister for Finance, who holds the purse strings, will hugely increase the amount of money allocated at present will maintain consistency in funding over the next five or six years. This is

a major mile stone and is a recognition by the Government, not before time, that it must tackle the issue head on. The issues pertaining to disabilities are changing. We may think primarily of children and adults with special educational needs disabilities and so on, but there is also a generation of people with, for example, Down's syndrome who are in their early 1950s who were neglected for many years and may be developing other problems. To be fair, successive Governments in the 1970s and 1980s neglected disability issues.

I do not wish to be parochial but the catalyst for the formation of CoAction in west Cork was a small voluntary group of parents of children with physical or educational disadvantage. I am not sure how the COPE Foundation in Cork city evolved but there is a similar group to CoAction in Charleville in north Cork, as well as others around the country, which evolved on a voluntary charity basis by selling tickets, knocking on doors and getting a few bob. It took many years before any Government recognised it had any duties in this regard. We have come a long way in the past 20 or 25 years but we still have many miles to go. However, at least this Bill is a step in the right direction.

It might be necessary to table amendments on Committee Stage which, if they can improve the Bill, should be examined seriously even if they are tabled by the Opposition. I am not sure how much time has been allocated for the Bill's passage but I cannot see it being exacted before Christmas because it is such a major piece of legislation. Nevertheless, it is important to make the Bill as right as is possible. Otherwise it would be unfair to the huge number of people with disabilities; the service providers like the COPE Foundation, CoAction and the Brothers of Charity; the parents; and, most importantly, the clients who, through no fault of their own, have been born with physical or intellectual disabilities. We owe it to those people to get this Bill as near to perfect as is possible. We will probably never get it inch-accurate but there is a huge duty on us to listen to the various groups.

The Joint Committee on Justice, Equality, Defence and Women's Rights, chaired by Deputy Ardagh, heard point of view from 35 or 37 groups from across the spectrum. I am worried some of them felt that since the Bill was not rights-based, it should be scrapped and we should start again. We have spent seven years working to get this far and I appeal to such people not to allow us lose what ground has been gained. There is room in which to move forward but the notion of scrapping the Bill is out. If changes are to be made, we will welcome it. One group mentioned that the title of the Bill is inappropriate and that it should be entitled a Bill for people with disadvantages and I am open to such suggestions. I am glad to have had an opportunity to speak on this Bill but a great deal more can be said. It is important to get this Bill right because we owe it to the people who suffer from disadvantage to look after their

educational, financial, health and other needs. That is not before time.

Ms Enright: I welcome the opportunity to speak on the Bill. I will begin with the definition in the Bill, which has been referred to by previous speakers. There should be consistency in the definition used in any Bills dealing with disability. The definition of disability in all legislation should be the same in so far as that is possible. It should also be the best possible definition. There are legitimate concerns that the definition in this Bill might be limiting and might actually exclude people, particularly those with lower level disability.

The Bill is imperfect legislation and there is room for improvement. Last year the House discussed what was then called the Education for Persons with Disabilities Bill with the then Minister for Education and Science, Deputy Noel Dempsey. While I will reserve judgment on how that Bill will work given that there is a five-year timespan for its implementation, it must be acknowledged that the Minister was open during the debate on the Bill and accepted a number of amendments. He put forward amendments to deal with points the Opposition made when we were unable to do so due to the constraints of the regulations under which we operate. I hope that attitude will apply to this Bill and that the Government will accept that the points made by the Opposition are legitimate. In many cases, these points are being made by people with disabilities, and they are worthy of consideration. That sentiment would probably be echoed by members of the Government parties. I hope there will be open minds on this issue and that the Bill before us is not set in stone but is amenable to changes that can improve it.

Regardless of the legislation we discuss, the debate almost always boils down to resources. It is a constant theme. Nobody on this side of the House is afraid or unprepared to acknowledge that spending has improved in this area. That is not a problem. However, when Members are listing the amounts of money spent, I ask them not to do so with the attitude that it is the end of the matter, the Government is great and it is a job well done. That attitude is common with some Members of the Government parties and it is a pity. It is not enough to list what has been spent because the Government will be judged on what it gets for the money it spends.

Regardless of what has been spent, people with disabilities still feel they are left behind. They are entitled to feel that way because there is a great deal of catching up to be done. That is a fair point. It is the base from which we must progress when we discuss resources. The money that has been spent has dealt with some of the difficulties but we still have a long way to go.

I am concerned that the provision on assessments could be open to interpretation. It is a pity to put forward legislation that is open to interpretation. One of the flaws in this Bill is the language

that is used and the fact that so many provisions are open to interpretation. I would prefer a more clear and definite Bill. It should be in black and white, as it were, and not open to interpretation. I am concerned that assessments will or could be subject to health board constraints. There is no such thing as a health board, or whatever it will be called in a few weeks, without constraints. Obviously, no health board has money left at the end of the year — at least it should not if it is doing its job. Assessments will be a problem.

I am unsure of how many assessment officers will be appointed — it does not appear to be in the Bill — and whether this will be affected by the ban on recruitment to the public service. Who will carry out the assessments? If the ban is still in place, are there people in the system with the qualifications, expertise or correct training to be assessment officers? Assuming the ban will affect this area, will health board budgets be increased to cater for assessments? The Minister for Finance is expected to make an announcement in the Estimates at 4 p.m. with regard to disability. I hope the points I have made will be dealt with in that announcement. We must wait and see.

The next question relates to service provision after assessments are carried out. How will that be provided? What guarantees will be given? There is provision for a services statement, which is a good principle, but there will have to be a guarantee that what is in the statement is what the person will get. That is not covered by, the wording of the Bill. The statement must meet the needs of the person if it is to work. When the needs will be met and what should happen if they are not met, are not covered in the Bill either. There is little point in telling people what they need if they cannot have it. That sentiment would be shared by, people with disabilities. We have learned this from the education system. Children are being assessed and psychologists' reports are being compiled but it is most frustrating for parents to be told what their children need and to know they cannot get it.

The Bill appears to suggest that because the services are subject to resource constraints they will be provided out of what is, effectively, left over. That is a problem. The parents of children with autism in my constituency have formed the Laois-Offaly Parents of Children with Autism group. For the past three years the parents have protested outside the Midland Health Board about the lack of facilities for their children. Some of the children were getting one hour of speech therapy per year. When I quoted that fact the journalists got it wrong. They probably could not believe that the children were getting only one hour per year so they referred to it as one hour per week. However, many of the parents would be delighted if their children could get one hour per week.

They cannot get that so they raised funds and are now employing a speech therapist for their children from their own resources. I put down questions to the Minister on this issue previously,

[Ms Enright.]

and the reply was that there are not enough speech therapists and the Department is trying to improve the numbers. There is an element of truth in that answer but when the parents in Laois and Offaly raised the money they were able to employ a speech therapist even though the Midland Health Board could not find or employ one to look after their children. These basic issues must be dealt with.

One of my colleagues pointed out that 150 extra speech therapists had been recruited in recent years. That is fabulous if one's child can get to see one of those therapists. If not, however, it is small consolation to hear that. With regard to autism, I put down 60 parliamentary questions yesterday to the Ministers for Education and Science and Health and Children about the task force report on autism. I put down a further 90 questions on the same report. I was extremely disappointed to receive a standard response when each of my questions dealt with an individual issue outlined in the report. If reports are to be produced, follow-up information should be provided on what is happening with the reports and if there is an intention to implement their recommendations.

Within weeks of the debate concluding on the legislation that eventually emerged as the Education for Persons with Special Educational Needs Act — I am not sure if the President had even signed it into law — the weighted system of providing for children with special educational needs was announced. At no stage in the months of discussion on that legislation was there mention of a weighted system. The legislation provided for a multi-disciplinary approach in which parents could make an input with the teacher, therapists, school principal and special needs organiser. Suddenly, however, we were informed of a new system that had no basis in the legislation. That is extremely difficult to explain to the public.

I cannot explain it because I believe the system is wrong. There is no logical explanation for it. When we have dealt with the Bill before us I hope there will be no announcements afterwards dealing with the areas that are not covered by it and which would restrict the rights we are providing in the Bill. Deputy O'Donovan spoke about rights and whether this Bill is rights based. He referred to the delegations that came before the justice committee to discuss this legislation and seek rights.

I am a realist when it comes to resources. However, we must remember that the issue of rights arose out of people's frustration because people could not obtain what they needed for their children or for adults in their care. As a result, they were obliged to consider how they could get what they required. They arrived at the conclusion that the best way to do so was to have it stated as a right.

I also have a difficulty with the legislation in respect of the right of appeal. Deputy O'Donovan

welcomed the fact that there is a right of appeal to court but I do not know if he is aware that such an appeal can only be made on a point of law. The Deputy comes from the same professional background as me and I am sure he is aware how restrictive it is to appeal to a court on a point of law only. What is contained in the legislation is not a right of appeal. I support the idea that people with disabilities or special educational needs should not be obliged to go to court to get what they need. In reality, however, I am aware that they sometimes must do so.

When we debated the Education for People with Special Educational Needs Bill, the then Minister, Deputy Noel Dempsey, stated that if services etc. were not provided, people could appeal to the courts. Under that legislation, which deals with children, there is a right to appeal to court and not just on a point of law. However, the Bill relates to people over the age of 18 and they do not have such a right of appeal. That is wrong and Government must take action in respect of it. The right of people with disabilities to appeal to court — a right, which everyone else can exercise — on an issue that affects them will be severely restricted. The Bill was published when the Minister for Justice, Equality and Law Reform was heading off to court in the company of two senior and one junior counsel. People with disabilities are being informed, however, that they cannot go to court unless their case relates to a point of law. I worked in the legal profession previously, but I am not saying this to line the pockets of solicitors or barristers. People should not have to go to members of the legal profession to gain access to services. The full right of appeal must be included and I ask the Minister to reconsider the position in respect of that.

The Bill must be made more, user-friendly and the language used in it should be made less archaic and complicated. Legislation of this nature should be easy to understand. Deputy O'Donovan referred to advocacy, which is extremely important. A good start in this regard, which would allow people to help themselves, would be to use language that is more understandable. Deputy Stanton stated that he asked some qualified legal people to consider the Bill. If they could not make a great degree of sense out of some parts of it, I do not know how other people will do so. This matter must be addressed.

Earlier today I met staff representatives of the National RehabCare Advocacy Council and some of the users of the council's service. They made a number of points, including some relating to advocacy. What became apparent from our discussion — this point was made by previous speakers — is the number of matters that are not dealt with in the Bill.

One of my main problems with the Government's attitude to people with disabilities is the belief that matters can be considered in isolation or in small groups. The Minister for Education and Science, Deputy Hanafin, recently made a big announcement about special needs assistants

in the same week the House had debated their position and that of resource and learning support teachers. It is as if the recruitment of an additional 200 plus special needs assistants will address the entire problem. We must still consider the issues of resource teachers and learning support. We should not look at these matters in isolation, we should look instead at the needs of children and what will help to serve those needs. However, we are not doing that at present. The Bill should be aimed at the needs of persons with disabilities and should take account of what is required to improve their quality of life. We are focused, however, on their health and educational needs, not their housing, transport or employment needs.

I discovered today that the train stations in Tullamore and Clara in my constituency do not have access for people in wheelchairs. If one wants to take a train from Tullamore to Galway, one must cross the line. There is, however, no way of doing so other than by pushing people in their wheelchairs across the tracks before or after the train arrives. That is not acceptable. Basic rights such as access at train stations are not enshrined in the legislation. If we do not consider matters such as housing, transport and employment, we will not deal with this matter in a holistic way. We cannot separate these people's health and educational needs and make it seem as if the remainder of their lives are totally different and that they are able to fight their own corner on these issues. The things to which I refer must be enshrined in legislation. It is important that is done and that we stop considering matters in isolation.

Housing needs are also ignored in the Bill. There are two types of grants available in this area, namely, the disabled person's grant, which is operated by councils, and the housing aid for the elderly grant, which is operated by health boards. The systems for dealing with these grants are in chaos in my constituency and I am sure the position is similar in every other constituency. A delegation from Offaly County Council met the Minister of State with responsibility for housing last year and he informed us that the system in our county operates too well. He stated that if, like other counties, we continued to spend, we would probably be able to obtain more of a top-up on our allocation. As a result of the fact that it operates the grant properly and does not run up debts, Offaly County Council is obtaining less funding than should be the case. That is extremely strange and it reflects the way Government operates. Advice such as that received by Offaly County Council should not be given to any local authority. I accept, however, that the Minister of State was probably frustrated because he did not have access to adequate funds to allow him to take action.

The Government should consider how it intends to proceed in terms of the operation of the grants to which I refer. One person is responsible for running the entire housing aid for the

elderly scheme in County Offaly. That woman is literally run off her feet and can only deal with between 30 to 40 people each year. The backlog relating to the scheme stands at approximately 300, while that relating to the disabled person's grant scheme is even higher. People who are elderly and who do not necessarily have disabilities — they may have had hip replacements or whatever — often opt, because they believe it is quicker, for the disabled person's grant scheme rather than the housing aid for the elderly scheme. These individuals are eligible to apply for the disabled person's grant under the criteria laid down and they are taking away from the funding which should be going to those for whom the grant was originally envisaged. One cannot necessarily blame them, however, because anyone in their position would take the quickest route to obtain funding. These two issues will have to be considered and, again, they cannot be looked at in isolation from the Disability Bill.

The Government should give serious consideration to creating a special fund to help clear the backlog that exists in the area of disabled person's grants. The scheme could then be looked at in terms of determining how it might better or more efficiently operate. We must ensure that the people who need the money can obtain it under the scheme. A man with whom I discussed the scheme informed me that he was going to apply but that he thought he would not bother because he believed he would be dead before his case was dealt with. Unfortunately, that is the sad reality in some cases.

I wish to make a final point on housing and, in particular, social housing for people with disabilities. The relevant Department operates relatively efficiently and a great deal of good work has been done in terms of the provision of social housing and that for people with disabilities. However, there is a difficulty in that there is no funding stream from health boards or authorities. Where the scheme is up and running, there have been instances where someone's house has been ready but there was no care person available to help them move in and come to terms with the idea of independent living. The latter is due to the lack of a funding stream from health boards. Consideration should be given to the establishment of such funding streams.

I ask the Government to engage in real debate on this issue and to be open to change. If changes are made, this Bill will become much better and far easier to live with. As it stands, the Bill does not meet the needs of people with disabilities and it will not help us achieve what we want to achieve.

Mr. McGuinness: I welcome the Bill. I measured its content against what has obtained up to now and then considered the national disability strategy. I listened carefully to the many groups in my constituency which have come forward with views and opinions in respect of this issue not only in recent months but also during

[Mr. McGuinness.]

the period which dates back prior to my election to the House in 1997.

We have a bad history in caring for people with disabilities and we need to come from behind to catch up. The budgets prior to 1997 made little or no comment on arrangements for the State to care for people with disabilities and those budgets provided very little money compared with today's standards. I acknowledge the excellent work done since 1997, especially by Deputy Wallace who was a Minister of State at that time. She put the bones of this Bill together, which was later fleshed out more substantially.

Mr. F. McGrath: It was thrown out.

Mr. McGuinness: The Bill was thrown out and there was much debate at the time. I have no difficulty with the fact that it was not taken then because of reservations which I also shared. Having listened further to those organisations, groups and individuals directly involved in the area of disability and care, this Bill is a much more substantial document and considerable work has gone into its preparation. Having read the Bill and listened to the various briefings, my understanding is that it will not just end here on Second Stage. There will be opportunity on Committee Stage to flesh out the details to a greater degree and perhaps to introduce amendments where necessary. I have listened carefully to the language used by officials and politicians in their presentation of the argument. I interpret it as a language that is accommodating and encouraging. There is much to look forward to in this Bill. I hope it has a speedy passage through this House. It should be considered as a work in progress even when it is passed.

The circumstances which affect people with disabilities today, be it funding or how they engage with society through work or leisure activities, will need to be changed and updated on a regular basis. It is a rights-based Bill, which is driven by the Government's commitment to that community of people and their rights rather than being a rights-based Bill that can be tackled and challenged in court. Too often legislation in this area is challenged in the courts. The energy, commitment and finance is used up in that process rather than being used in a much more sensible way by delivering services to those with disabilities. Families directly affected by disability, specifically families of children with autism, have been forced to go to court for their rights. The costs for both families and health boards are significant. The support they receive as a result of the court case is often quite poor compared with what they had prior to the case being taken.

We must ensure that people with disabilities can access the services to which they are entitled. This Bill must enable them to access those services and activate those rights in a way that is within their ownership and within their control

and not within the control and ownership of the legal profession. I hope this Bill will provide a mechanism to deliver that wide range of service and will support the services by the inclusion in the Estimates of a fairly substantial sum of money. The sum of €2.5 billion is spent across Departments but there is a need to increase that amount and perhaps achieve greater value for money in the delivery of services through schemes such as the disabled person's maintenance grant and the housing aid for the elderly grant. Greater efficiency must be injected into those schemes so that the spend is directed at the clients and not at the bureaucracy delivering the scheme. The schemes need to be simplified and made user-friendly.

The Bill must continue to be simple and user-friendly while supported by an extensive budget across the various Departments providing the services. This was not the case heretofore. As a public representative I find it is a battle with the local authority and the health board to get them to provide what is an entitlement for the person with a disability. We should instead be able to concentrate on the people rather than on the bureaucracy of the system. This Bill delivers that kind of approach without being too legalistic. The Bill will require constant review in the years following enactment to allow for corrections to be made. If it needs to be simplified or if any aspect needs to be improved, it should be brought back to this House and the improvement should be delivered.

I have read the Bill and my understanding is that if one considers one has a disability, then, one is entitled to assessment which will provide a definition of the disability, assess what is required and deliver the services. No definition is more open-ended than that. It is a good and reasonable definition that will open the door for people and allow them be assessed.

The other issue being discussed is the general language of the Bill, that if money is to be made available, the disability sector will be looked after when everything else is looked after. Nobody can sign an open cheque and that is, generally accepted, even by those who campaign for much more to be included in this Bill. Within that framework there is much more flexibility for financial support from the Department of Finance and other Departments for the delivery of services. I acknowledge the investment of €2.5 billion made by the Government. In 1997 there were 100 special resource teachers for children with special needs and there are currently in excess of 2,300. The number of special classes has grown from 350 in 1998 to 500 currently. I know this is not sufficient but the Government has made considerable progress. I hope that the Estimates to be announced today will include substantially more funding.

This Bill and the national disability strategy have resulted in sectoral plans made available as a complete package. Spending cannot be confined to one single Department from where the spend-

ing is controlled because it runs across many Departments. Previous speakers have referred to each one. The Bill is comprehensive and the framework of the sectoral plans are comprehensive and can be implemented. I read the synopsis of the sectoral plans. I regard them as being a significant advance in this area. The plans will improve people's lives. I will refer to some of the plans. They list the improvements needed to access vocational training and employment opportunities for people with disabilities.

People with disabilities have fallen behind in the employment stakes. We debated legislation some time ago on education and information technology, for example, but we have not sufficiently applied information technology in the context of the delivery of training or job opportunities to people with disabilities. I am delighted that area is covered, to a degree, in the sectoral plan for the Department of Enterprise, Trade and Employment. It highlights a plan for labour market policy initiatives aimed at ensuring equal opportunities for people with disabilities, including a FÁS action plan, and the implementation of that new criteria under the FÁS initiatives. It refers also to a new full-time employment support scheme. I am told these sectoral plans are accompanied by the appropriate levels of finance but we can only await passage of the Bill and the putting in place of these sectoral plans to see if delivery is satisfactory and that it has a tangible effect on the employment of people with disabilities, not just in the public sector but in the private sector also.

That is a major untapped resource in the context of possibilities for employment when one considers the disability group, those with disabilities and the way they can access this market. If that initiative is taken by FÁS and properly supported, and if employers support it by way of grants and incentives, that will be a major step forward. My local authority in Kilkenny is a full participant in this area and one can see the benefits to people with disabilities, how their lives have been improved and what they can do in terms of work. That is to be welcomed and it is something we will see when the Bill is enacted.

One of the major areas — the previous speaker mentioned it — is transport. Enormous investment is required in the context of transport. The railway system needs to be seriously upgraded to reflect the needs of the travelling public who are physically disabled in some way and those who are not as mobile as others. The sectoral plan I referred to states that 95% of all buses operating Bus Éireann urban services in Cork, Dublin, Limerick and so on are now easily accessible by people with disabilities, but there is more to this country than the cities of Dublin, Cork, Galway and Limerick.

In my constituency, a group in north Kilkenny called DISC continues to highlight the difficulties faced by people with disabilities in accessing the urban centre. The dishing of paths and the funding that is set aside by local authorities is not suf-

ficient. That is something we must concentrate on because it is the little things that make a huge difference to the lives of people with disabilities.

We need to invest in railway stations. The railway station in Kilkenny needs to be upgraded and made user friendly for those with disabilities. Sometimes there is no public transport system. It needs to be put in place and upgraded. Incentives need to be given to private operators to encourage the development of small public transport services throughout counties and in urban centres. The new system in Kilkenny, Ring-a-Link, connects rural areas with the urban centres around particular locations. That type of bus service, which is hugely successful, needs incentives to ensure the vehicles operated are easily accessed by, people with disabilities.

In regard to taxi services — we are ranging across different Departments — local authorities issue licences for taxis to carry people with disabilities, yet some people who are disabled cannot access the taxis that meet the criteria to allow them carry disabled people. That is happening in Kilkenny city. I have had a number of complaints from people with disabilities who simply cannot gain access to taxis for disabled people. It just does not cover every disability. We have to examine this area in a more general way to ensure that transport of that kind, particularly taxis, is user friendly for disabled people, and we should not be afraid to create an incentive to do that. We are embarking on a new era, well supported by finance, but we need to get the small issues dealt with effectively because many people who are disabled travel to gain education at community centres throughout the country. That is their only way to access education for employment and employment itself, and if they are inhibited by transport, we are simply failing in that area. Perhaps we need to incentivise that.

From my experience in Kilkenny, the Irish Wheelchair Association is to be complimented on the excellent way it organises access for its members to community centres, jobs, education and employment, and the manner in which it cares for them. Many of the volunteers associated with the Irish Wheelchair Association give a great deal of their time and energy to ensuring their members get the best possible care and get out socially to hurling matches and so on, which is a major feature. It is part and parcel of normal life and, therefore, should be mainstreamed for those disabled persons who want to attend.

The sectoral plan for the Department of Social and Family Affairs outlines in a general way what it intends to do. A great deal of funding has been made available in that Department, which has proved itself to be efficient not just in the delivery of its programme but in reaching out and finding solutions to the odd case that needs a once-off examination and solution.

The one area of the Bill that concerns me relates to the Department of Health and Children as it operates through the health boards. I have seen the greatest inefficiencies within the services

[Mr. McGuinness.]
 being delivered in the health board area, and I want to highlight a case, which relates to autism services. A site in Myshall was purchased some time in the late 1990s for use by the Department of Justice, Equality and Law Reform to house those waiting for their applications for asylum to be processed. That property was in fine working order when it was purchased. This issue has been dealt with by the Committee of Public Accounts because the property remains idle and is now in a very poor state of repair. Following lobbying by me and groups in Kilkenny, it was recently handed over to the South Eastern Health Board which set out a report on what it might put into it in terms of services to people with autism. That report is still not concluded. It is being discussed in terms of the work with the health board, but it is not finished. It is beginning to come to the conclusion — I have seen some parts of it — that Myshall is an isolated site, which may not be suitable.

The people with autism who had the expectation that services would be delivered through Myshall will be terribly disappointed with the results of that report. I hope there will be intervention by the Department, which made the property available to the South Eastern Health Board in the first place to ensure that something is delivered either on the Myshall site or by way of moneys that might arise from the disposal of the Myshall site. We owe it to the people who lobbied for this service and who were given this expectation by the South Eastern Health Board. This case shows an appalling inefficiency on the part of a health board to deliver on the back of a property it got from the Department of Health and Children.

In terms of the inefficiency of health boards, not just the board in the south east but others, to see groups representing the disability sector, particularly autism, picketing outside health board offices is a terrible reflection on the State and the health boards. I hope that in the context of this Bill that type of protest will not be warranted in the future.

I support the Bill and encourage the Minister for Finance to ensure the funds of €2.5 billion are built on in the course of this budget. I wish the Bill a speedy passage through the House.

Ms McManus: As the House debates the Bill, the Book of Estimates is being published. We already know we can expect great things. It appears, for instance, that after several years of allowing crises to build up in nearly every area of the disability service, the Government will loosen the purse strings today and in the budget. Finally, after years of lonely and often difficult campaigning, the families of people with disabilities will see some reward. Between now and the budget, extra money will be allocated for new residential places, training and education, respite care and to deal with some of the waiting lists that have been allowed to grow over the past

three years and more. I welcome this; it is long past time that disability was afforded the priority it needs. There is no doubt, however, that if we had set our minds to this issue at the start of the Celtic tiger period rather than after years of protest and suffering, we could now point to Ireland as a place in which people with disabilities are full and equal citizens.

The very existence of extra money and the Government's willingness to invest it now after years of pressure proves how necessary it is to have a disability Bill. It is a lesson that people with a disability do not need to have spelled out. For years they have known they are at the back of the political queue. They are getting investment now because the Government has plenty of cash to spare, not because it regards the issue as one of basic justice. They are getting it because they have built an articulate and effective lobby, not because the Government has undergone a conversion to their cause.

The corollary, sadly, is true. People with disabilities will slip to the back of the queue again if resources become tight or the disability lobby allows itself to relax for an instant. The only thing that will change this position is if society and Government finally recognise that the challenges facing most people with disabilities arise not so much from their impairments, whatever they may be, but from the barriers we erect for them. This is the reason rights are so important.

Every party in the House has committed itself to a rights-based approach to disability. The disability movement has never sought any superior right. Its campaign has been for equal rights and it assumes that we recognise that the achievement of equal rights means tearing down barriers and changing attitudes. The disability movement has never demanded that everything should be done overnight but instead called for the progressive realisation of rights in an achievable timeframe. It has never asked to be given priority in the health services over people who are sick. Instead, its demand has been to be given equality with people who have only the normal advantages to which every citizen is entitled.

Without such a rights-based approach, the injection now and again of money into services, which have been chronically underfunded will only paper over cracks and will change nothing. This is the reason the disability movement was prepared to negotiate with the Government for two years a Bill that would finally begin to change attitudes and commit the community as a whole to putting the structures and capacity in place to ensure equality became a reality. At the end of this process, during which the good faith of the disability movement was never open to question, the Government produced this Bill.

We know that perceptions of disability have changed over the years and it is people with disabilities who forced us to change them. We can no longer pin whatever label we like on people with disabilities or put them into whatever pigeonhole fits. At least, we thought that was the

case until we saw this Bill. Like most of my colleagues, I wished I could be able to describe the Bill as a welcome development which reflects credit on the Government. Instead, I must state that the Government should be ashamed to bring this measure before the House.

The programme for Government included a commitment to introduce legislation containing, rights of assessment, appeals, provision and enforcement. This Bill is a betrayal of that commitment. Above all, it is a betrayal of people with disabilities, many of whom have struggled long and hard to see the Bill introduced. The promises they were made have been broken. As my colleague, Deputy Lynch, stated, this Bill is shoddy, mean-spirited, badly written legislation. It is motivated by a determination to deny greater equality to people with disabilities and its consequence will be a cumbersome, bureaucratic nightmare for thousands of people.

None of the rights promised in the programme for Government is in the Bill. Let me spell this out, promise by promise. The programme for Government promised a right to an assessment. The assessment contained in the Bill is so highly restricted that many people with disabilities will not qualify. The programme for Government also promised a right to provision. Not only is this right not provided for in the Bill, the opposite is the case. As the Bill is framed, the liaison officers charged with drawing up service statements must exclude any aspect of provision, which, in their view, it is not practicable to provide immediately or involves a cost not provided for in the annual budget of the service provider. This is the crux of the Bill. If the Government had any commitment to a progressive realisation of rights as it has always pretended, it would have drafted the Bill the other way around.

Members know that capacity in many necessary services and therapies is inadequate and that if, for instance, an assessment determines that a person with a disability requires 20 hours of speech therapy over a sustained period to begin immediately, it will not always be possible to provide this service instantly. Instead of forcing liaison officers to exclude anything they consider immediately impractical, a rights-based Bill would have imposed a different obligation on them by obliging them, in the case of any necessary service not immediately available, to draw up a plan, in consultation with the person with a disability, to secure the provision of the service in question as quickly and fully as possible.

In the example I cited, for example, in which a need for extensive speech therapy is identified but not immediately available, an agreed plan could provide four hours of speech therapy immediately, building to the required amount as the extra capacity is recruited. Instead of taking this approach, however, the Bill guarantees that people who secure assessments of the needs arising from their disability will shortly thereafter receive a piece of paper telling them which of these needs will not be met. This is an absurd and

cruel approach, which portrays a Government determined to get rid of the issue of disability rights rather than confront it and to do as much as possible on the cheap while portraying itself as genuinely committed and caring.

The programme for Government promised a right of appeal. Instead, the Bill creates a crazy bureaucratic superstructure. In addition to assessment officers and liaison officers, two new grades, we will have complaints officers and appeals officers. Every one of these officers will be constrained in the same way. In too many cases, the complaints they receive will arise from the gap between the assessments and the service statements. As the Bill is written, no complaints officer or appeals officer will be able to compel a service provider even to consider providing a service if the issue of practicability or affordability arises. There will be no basis on which an appeals or complaints officer will be able to compel the service provider to plan for increased capacity or to meet over time the need which cannot be met immediately.

What the bureaucratic superstructure will do, however, is wear out the person with the disability. As they trudge from assessment officer to liaison officer to complaints officer to appeals officer, all the time aware that the Bill is a conspiracy against any change in the ultimate outcome, they will at least come to realise that a commitment to rights by Fianna Fáil and the Progressive Democrats is not worth the paper on which it is written.

The programme for Government promised a right to enforcement. Like the other rights promised, it is nowhere to be found in the Bill. The person with a disability has the right to go to court in respect of any of the measures in the Bill only if a point of law arises. Apart from this, the only enforcement provided in the Bill is the bureaucratic quagmire I have described.

Debate adjourned.

Ceisteanna — Questions.

Priority Questions.

Live Exports.

1. **Mr. Naughten** asked the Minister for Agriculture and Food the action she is taking to reopen the live export trade following the imminent withdrawal of the *European Diplomat*; and if she will make a statement on the matter. [29498/04]

Minister for Agriculture and Food (Mary Coughlan): The Government has supported the continuation of the live export trade, as an essential market outlet for Irish farmers. Regarding the transport of animals by sea, my Department's function is to approve sea vessels for the carriage of livestock. The Department works closely with applicant companies to ensure that the conditions

[Mary Coughlan.]

aboard such vessels are consistent with national and EU animal welfare requirements. Within this framework, 18 dedicated livestock vessels and three ro-ro vessels have been approved for the carriage of cattle since 1995. However, the actual provision of such services is a commercial matter. It is not possible under EU law for the State to intervene directly in the provision of a service as the Commission previously ruled that State aid paid to secure a similar shipping service to the Continent was incompatible with the single market.

I am exploring all options to facilitate continuation of the live export trade. I have met a number of stakeholders in the industry and have raised the possibility of re-opening the landbridge through the UK with the EU Commissioner, Mr. Byrne. At this week's meeting of the EU standing committee on the food chain and animal health, the Commission indicated its willingness to bring forward a proposal on this matter at an early date. Officials from my Department are working closely with prospective service providers on providing an alternative ferry service. Nevertheless, the transport of live animals is ultimately a commercial matter and my Department has approved a sufficient number of vessels to provide a service if the commercial demand exists. Likewise, it will inspect any further vessels that are proposed for use in transporting cattle.

Mr. Naughten: I wish the Minister well in her new portfolio. The withdrawal from service of the *European Diplomat* directly threatens the export of more than 200,000 cattle, with an impact on earnings of €150 million per annum. Will the Minister agree there is a need to secure the long-term viability of live cattle exports? Will the Minister elaborate on the discussions that have taken place at EU level? I understand she is seeking approval for the UK landbridge through the UK. What timescale is involved in this? While the Minister states the decision is a commercial matter, will she consider the introduction of legislation to oblige all ferry companies to carry legitimate cargo, including livestock? Will she outline the discussions between her Department and the Commission on securing Marco Polo programme funding to enhance the viability of a service from Ireland to France?

Mary Coughlan: I wish every success to Deputy Naughten as front bench spokesperson and congratulate him on his recent marriage. As the Deputy is from County Roscommon, I do not need to convince him of the importance of the live export trade. From my meetings with the Minister for Communications, Marine and Natural Resources and the farming organisations, a number of ways of resolving this issue have arisen.

One group has expressed an interest. It is looking for guarantees, not necessarily financial, from the Department and is working with the farming

organisations and the exporters. Securing Marco Polo programme funds was explored but it is a matter for the Minister of State at the Department of Communications, Marine and Natural Resources, Deputy Gallagher. It is based on there being no competition on the route. The Minister for Communications, Marine and Natural Resources has considered something similar to a PSO, but it would take six months to work out. Following this, it has been decided to re-examine the UK landbridge. I wrote to the EU Commissioner, Mr. Byrne, last week and there was a positive reaction last Monday at official level.

However several barriers have to be crossed. Live animals cannot be transported through the UK and the Welsh Assembly Government will have to be consulted. That will be a matter between the UK and the Commission and I will refer this to my UK counterpart when I am in Brussels on Monday. There is the issue of security in transporting animals and ensuring that they will not be replaced. There was a debacle over animal welfare but there have been considerable changes in animal welfare legislation.

I am not buying or investing in a boat. That said, I am doing everything I can to support both options. As an island nation, we need access to the French market, both for live exports and tourism. I have not considered a legislative framework yet as I prefer not to have to take that road. It is a lucrative business from what I have ascertained from discussions with carriers. I hope market forces will reflect this.

Mr. Naughten: Will the Minister agree that as ferry companies are not obliged to provide services to all cargo, it is a barrier to trade? What action has the Department taken on the French authorities considering introducing IBR-free status and its impact on the export of live cattle through France?

Mary Coughlan: We are not at a stage where we do not have the willingness to carry live exports. The problem is that the service has been withdrawn. Obliging another carrier to take on live exports is not the issue, as carriers have indicated they are more than anxious to ensure that live cattle exports continue from Rosslare. There was a problem regarding exports from Dublin using the landbridge. However, following discussions with exporters, I investigated this only to discover there is no impediment to doing so. The IFA won a case regarding the obligation for a ferry company to carry live cattle. That expired last year, yet live exports continued. The main issue is we have not secured a ferry operation that will carry on live exports.

Live exports is a hot topic and there are those who are vehemently against it, including farming organisations. However, I see it as a fruitful way of ensuring competition and it helps rural areas with the export of weanlings. I have not found any opposition from any of our EU partners to this trade.

Food Safety Standards.

2. **Dr. Upton** asked the Minister for Agriculture and Food her views on the recent diagnosis of a variant CJD case here; the consequences she foresees for the agriculture industry; her proposals to step up BSE and variant CJD prevention measures; if she has plans for increased rigour in the testing of animal products from non-EU countries arising from the recent case; and if she will make a statement on the matter. [29496/04]

Mary Coughlan: It was with regret that I learned of the illness due to variant CJD of the young man and I wish to convey my sympathy to his family and friends.

The Minister for Health and Children has dealt with the public health dimension arising from this case. Ireland has operated a range of controls in the cattle and beef sectors against BSE since the confirmation of the first case in 1989. The objective of these controls, which are kept under constant review and are in line with best available scientific knowledge, is to eliminate the cause of the disease and to protect the consumer of Irish beef. The controls were substantially extended in 1997 when a possible link between BSE and variant CJD was first confirmed in the UK. While the EU further extended the mandatory controls on meat and bonemeal and specified risk material removal in late 2000, Ireland put in place the main elements of these in 1996 and 1997 for public health protection.

My Department operates the controls in place in Ireland in the export plants. In small local abattoirs, the local authorities operate the controls under the supervision of the Food Safety Authority of Ireland. Irish BSE controls remain subject to ongoing external audit and examination by a range of bodies, including the Food Safety Authority of Ireland and the European Commission Food and Veterinary Office. Based on an extensive examination in 1998 the EU categorised Ireland's position on BSE controls as optimally stable, which is the highest category of control effectiveness. The Irish BSE control system is also subject to examination by the veterinary and public health authorities in certain non-EU beef importing countries.

In respect of the current case, both the CJD advisory group and the Food Safety Authority of Ireland have indicated that there is no need for concern about the public health and or safety of Irish beef. In particular, the Food Safety Authority of Ireland stated that it is "confident that based on current controls consumers of Irish beef are not being exposed to the BSE infective agent". Animal products from the non-EU countries may be imported only from countries that the EU has approved on the basis that their veterinary, animal health and residue controls for the products in question are at least equivalent to those of other member states. Therefore, harmonised provisions are operated in accordance with community legislation and these standards are audited by the EU food and veterinary office.

Where there are concerns with regard to the effectiveness of controls being operated in an approved third country, the European Commission, in consultation with the standing committee on the food chain and animal health, may introduce specific controls by means of a safeguard measure to ensure the protection of human and animal health.

Dr. Upton: I thank the Minister for that detailed response. I too extend my sympathy to the family of the patient who has been diagnosed with CJD. Is there any ongoing surveillance similar to a small survey I carried out at the weekend whereby I discovered that 29 of the cases identified this year were nine-year old animals? It was a disproportionately higher figure than for any born in any other year that were diagnosed as positive. Geographically, it was clear that BSE occurs more frequently in certain parts of the country. To an extent that reflects the number of cattle in those counties but there are other elements that might be worthy of investigation. Will the Minister comment on any such surveillance and any progress that could be made to address clearly identifiable areas or ages of animals that might be worth studying?

Mary Coughlan: We discussed the number of BSE cases at the last question time and they have been reduced considerably by almost 30%. The trend of which the Deputy speaks is that it appears, except for six cases, that the animals were infected before 1996-97 when the enhanced controls were implemented. A few BSE cases have been confirmed in animals born after that time but this appears to be consistent with the situation in other member states, as was predicted. One cannot be complacent about this. The veterinary officers in my Department and in the district offices actively consider this matter. Farming activity and its intensity indicates where BSE is likely to appear.

Although we will never be totally happy about the issue, our procedure was proactive and resulted in quite high numbers at the time. We carried out a cull which assured us and the customer that the matter was being dealt with as expeditiously as possible. That was the best policy, as all the Deputies would probably agree. The Department consistently examines this matter. It is independently audited by the EU and supported by the independent Food Safety Authority.

Dr. Upton: Approximately €20 million is available from the European Union to fight animal disease. Will any of that be dedicated to BSE in particular?

Mary Coughlan: Does the Deputy mean in terms of research?

Dr. Upton: No. In terms of eradication of animal disease, €20 million in funding is available

[Dr. Upton.]
from the European Union. Will some of that be dedicated to dealing with BSE?

Mary Coughlan: There are many animal diseases for which the money is provided and BSE is one of those.

Food Safety Standards.

3. **Mr. Sargent** asked the Minister for Agriculture and Food the level of market research and scientific evaluation in her Department undertaken to measure the impact on food production here if the widespread use of municipal and toxic incineration commences. [29613/04]

Mary Coughlan: My Department is not directly responsible for decisions concerning the use of municipal and toxic incineration. These matters are handled through the planning authorities under the aegis of the Department of the Environment, Heritage and Local Government. The Environmental Protection Agency also has a major role in this area. In November 2003, the Food Safety Authority published a report entitled Waste Incineration and Possible Contamination of the Food Supply with Dioxins. Several studies carried out by the authority over the three years prior to that on foods likely to be contaminated by these environmental pollutants concluded that levels in Irish-produced foods are extremely low and that consumers of these foods are not at risk. This is reflected at different points in the food chain. Ireland continues to have lower dioxin levels in the environment than most other European countries.

The report goes on to state:

In relation to the possible impact of introduction of waste incineration in Ireland, as part of a national waste management strategy, on this currently largely satisfactory situation, the Food Safety Authority of Ireland considers that such incineration facilities, if properly managed, will not contribute to dioxin levels in the food supply to any significant extent. The risks to health and sustainable development presented by the continued dependency on landfills as a method of waste disposal far outweigh any possible effects on food safety and quality.

The European Commission's strategy for dioxins, furans and polychlorinated biphenyls aims to reduce human exposure at safe levels in the medium to long term, with a quantitative objective to reduce human intake levels below 14 pico grams WHO-toxicity equivalence per kilogram bodyweight per week. This year, the Food Safety Authority of Ireland in collaboration with my Department monitored dioxin occurrence in meat, offal, fruit, vegetable, cereals and dairy produce. A similar exercise was carried out on eggs in 2003. I understand there is a study under way on fish.

The results of these surveys indicate that the levels found are well below the existing EU

maximum levels and will also be below the proposed levels, which will include levels for dioxin-like polychlorinated biphenyls. I am satisfied that there is no risk to the safety and quality of food produced in Ireland. The Food Safety Authority of Ireland report referred to earlier also stated that: "as part of an overall waste management strategy, as reflected in the EC Waste Hierarchy, incineration coupled with waste prevention, reduction, recycling and other treatment methods is the preferred option". My colleague, the Minister for the Environment, Heritage and Local Government, is actively pursuing an integrated waste management approach, which is the practice used by the best waste performers in Europe and reflects the internationally recognised waste management hierarchy.

Mr. Sargent: I thank the Minister for her reply. There is nothing new in that she is reiterating what has been found, which is reassuring for the present. The results are a matter of national pride as well as market advantage because Ireland has lower dioxin levels, particularly in milk samples, than other countries, including Switzerland, Germany, Holland, France and the United Kingdom. Presumably the Minister has made the connection between the results and the fact that those countries are already proponents and operators of incinerators.

Does she accept that there is a need for her Department to articulate a particular concern that, for example, when people talk about ingesting emissions or inhaling dioxins, in fact it is the food chain, which more easily captures dioxin emissions? Is she aware that research has calculated that a litre of milk would deliver as much dioxins as a human would ingest breathing the air next to a cow for eight months. Discussions on incineration need to focus more closely on food than they have done up to now.

Has the Minister spoken to Senator Walsh? He claimed in the Seanad that purchasers of meat from outside this country have specifically asked how close the source is to any incinerator and that a radius of 40 kilometres is given in reply. The importance of the marketability of Irish food in the future should be a matter of concern right now, rather than waiting until incinerators are up and running. Will the Minister be more proactive about it, rather than waiting for reports to arrive on her desk from the Food Safety Authority or the EPA? Will she speak up in the interests of the Irish food industry in advance of any difficulty that might arise?

Mary Coughlan: We took a pre-emptive study initially to see what would be the impact of implementation of the waste management policies. It clearly indicated that we have a very low level of dioxins in our food. The most important words to be used are "properly managed" and that is the pre-requisite for any signing off by the FSAI. The proper management of any waste management strategy is paramount.

One takes one's opportunity in the political world to provide an argument for or against something. That is life, as we know it. This issue has not been much part of any debate. I am not enamoured with using the food chain in an argument that can be tangled up into something of which it should not form a part. On the basis that food chain, food supply and food quality are paramount to the Department, we will be vigilant towards the impact that anything would have on our food chain. It is on that basis that this matter will be actively reviewed. We will also be vigilant with regard to any new proposals that will have any negative effect on our food chain. Based on what has been made available to us, we took the proactive step of advising ourselves of any implications. The properly managed aspect of anything is the key.

Mr. Sargent: I did not get any answer there. Has the Minister spoken to or will she speak to Senator Jim Walsh? I will say it to him myself. It is important the Minister has all the facts before going any further.

Mary Coughlan: He is not an expert on the FSAI, but he would be an expert in what he represents, or where he represents.

Mr. Sargent: He is a messenger.

Mary Coughlan: There is a proposal in his part of the world with which he would not be enamoured. All arguments are supportive.

Mr. Sargent: It is national.

Mary Coughlan: I will stick to the big picture.

Cereal Sector.

4. **Mr. Naughten** asked the Minister for Agriculture and Food the action she is taking to prevent a reduction in the Irish sugar beet quota; and if she will make a statement on the matter. [29499/04]

Mary Coughlan: The European Commission's proposals for reform of the sugar regime, which were outlined in a communication to the Council and the European Parliament in July, envisage a reduction in sugar quotas across all member states. I have already made it clear that the Commission's proposals in their current form are unacceptable because of the serious repercussions they would have for the sugar beet growing and processing industry here.

Reform of the sugar regime, which was not included in the main CAP reform process in 2003 and 2004, has now come high on the EU agenda because of developments at WTO level and other international pressures. The Commission's proposals will be discussed at the Council of Ministers agriculture meeting next week, but the legislative proposals will not emerge until next year. There will be a long and difficult negotiation process. My objective is to protect the viability of

sugar beet growing and processing here and I will work vigorously in common with like-minded member states towards that end.

Mr. Naughten: Under the current proposals, farmers plan to lose up to €26 million per annum, which would make sugar beet production completely uneconomical here. There are 8,000 jobs involved directly and indirectly. Ireland is self-sufficient in sugar and we do not have a difficulty in over production as do other countries. Does the Minister agree that we need to ensure the viability of production in the medium to long term? Will she ensure that there will be no changes prior to mid-2006 when the current regime ceases? Will she also ensure that full compensation will be provided to farmers for the loss of either price or quota cuts that may be proposed? Has the Department looked at the issue of designating the sugar industry as commercially sensitive at EU level in the context of the WTO negotiations?

My colleague, Deputy Kehoe has raised a question and I hope the Minister will answer it. Who actually owns the quota? Is it Greencore, the State, or is it the farmers themselves? What is the Department's position on the possible transfer of quotas from this country to other EU countries?

Mary Coughlan: There are a number of implications to the proposal, which is only an indication and not a directive. I have taken the opportunity of garnering some support from my other colleagues in the European Commission. We have created what is known as a blocking minority. The French, who would normally be very supportive of agriculture, are vehemently opposed to us on this issue and that creates difficulties. I want to see a vibrant sugar regime here for beet growers and processors. There are major implications involved in the issue of quotas and prices. The quota transfer is a high ball that everyone will go up for. My view is that it is a nonsensical proposal and we will not accept that. When we tried to look at a quota transfer within the EU on other issues, it was shot down as being illegal. The issue of compensation will be there. However, there are a number of core issues that will have to be addressed, especially those of quotas and prices. We can have all the quotas in the world, but if we do not get a price for our product, then it will be irrelevant and self-defeating. Compensation is nonetheless an issue and will be part of the package.

I have been asked to consider sugar as a commercially sensitive product for the WTO and it is being considered. Ownership of the quota is an issue I believe will become a distraction to the main issues. The Minister of State advised me that in Wexford, it has been part of the concerns expressed by farmers. We have never had a definitive decision on who actually owns the quota. It is not a beet quota, but rather a sugar quota. I have asked the Attorney General to examine that issue and to give me legal clarifica-

[Mary Coughlan.]
tion on the issue. We have our own views within the Department, but I will be better qualified to give a definitive answer if it is legally given to me.

Mr. Naughten: I hope the Minister will give it to me when she has it.

Mary Coughlan: I will do that.

Mr. Naughten: The regional allowance that is there at the moment is partially because we have a lower yield here. Will that be retained? What type of case is the Minister putting on that issue? What about merging the A and B quota, which would have a big impact here in comparison to other EU member states?

Mary Coughlan: The regional allowance was raised by the farming organisations. One of the issues is that it has a cost implication as well. However, the priorities are prices and quotas. I said that we would look at the regional allowance, but I hope it will not detract from the base line. The A and B merger will have implications for us and we will fight strenuously on the permutations of that.

As far as I can ascertain, having listened to many people who have great experience of negotiating on issues of this nature, it seems likely that we will find it very tough. A great deal of work, such as the forming of alliances, and compromise will be required if we are to retain our sugar industry. I do not think we should throw our hat at it. It has been suggested that we could give it to the Brazilians and let them at it, but that is not the Government's preference. I will look for political assistance and the support of the farming organisations to ensure we are helped to achieve what we want to achieve. I will indicate strongly on Monday that Ireland is not in a position to accept any of the things on the list, which has been proposed by the Commission.

4 o'clock

Animal Feedstuffs.

5. **Dr. Upton** asked the Minister for Agriculture and Food the investigations she has carried out arising from the import of animal feed found to be contaminated with bone; her views on this case; and if she will make a statement on the matter. [29497/04]

Mary Coughlan: Two shipments of sugar beet pulp were imported into Ireland on 18 and 22 October for use as animal feed. Samples of the feed were taken and analysed in accordance with the feeding stuffs control plan of the Department of Agriculture and Food. The samples were found to contain traces of terrestrial animal bone. Some 4,160 tonnes of beet pulp were imported in both shipments from Germany via Rotterdam.

When the Department of Agriculture and Food was notified by the laboratory of the presence of bone of terrestrial animal origin, it immediately started to operate the provisions of

its contingency plan for animal feed. It also put in place the provisions of the standard operating procedures for sampling, analysing and following up positive results for processed animal proteins in animal feeding stuffs, which were recently negotiated with the Irish Grain and Feed Association. The procedural strategies helped the Department to notify the trade of the incident quickly. They facilitated an efficient recall process and the speedy collection of the names of farmers who had received any of the affected compound feed. The European Commission was informed of the incident by means of the rapid alert system for food and feed.

The success of the procedures resulted in 96% of the original consignment being detained or recalled to the port stores. The remainder was included in 880 tonnes of animal feed that was sold to 234 farmers. Some 1,770 tonnes of animal feed, significantly in excess of the amount of feed manufactured from the pulp in question, was recalled from the farmers as a precautionary measure. That feed is under detention in dedicated stores. The importers have been asked to submit, for the consideration of the Department of Agriculture and Food, proposals for the disposal of the detained product. The Department and the Food Safety Authority of Ireland analysed the risks involved during their discussions. Given that there was a low level of contamination and an extensive recall of affected material, the Department is satisfied that the danger to human and animal health is negligible in this case.

Earlier today, officials from the Department of Agriculture and Food detained a consignment of maize gluten, intended for use in animal feed, which was imported from the United States. When the consignment was sampled in Ringaskiddy on 15 November last, a positive for bone particles of terrestrial origin was found. The provisions of the contingency plan and the standard operating procedures were brought into force immediately.

Dr. Upton: This country has invested a great deal of money in ensuring that meat and bone-meal is not used for animal feed. It is doing its best to prevent it from getting into home-produced animal feed. The certain confidence that exists in that regard, apart from a small number of unexplained BSE cases, is to be welcomed. While the recall outlined by the Minister has been successful, a small amount of the product remains in the public domain. The Minister has informed the House that a further consignment of feed with traces of animal bone has been brought into Ireland. Can a system be put in place to ensure that such products are not released into the marketplace before tests on them have been completed? Is it viable or possible to keep such products in storage until a positive result has been received from the laboratory?

Mary Coughlan: The recall system was initiated as soon as possible and every effort was made to trace the affected sugar beet pulp. The Deputy's suggestion that we store the produce until it has been tested is logical, but it is illegal. The House is aware that we have decreased the testing time-frame from two weeks to five days. I have made clear that I intend to reduce it further. I hope problems of this nature will not recur if test results can be made available within 48 hours. It would be an easier way of dealing with the issue. The vigilance of those in charge of the system of importing products has ensured that the possibility of affected products becoming part of the feeding chain has been minimised, to the best of this country's capability.

Dr. Upton: I appreciate that we cannot impose artificial trade barriers.

Mary Coughlan: Yes.

Dr. Upton: Given that another consignment that tested positive for bone particles has arrived in this country, it is time to put in place definite and specific measures to deal with this problem. The agriculture industry is being compromised, through no fault of its own, as a result of imports. What sanctions can be applied to the importers or distributors of the animal feed in question? Can the feed be traced further so that those who are responsible for its production face sanctions or penalties?

Mary Coughlan: It has been made clear to me *ad infinitum* that Ireland has stricter controls than other countries. It is now obvious that it is just as well we do.

Dr. Upton: Exactly.

Mary Coughlan: As we appreciate that strict controls are of paramount importance, I do not envisage that we will change our *modus operandi*. The Commission, which was immediately notified of the beet pulp incident, took action in the country of origin. The matter is being dealt with extensively by, the Commission. The importers will face a commercial loss because the Government has a policy of not compensating those who import products, which are found to have meat and bone particles in them. The loss of their entire consignment will be a sufficient sanction for importers. The Government will not pay for it. These people will receive severe penalties in that way.

I assume that the feedstuffs were brought to this country in good faith. I do not think there is any suggestion that it was a criminal act, because that has not been the case heretofore. The full vigours of criminal law would be invoked if there were such a criminal aspect to the matter. The potential losses to the importers will comprise a sufficient penalty, especially as they will probably face a further battle with those from whom the product was sourced. I assure the House that we

will be vigilant in expediting the testing procedures. I hope that process will satisfy Deputy Upton, who has expressed her natural concerns about keeping products in storage while we wait the outcome of tests on them.

Other Questions.

Food Labelling.

6. **Mr. O'Dowd** asked the Minister for Agriculture and Food the measures she intends to take to improve the standard of food labelling; and if she will make a statement on the matter. [29204/04]

Mary Coughlan: Most recent food labelling developments have emanated from the Food Labelling Group, which was established in June 2002. The report published by the group in December of that year contained a series of recommendations, which were accepted. As food labelling is a particularly complicated and broad-based area that involves a number of Departments and agencies, an interdepartmental agency group was established to accelerate the implementation of the report.

In December 2002, the Department of Enterprise, Trade and Employment had policy responsibility for European Council Directive 2000/13/EC, which is the main legislation relating to labelling, presentation and advertising of foodstuffs. The Office of the Director of Consumer Affairs was responsible for the enforcement of the directive. The Department of Health and Children was responsible for policy on food labelling legislation relating to matters such as nutrition claims and novel foods. The Food Safety Authority of Ireland was responsible for the enforcement of the legislation. The Department of Communications, Marine and Natural Resources was responsible for policy on labelling of fish and fish products and the authority was responsible for enforcement. The Department of Agriculture and Food was responsible for policy in respect of legislation on labelling of specific products ranging from beef, poultry and sugar to spirit drinks, coffee and fruit juices. The authority was responsible for the enforcement of the beef labelling regulations. The health boards operated the controls on the other products under the general aegis of the Department of Agriculture and Food.

Good progress has been made to date on the implementation of the labelling report's 21 recommendations, many of which are beyond the remit of the Department of Agriculture and Food and some of which were to be activated only after others had been completed. The two main issues that emanated from the recommendations were the centralisation of enforcement in one agency and the definition of origin. Enforcement of all the food labelling regulations has been centralised in the Food Safety Authority of Ireland. This

[Mary Coughlan.]
will not only streamline the enforcement measures but will also provide a one-stop shop for any complaints on the mislabelling of food. Incidentally, as part of the centralisation of enforcement, the centralisation of food labelling policy, with the exception of fish, in both the Department of Health and Children and my Department achieves another recommendation of the food labelling group.

Additional information

There was full agreement in the food labelling group that consumers have a right to information on the origin of the meat that they cook in their homes or eat out. While the group could not agree on how origin should be defined, there was unanimous agreement that further research was necessary to establish consumers' wishes in the area. The consumer liaison panel has carried out that research, the results of which were presented in December 2003.

At the beginning of this year, two regulations on the labelling of poultry meat were introduced. The first requires poultry meat — both loose and pre-packaged — originating in a country outside the EU to bear an indication of the country of origin when offered for sale on a retail premises. The second requires information regarding class, price per unit weight, condition and slaughterhouse details in respect of loose — that is, non-prepackaged — poultry meat to be provided to the consumer.

The principal remaining issue involves the labelling of the origin of beef in the restaurant and catering sector. It had been intended to extend the existing rules by means of a statutory instrument. The enabling national legislation under which it was planned to draw up a statutory instrument has proved inadequate for the purpose. Primary legislation is now being considered in conjunction with the Department of Health and Children, possibly involving a change to the Health Act 1947. Once that has been enacted, statutory instruments will be introduced to cater for specific labelling requirements.

On the food labelling issue in general, my primary aim is to protect the consumer interest and ensure that the consumer is properly informed. Ireland is a major exporter of food and food products, and there are also considerable imports, so it is imperative that the same standards be applied to the labelling of foods in every sector and that there be a level playing field for the food industry at all levels. I hope to achieve that through the implementation in as full a manner as possible of the recommendations of the food labelling group.

Mr. Naughten: I am glad to see that something is happening, since the Minister must have mentioned seven or eight agencies.

On beef, a topical issue, there is no doubt that the domestic European product fulfils the most rigorous standards in the world. However, does

the Minister not agree that those standards do not apply to imports from abroad where the rules are comparatively lax? That has been highlighted by, the EU veterinary office on several occasions when it went abroad to inspect plants.

Does the Minister not therefore agree that there is now a need for clear and concise labelling of all meat products from retail level right through to restaurants, hotels and catering outlets to specify a country of origin? The Food Safety Authority has highlighted Irish-labelled beef that came from South America. An abuse of the system is obviously happening, and I know that there is an issue regarding reprocessing. Perhaps the Minister might, given that fact, examine dual labelling, something Irish industry is considering in Italy. One would have two labels, one indicating the country of origin and the other where the product is reprocessed. In that way, consumers could make an informed decision and know that they were buying an Irish product.

Mary Coughlan: It is important when we discuss labelling that we differentiate it from traceability. The traceability procedure for beef is second to none. The issue of beef labelling has exercised the minds of many of us, particularly those in the farming fraternity who feel that they are unjustly competing with beef coming in from third countries. Unquestionably, it is the view of us all on this side of the House that we should proceed with the introduction of primary legislation. That is the best advice that has been given to us, and that will be done under the Health Act 1947. We hope to have that before the House fairly quickly following consultation with the Minister for Health and Children, Deputy Harney, and we hope that it will address the issue.

We have had many discussions with restaurateurs and commerce and I believe that they are prepared to take on the issue. I hope that, arising from that, it will address some of the concerns expressed by the farming fraternity. I will have to consider poultry and secondary labelling, but the source concerns many of us. We will certainly take into consideration the Deputy's views. Addressing beef labelling is a priority.

Dr. Upton: I certainly subscribe to concerns on the labelling and origin of beef, but I welcome the one-stop shop concept. Perhaps I might ask a broader question on food labelling, which is what the question is really about. I do not in any way detract from the important area of meat labelling from the agricultural point of view regarding trading and so on. However, in the UK, there is now a proposal that the food industry help by putting a traffic light code system in place with red, amber and green depending on the nutritional value of food. Perhaps the Minister might investigate the possibility of talking to the food industry in Ireland to try to work out some similar system. Nutrition is becoming significant regarding obesity.

My second question is in a somewhat lighter vein. Perhaps the Department might consider supplying us all with a magnifying glass so that we can read the labels. It is virtually impossible to decipher the fine print.

An Ceann Comhairle: We will take a brief question from Deputies Naughten and Sargent.

Mr. Naughten: Is the Minister satisfied with the level of traceability for products coming from such countries as Brazil? The EU veterinary office has raised serious concerns.

Mr. Sargent: Several farmers, particularly in the organic sector, have asked if I might once again advance the argument for a national organic label. They have also made the point—

An Ceann Comhairle: The question must be very brief. We have gone over time on this question.

Mr. Sargent: That was it — the national organic label. However, one must bear in mind that many food products are composed partly of an import and partly of an Irish product. There must be some kind of label to articulate a 50% or similar quota. The situation regarding Irish and imported products is not black and white. Sometimes processed foods contain a mix.

Mary Coughlan: A consumer liaison panel in the Department has carried out research on labelling and made several recommendations that are now being addressed. There will be a continuum on that issue, and I know that at its meeting today, labelling was on the agenda for further discussion. The traceability of which I speak concerns our own beef cattle. We know exactly when they were born, where they were reared, where they were slaughtered and where they came from. I am not as *au fait* with the other issues, and I would prefer not to give the Deputies an incorrect answer. Perhaps we might discuss it further later. I am sorry that Deputy Upton cannot read the labels; I do not even have the time to do so. However, the view — which I feel is right — is that, where people are aware, they can make an informed choice. That is important, and sometimes the consumer may be discerning but is perhaps not as much in favour of local producers as he or she should be. We are great Europeans, but I am a great Irishwoman too, and that is something that we should push.

Regarding a national organic label, I am interested in such food and have noticed to my disappointment that it is in most cases expensive and often imported. Perhaps, when we speak of an opportunity for alternative farming, we might examine support for organic enterprises, thus reducing their costs. We can certainly overdo labelling and be ridiculed, but there is nothing to say that, if we have a quality mark, we cannot have an organic mark. That need not be a problem and we will have to consider it. However, if

we are to support organic enterprises — which I see as alternative ones — with the single farm payment, we will have to educate people on the issue. I am not detracting from mainstream production, but the opportunity will be afforded fairly soon.

Animal Diseases.

7. **Mr. Neville** asked the Minister for Agriculture and Food the situation with regard to introducing an effective scheme to deal with Johne's disease which was promised following the ceasing of the procedure operating up to January 2003. [29215/04]

Minister of State at the Department of Agriculture and Food (Mr. Browne): The approach taken by my Department to Johne's disease until early 2003, that is, to slaughter the affected animals and on occasion other animals in the herd, and pay compensation, did not prove effective in containing the disease. That approach was therefore dispensed with and a strategic review of the approach to tackling the disease was initiated. It is clear that nothing less than a fully integrated strategy involving all the relevant stakeholders, with each playing a defined role, will be effective. Accordingly, the review has involved consultation with all relevant interests. The process generated several useful proposals of a practical nature.

It is also clear that effectively tackling the problem of Johne's disease can be achieved only over a number of years. The strategy being developed will therefore involve both short-term and long-term elements. My Department, in conjunction with others, is working on finalising several short-term elements and will shortly be consulting stakeholders on them. Once that has been done, I intend that all elements of the new national strategy will quickly be drawn together. In recognition of the fact that research and the evaluation of a number of diagnostic and screening methods for Johne's disease and the interim provision of diagnostic support at the central veterinary research laboratory will be a feature of any effective national strategy, funding was allocated for that purpose in 2004. I am fully mindful of the need to have an effective and properly co-ordinated approach to deal with the disease.

Mr. Naughten: I thank the Minister of State for his response. When will we see the national strategy on this disease in place? There are substantial economic implications for farms that pick it up. The Minister of State said that funding had been set aside in 2004. Given the Estimate, which has been cut by 9%, will funding be available in 2005 to deal with this issue specifically?

Mr. Browne: As part of the Johne's disease review, a short-term strategy involving a training and information seminar for interested private veterinary practitioners was held in January to generate increased awareness among farmers, farm advisers and veterinary surgeons. Teagasc,

[Mr. Browne.] ICOS and Veterinary Ireland together with the Department organised a series of workshops for veterinary practitioners. The Department's medium-term strategy involves research that will include measures such as the evaluation of a number of diagnostic screening methods for Johne's disease. A sum of €240,000 has been allocated for this purpose in 2004 and the Department's Estimate will not be cut back in this area in 2005.

Mr. Naughten: I am glad to hear it.

Dr. Upton: I am concerned about the surveillance of the disease, which was first identified in Ireland in 1992. The number of cases initially was small, according to the Minister of State's reply to earlier questions. However, the number has increased over the years and we do not want a repeat of the BSE scare. Are there areas in which the disease is more prevalent? Is it more prevalent among certain breeds? What surveillance data are available? What is known about the epidemiology of the disease?

Mr. Browne: There is no trend in the occurrence of the disease in any area. A survey programme to determine the prevalence of Johne's disease in the national herd is being carried out and that is why the money is being made available.

Afforestation Programme.

8. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food if she intends to make publicly available the audit of forestry and afforestation measures (details supplied) signed off in October 2004 by the European Court of Auditors; and if she will make a statement on the matter. [29378/04]

Mr. Browne: During 2002 and 2003, the European Court of Auditors carried out audits in a number of member states, including Ireland, in respect of forestry and afforestation measures co-financed under Regulation 1257/1999. The court of auditors is responsible for the publication of reports deriving from such audits and we are awaiting the report.

Mr. Sargent: I asked whether the Minister of State intended to make the audit publicly available and he replied that he was awaiting the audit. That is not an appropriate answer to the question. The court of auditors signed off on the audit in October and, notwithstanding difficulties with the postal system, there should have been some sign of the report by November. The audit will be important in making an assessment. Will the audit reveal whether compensation will be in line with previous land use or whether the beneficiaries must have farmed the land before planting forests and whether the afforestation is being carried out on a sustainable basis? Were the auditors satisfied the Government's forestry policy

demonstrated the appropriate balance between the economic, social and environmental elements required for sustainable forestry? If an assessment is to be made, we need to see the audit. Will the Minister of State make the audit available?

Mr. Browne: Audit missions were carried out in Ireland between 11 November and 15 November 2002 and between 7 April and 11 April 2003. The first mission concentrated on an analysis of management systems and the second on walk through tests and on-the-spot visits to a selection of beneficiaries. We are awaiting the report and it will be fully reviewed by the Forest Service when the Department receives it. We will not have a problem making it public at that stage.

Mr. Sargent: I am glad the Minister of State will not have a problem doing so. When does he expect to make the report public? The Department claimed at a meeting of the environment co-ordinating committee on 12 October that the broadleaf component of conifer plantations was under-recorded and, consequently, the Department adjusted the broadleaf planting rate upwards. In the meantime, we can only jump to conclusions because the audit has not been published and that is not fair. Will the audit be published soon, given that it was signed off in October?

Mr. Browne: We will not jump to conclusions before we receive the report but we will ask for the report to be made available as quickly as possible.

Milk Quota.

9. **Mr. Timmins** asked the Minister for Agriculture and Food her position with regard to future dairy quota reform; and if she will make a statement on the matter. [29293/04]

Mary Coughlan: The existing milk quota restructuring scheme model has been successful in helping to increase the average quota size by approximately 25% since 2000. However, in light of the mid-term review of CAP reform decisions, substantially increased scale at producer level is needed to achieve competitiveness in the dairy sector and to maintain producer incomes. The manner in which scale can be increased, taking account of regional and other factors, needs careful consideration. In this context the operation of the restructuring scheme is being examined to determine whether it can be more responsive to the demands of the post MTR era. Since my appointment I have consulted the stakeholders and intend to seek the views of the milk quota review group before making my decision.

Mr. Naughten: When does the Minister hope to publish the review? Given the significant mark-up of 126% on the price of milk between the time it leaves the farm gate and reaches the kitchen, and the significant pressure on producers, have there been discussions between the

Department and the creameries and co-operatives regarding how efficiency can be improved and the benefit passed on to the farmer, whose income is being squeezed all the time? What are the Minister's plans for the ring-fenced quota? Are there plans to amend it?

Mary Coughlan: I can see the headline and the sales of the *Irish Farmers Journal* going through the roof. I have met most of the creamery representatives and I hope to meet the remainder next week. I have also consulted colleagues and the farming organisations. The bottom line is market forces are involved and the price of milk must be reduced. That has been agreed but it will affect the producer. It is, therefore, important that efficiencies should be achieved. A number of creameries have employed individuals to introduce efficiencies within their schemes. For example, Connacht Gold has employed people to support the sector and increase efficiencies. Previous decisions have assisted producers north of the Shannon to reach the national average of approximately 45,000 gallons.

The Deputy will appreciate where I come from on the issue of ring-fencing. I do not want the dairy industry to be concentrated in only one region as that would be bad for agriculture and would reflect poorly on rural development. The issue of ring-fencing has, therefore, not been up for discussion. People are abundantly aware of my views. A balance must be struck between a farmer who, heretofore, under the milk quota scheme received a few thousand gallons to bring him up to the national average even if he was a small producer and a producer in Munster who received only 200 gallons. He must be given the opportunity to scale up in line with market conditions. I will consider this issue and I hope to make a decision by the end of December.

Mr. Naughten: I refer to the issue of efficiencies. The co-operatives and creameries are in discussions with producers to improve efficiencies, but industrial relations issues arise within the co-operatives in regard to the processing of milk and the manufacture of value added products. Is the Department working with the processors to improve efficiency and liquid milk outputs and to pass on the benefits to the farmer? There has been a fall-off in the uptake in the dairy hygiene scheme this year. What measures have been taken to improve that uptake for 2005?

Mary Coughlan: This is a time of change. People are at a cross-roads and they have been indecisive with regard to whether they will invest, the future of their farming projects and the future profile of farming in the aftermath of the single farm payment. On that basis, not as many people as heretofore have made applications to the Department. I expect a greater increase at the beginning of next year.

With regard to the efficiency within plants, market forces will decide this issue for the cream-

eries and factories. Efficiency is an issue on the production side. The issue existed some years ago when we were dealing with rationalisation and it caused difficulties with the farming fraternity. We are international leaders in the dairy industry and it is important we remain at that level. Without wishing to show disrespect to the industry, I point out that supports have been made available. I will certainly push the issue of research and development, not just to examine efficiencies but to examine alternatives for the dairy industry. The Department will pursue that vigorously.

Farmers' Markets.

10. **Mr. Cuffe** asked the Minister for Agriculture and Food if she has a policy to promote the establishment of farmers' markets' and if she is liaising with the Minister for the Environment, Heritage and Local Government in view of the important roles which local authorities can play in supporting local development of agriculture. [29375/04]

Minister of State at the Department of Agriculture and Food (Mr. B. Smith): Farmers' markets offer a special route to market for small food and farming entrepreneurs in the valuable learning experience they offer through direct access to consumers. In essence they are a live incubation unit for new food businesses. The potential for growth of the speciality, artisan and local sector extends consumer choice in product range and shopping experience and benefits agriculture and the local economy.

As part of its statutory role in promoting Ireland's food and drink industry Bord Bia, an agency under my Department, co-operates with other State and local agencies to champion the scope of this route to market as an outlet for food producers. Bord Bia was to the fore in promoting the concept of farmers' markets in 2002 when it staged Ireland's largest ever outdoor food market, on the farmers' market style, for 110 small food producers at its international food symposium in Kinsale. The aim was to support small food producers and to demonstrate what was involved in setting up and running a farmers' market.

Since then, in partnership with the Office of Public Works, OPW, Bord Bia has run successful markets in Farmleigh in 2003, attracting more than 35,000 visitors, and in 2004. Bord Bia is also in discussion with the OPW about appropriate expansion of farmers' markets on OPW sites.

The Bord Bia on-line guide to the establishment of farmers' markets on its website dedicated to farmers' markets includes a list of some 50 markets established in Ireland. Bord Bia works on a collaborative basis with local authorities and organisations providing valuable experience in support of farmers' markets in recognition of these local benefits.

Mr. Sargent: Cuirim fáilte roimh an fhreagra sin. Arising from that reply, will the Minister of

[Mr. Sargent.]

State speak again to the OPW about the Main Guard building in Clonmel which would suit the development of a farmers' market? I am not sure what the difficulty has been with that proposal, but it is worth pursuing.

The Minister is familiar with a number of farmers' markets in Donegal. I had the pleasure of visiting one recently in Letterkenny. However, it was sad to see that the French market in Ballyshannon was closed down by the authorities. This highlights some of the obstacles that remain, notwithstanding the goodwill and work of Bord Bia and others. Are county managers, the Department of Community, Rural and Gaeltacht Affairs and the Department of Agriculture and Food willing to co-ordinate the type of information that would assist in the development of farmers' markets? For example, could they provide a list of the traditional market days around the country? Will they make that list available to producers and farmers?

Is there a need for or a possibility of amending, for example, the Public Health Act or the Casual Trading Act to reflect the current needs and modern demand for locally produced food which would be helped by more developments such as farmers' markets?

Mr. B. Smith: Our Department supports and encourages the expansion of farmers' markets. I understand Deputy Sargent will be rambling to the south side of the city over the weekend to a new market. I hope he enjoys his afternoon. I know from my colleagues, the Minister for Agriculture and Food, Deputy Coughlan, and the Minister of State, Deputy Browne, that the local authorities of both Donegal and Wexford have been very supportive of the establishment of successful markets.

The Casual Trading Act is a separate issue. Section 7 of the Casual Trading Act 1995 referred to the acquisition and the extinguishing of market rights. The clause stated that a local authority may acquire any market right or fair in its functional area by agreement or compulsorily. An article appeared in the *Irish Farmers Journal* about 12 months ago which communicated the impression that market rights would be extinguished in towns if they were not taken up by 2005. There has been some consideration of that, but the situation is unclear. The current situation as far as I know and from what I read in a Bord Bia publication is that two court cases are ongoing and the Casual Trading Act 1995 may have no bearing on the right to a market in towns. The outcome of those cases will determine the exact position.

My experience is that markets throughout the country have been successful and are growing. We do not have as many as we had in 1853. A census held at that time showed there were 348 farmers' markets. We have approximately 50. It has become clear that there is significant urban support for the farmers' markets where people

can get fresh produce. People in both towns and rural areas support their development. We want to encourage growth in the area.

Mr. Naughten: I remember a soap show some years ago which was supposed to have farmers' eggs. I do not think they were farmers' eggs.

Mr. Browne: There is no incubation period here.

Mr. Naughten: My first question relates to co-operation with local authorities. It seems that in many parts of the country, town renewal schemes have forced many of the markets out of existence. Will the Minister of State ensure that some mechanism is put in place to encourage the development of markets because local authorities tend to tolerate rather than promote and develop them?

Will he also re-examine the Public Health Act in this regard. Currently only vegetables that are sold. The novel food and artisan sectors are restricted because of the Food Safety Authority regulations and the Public Health Act. Will the Minister of State examine that situation?

Dr. Upton: A recent Combat Poverty Agency report indicated that 200,000 people in this country suffer from food poverty. Many of those live in disadvantaged urban areas. Will the Minister of State take on board the need for liaison between local authorities, farmers and others to make readily available nutritious, good value food rather than processed expensive foods that are bad value nutritionally? I would like to see this supported and encouraged. I support the farmers' markets, but we need to broaden the initiative. The idea of Farmleigh, a nice posh market visited by 35,000 people, is wonderful, but we need to consider another agenda also.

Mr. B. Smith: I accept the arguments made by Deputy Upton. We have enough local statutory agencies to co-ordinate this type of development. The Leader programme and the county development boards have been active in trying to revive markets. I support Deputy Upton that these should not be for the more advantaged areas.

Deputy Naughten was doing some rambling too, with regard to the Public Health Act. Earlier today the Minister, myself and Deputy Browne discussed the issue. The Department is also discussing the issue with regard to the Public Health Act.

Single Farm Payment.

11. **Mr. O'Dowd** asked the Minister for Agriculture and Food her plans to review the *force majeure* procedure for the single farm payment; and if she will make a statement on the matter. [29205/04]

56. **Mr. Naughten** asked the Minister for Agriculture and Food if she has satisfied herself with the *force majeure* procedure for the single farm

payment; and if she will make a statement on the matter. [29206/04]

Mary Coughlan: I propose to take Questions Nos. 11 and 56 together.

The processing of applications to establish entitlements under the single payment scheme on the grounds of *force majeure* or exceptional circumstances are undertaken by my Department in accordance with the provisions of Article 40 of Council Regulation (EC) No. 1782/2003. Eligible applicants under this measure can have their entitlements based on an average of one or two years during the reference period, 2000-02, or the alternative reference period, 1997-99. If the revised average for applicants is less than the average for the three years of the reference period, as happens in some cases, the applicant in question retains the higher average.

To give farmers ample opportunity to avail of this measure, my Department introduced a scheme in December 2003 for the submission of applications in regard to *force majeure* or exceptional circumstances. As we are all aware, the scheme was extensively advertised. Due to the high level of interest in the measure and difficulties experienced by certain applicants in obtaining documentary evidence, my Department extended the closing date to 6 February 2004. In excess of 15,000 applications were received of which 96% have been processed to date.

It was agreed that any farmers who were dissatisfied with the decision of my Department in respect of their application under *force majeure* or exceptional circumstances should have the right to appeal. In this regard, the single payment appeals committee, comprising an independent chairman, Mr. John Duggan, and four appeals officers from the agriculture appeals office was established. I am satisfied that this appeals mechanism provides farmers with the necessary means to have their applications dealt with in an independent, fair, comprehensive and efficient manner if they are not satisfied with my Department's decision in their case.

Following the issue of statements of provisional entitlements, my Department has been granting farmers, who had not already done so, a further opportunity to submit applications in regard to *force majeure* or exceptional circumstances. In excess of 2,000 applications have been received. All such applicants who are unsuccessful will continue to have a right of appeal to the single payment appeals committee.

I am satisfied that the measures introduced to provide for the processing of applications for consideration on the grounds of *force majeure* or exceptional circumstances in regard to the establishment of entitlements under the single payment scheme were comprehensive, effective and fair and any farmer who considered that he or she might be eligible was given every opportunity to apply.

Mr. Naughten: There appears to be a significant variation in the success rate depending on

grounds under which one appeals. For example, "incapacity" is the most successful category under which to make an appeal. The success rate for "other exceptional circumstances" at 5% is very low. Many of these issues are extremely complex. Is there a mechanism, or will one be put in place, whereby people can provide oral evidence for consideration? Some issues are extremely complex and it is difficult to put them down on paper. Can such a mechanism be put in place? Will the Minister comment on the variation in the success rate?

Mary Coughlan: I have heard a number of my colleagues give out about the fact that people have been unsuccessful in appealing under *force majeure*. In many cases these people's interests would be better served within the national reserve. I hope we can address some of those concerns.

Mr. Naughten: The track record on the national reserve has not been good.

Mary Coughlan: I appreciate that. The *force majeure* procedure is specific. It refers to death of a farmer, long-term professional incapacity, severe natural disaster, accidental destruction of livestock buildings and their holdings or disease affecting all or part of the farmer's livestock. One has to stick to tight criteria and, as Deputy Naughten said, the majority of appeals are successful on the grounds of incapacity.

The figures for successful appeals are death of an applicant, 957; incapacity, 2,058; and disease in a herd, 1,627. There are exceptional circumstances and that is where the majority of decisions will be made. I have evaluated the matter on the basis of being chastised by certain colleagues because people have not had an opportunity to fairly put their case.

The problem is that we had so many applications that it was difficult to facilitate all of them. We are now near the end of the process and if the Deputy is aware of a particular individual who may not be able to put forward his or her case, he should ask the person to contact the Department and we will try to facilitate him or her. Some people may not be able to express themselves as well in writing as in person.

Written answers follow Adjournment Debate.

Message from Select Committee.

An Ceann Comhairle: The Select Committee on Finance and the Public Service has completed its consideration of the Council of Europe Development Bank Bill 2004 without amendment.

Adjournment Debate Matters.

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing

[An Ceann Comhairle.]

Order 21 and the name of the Member in each case: (1) Deputy Ó Fearghaíl — the need for the Department to prioritise funding for the provision of a new swimming pool for Athy, County Kildare; (2) 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); (3) Deputy Eamon Ryan — the need for the Minister to conduct a review of priorities for major transport projects in the greater Dublin area; (4) Deputy Ó Snodaigh — the need for the Minister to investigate and report on the situation of non-nationals detained in Cloverhill Prison while awaiting deportation; (5) Deputy Stanton — the need to upgrade Midleton CBS secondary school as a matter of urgency.

The matters raised by Deputies Ó Fearghaíl, Eamon Ryan, Ó Snodaigh and Stanton have been selected for discussion.

Adjournment Debate.

Swimming Pool Projects.

Mr. Ó Fearghaíl: I thank the Ceann Comhairle for allowing me the opportunity to raise the very important issue of the prioritisation of the Athy swimming pool project, on the basis of Athy's inclusion in the RAPID programme. I also thank the Minister of State, Deputy Callely, for coming to the House to deal with the issue. I congratulate him on his appointment to the Department of Transport.

It is worthwhile to outline some of the background to this project. The existing swimming pool in Athy was built in the mid-1970s and it has served the people of the town and surrounding areas very well in the interim. However, in recent years it has become apparent that substantial investment is required to bring the pool up to 21st century standards.

The public now expects to be able to enjoy use of a public pool as a family leisure facility, where a paddling pool, sauna, Jacuzzi etc. are available. These facilities do not exist in Athy where, unfortunately, disability access is also a major problem. The provision of these additional services would greatly increase usage of the facility. The original building is typical of many structures erected during the 1970s. It is poorly designed and building costs appear to have been kept to a minimum. For instance, the building has no obvious insulation. This lack of foresight has, unfortunately, led to a situation a generation later where the local authority and the Department find that almost €9.5 million needs to be spent to put a proper facility in place.

Athy swimming pool deteriorated significantly throughout the 1980s and 1990s as a result of the normal ageing of the structure and heavy usage,

but a decision by Kildare County Council in the mid-1990s not to provide significant funds for maintenance, pending a major upgrade of the pool, has led to its present day state of dilapidation. The local authority, through its consultants, has looked at a number of options for providing a modern swimming facility in Athy and has determined that the cost of renovation and reconstruction of the current pool would be prohibitive. Hence the current proposal to build a new pool on the existing town centre site.

Contract documents were prepared by Kildare County Council and presented to the Department in April 2003 for the provision of replacement swimming pools in Athy and Naas. In July of this year Kildare County Council approved the raising of a loan to fund its contribution to the projects which are now expected to cost €18 million. I subsequently learned that the Department has requested that Kildare County Council prioritise one or the other of the pools in question. I understand, however, that the council continues to support both projects equally.

If Athy's inclusion in the RAPID programme is to mean anything, it should result in the Department of Arts, Sport and Tourism giving priority to the submission on Athy. We all understand the significance and value of the RAPID programme. It has been accepted that certain urban areas are affected by serious disadvantage and public expenditure programmes are directed towards tackling the situation. Athy is a town which has gone through a number of years of economic and social decline, but is now showing clear signs of renewal, thanks in no small way to a number of initiatives introduced by the Government, including urban renewal, Enterprise Ireland and IDA Ireland investments, the aforementioned RAPID programme and, most significantly, the inclusion of the town in the decentralisation programme, which will bring 250 jobs in the Revenue Commissioners to the town. These measures, coupled with private sector investment have brought greatly improved business confidence to the town and for the first time in many decades, Athy is showing clear signs of a return to its former healthy economic condition. In light of this, the provision of a modern leisure facility is a must to continue to attract private and public sector investment.

In all major studies, quality of life has a major role to play in attracting outside investment. Athy's proximity to Dublin and the availability of relatively inexpensive housing has meant that there has been a large increase in the town's population. The town council development plan 2000 envisages a population of 12,000 by the end of the decade. The facility would also service a large rural hinterland stretching beyond the borders of County Kildare into adjoining parts of Laois, Carlow and Wicklow.

Two County Kildare swimming pool projects await departmental funding approval, one of which is located in the urban area of Naas which has a positive socio-economic profile, and the

other in the RAPID designated town of Athy. The provision of both pools is well justified and badly needed. However, if there is to be prioritisation in the interest of joined-up Government, Athy needs the green light.

Minister of State at the Department of Transport (Mr. Callely): I thank Deputy Ó Fearghail for his kind comments and good wishes regarding my appointment. I also thank him for the opportunity to outline the Department's position with regard to the local authority swimming pool programme and Athy swimming pool project.

The closing date for receipt of applications administered by the Department of Arts, Sport and Tourism under the current pool programme was 31 July 2000. The aim of the programme is to assist local authorities in the provision of new public swimming pools or the refurbishment of existing pools. A total of 55 applications have been or are being dealt with under the programme. Of these, 17 are for new pools in green-field sites, 24 for replacement pools and 14 for the refurbishment of existing pools. Grants of up to €3.8 million are available towards the refurbishment of existing pools or the provision of new pools, subject to the total not exceeding 80% of the eligible cost of the project or, in the case of projects located in disadvantaged areas, 90% of the eligible cost. The local authority must provide the balance of the financing directly or through a combination of local authority funding, community group financing, and private sector, etc.

Various steps must be taken before a decision is made to allocate moneys from the programme. Following the submission and approval of an initial feasibility study, there are four principal stages: the preliminary report, contract document, tender and construction. Technical advisers to the Department of Arts, Sport and Tourism and the Office of Public Works evaluate each stage and local authorities cannot proceed to the next stage of a project unless prior approval issues from the Department. Grant aid is allocated only when tenders have been approved and is capped at the time of allocation.

Contract documents submitted by Kildare County Council for the refurbishment of the swimming pool in Athy are under consideration at the Department of Arts, Sport and Tourism. The county council also applied for grant aid for the replacement of the swimming pool in Naas and contract documents for that are also under consideration.

Under the pool programme, projects are considered on a case by case basis and consideration is given to such issues as 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 relation to operational and maintenance issues, the 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.

The revitalising areas through planning, investment and development, or RAPID, programme aims to target the most disadvantaged areas for enhanced development. These are prioritised for support and, under the pool programme, prioritisation takes the form of a grant rate of 90% as opposed to 80% in non-disadvantaged areas.

The Minister for Arts, Sports and Tourism, Deputy O'Donoghue will review the Athy application in light of the annual capital envelope for 2005 and beyond. Deputy Ó Fearghail should speak to the Department officials as well as officials from Kildare County Council with regard to prioritisation of the most appropriate project. In that way, real progress will be made.

Public Transport.

Mr. Eamon Ryan: This issue is of national and local importance for every Dubliner. I was a member of the Dublin Transportation Office advisory committee when the Platform for Change document was presented. It set out a rough guideline of priorities for various projects, the most important of which were the metro, the DART suburban rail upgrade and the Maynooth line. The document set out third and fourth priorities. The last priority listed for consideration was the M50 upgrade. That was a sign of what could happen in the future. Unfortunately, the metro project is buried.

A year ago, the then Minister for Transport got into difficulties with regard to the Luas line at the Red Cow roundabout and suggested it should go on stilts. When that idea was rightly scotched, the National Roads Authority, NRA, cleverly positioned its M50 upgrade project as a cheap alternative to fixing the problems at the roundabout and M50. The Minister went ahead with this proposal, and the NRA came before the Joint Oireachtas Committee on Transport to present a €360 million project to widen the M50 and upgrade its junctions. One month later, representatives from the NRA returned to the committee and said the project would cost €590 million because of other junctions on the N2 and N3 which required work. Remarkably, the environmental impact statement, EIS, for the project, which will be presented to an An Bord Pleanála hearing on 14 December, now shows the cost to be €814 million. This amount is almost treble that originally sold to the public.

The cost is scandalous. We are spending over €800 million on a project that will not work. This conviction is borne out by details contained in the EIS and comments from the chairman of the NRA who yesterday admitted to the Joint Oireachtas Committee on Transport that following the completion of the project to widen the M50, the motorway will be fully blocked with cars. We are spending millions of euro transferring a traffic jam from the approach roads to the M50 on to the motorway itself. The EIS shows there will be no increase of traffic from the M50

[Mr. Eamon Ryan.] into the city centre. It is apparent from the provision of bus lanes and other projects that the road capacity does exist. We are attempting to provide orbital capacity on the M50, but the EIS and the NRA have admitted it will not work. Over €800 million will be spent on widening the motorway to six lanes and building free flow junctions, but we will have to toll approach roads or install traffic lights on them. The NRA's forecasting model has finally recognised this is mad transport planning and will not work.

The Government must take an interest in the issue. In reply to a series of letters I wrote, the previous Minister for Transport acknowledged the NRA was pursuing the project but said the Government did not have a role in the matter. He said it was an issue for the NRA, not the Government. In February of last year, the Cabinet simply noted the project. However, in response to my letter in March this year the Minister said the project was the NRA's responsibility, not his.

It is about time the Government took responsibility for transport issues and asked the Dublin Transportation Office for a free and frank assessment of the projects to be prioritised. Its Platform for Change document stated public transport projects must be top priority if Dublin is to be saved from gridlock. We should not proceed with a road project which will not work and will only continue the development of temporary roads in Dublin, making the issue of public transport much more difficult.

This project is close to contract. The Minister has approximately six months in which to realise it does not make sense and set out proper priorities. Given the history of overcharging, this project could eventually cost €1.3 billion. The money could be spent on public transport projects, which benefit Dubliners, north and south, as well as the whole country. The NRA itself now realises that paying for the M50 widening scheme will not work — it will cause jams from the first day it opens, which makes no sense. I would love to hear if the Minister of State will properly assess whether we should build this, the metro or other public transport projects first.

Mr. Callely: Deputy Eamon Ryan has made a great number of points in a short space of time to which I will try to respond. As a Minister of State and a Dubliner who represents
5 o'clock a constituency on the north side of the city, I have a great interest in traffic issues, as does the Government, not just in greater Dublin, but in the country generally. In that context, there are areas of responsibility for the Government as well as other authorities that play a fundamental role in the overall development of what we are trying to achieve.

When I took up my post in the Department of Transport, one of the first requests I made of officials was for a tally of the number of registered cars in 1990, 1995, 2000 and 2004. In 1990,

there were just under 800,000 cars and in 2004, there are just under 1.6 million cars. To try to address that growth is a serious challenge that will be appreciated by Members, and one that will not be met by road development alone. Rather, we will meet the challenge with an appropriate mix of transport to meet the demand.

Nonetheless, there has been a number of positive developments. With the integration of the functions relating to national roads and public transport in the Department of Transport, there is now scope for more effective and efficient allocation of departmental resources between both sectors. However, because of under-investment in the past there will be ongoing need for significant investment in roads and in public transport in the coming years and the necessary funding for this investment is now in place.

The national spatial strategy was published in December 2002 and, arising from that strategy, the regional authorities have recently finalised regional planning guidelines under the provisions of the Planning and Development Act 2000. The regional planning guidelines provide effective regional land use strategies consistent with the national spatial strategy. The Dublin and mid-east regional authorities have collaborated to produce a single set of guidelines for the greater Dublin area, which were published in July this year. These guidelines recommend a number of specific actions over the next 20 years required for the further development of transport in the region. The guidelines also recommend a number of policy principles that need to be pursued in that regard. The Government has been proactive, through the NDP and the multi-annual capital investment framework, in providing for a major and sustained increase in investment in transport infrastructure and services. Major projects in both the roads and public transport areas are now proceeding.

When considering the balance between investment in roads and public transport, it is important to bear in mind that roads are the predominant form of internal transport carrying more than 95% of passenger traffic and 93% of freight traffic and accordingly, a high quality road network is of critical importance in underpinning ongoing growth and development and more balanced regional development; that a good road network is necessary to support a good bus service, which is the predominant form of public transport; and that rail-based transport offers an attractive and environmentally-friendly alternative to the bus and the car where mass movement is required in urban areas and over longer distances.

The M50, the existing major orbital route around the city, on completion of the south eastern motorway and Dublin Port tunnel next year, will provide access from the N11 to the M1 and Dublin Port. I understand from the NRA that the upgrading of the M50 at a cost of €750 million in 2004 prices——

Mr. Eamon Ryan: The correct figure is €870 million.

Mr. Callely: —will be undertaken in two phases. Phase 1 will involve the upgrading of the Red Cow interchange. When that is done, I understand there will be only two stops on that interchange. Phase 1 will also cover the Palmers-town interchange on the Galway road and the provision of a third lane on the carriageway between both interchanges. Phase 2 of the project will involve the provision of a third lane in each direction between the M1-M50 interchange near Dublin Airport and between the M1 and N4 interchanges and between the N7 and the Sandyford interchanges. It will also involve the upgrading of the interchanges on the N2, N3 and at Ballymount.

Investment in public transport in the greater Dublin area stands at an all time high. Investment in services since 2000 include a huge amount of visible progress such as the DART upgrade, the new DART carriages, the Maynooth line, new diesel trains, the improvement in Heuston Station, the purchase of 460 new buses for Dublin Bus, the Bus Éireann fleet expansion, new quality bus corridors and the new super QBCs, the Luas lines that are now in operation and the new bus garage in Harristown. Can I just say that—

An Ceann Comhairle: I would prefer it if the Minister of State did not continue because it is unfair on Deputies who are asked to conclude after five minutes and more so on the staff who are held in the House.

Mr. Callely: I will leave the full response to the record.

Mr. Eamon Ryan: I am afraid that is not the full record. That is not the issue.

Mr. Callely: The Deputy asked what I was going to do.

Mr. Eamon Ryan: On a point of order—

An Ceann Comhairle: Sorry, there is no point of order at this stage. This is the Adjournment debate. I call Deputy Ó Snodaigh. The point I made to the Minister of State applies to Deputy Ryan too.

Mr. Eamon Ryan: There is a real question to be answered here.

An Ceann Comhairle: Deputy Ó Snodaigh, without interruption.

Detention Centres.

Aengus Ó Snodaigh: Ireland has an obligation to protect all people without exception in this jurisdiction from subjection to torture, cruel, inhuman or degrading treatment or punishment. This obligation is established in article 7 of the

International Covenant on Civil and Political Rights and Article 3 of the European Convention on Human Rights, which are now part of our national law.

We know that Irish prison conditions have been cited by the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment. We also know the Government's inclination, under this Minister for injustice, is to treat deportees like criminals or human garbage, with no regard for their basic rights or dignity. This has been proven recently by the adoption of a policy of mass deportation, namely, the rounding up and removal of deportees like cattle.

Cloverhill Prison is being used to detain non-nationals facing deportation. According to eyewitness information from several credible sources, these people are being held in conditions of detention that constitute inhumane and degrading treatment. If this is so, it requires immediate intervention of the Minister and the introduction of safeguards to ensure that it cannot continue.

Non-national detainees are reportedly being held in severely overcrowded conditions. Some deportees are sleeping on the floor during their period of detention, which can be up to a maximum of 56 days — four days short of two months. I have been advised that the overcrowding is directly related to the inappropriate committal of persons pending deportation. I have it from a reliable source that this overcrowding was relieved somewhat on Sunday when up to 20 regular prisoners were transferred to Wheatfield and other centres, as has happened on other occasions. These people had been sleeping on mattresses on the floor in all wings of the prison.

Reportedly, some deportees have also been denied medical treatment. In at least one case of which I have been made aware, a male Romanian epileptic had the medication to control his condition removed from him upon arrival in the facility and was denied access to it throughout his six day detention. As a result, he suffered multiple seizures during which he broke his front teeth. However, he was not provided with any medical or dental treatment prior to his deportation. Such treatment of detainees is appalling, and must not be allowed to continue.

It is also of great concern that children, including Irish citizens may be among those held in these conditions. We know that some of the Romanians subject to the mass deportation earlier this week were held in Cloverhill Prison and that some of this group who were deported had their Irish citizen children when they were forced to leave the country. Can the Minister of State confirm whether any of these Irish children were being held in detention in Cloverhill with their parents and what safeguards were in place for these children or any other minors involved?

In its report on Ireland for 2002 the European committee for the prevention of torture recommended that Cloverhill cease its practice of hold-

[Aengus Ó Snodaigh.]
ing three inmates in a two person cell. The same report also stated the following about the detention of immigration detainees in Cloverhill Prison:

. . . a prison is by definition NOT a suitable place in which to detain someone who is neither convicted nor suspected of a criminal offence. In those cases where it is deemed necessary to deprive persons of their liberty for an extended period under aliens legislation, they should be accommodated in centres specifically designed for that purpose, offering material conditions and a regime appropriate to their legal situation and staffed by suitably qualified personnel.

The committee stated that the Irish Government had not at that time addressed the material conditions for such detainees as requested and recommended that the current arrangements for accommodating immigration detainees be reviewed. What is the Minister's response both in general and in light of the fresh allegations? Why has he taken no action to redress the concerns raised by the committee for the prevention of torture?

Mr. Callely: On behalf of the Minister for Justice, Equality and Law Reform, I welcome the opportunity to clarify to the House the position on the matter raised.

The power to detain persons who are the subject of deportation orders is provided under section 3(1A) of the Immigration Act 1999, as amended by the Illegal Immigrants (Trafficking) Act 2000. The Act of 1999, as amended, states that detention must be for the purpose of ensuring the person's deportation from the State. Section 5(1) of the Immigration Act 1999, as amended by section 10(b) of the Illegal Immigrants (Trafficking) Act 2000, provides the power to an immigration officer or a member of the Garda Síochána to arrest a person without warrant and to detain that person in a prescribed place where the immigration officer or garda suspects with reasonable cause that the person falls into one of the prescribed circumstances. Those circumstances are that the person has failed to comply with a requirement in the deportation order or the relevant notice attached to the order, intends to leave the State without lawful authority, has destroyed his or her identity documents or is in possession of false identity documents, or intends to avoid removal from the State.

A maximum detention period of eight weeks is provided for in section 5(6)(a) of the Immigration Act 1999, as amended. Certain circumstances are excluded from the reckoning of the eight weeks, one of which is where the person in detention seeks judicial review in the High Court of the deportation order. However, it is quite common that a person who has applied for leave to seek judicial review would also apply to the court for

conditional release as provided for in section 5(5) of that Act.

The Supreme Court in the Article 26 reference of the Illegal Immigrants (Trafficking) Bill 1999 considered, *inter alia*, the expanded powers of arrest and detention which were to be inserted into the Immigration Act 1999. The Supreme Court in its decision of 28 August 2000 found that none of the new provisions was repugnant to the Constitution. In regard to arrest and detention, the court noted that the purpose of the detention was to secure the implementation of the deportation order.

The court found also that the context of the detention was important and that a person the subject of a deportation order had been through an elaborate procedure wherein their asylum or immigration status had been considered and a deportation order had been the decision. The court also identified four safeguards available to a person in detention on foot of a deportation order. These were the need for the relevant authority to note any change in circumstances which might warrant the ending of detention, the facility of seeking conditional release under the Immigration Act 1999, the entitlement to bring judicial review proceedings challenging the grounds for detention, and seeking an inquiry into the detention in accordance with Article 40.4.2° of the Constitution.

The Garda national immigration bureau, which has responsibility for the enforcement of deportation orders, makes every effort to keep the period of detention to a minimum. The current practice is that persons detained for deportation are accommodated in Cloverhill Prison, which is the most modern facility available for male prisoners in the Dublin area. While legally a number of other prisons and places of detention can be used, Cloverhill Prison is advantageous for a number of reasons, particularly its proximity to Dublin Airport and also the wide range of facilities available for those detained there.

Persons detained for deportation are treated the same as remand prisoners and are subject to the same regime and receive the same privileges as this group. In Cloverhill Prison, the deportees are predominantly accommodated together on the C division of the prison alongside other non-national prisoners.

The Minister for Justice, Equality and Law Reform rejects the Deputy's allegation that conditions in Cloverhill Prison are inhumane or degrading. By contrast, it is a modern penal institution opened as recently as 1999, which was constructed to the highest standards and provides a clean and healthy living environment for inmates. The wings are spacious and bright with excellent facilities, including classrooms and workshops, provided to cater for the recreational and vocational needs of all inmates. There is a huge range of facilities available. I will not list them now, as my time is limited.

It should be clear to the Deputy, by reference to the facilities at the prison, that persons

awaiting deportation, all of whom have gone through a fair process where applications for residency and asylum have been duly considered, are treated with dignity and respect at all times during their detention in this jurisdiction.

Schools Refurbishment.

Mr. Stanton: I thank the Ceann Comhairle for allowing me to raise this matter on the Adjournment. I have raised it on a number of occasions, although this is probably the best time of the year to do so given that decisions are being made in the Estimates and the budget on spending for the next year.

Midleton CBS is an excellent school. One of my sons attends the school so I have a personal interest in this matter. Hardly any work has been done on the school since the 1970s. I am particularly concerned about the condition of the science laboratories. The gas system in the school has broken down and the pupils are now dependent on camping gas. The electrical system in the school is also dangerous. The display cabinets are DIY construction.

Given the amount of talk at present about the need to impress on young people the importance of science and technology, it is a shame and disgrace that this school and every school does not have modern science facilities. Perhaps the Minister would use his good offices to impress on the Department of Education and Science the urgent need to provide funding to upgrade the science laboratory facilities in Midleton CBS.

The school applied last year for the summer works scheme but was refused. It has applied again this year. Strangely, however, in 1998 the school authorities sought approval to build a physical education hall. Approval for a 608 sq. m. hall and a further 200 sq. m. of ancillary accommodation was granted by the Department. The school decided that if all this work was to be done it might be better to do a proper job so it entered into further negotiations. Suddenly, the project was stopped. There was no further agreement and the school was left in limbo. That is where it has been since then.

There is an issue with enrolment. The Department maintains there must be approximately 500 pupils in the school for such a project to be feasible. However, if the school's facilities are not up to standard, it is hard to attract students. It is a chicken and egg situation. This problem has been ongoing for some time. It is an excellent school with hard working staff who produce excellent results. Now, however, the school is under pressure.

I have raised this issue on a number of occasions. My colleagues in the Government parties have also raised it. The new Minister for Education and Science is the fourth Minister appointed to that Department since I was elected to the House and I have raised the matter with each of them. Each time I have received a standard reply. I hope the Minister of State does not have the same reply I was given two and three

years ago. The project should be advanced but I am not sure what else I can do.

The fact that a school of this size is without a physical education hall in this day and age, given all the talk about the need for exercise to counter obesity in children, is also shameful. Much work must be done. I would be happy to join my constituency colleagues on the Government benches in urging that the sod be turned for this school. The project is badly needed and overdue.

I have raised this matter time and again through parliamentary questions and on the Adjournment. I get the same reply each time. The school was given approval for a PE hall in 1998 but that is not being built. This is the appropriate time, with budgets being decided, to raise the issue again. Perhaps the Minister, Deputy Hanafin, will consider this school and approve the commencement of work on it. Dr. Bill Harris, of Science Foundation Ireland, has stressed the importance of teaching science in second level schools and providing proper facilities. Midleton CBS, however, is like a throwback to the 1950s. That is not fair on the students and staff.

I hope the Minister of State has good news. If not, I hope he will use his influence with the Department to get something done in this urgent case.

Mr. Callely: In light of what Deputy Stanton said, I will try to be as helpful as possible. I will suggest to the Minister for Education and Science, Deputy Hanafin, and other Government colleagues that a meeting should perhaps be organised to consider the position regarding the application for an extension and refurbishment project received by the Department from the Christian Brothers secondary school in Midleton, County Cork, to see how best matters might be progressed.

The management authority of the school applied for an extension in May 2001. With an extension project such as that proposed for CBS Midleton, the condition of the existing school building is assessed as part of the preliminary analysis of need. Where existing provision is deemed to be inappropriate or otherwise inadequate, either a complete refurbishment is undertaken or, alternatively, brand new facilities provided.

As the Deputy is probably aware, following such an analysis at the CBS in Midleton, the need for an extension and refurbishment has been identified. The management authority of the school has agreed schedules of accommodation with the Department. The next step will be to prioritise the proposed project in accordance with the Department's criteria and to appoint a design team.

The application from the school for an extension and refurbishment is being considered as part of a review of all projects which did not proceed to construction under the 2004 school building programme. All projects are being assessed against the published prioritisation criteria, which

[Mr. Callely.]

were revised earlier this year following consultation with the education partners. The application in question will be considered in the context of the 2005 school building programme but an application was also made in May 2001.

The management authority of the school has recently made an application for installation of a gas system and upgrade of electrical works under the summer works scheme 2005. All applications for the 2005 scheme will be considered by the school planning section of the Department of Education and Science and it is planned to pub-

lish the list of successful applicants early in the new year.

I reiterate what I said earlier, namely, that I will discuss this matter with the Minister, Deputy Hanafin, other Government colleagues and including Deputy Stanton to see if it would be better to progress matters by considering both the 2005 and the 2001 applications.

Mr. Stanton: I thank the Minister of State.

The Dáil adjourned at 5.25 p.m. until 2.30 p.m. on Tuesday, 23 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 11, inclusive, answered orally.

Grant Payments.

12. **Mr. McCormack** asked the Minister for Agriculture and Food if she can guarantee that deductions from farmers SFP will not exceed 3%, when linear and other cuts are accounted for; and if she will make a statement on the matter. [29297/04]

Minister for Agriculture and Food (Mary Coughlan): The position is that a financial envelope has been made available to each member state for distribution to farmers by way of the single payment scheme to be introduced from 2005. The financial envelope represents the average value of livestock and arable aid premia paid in the member state during the three year reference period 2000-02 calculated at 2002 rates of payment. It also includes provision for the decoupled dairy premium payable from next year.

My Department is in the process of calculating entitlements for each farmer and has already issued provisional statements of entitlements to some 130,000 farmers. In addition, my Department is processing applications from farmers who have applied to be treated under *force majeure* provisions and as new entrants to farming during the reference period. The three year average would not apply to successful applicants under these measures and this would have an impact on the financial ceiling. EU regulations provide that where the sum of individual farmers' entitlements exceeds the financial ceiling, then a percentage linear reduction in entitlements is to be applied so as to respect the overall financial ceiling. It is too early yet to say whether Ireland is likely to exceed its financial ceiling.

Member states are also obliged to set up a national reserve using up to 3% of individual farmer's entitlements. Under the regulations certain categories of farmers are automatically entitled to make application to the national reserve and, where there are insufficient funds in the initial reserve to provide entitlements to these categories, the member state is obliged to apply a further linear percentage reduction. In allocating entitlements, each member state is obliged to apply objective criteria in determining the number and value of entitlements to be allocated to successful applicants with a view to ensuring equal treatment between farmers.

A single payment advisory committee has been established comprising representatives of the farming organisations and Teagasc to advise on the setting up of the national reserve. It was decided to apply a provisional reduction of 3% to set up the national reserve and this reduction is

reflected in the provisional entitlements that have issued to farmers. The advisory committee has had a number of meetings already and my Department has recently asked the committee members for their views on proposals on the objective criteria to be used in allocating entitlements. My officials also continue to be in contact with the European Commission on various aspects of the arrangements for the implementation of the national reserve. It is too early yet to assess the situation with total precision.

Modulation is also to be applied to each farmer's single payment representing 3% in 2005 rising to 4% in 2006 and 5% in 2007. The amounts resulting from the application of modulation will be made available for funding of rural development measures.

Bovine Diseases.

13. **Mr. Sherlock** asked the Minister for Agriculture and Food if she has received any report from her officials regarding the discovery of BSE in a goat in France; if she has examined the potential consequences for Irish agriculture of this development; and if she will make a statement on the matter. [29328/04]

Minister for Agriculture and Food (Mary Coughlan): Following the findings by a research group in France that they suspect the presence of a TSE infection in a goat's brain which tests cannot distinguish from BSE, the European Commission submitted data received from the French authorities to the Community Reference Laboratory, CRL, for TSEs in Weybridge, England, for an evaluation by an expert panel. This panel will now examine the data from the research project and will advise the Commission on the significance of the findings and the need for any further work.

The Commission also sent the French research data to the European Food Safety Authority, EFSA, for its consideration. Once the CRL experts report, this will also be sent to the European Food Safety Authority. Based on the outcome of the CRL analysis, the Commission will ask EFSA for any necessary updates in its scientific risk assessment in respect of goats.

Pending receipt of the CRL's expert opinion and any follow-up EFSA opinion, the Commission has not proposed any further risk management measures beyond the extensive legislation already in force. The Commission, as well as keeping in close contact with the French authorities, is keeping the medical and veterinary authorities of the member states up dated.

TSEs are transmissible spongiform encephalopathies, and include BSE in cattle, and scrapie in goats and sheep. The expert panel will evaluate the scientific evidence to see if it indicates the presence of BSE in the goat. The Community Reference Laboratory is expected to present its findings on 24 November 2004.

Agri-Vision 2015.

14. **Mr. S. Ryan** asked the Minister for Agriculture and Food if she has yet received the report of the agri-vision 2015 committee; and if she will make a statement on the matter. [29329/04]

Minister for Agriculture and Food (Mary Coughlan): I understand that the agri-vision committee, chaired by Alan Dukes, has completed the deliberative process and is currently compiling the final report. I hope to have the report shortly.

Milk Quotas.

15. **Ms Shortall** asked the Minister for Agriculture and Food her views on the imposition of the €9.6 million levy by the European Commission on Irish farmers due to over-production of milk; the steps that can be taken to avert such levies in future; and if she will make a statement on the matter. [29318/04]

Minister for Agriculture and Food (Mary Coughlan): In the milk quota year 2003-04 Ireland's national quota of 5.2 billion litres was exceeded by 26 million litres. Consequently, a super levy liability of €9.57 million became payable to the EU Commission. EU and national regulations on the milk quota system specify that, where the national quota is exceeded, the resulting levy must be shared between those producers who contributed to the excess. To that end, each quota holder is responsible for the management of his-her milk quota on the understanding that production in excess of quota may attract a levy liability.

My Department on a regular basis throughout the year publishes estimates of milk deliveries, and the extent to which these are under or over the national quota. It also advises producers to keep in close touch with their co-ops-dairies in this matter.

In the event of an excess production over quota at national level, there is a system in place, under the control of my Department, whereby unused quota is reallocated to certain categories of producer. This system is known as fleximilk and the terms are drawn up following consultation with the main farm organisations and the industry.

The market for dairy products this year has been very strong and producer prices for milk are similar to last year in addition to which a dairy premium amounting to approximately 1.2 cents per litre has been paid directly to producers.

Farm Supports.

16. **Mr. McCormack** asked the Minister for Agriculture and Food her plans to provide greater support for small farmers; and if she will make a statement on the matter. [29207/04]

Minister for Agriculture and Food (Mary Coughlan): I am keenly aware of the need to provide support for small farmers particularly in the

context of the Common Agricultural Policy. One of the areas where this is possible is the rural environmental protection scheme, or REPS. The latest version of the scheme was introduced in June 2004, and in addition to an average increase of 28% in payment rates, provides for payment of €200 per hectare for the first 20 hectares and €175 per hectare for the next 20 hectares and for further payment digression thereafter. Under the CAP Rural Development Plan 2000-2006, compensatory allowances payable in the disadvantaged areas moved from a payment per animal to a payment based on area. Under the new area based scheme farmers in the disadvantaged areas with a minimum stocking density of 0.15 livestock units per hectare can qualify for payment on up to 45 hectares of land. At present, approximately 99,800 farmers qualify for payments totalling €231 million annually. This represents an average payment of €2,315 compared with an average payment of €1,523 under the old headage schemes. The smaller farmer has clearly benefited under the new scheme which will continue in its present format for 2005 and 2006.

In addition, support may be available under the farm assist scheme, administered by my colleague, the Minister for Social and Family Affairs.

Grant Payments.

17. **Mr. Durkan** asked the Minister for Agriculture and Food if the single payments support scheme is operating as anticipated; if payments are in line with previously generated expectations; if the farming community have expressed any dissatisfaction in regard to the transitional payments; and if she will make a statement on the matter. [29245/04]

Minister for Agriculture and Food (Mary Coughlan): The position is that the new single payment scheme will replace all livestock premia and arable aid schemes and will be introduced in Ireland from 1 January 2005. There are no transitional payments. The scheme is applicable to farmers who actively farmed during the reference years 2000, 2001 and 2002, who were paid livestock premia and/or arable aid in one or more of those years and who will continue to farm in 2005. The gross single payment is based on the average number of animals and/or the average number of hectares — in the case of arable aid — on which payments were made in the three reference years.

My Department has already issued a statement of provisional single payment entitlements to some 130,000 farmers. The statement includes a detailed breakdown of how those provisional entitlements were calculated. Farmers who are not satisfied with the statement may seek a review of their entitlements on a form which is available from all local offices of my Department and from my Department's website.

My intention is that definitive statements will issue early in 2005. Statements of provisional sin-

gle payment entitlements did not issue to some 17,000 farmers who largely comprise applicants for *force majeure*-exceptional circumstances, new entrants to farming and inheritance cases. As these applicants are processed, entitlement statements will be issued to them. Arrangements are in place, including a lo-call helpline, for dealing with inquiries from farmers.

In addition, a new dairy premium was introduced for the first time this year. It is coupled to milk production this year and based on milk quota held at 31 March 2004. Payments under the dairy premium commenced on target on 16 October 2004 and €58.5 million has already been paid to 94% of applicants. The dairy premium will be decoupled from milk production in 2005, based on milk quota held on 31 March 2005, and will be added to the single payment scheme.

In accordance with the EU regulations governing the single payment scheme, payments under the scheme are due to commence in December 2005. In general, the farming community has welcomed the single payment. Farmers will now be able to concentrate on producing what the marketplace wants and will no longer have their initiative and energies diverted into concerns about retention periods, census dates and other scheme requirements.

18. **Ms O'Sullivan** asked the Minister for Agriculture and Food if she has satisfied herself with preparations for the introduction of cross compliance on 1st January 2005; and if she will make a statement on the matter. [29324/04]

Minister for Agriculture and Food (Mary Coughlan): I am satisfied with the preparations, which my Department is making for the introduction of cross compliance checking from 2005 onwards. Under the new single payment scheme farmers receiving direct payments 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 the statutory management requirements 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, GAEC, and there will be an obligation on the member state 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 collectively termed cross compliance.

As part of the preparations, and in order to inform the farmers and the various interests to the new system and to seek their views, my Department has prepared a consultative document on cross compliance and has made it available to interested organisations. This document which has also been posted on my Department's website takes account of the requirements laid down in the EU regulations and sets out Ireland's

proposed approach to the cross compliance obligations that should be respected by farmers receiving direct payments under the single payment scheme.

The objective of this discussion document is to highlight the salient features of the new system of cross compliance both in terms of the standards that should be met and the control requirements. Comments have been sought from interested parties by Friday, 19 November 2004. When consultations are complete my Department will publish a detailed information booklet on cross-compliance requirements for the assistance of applicants under the single payment scheme.

Sugar Beet Quota.

19. **Dr. Twomey** asked the Minister for Agriculture and Food if her attention has been drawn to the proposed reduction in sugar beet quotas; the persons who own the national beet quota; if, in regard to the proposed alteration to EU quota levels on sugar, the representative of 46 poor countries will ask the EU to keep quota access to present levels; and if she will make a statement on the matter. [29212/04]

Minister for Agriculture and Food (Mary Coughlan): I am aware that the EU Commission's proposals for reform of the sugar regime envisage a reduction in sugar quotas across all member states. These proposals will be discussed at the Council of Agriculture Ministers' meeting in Brussels next week but legislative proposals are not expected until next year.

As regards the quota issue, the position is that under the current regulations the national sugar quota must be allocated to the sugar manufacturing enterprises in each member state. In Ireland the entire quota has accordingly been allocated to Irish Sugar Limited, the only sugar manufacturer in this country. The company in turn places contracts with farmers to grow sugar beet sufficient to manufacture the sugar quota.

There is no specific quota for sugar beet. Since there is no provision for the buying and selling of sugar quotas under the existing regulations, quota ownership has never been an issue. However, since the Commission's proposals envisage the possibility of quota mobility in future, a number of member states, including Ireland, have raised the ownership issue at working group level. The Commission has indicated that under the reformed regime, quotas will be allocated and managed in accordance with rules that have yet to be defined.

As regards imports, the position is that the EU has granted market access at zero tariffs to 49 of the least developed countries, LDCs, under the everything but arms or EBA initiative. This concession is being introduced gradually but will be fully effective from 2009. I am aware that the LDCs are concerned that the Commission's reform proposals will, by reducing prices, diminish the benefits of this concession. am in favour

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of further dialogue between the EU and the LDCs on this issue.

Food Labelling.

20. **Mr. Quinn** asked the Minister for Agriculture and Food the explorations that are being conducted by the consumer liaison panel in relation to the use of labels for genetically modified produce; and if she will make a statement on the matter. [29326/04]

Minister for Agriculture and Food (Mary Coughlan): The consumer liaison panel, at its first meeting in October under its new chairperson Ms Marian Finucane, in dealing with the issue of labelling of GM foods decided to explore the possibility of developing a unique symbol as a clear method of identifying GM produce. The chief specialist on biotechnology within the FSAI is today briefing the consumer liaison panel on the current legislation and options open to them in relation to the labelling of GM foods within the EU. The labelling of foods containing GM products is legislated for under EU Regulation 1829/EC on genetically modified food and feed which insists that any food containing or consisting of GMOs in a proportion of 0.9% or more must be labelled in accordance with the requirements of that regulation.

Live Exports.

21. **Ms Enright** asked the Minister for Agriculture and Food the action she is taking to reopen live export markets; and if she will make a statement on the matter. [29202/04]

Minister for Agriculture and Food (Mary Coughlan): There is significant trade in live cattle between Ireland and other European Countries and also the Lebanon. The principal destinations for live cattle from Ireland are Northern Ireland, the Netherlands, Italy, Spain and the Lebanon. Last year some 220,862 cattle were exported live to all destinations. So far this year, a total of 102,808 cattle have been exported. This decline can be attributed to buoyant prices for cattle on the home market and a strong export market in beef.

The main traditional third country markets for Irish cattle in the past, which are currently closed to live exports, are Egypt and Libya. While the market in Egypt is open to Irish beef imports, the live trade is closed. An agreement was made in 2000 to open the Libyan market for live animals. However, Libya has stated that logistical problems have prevented the development of this market.

The live trade is a critical component to overall competition in the beef trade. It is my policy that there should be free and open access to all markets both within the EU and in third countries for Irish beef and cattle. I am fully committed to ensuring that the option of exporting cattle live to overseas countries is maintained. My

Department, together with Bord Bia and the Department of Foreign Affairs will continue to seek to exploit every opportunity to expand the market for the live trade and beef exports.

Genetically Modified Organisms.

22. **Mr. P. McGrath** asked the Minister for Agriculture and Food her plans to evaluate the economic implications of the use of genetically modified organisms; the action being taken by her Department to trace the full consignment; and if she will make a statement on the matter. [29200/04]

26. **Mr. Hayes** asked the Minister for Agriculture and Food the plans she has to evaluate the economic implications of the use of genetically modified organisms; and if she will make a statement on the matter. [29279/04]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 22 and 26 together.

An interdepartmental-interagency working group was established within my Department last year to develop proposals for a national strategy and best practices to ensure the co-existence of GM crops with conventional and organic farming. Part of the group's work programme has been to examine the economic implications of such farming practices.

Preliminary research completed by Teagasc does indicate that the cultivation of certain crops with certain modifications may provide a financial incentive to the Irish farmer. While strands of this research parallel recently completed work in other countries, it does not specifically address the predicted costs of co-existence to the Irish farmer.

The general conclusion of recent Danish and UK research on the economic impact of co-existence on farm profitability is that the costs of complying with the required thresholds for crops of maize, potatoes, cereals, oilseed rape and sugar beet vary from zero to 9% above the costs of growing conventional crops. However, it should be noted that costs described were based on estimates. New labelling and traceability legislation requires that all GM products, including animal feed, have to be properly labelled and be accompanied by the appropriate documentation to facilitate full traceability.

Animal Feedstuffs.

23. **Dr. Upton** asked the Minister for Agriculture and Food if she has put in place a mechanism whereby all animal feed imported will undergo rigorous testing; if she has concerns about the quality and safety of imported animal feed; and if she will make a statement on the matter. [29312/04]

35. **Mr. Gilmore** asked the Minister for Agriculture and Food if she will provide details of the company importing the beet pulp which was

found to be contaminated with bone; and if she will make a statement on the matter. [29344/04]

45. **Mr. English** asked the Minister for Agriculture and Food the action she intends to take in view of the recent case of imported animal feed contaminated with traces of bone to ensure that such an incident is not repeated; and if she will make a statement on the matter. [29201/04]

66. **Dr. Twomey** asked the Minister for Agriculture and Food if she has conducted a full investigation into two consignments of contaminated beet pulp which arrived here in October 2004; if all procedures regarding importing this feed were followed; the way in which her attention has been drawn to this issue; the steps which were taken by her Department when its attention was drawn to the issue; the issues which remain to be resolved; if she has satisfied herself that none of this feed entered the food chain; the location of these two consignments now; the person who is responsible for dealing with them; and if she will make a statement on the matter. [29213/04]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 23, 35, 45 and 66 together.

Greenvale Limited imported two shipments of sugar beet pulp into Ireland on October 18 and 22 respectively. Samples of the feed material were taken, in accordance with the Department's feedingstuffs control plan, and were found on analysis to contain traces of terrestrial animal bone. A total of 4,160 tonnes of beet pulp was imported in both shipments from Germany via Rotterdam.

Upon notification of the presence of the bone, my Department put into operation the provisions of its contingency plan for animal feed and the provisions of the standard operating procedure for dealing with such cases which was recently negotiated with the Irish Grain and Feed Association. The EU Commission was also informed by means of the rapid alert system for food and feed.

The success of the above procedures resulted in 96% of the original consignment being detained or recalled to the port stores. The remainder was incorporated into a total of 880 tonnes of animal feed that was sold to 234 farmers. As a precautionary measure a total of 1,770 tonnes of animal feed, significantly in excess of the feed manufactured from the pulp in question, was recalled from these farmers and is currently under detention in dedicated stores. The importer has been asked to submit proposals regarding the disposal of the detained product for consideration by my Department.

Following discussions with the FSAI during which the risks involved were analysed, and given the low level of contamination and the extensive recall of affected material, my Department is satisfied that the danger to human and animal health is negligible. It must also be noted that while the bone spicules detected in the consignment were of animal origin, it is not possible to determine from what species they originated.

My Department operates very stringent controls on imports of animal feedingstuffs at all levels of the feed chain, including the sampling and analysis for the presence of bone spicules of all imported bulk shipments of feed materials. These controls are based on the provision of EU directives which permit random sampling on non-discriminatory basis. The standard operating procedures or SOP for the sampling, analysis and follow-up of positive results for processed animal proteins in animal feedingstuffs are implemented. The SOP, *inter alia*, provides for the detention of imports from third countries, selected on a risk criteria basis, which cannot be released into circulation until the microscopic analysis results are available. There is also a specific contingency plan in place in the Department for dealing with feed safety incidents in which the FSAI is closely involved.

This country has a high dependence on imported animal feed. It should be recognised that this is only the third such incident in two years, during which time some 1,600 consignments of feed were imported involving over 5 million tonnes. I am satisfied that the inspection and control procedures in place which are aimed at detecting contamination at the earliest possible stage and preventing or containing the movement of the contaminated material into the feed chain are working effectively and efficiently.

Food Safety Standards.

24. **Mr. Deenihan** asked the Minister for Agriculture and Food the way in which new EU proposals for food business operators, particularly official controls on products of animal origin intended for human consumption, will impact on farmers; and if she will make a statement on the matter.

Minister for Agriculture and Food (Mary Coughlan): The EU hygiene package of legislation was adopted earlier this year. This legislation stems from the white paper on food safety which was published by the Commission in 2000. That paper advocated the farm to fork approach to food safety and the setting up of the European Food Safety Authority, EFSA. Regulation 178 of 2002 has established the EFSA and provided the framework for this farm to fork approach.

The hygiene package of food legislation consists of two directives and three regulations. A regulation laying down the requirements for feed hygiene will be introduced shortly, which mirrors to a large extent the food legislation. In addition Regulation 882 of 2004 on controls deals with the verification of compliance with feed and food law, animal health and animal welfare rules. All these measures effectively bring together, update and consolidate EU food and feed legislation. They cover all food business operators throughout the food chain from farmer to retailer and the controls involved are operated by a number of Departments and official agencies in Ireland.

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Most of the elements of the legislation referring to food and feed safety will come into effect from 1 January 2006. They also form part of the cross compliance controls for the single payment. There is ongoing consultation between my Department and a number of other Departments and agencies to finalise the implementation of all of these regulations.

The regulations will require, among other things, that primary producers are registered. While they are exempted from the requirements of HACCP, hazard analysis and critical control points, primary producers are required to follow good hygiene practice. This includes issues relating to transport, condition of animals, facilities and products. Appropriate guidelines will be drawn up in consultation with the Commission, the food business sector and other interested parties.

Meat Imports.

25. **Mr. Sargent** asked the Minister for Agriculture and Food the details of her knowledge regarding the shortcomings in relation to the traceability of meat products being imported into Ireland in view of the strict standards on hormones which do not operate elsewhere; and the action she will take to address this issue in the EU, WTO and elsewhere. [29371/04]

Minister for Agriculture and Food (Mary Coughlan): As a member of the European Union and the World Trade Organisation, Ireland is in a position to avail of trade opportunities and is obliged to respect the obligations membership of such organisations may bring. To minimise any risks that might be associated with trade with third countries there are harmonised rules governing the importation of animal products such as meat.

It is a general requirement that animal products imported in the EU from third countries meet standards at least equivalent to those required for production in, and trade between, EU member states. All meat imports must therefore come from third countries or areas of third countries approved for export to the EU. The food and veterinary office carries out audits of the controls in place in third countries.

In order to be an approved third country a country must appear on a list drawn up and updated on the basis of EU audits and guarantees given by the competent authority of the exporting country; have veterinary controls equivalent to those applicable in the EU, particularly in terms of legislation, hygiene conditions, animal health status, zoonosis controls and other food law; and submit a residues monitoring plan that demonstrates that their controls regarding prohibited substances and veterinary medicines generally are equivalent to those in the member states of the EU. In some countries so called “split production systems” exist whereby animals reared for export and for slaughter for export to the EU come from

herds that have not been given substances that have been banned in the EU.

The FVO carries out inspections to ensure that only establishments that meet hygiene and health standards equivalent to those operating within the EU are approved. Exporting establishments must have standards equivalent to the requirements for EU export establishments, effective control systems and supervision by the competent authorities and traceability/labelling in accordance with the systems approved by the FVO and accepted and notified to the EU member states.

Consignments from third countries must first be landed at a border inspection post or BIP that has been approved by the FVO and must undergo documentary, identity and physical checks. These checks are carried out at frequencies laid down in EU law. In Ireland, BIPs approved for the processing imports of animal products are located at Dublin Port and Shannon Airport. Imported meat must be accompanied by the appropriate commercial documentation showing country and approval number of the establishment of production and a health certificate conforming to the models set down in EU legislation. The meat must also be labelled.

The FVO carries out monitoring and inspection of each member state’s BIPs to ensure the conditions for import of animal products into Europe, provided under the harmonised legislation, are being correctly applied. Where there are concerns with regard to the effectiveness of controls being operated in an approved third country the EU Commission, in consultation with the standing committee on animal health and the food chain, may introduce specific controls by means of a safeguard measure to ensure the protection of human and animal health. Safeguard measures limiting or banning the export of animal products from EU countries or regions of countries may also be implemented where, for example, the conditions of an animal disease outbreak could seriously effect production and trade in animal products in the EU.

Question No. 26 answered with Question No. 22.

Sugar Beet Quota.

27. **Mr. Ferris** asked the Minister for Agriculture and Food if she will make a statement on the future of the sugar industry here in view of the proposed changes at EU level and within the WTO negotiations. [29190/04]

53. **Mr. Hogan** asked the Minister for Agriculture and Food the discussions she has had with her EU counterparts regarding the proposed cut to sugar beet quotas; and if she will make a statement on the matter. [29277/04]

54. **Mr. Deenihan** asked the Minister for Agriculture and Food her position on the review of the beet quota regime; and if she will make a statement on the matter. [29210/04]

55. **Mr. Timmins** asked the Minister for Agriculture and Food her plans to reduce the Irish beet quota; and if she will make a statement on the matter. [29211/04]

67. **Mr. P. McGrath** asked the Minister for Agriculture and Food the current demand and capacity for sugar in this country; the implications which a reduction in beet quota would have on this situation; and if she will make a statement on the matter. [29278/04]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 27, 53 to 55, inclusive, and 67 together.

Sugar production in all EU member states is regulated by the EU sugar regime. This regime, which runs until June 2006, has remained fundamentally unchanged since it was first put in place back in 1968. Its main purpose is to ensure a fair income to Community sugar beet growers, to ensure constant supplies to processors and to guarantee a supply of high quality sugar at reasonable prices to EU industry and the domestic market. The regime has worked well in delivering on these objectives. Through the system of sugar production quotas, export refunds and import levies, EU sugar prices have been kept stable but at a level well above world market prices.

The EU regime specifies a sugar manufacturing quota for each member state which is reviewed each year in the context of the Community's WTO obligations. Ireland's national sugar quota for the 2003-04 marketing year was 197,498 tonnes. Actual sugar production in Ireland for that year was 223,746 tonnes. Consumption of sugar in Ireland for 2003 was approximately 158,000 tonnes.

Reform of the sugar regime, which was not covered in the main CAP reform process of 2003 and 2004, has now come high on the EU agenda because of developments at WTO level and other international pressures. The EU Commission outlined its broad reform proposals by way of a communication addressed to the Council and the European Parliament in July. These will be discussed at next week's Council of Agriculture Ministers' meeting in Brussels but legislative proposals are not expected until some time next year. The proposals envisage substantial reductions in the prices for both sugar and sugar beet and a reduction in quotas across member states. A system of direct payments is proposed to partially compensate farmers for the income losses resulting from the price cuts.

I have already made it clear that the Commission's proposals in their current form are unacceptable because of the serious repercussions they would have for the sugar beet growing and processing industry in this country. In any event, I think it would be unwise to rush into reform before we know the implications of the outcome of the WTO panel and the WTO Doha round, as well as the effects of sugar imports under the various preferential import agreements. The EU has

decided to appeal the ruling by the WTO panel in the action taken by Australia, Brazil and Thailand against aspects of the EU sugar regime.

I anticipate that there will be difficult and protracted negotiations on the reform proposals. Already there have been several meetings under the Dutch Presidency to discuss the proposals at the level of Council working group and the special agriculture committee and my officials are in regular contact with their counterparts in other member states to promote our interests. My overall objective in these discussions is to protect the viability of sugar beet growing and processing in this country and I will be working vigorously, in common with like-minded member states, towards that end.

Live Exports.

28. **Mr. Coveney** asked the Minister for Agriculture and Food the action she is taking to re-open the live export trade following the imminent withdrawal of the European diplomat; and if she will make a statement on the matter. [29197/04]

58. **Mr. Durkan** asked the Minister for Agriculture and Food her views on the best way to make provision for the situation arising from the cessation of shipping facilities for live cattle exports with particular reference to the need to ensure that producers have an alternative facility; and if she will make a statement on the matter. [29244/04]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 28 and 58 together.

The Government has consistently supported the continuance of the live export trade as a vital market outlet for Irish farmers. Regarding the transport of animals by sea, my Department's function is to approve sea vessels for the carriage of livestock by working closely with applicant companies to ensure that the conditions aboard such vessels are consistent with national and EU animal welfare requirements. Within this framework, 18 dedicated livestock vessels and three roll on roll off vessels have been approved for the carriage of cattle since 1995. However, the actual provision of such services is a commercial matter.

Following recent announcements of the impending cessation of direct shipping services between Ireland and mainland Europe, my Department has been urged to intervene by subsidising the trade or by compelling shipping companies to carry livestock. Regrettably, it is not possible under EU law for the State to intervene in either manner. The European Commission previously ruled that State aid paid to secure a similar shipping service to the Continent was unlawful.

I can assure the Deputies, however, that my Department is exploring all options within its power to ensure the continuation of the live export trade. I have met a number of stakeholders in the industry and have raised the possibility of re-opening the landbridge through the

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UK with Commissioner Byrne. Officials of my Department are also working closely with prospective service providers on providing an alternative ferry service. Nevertheless, the transport of live animals is ultimately a commercial matter and my Department has approved a sufficient number of vessels to provide a service if the commercial demand exists.

Animal Feedstuffs.

29. **Mr. Gilmore** asked the Minister for Agriculture and Food if she has concerns that while there is a simmering crisis for beet growers here, that animal feed produced from beet pulp is being imported; and if she will make a statement on the matter. [29332/04]

Minister for Agriculture and Food (Mary Coughlan): Sugar beet pulp is an important constituent of feed rations in Ireland. In 2003 some 100,000 tonnes of home produced sugar beet pulp was incorporated into feed. However, Ireland has a significant shortfall in animal feed ingredients and imports around 2.8 million tonnes in total each year. Sugar beet pulp accounted for 65,000 tonnes of these imports last year.

The EU Commission's proposals for reform of the sugar regime would, in their current form, have serious repercussions for sugar beet growing in this country. The proposals will be discussed at next week's Council of Agriculture Ministers' meeting but legislative proposals are not expected to emerge until next year. In the forthcoming negotiations my objective will be to protect the viability of sugar beet growing and processing in this country.

Farm Household Incomes.

30. **Mr. Ferris** asked the Minister for Agriculture and Food if she will make a statement on the effect which milk prices are having on farm incomes. [29189/04]

Minister for Agriculture and Food (Mary Coughlan): Given the importance of the sector in this country, milk production is a significant contributor to farm incomes. This year has been a good one for the dairy sector and the market has been very buoyant with strong demand for the main dairy products. Consequently, producer prices in Ireland are similar to last year, notwithstanding the reduction in the intervention prices agreed as part of the CAP mid term review. Producers have recently been paid a dairy premium amounting to approximately 1.2 cents per litre as partial compensation for the reduction in the intervention price levels.

Consolidation of Holdings.

31. **Ms B. Moynihan-Cronin** asked the Minister for Agriculture and Food if she will consider proposals to overcome the problems associated with fragmented farms to allow farmers to exchange land in order to facilitate better management; and if she will make a statement on the matter. [29349/04]

Minister for Agriculture and Food (Mary Coughlan): Decisions affecting the structure of privately owned land are primarily a matter for the individual owners themselves. Given the small quantities of land coming on the market and high land prices, I am aware of the difficulties associated with consolidation of holdings. The most effective way to improve small and medium size farm viability is within the framework of EU schemes and farmers are encouraged as far as possible to participate in all schemes for which they are eligible.

Beef Exports.

32. **Dr. Upton** asked the Minister for Agriculture and Food if she will supply a list of beef exporters, those exporters supplying to the Russian market, the total amounts of beef exported by each company in 2003 and 2004 and the amount supplied by each exporter to the Russian market in 2003 and 2004; and if she will make a statement on the matter. [29311/04]

Minister for Agriculture and Food (Mary Coughlan): A current list of EU export-approved beef plants is circulated with the Official Report. A separate list of plants within that group which have been approved by Russia for export to that country is also circulated. It is not appropriate to provide a breakdown of each company's exports to Russia for the years in question as this is commercially sensitive information.

Russia is currently the main third country market for Irish beef. Last year, Irish beef exports to Russia amounted to approximately 75,000 tonnes. To date in 2004 an estimated 37,300 tonnes were exported. It is likely that the final outturn for the year will be less than 2003 due to the fact that the EU market is currently substantially in deficit and absorbing more Irish product than last year.

Live Exports.

33. **Mr. Coveney** asked the Minister for Agriculture and Food her plans to facilitate the export of live cattle through the UK to European markets; and if she will make a statement on the matter. [29198/04]

Minister for Agriculture and Food (Mary Coughlan): The dispatch of live cattle from the UK is currently prohibited by virtue of an EU Council decision of 16 March, 1998. Following the recent announcements of the impending cessation of direct shipping services between Ireland and mainland Europe, I wrote to Commissioner Byrne last week seeking urgent amendment of the relevant decision in order to allow non UK cattle transit the UK en route to continental markets. At this week's meeting of the EU standing committee on the food chain and animal health, the European Commission indicated its willingness to bring forward a proposal on this matter at an early date.

Grant Payments.

34. **Mr. Naughten** asked the Minister for Agriculture and Food the discussions she has had with the EU Commission to index link the single farm payment; and if she will make a statement on the matter. [29191/04]

Minister for Agriculture and Food (Mary Coughlan): The position is that the agreement on the mid-term review of Agenda 2000 reached at the Council of Agricultural Ministers on 26 June 2003 provided a financial envelope to each member state. This envelope represented the average value of livestock and arable aid premia paid in the member state during the three-year reference period 2000-2002 calculated at 2002 rates of payment. The outcome, which will reshape the Common Agriculture Policy and secure its future in making it more relevant to modern society, was a balanced one which addressed Ireland's principal objectives. Among these objectives was the preservation of the financial benefits achieved under the Agenda 2000 agreement and the establishment of a policy framework that will allow farmers and the agri-sector the flexibility to adapt to evolving consumer and market demands and international circumstances.

Index linking of the single payment scheme was not an element of the Commission's proposals. There was however, a proposal to provide for a reduction of up to 13% in the single payment, known as degression, to meet future financing needs. I believe one of the major achievements in the negotiations was the removal of this proposal. The removal of this particular provision meant a saving of some €420 for Ireland over the lifetime of the agreement. The compromise agreed was to allow the Council to review, from 2007 onwards, the financial situation annually if budget deficits arise.

Question No. 35 answered with Question No. 23.

Food Labelling.

36. **Mr. Gogarty** asked the Minister for Agriculture and Food if she will report on when the labelling of Irish beef, pork, chicken and lamb will be put in place throughout the wholesale, retail and restaurant sectors; and if she will make a statement on the matter. [29379/04]

Minister for Agriculture and Food (Mary Coughlan): All meat products sold at retail level in Ireland are subject to the general labelling requirements set out in national and EU legislation. With regard to beef, EU regulations provide for a detailed labelling system to be applied at retail sale, which is over and above the general labelling provisions. There is a however a gap in these requirements in so far as they do not apply at restaurant and catering sector level. It is my intention to proceed with a legal requirement that country of origin must be displayed in respect of

beef served on such premises. The legal options allowing for this development are being examined at present.

As regards lamb and pork, these products are already subject to the general food labelling regulations. As regards country of origin I am considering how best to implement the recommendations of the food labelling group in respect of labelling of these products sold at retail level.

With regard to poultry, two statutory instruments were signed earlier this year setting out requirements that loose poultry should bear an indication of its country of origin if imported from outside the EU and requiring that it should be labelled to show class, price per kilogram, whether fresh or frozen and the number of the production plant. Mandatory regulations already existed at EU level in relation to pre-packaged poultry products.

37. **Mr. S. Ryan** asked the Minister for Agriculture and Food if her attention has been drawn to any other recent mislabelling of beef for export, apart from that referred to in Parliamentary Question No. 2 of 13 October 2004 (details supplied); and if she will make a statement on the matter. [29330/04]

Minister for Agriculture and Food (Mary Coughlan): In the course of its investigation into certain practices in a licensed beef processing plant, my Department has extended its examination to other plants involved in similar trade in order to ensure compliance with the terms of specifications for the non-EU market concerned. On the basis of preliminary results, I have no reason to believe these practices were widespread.

Poultry Industry.

38. **Mr. Howlin** asked the Minister for Agriculture and Food the number of trained auxiliary staff that are in place throughout the country with regard to trained auxiliary staff at poultry meat plants; the number of shifts these staff have carried out in each plant since they were trained in on-line inspection; the type of staff that are doing the inspection work at present; the employment status of the trained auxiliary staff compared with the staff carrying out the work at present; the overall cost on a monthly basis for the staff carrying out this work at present; the way in which this would compare with the cost of employing trained auxiliary staff; if she has satisfied herself that the current method of inspection at poultry meat plants is the most cost effective and efficient manner by which this work can be carried out; if she has plans to review the system for engaging on-line inspection staff for poultry meat plants; and if she will make a statement on the matter. [29356/04]

Minister for Agriculture and Food (Mary Coughlan): There are nine trained auxiliary staff at poultry meat plants throughout the country. The number of shifts that five of the staff have

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carried out in their plants since they were trained is one per day. The other four staff are engaged in hygiene duties in the poultry meat plants.

Veterinarians are doing the inspection work at present. The trained auxiliary staff are employed on a permanent basis and the veterinary staff carrying out the work at present are engaged on a temporary basis. The overall cost on a monthly basis for the staff carrying out this work at present and the way in which this compares with the cost of employing trained auxiliary staff is not immediately available. This information will be compiled and forwarded to the Deputy within a week.

The current method of inspection at poultry meat plants has served both the industry and the Department in good stead throughout the years. It is intended to review staffing levels at meat plants, work practices, attendance patterns and levels of supervision in relation to the requirements of current and forthcoming legislation and this review will include poultry meat plants.

Food Prices.

39. **Mr. Penrose** asked the Minister for Agriculture and Food if her Department's consumer liaison panel has taken further steps to address the lack of transparency in food pricing; and if she will make a statement on the matter. [29320/04]

72. **Mr. Penrose** asked the Minister for Agriculture and Food the nature and objectives of her Department's investigation into high food prices here; and if she will make a statement on the matter. [29319/04]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 39 and 72 together.

My Department is providing funding to the consumer liaison panel from the food institutional research programme to enable the panel to commission an independent study to assess the data sources on the price of food in Ireland and to recommend a model for monitoring the share of the price of key foods absorbed at different stages of the food chain. The consumer liaison panel was established to facilitate and strengthen communications between consumers and the Department and consists of representatives of the Consumers Association of Ireland, the Irish Congress of Trade Unions, the Irish Countrywomen's Association, the voluntary and community sector platform and representatives of the consumer base of the major food retail outlets.

The consumer liaison panel sought to have this independent study carried out as it was concerned at the lack of solid price data at various stages of the food chain which has made it difficult to reach conclusions on the share of the final retail price going to each sector along the price chain. I understand that tenders have been received and I look forward to the outcome of the study, which I am hopeful will bring a much clearer understanding of food price formation.

World Trade Negotiations.

40. **Ms Enright** asked the Minister for Agriculture and Food her position regarding the abolition of export credit refunds by the EU; and if she will make a statement on the matter. [29209/04]

Minister for Agriculture and Food (Mary Coughlan): I assume that the Deputy is referring to the agreement on the framework for the new WTO round which was reached in August 2004. The framework agreement provides for the elimination, in annual instalments, by a date to be agreed, of export subsidies, export credits, export credit guarantees or insurance programmes with repayment periods over 180 days and the trade distorting practices of state trading enterprises. Export credits, guarantees and insurance schemes with repayment periods of less than 180 days and arrangements for the provision of food aid will be subject to new disciplines to be negotiated, the latter to avoid abuses of food aid.

I believe that the framework agreement represents a satisfactory outcome from Ireland's point of view. All forms of export subsidy, including the EU's system of export refunds, will be subject to similar disciplines thereby ensuring equal competition on the world market. I will be aiming, in the final negotiations on the new round, to ensure the most favourable phasing arrangements for Irish exporters and full parallelism in the treatment of all forms of subsidy. Agreement on the round is not expected before the WTO ministerial conference which will be held in December 2005.

State Agencies.

41. **Mr. English** asked the Minister for Agriculture and Food her plans to develop the Teagasc service provided to farmers; and if she will make a statement on the matter. [29195/04]

Minister for Agriculture and Food (Mary Coughlan): Teagasc, the agriculture and food development authority, was established under the Agriculture (Research, Training and Advice) Act 1988. Its function under the Act is to provide research, training and advisory services for the agri-food sector. Teagasc is governed by an 11 member authority. The chairman and five ordinary members are appointed by the Minister and the remaining five members are appointed by the Minister following nominations from designated organisations — IFA, ICMSA, ICOS, Macra na Feirme and Teagasc unions.

Teagasc has 1,365 permanent staff, comprising advisers, teachers and research scientists with appropriate supporting services. These are complemented by 250 contract staff, as well as teaching staff in the private agricultural and horticultural colleges. Teagasc staff carry out their functions from more than 90 locations.

Teagasc's operating budget for 2004 amounts to over €153 million. Advisory services make up the biggest budget item — 35% of expenditure

— followed by production research — 32% — training programmes — 19% — and food research — 13%. My Department's provision to Teagasc for non-capital purposes in 2004 amounts to €117 million. While no funding for capital development purposes was directly provided from the Exchequer in 2004, Teagasc may use up to €7 million of the retained proceeds from the sale of its assets in 2003 and 2004 to fund its capital programme this year. By any standards these are substantial resources and are a clear indication of the Government's continuing commitment to supporting Teagasc activities.

It is the responsibility of the Teagasc authority to prioritise activities and to allocate its funding accordingly. This it has done over the years in accordance with the needs of clients, EU and Government policy and industry needs. I am satisfied that in doing so it has provided a first class service to Irish farmers.

In the short term, Teagasc will have to reconfigure its programmes in response to the fundamental changes in agriculture arising out of the single payment. The authority is however already well accustomed to tailoring its programmes to meet the changing requirements of the agri-food sector. Its annual programme of activities is developed in consultation with the key stakeholders in the sector many of whom are represented on the authority. Recently it has undertaken more strategic planning initiatives, the Teagasc 2000 review and the three year strategy required under the strategic management initiative. A new review of its training and education programmes has recently got underway.

I am satisfied that Teagasc is well placed to face the future and to continue to provide the innovation and technology transfer for the sustainable development of agriculture, the food industry and rural communities in the years ahead.

Food Labelling.

42. **Ms O. Mitchell** asked the Minister for Agriculture and Food the action she is taking to ensure that all third country beef is properly labelled; and if she will make a statement on the matter. [29193/04]

Minister for Agriculture and Food (Mary Coughlan): Beef imports into the European Union from third countries must have been sourced in countries and in premises that are currently listed and approved by the European Commission and which are subject to veterinary audits by the EU's food and veterinary office. In addition, such imports are subject to checks laid down in the harmonised rules prescribed at European level, and must be accompanied by the prescribed veterinary health certification from the competent authorities in the country of export.

The Community beef labelling requirements, which are compulsory in all member states, apply to beef sold at retail level within the Community, regardless of whether that beef was produced

within the Community or in a third country. Where beef is imported into the Community from a third country that beef must, at a minimum, be labelled as "Origin: non-EC" along with an indication of the third country in which slaughter took place. There is a gap in these requirements in so far as they do not apply at restaurant and catering sector level. It is my intention to proceed with a legal requirement that country of origin must be displayed in respect of beef served on such premises. The legal options allowing for this development are being examined at present.

Food Industry.

43. **Mr. Wall** asked the Minister for Agriculture and Food if she will elaborate on her recent call on the Irish food industry to respond speedily and imaginatively to increased concentration and internationalisation of supermarket chains; and if she will make a statement on the matter. [29313/04]

Minister for Agriculture and Food (Mary Coughlan): The strength of the Irish food industry has been built on establishing positions in export markets as Irish agricultural production far exceeds the demands of the domestic market. Export markets are becoming increasingly integrated and transnational particularly at buyer and retail level. The range of product, the speed of change driven by increased consumer demands for value, traceability, convenience, indulgence and wellness and, at the supplier level, world-class production and management techniques are well understood by large supermarket chains.

This highly competitive environment offers opportunities for exporters with strong innovation and marketing capacity and world-class management and production processes. The Irish food industry has shown itself to be capable of rapid modernisation, expanding its product range to a point where prepared consumer foods now account for 15% of food exports and commodity trading is less important. Maintaining and improving on this position requires an even closer understanding of market opportunities and developing the innovative products to grasp them. Indeed, the report of the enterprise strategy group has identified marketing and world class technology as key components for moving "ahead of the curve".

The research, investment and marketing measures for the food sector which have been provided in the national development plan together with close co-operation between Departments, agencies and industry will assist in developing these market opportunities.

Live Exports.

44. **Mr. Hogan** asked the Minister for Agriculture and Food the impact to the live trade of France obtaining IBR-free status; the measures she is taking to ensure that Irish export routes are protected; and if she will make a statement on the matter. [29199/04]

Minister for Agriculture and Food (Mary Coughlan): Member states of the EU can seek additional guarantees in relation to intra-Community trade in bovine animals where that is provided for in EU legislation. Commission Decision 2004/558/EC (July 2004) specifies that additional guarantees in respect of infectious bovine rhinotracheitis, IBR, can be sought by Finland, Denmark, Sweden, Austria, Germany and the Bolzano region of Italy, when other countries are exporting live cattle to those named member states or specified regions of member states.

France is not listed in Commission Decision 2004/558/EC as a member state to which additional guarantees for IBR apply and is therefore not in a position to seek such additional guarantees.

Question No. 45 answered with Question No. 23.

Nitrates Directive.

46. **Mr. Stagg** asked the Minister for Agriculture and Food the discussions she has held recently with farm organisations regarding the nitrates directive; her views, from an agricultural perspective, on the recent report (details supplied); and if she will make a statement on the matter. [29316/04]

Minister for Agriculture and Food (Mary Coughlan): The implementation of the nitrates directive is a matter for the Minister for the Environment, Heritage and Local Government in the first instance. Mr. Denis Brosnan was appointed by the Minister for the Environment, Heritage and Local Government to act as an independent adviser in relation to the draft national action programme to implement the directive. I understand that Mr Brosnan met a number of stakeholders, including the farming organisations, to discuss their concerns before finalising his report. Based on Mr Brosnan's report and recommendations, the action programme was finalised by the Department of the Environment, Heritage and Local Government together with my own Department and submitted to the European Commission in October.

In line with the Government's commitments made under Sustaining Progress, the farming organisations have been involved on a number of occasions in discussions on the implementation of the nitrates directive.

Beef Industry.

47. **Mr. Rabbitte** asked the Minister for Agriculture and Food if the Garda has completed its investigation into the recent beef mislabelling fraud; if so, their findings; and if she will make a statement on the matter. [29331/04]

Minister for Agriculture and Food (Mary Coughlan): I am aware that the Garda investigation is continuing into certain practices in a licensed beef processing plant and while this con-

tinues to be the case it would be inappropriate for me to comment further on the matter. The timescale for completion of the investigation is obviously a matter for the Garda authorities.

EU Regulations.

48. **Mr. O'Shea** asked the Minister for Agriculture and Food if she will support a call from the ICMSA for a yellow card system for farmers in breach of EU regulations; the terms of the new inspection rules to ensure compliance on farms; and if she will make a statement on the matter. [29322/04]

Minister for Agriculture and Food (Mary Coughlan): Under the provisions of the single payment scheme any farmer receiving direct payments must respect the various statutory management requirements set down in EU legislation — directives and regulations — on the environment, food safety, animal health, and welfare, and plant health and must maintain the farm in good agricultural and environmental condition, GAEC. 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, as this is the level prescribed under the relevant regulations.

Where breaches of cross compliance provisions are detected the level of penalty to be applied will be determined on the basis of an assessment of the importance of the non-compliance set out in the control report. If the non-compliance is due to negligence then, normally, the penalty is 3% of the aid for the year in question. However taking account of the permanence, extent or severity of the non-compliance the 3% penalty may be reduced to 1% or increased to 5%. If repeated non-compliance is found then the penalty established will be multiplied by three up to a maximum of 15% of the aid.

If intentional non-compliance is found then the penalty is 20% of the direct payments referred under Council Regulation 1782/93 for the year in question. However, on examination of the control report and taking account of the permanence, extent or severity of the non-compliance the 20% may be reduced to 15% or increased to 100%.

Under the new rules relating to cross compliance, where provisions relating to the requirements or standard in question leave a margin not to pursue the non-compliance found the control report shall make a corresponding indication, and it may be possible not to apply any reduction in such cases. The extent to which this provision can be used is very limited but my Department is examining this provision with a few to clarifying to what extent, if any, it can be used to underpin a warning system

World Trade Negotiations.

49. **Mr. G. Mitchell** asked the Minister for

Agriculture and Food the discussions she has had with the EU Commission regarding the next round of the WTO; and if she will make a statement on the matter. [29208/04]

Minister for Agriculture and Food (Mary Coughlan): The Commission negotiations in the WTO on behalf of the EU on the basis of a mandate agreed by the Council. Commissioner Fischler reported on the up to date situation in the negotiations to the October meeting of the Council of Ministers, which I attended. My officials are participating in the technical discussions which are currently under way. I intend to avail of the earliest opportunity to discuss this, and other issues, with the new Commissioner following her appointment.

Food Labelling.

50. **Mr. Neville** asked the Minister for Agriculture and Food the action she intends to take to improve food labelling; and if she will make a statement on the matter. [29203/04]

Minister for Agriculture and Food (Mary Coughlan): There have been a number of developments in the area of food labelling, most of which emanated from the report of the food labelling group which was established in June 2002. The group reported in December of that year with a series of recommendations. The recommendations were accepted. As food labelling is a particularly complicated and broad based area, involving a number of Departments and agencies, an interdepartmental-agency group was established to progress the implementation of the report.

The position in December 2002 in relation to responsibility for food labelling was as follows. The Department of Enterprise, Trade and Employment had policy responsibility for the main piece of legislation for the labelling, presentation and advertising of foodstuffs, namely, the European Council Directive 2000/13/EC. The Director of Consumer Affairs was responsible for the enforcement of that directive. The Department of Health and Children was responsible for policy on other food labelling legislation such as nutrition claims and novel foods, with the Food Safety Authority of Ireland, FSAI, having responsibility for enforcement of the legislation. The Department of Communications, Marine and Natural Resources was responsible for the policy on labelling of fish and fish products with the FSAI again responsible for enforcement. My Department was responsible for policy in relation to legislation on the labelling of specific products ranging from beef, poultry and sugar to spirit drinks, coffee and fruit juices. The FSAI was responsible for the enforcement of the beef labelling regulations and the health boards operated the controls on the other products under the general aegis of my Department.

Good progress has been made to date in relation to the implementation of the recommendations in the labelling report. There were a

total of 21 recommendations, many of which are beyond the remit of my Department and some of which were to be activated only after others had been completed. The two main issues that emanated from the recommendations of the labelling group were centralising enforcement in one agency and the definition of origin.

Enforcement of all of the food labelling regulations has now been centralised in the Food Safety Authority of Ireland. This will not only streamline the enforcement measures but it will also provide a one-stop shop for any complaints on mislabelling of food. Incidentally, as part of the centralisation of enforcement, the centralisation of food labelling policy, with the exception of fish, in both the Department of Health and Children and my Department achieves another recommendation of the food labelling group.

There was full agreement within the food labelling group that consumers have a right to information on the origin of the meat they cook in their homes or eat out. While the group could not agree on how origin should be defined, there was unanimous agreement that further research was necessary to establish consumers' wishes in this area. The consumer liaison panel has carried out this research, the results of which were presented in December 2003.

At the beginning of this year, two regulations in relation to the labelling of poultry meat were introduced. The first of these regulations requires poultry meat — loose and pre-packaged — originating in a country outside the EU to bear an indication of the country of origin when offered for sale in a retail premises. The second, requires information regarding class, price per unit weight, condition and slaughterhouse details in respect of loose poultry meat — that is, non-prepackaged — to be provided to the consumer.

The principal remaining issue involves the labelling of origin of beef in the restaurant and catering sector. It had been intended to extend the existing rules by means of a statutory instrument. The enabling national legislation under which it was planned to draw up a statutory instrument has proved inadequate for the purpose. Primary legislation is now being considered in conjunction with the Department of Health and Children possibly involving a change to the Health Act 1947. Once enacted, statutory instruments will be introduced to cater for specific labelling requirements.

On the food labelling issue in general, I must emphasise that my primary aim is to protect consumer interest and to ensure that the consumer is properly informed. Ireland is a major exporter of food and food products and indeed there are also considerable imports, so it is imperative that the same standards are applied to the labelling of foods in every sector and that there is a level playing field for the food industry at all levels. I hope to achieve this through the implementation in as full a manner as possible of the recommendations of the food labelling group.

Decentralisation Programme.

51. **Mr. Sherlock** asked the Minister for Agriculture and Food if she will report on progress on the decentralisation of her Department and State agencies under her remit; the number of civil servants in her Department and the State agencies under the remit who have applied to move under the CAF; and if she will make a statement on the matter. [29327/04]

Minister for Agriculture and Food (Mary Coughlan): Since the Government's announcement, my Department has established a decentralisation implementation committee, to plan and control the process. Tangible progress has been made on the decentralisation of my Department to Portlaoise already, with some 50 staff having been assigned there in July. It is envisaged that at least a further 50 will be relocated there during 2005.

The number of my Department's staff who have applied to move to these locations under the decentralisation programme is: 72 to Portlaoise, 45 to Macroom and 43 to Fermoy. Bord Glas has been amalgamated with An Bord Bia with effect from 1 July 2004. The necessary structures have been put in place in An Bord Bia to deal with the implementation of the decentralisation programme. Some 18 Bord Bia staff have applied to move to Enniscorthy.

Food Labelling.

52. **Mr. R. Bruton** asked the Minister for Agriculture and Food the action she intends to take in respect of labelling of beef as highlighted in the Food Safety Authority survey of October 2004; and if she will make a statement on the matter. [29194/04]

Minister for Agriculture and Food (Mary Coughlan): I understand that the final report on the outcomes of the survey is in preparation by the Food Safety Authority of Ireland and will be published before the end of December. My Department has not been given a copy of the report because the breaches of labelling regulations identified in the draft report were detected at premises other than those for which this Department has responsibility under the service contract with the FSAI.

Questions Nos. 53 to 55, inclusive, answered with Question No. 27.

Question No. 56 answered with Question No. 11.

Rural Environment Protection Scheme.

57. **Mr. O'Shea** asked the Minister for Agriculture and Food her estimates of the likely take-up of the REP 3 scheme; if she has satisfied herself with this number; the length of time into the future the REP scheme is likely to continue; and if she will make a statement on the matter. [29321/04]

Minister for Agriculture and Food (Mary Coughlan): The rural environment protection scheme, REPS, is Ireland's agri-environment programme under Council Regulation (EC) No 1257/1999. This regulation remains in force until 31 December 2006. Formulation of a new Council regulation for the next programming period, 2007-2013, is at an advanced stage. The new regulation not only makes specific provision for agri-environment programmes up to 2013 but also, like the current regulation, makes them mandatory for all member states. In discussions on the new regulation, my Department has pointed to the success of REPS. I am confident that the new regulation, when finalised, will provide a framework for the further evolution of REPS as a scheme delivering substantial benefits both to farmers and to the environment.

In negotiations on EU funding for the next programming period, it will be important to be able to point to a successful use of funds during the current one. The degree of take-up of REPS will be an important element. I am encouraged by the fact that numbers have started to rise again since REPS 3 was introduced. Some 4,200 applications for REPS 3 have already been received from farmers who were not already in REPS, and a further 4,800 REPS 2 participants are transforming to REPS 3. There are now more than 40,500 farmers in REPS and my Department has another 1,200 applications on hands. This level of interest in the scheme is very welcome, and if it is maintained participation levels could grow to some 55,000 farmers by the end of next year. If this is achieved it is not unreasonable to forecast that by 2006 a participation level approaching 60,000 could be attained.

Question No. 58 answered with Question No. 28.

Nitrates Directive.

59. **Mr. Naughten** asked the Minister for Agriculture and Food the discussions she has had with the EU Commission and the Department of the Environment, Heritage and Local Government regarding a derogation under the nitrates directive; and if she will make a statement on the matter. [29192/04]

Minister for Agriculture and Food (Mary Coughlan): The implementation of the nitrates directive is a matter for the Minister for the Environment, Heritage and Local Government in the first instance. A national action programme under the nitrates directive was prepared by the Department of the Environment, Heritage and Local Government in consultation with my own Department, following consultation with the various stakeholders, discussions with the farming pillar under Sustaining Progress and consideration of the recommendations of Mr. Denis Brosnan, appointed by the Minister for the Environment, Heritage and Local Government as an independent adviser on the issue. The national

action programme was submitted to the European Commission in October.

In parallel with and in line with the Government's commitment under Sustaining Progress, an application for a derogation from certain provisions of the action programme was submitted to the EU Commission last week. A detailed scientific argument in support of the derogation was prepared by my Department and Teagasc, in consultation with the Department of the Environment, Heritage and Local Government.

Milk Prices.

60. **Mr. Wall** asked the Minister for Agriculture and Food if she will respond positively to the concerns of farmers in the south and west who have been protesting at cuts in milk prices; if her attention has been drawn to the financial hardship which is being experienced by farmers concerned; and if she will make a statement on the matter. [29314/04]

Minister for Agriculture and Food (Mary Coughlan): The price paid to farmers for their milk is a commercial matter between milk producers and the dairies or processors who purchase their milk. The prices paid by these processors are a function of a range of factors including the efficiency of these organisations, their product portfolio and the market in which their products are sold.

My role is to ensure that an EU policy framework is in place, and EU market management measures are implemented in a manner which allows the dairy sector to continue to develop and support farmers' incomes. In this context, producer prices in Ireland this year are similar to last year, notwithstanding the reduction in the intervention prices agreed as part of the CAP mid-term review. Producers have recently been paid a dairy premium amounting to approximately 1.2 cents per litre as partial compensation for the reduction in the intervention price levels.

Food Safety Standards.

61. **Mr. Broughan** asked the Minister for Agriculture and Food about the provisions that are in place to ensure that dioxin levels in food or feed are within the proposed limits set down by the European Commission; and if she will make a statement on the matter. [29345/04]

Minister for Agriculture and Food (Mary Coughlan): The maximum permitted levels of dioxin in animal feed are laid down in Commission Directive 2003/57/EC amending Directive 2002/32/EC of the European Parliament and of the Council on undesirable substances in animal feed. My Department carries out extensive monitoring for the presence of dioxin in feed through the sampling and analysis of all types of feed, at all stages of the feed chain, in order to ensure compliance with the maximum permitted levels laid down in the legislation. To date in 2004, the Department has carried out analysis of

78 samples for dioxins in animal feed, all of which were below the maximum permitted levels under EU legislation.

Furthermore, in 2005, we will participate in an EU wide monitoring programme for the presence of dioxin and dioxin-like polychlorinated biphenyls, PCBs, in animal feed. The European Commission's strategy for dioxins, furans and polychlorinated biphenyls aims to reduce human exposure at safe levels in the medium to long term, with a quantitative objective to reduce human intake levels, primarily from food, below 14 pico-grams WHO-toxicity equivalence per kilogram bodyweight per week.

This year, the Food Safety Authority of Ireland in collaboration with my Department monitored dioxin occurrence in meat, offal, fruit, vegetable, cereals and dairy produce. A similar exercise was carried out on eggs in 2003. I understand there is a study underway on fish. The results of these surveys indicate that the levels found are well below the existing EU maximum levels and will also be below the Commission proposed levels, which will include levels for dioxin-like polychlorinated biphenyls.

I am satisfied that there is no risk to the safety and quality of food produced in Ireland. A report issued by the FSAI in November 1993 stated that "as part of an overall waste management strategy, as reflected in the EC waste hierarchy, incineration coupled with waste prevention, reduction, recycling and other treatment methods is the preferred option". My colleague the Minister for the Environment, Heritage and Local Government, Deputy Roche, is actively pursuing an integrated waste management approach which is the practice used by the best waste performers in Europe and reflects the internationally recognised waste management hierarchy.

Social Partnership.

62. **Mr. Boyle** asked the Minister for Agriculture and Food if she has considered the case from ICSA to be represented in social partnership; and if she will make a statement on the matter. [29373/04]

Minister for Agriculture and Food (Mary Coughlan): Currently, the agriculture pillar is represented by the IFA, the ICMSA, ICOS and Macra na Feirme at national partnership. It is considered that these organisations have a sufficient spread of membership and interests both to represent adequately the views of the sector and to build a consensus around optimum policies for the agri-food sector at national level.

However, my Department is always willing to meet with farm representative bodies to discuss issues of particular concern and there is regular contact with the ICSA on issues of importance to its members.

Tax Code.

63. **Mr. R. Bruton** asked the Minister for Agriculture and Food the discussions she has had with

[Mr. R. Bruton.]
the Department of Finance regarding section 605 roll-over relief; and if she will make a statement on the matter. [29196/04]

Minister for Agriculture and Food (Mary Coughlan): The issue of roll-over relief is a taxation matter and is for consideration by the Minister for Finance.

Forestry Industry.

64. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food if she will report on the progress on the development of an audit protocol which will facilitate sustainable forest management and certification of compliance with existing Forest Service guidelines and standards; the number of times the committee charged with this work has met; and if she will make a statement on the matter. [29377/04]

Minister for Agriculture and Food (Mary Coughlan): I welcome the effort being made by the forestry sector to develop a protocol to facilitate sustainable forest management, along with the related compliance certification. A committee comprised of stakeholders representing the economic, social and environmental pillars involved in sustainable forest management, took on this task at the end of 2003. While my Department is not actually represented on this committee, it is facilitating the process by providing secretarial support.

The committee agreed that it would be useful to contract out some of the work. The Department undertook to facilitate this and, following a full tender process, selected a firm of consultants to prepare a first draft of the protocol, based on best international practice. Work on drafting the protocol is underway at present and the Department would expect the protocol to be completed in 2005.

Bovine Diseases.

65. **Ms Shortall** asked the Minister for Agriculture and Food the reason new cases of BSE are still being discovered despite the present restrictions on animal feed; the number of such cases since the ban on meat and bone meal was imposed; if her Department's investigations into such cases have produced any results; and if she will make a statement on the matter. [29317/04]

Minister for Agriculture and Food (Mary Coughlan): I assume that the Deputy's question refers to cases of BSE in animals born after enhanced control measures in relation to meat and bone meal, specified risk materials and the processing of mammalian waste were introduced in 1996 and 1997. Epidemiological investigations are carried out into the feeding regimes of all herds in which BSE is identified. Particular attention is paid to herds in which cases born after the feed controls were re-enforced are confirmed.

Within the context of the overall picture, the diagnosis of BSE in a small number of animals

born after 1997 is to be expected. To date, six animals born after 1997, four in 1998 and two in 1999, have been diagnosed with BSE. In addition, ten cases were confirmed in 1997, new-born animals, but some of these were born before all the reinforced measures were fully in place. My Department had foreseen the likelihood that occasional, individual cases would from time to time arise, which might relate to circumstances specific to the farms in question and which do not conform with the general trend as the incidence of the disease recedes in the national herd. There is, however, no basis for suspecting that this or other such isolated cases are indicative of either a systemic failure in controls or of a reversal of, or deviation from, the overall positive trend as regards BSE in Ireland.

In 2004, 114 cases were confirmed to 12 November 2004 compared with 162 in the same period last year. This represents a reduction of 30%. Of these cases, 96% have occurred in animals born prior to the introduction of the additional controls. The shift in age profile of BSE cases as well as a reduction in case numbers indicates that the additional controls introduced in 1996/1997 have been effective in significantly reducing the exposure of animals born after 1997 to the infectious agent. It is expected that the incidence of disease will continue to decline as cows born prior to 1998 leave the system.

Question No. 66 answered with Question No. 23.

Question No. 67 answered with Question No. 27.

Health and Safety Regulations.

68. **Mr. Gogarty** asked the Minister for Agriculture and Food if she will evaluate the impact of agriculture if incinerators are built around the country. [29376/04]

Minister for Agriculture and Food (Mary Coughlan): The issue of the construction of incinerators is a matter in the first instance for the Minister for the Environment, Heritage and Local Government.

Forestry Industry.

69. **Ms O. Mitchell** asked the Minister for Agriculture and Food further to the recent Bacon Review of the forestry sector, the proposals she intends to pursue to develop the sector, particularly in reaching the planting target set out in the programme for Government 2002; and if she will make a statement on the matter. [29304/04]

Minister for Agriculture and Food (Mary Coughlan): The planting target of 20,000 hectares per annum set out in An Agreed Programme for Government reflects the target set in Growing for the Future, published in 1996. The average number of hectares planted per annum since 1996 was 14,000 hectares.

The Review and Appraisal of Ireland's Forestry Development Strategy, published by Peter Bacon and Associates recently, is a key element in the review of the sector. The proposals in the review are being considered in conjunction with the draft EU Regulation on Rural Development Policy, which proposes reductions in EU financial support for forestry. The Bacon report reaffirmed the need for an approved planting target of 20,000 hectares per annum but a lesser planting target could be a viable basis for support, providing the planting maximises the non-timber benefits.

Until such time as, the final terms of the draft rural development regulation are known and its likely impact on Irish forestry assessed, it would be unwise to bring forward new forestry proposals.

The current availability of grant-aid at 100% for planting and generous annual premiums together with the concession in relation to the stacking entitlements *vis-à-vis* the single payment scheme, make forestry an attractive land-use option for farmers.

Rural Environment Protection Scheme.

70. **Mr. J. O'Keeffe** asked the Minister for Agriculture and Food the measures she intends to take to address the problems experienced by farmers in the Shannon Callows, as a result of current proposals which do not allow them to split their lands for grant aid purposes between REPS funding and funding allocated under the SAC and SPA designation; and if she will make a statement on the matter. [29300/04]

Minister for Agriculture and Food (Mary Coughlan): Measures have already been taken to address the specific situation of farmers in the Shannon Callows with lands designated under the birds or habitats directives. Farmers in this area who wish to join REPS, but believe that the REPS payments do not fully offset any income loss arising from the restrictions placed on their farming activities because of designation under the directives, may now also apply to the National Parks and Wildlife Service for additional compensation. Before this arrangement was introduced in September 2004, they had to choose between REPS and the compensation arrangements operated by NPWS but could not benefit from both.

This further concession to farmers in the Shannon Callows was additional to the inclusion of a new supplementary measure in REPS, when REPS 3 was introduced in June 2004. Designated areas are already eligible for payments under REPS measure A of €242 per hectare for the first 40 hectares and lesser amounts for areas over 40 hectares, and the new supplementary measure provides for an additional payment of €100 per hectare on particular sites in the Callows which are important corncrake habitats. Those sites are monitored by BirdWatch Ireland, and REPS farmers can qualify for the additional payment by

subscribing to BirdWatch Ireland management prescriptions for them.

I am satisfied that provisions now in place guarantee full compensation for any losses arising out of designation for REPS participants while preserving the integrity of REPS as a whole-farm scheme.

Legislative Proposals.

71. **Mr. Quinn** asked the Minister for Agriculture and Food about her proposals in the newly published legislation for the veterinary profession; and if she will make a statement on the matter. [29325/04]

Minister for Agriculture and Food (Mary Coughlan): I presented the Veterinary Practice Bill 2004 to Seanad Éireann on 27 October 2004. The purpose of the Bill is to replace the existing outdated legislation which regulates the veterinary profession. The Bill is comprehensive and provides, in particular, for: a legal definition of the practice of veterinary medicine for the first time in Irish legislation; broader membership of the Veterinary Council to reflect interests such as education, consumers and food safety and a better balance as between veterinarians and others; a wider basis on which registration can be granted and for registration of specialists in particular areas of veterinary practice; the establishment of standards for continuing professional development, compliance with which would be a prerequisite for retention on the register; a new model to deal with complaints and a broader range of proportionate sanctions: statutory recognition for nurses for the first time; the establishment and monitoring of standards of veterinary premises; and the Veterinary Council to be given certain investigative powers.

The Second Stage of the Bill was taken in the Seanad on 4 November during which Senators made a number of useful contributions. I hope the Bill will progress expeditiously through the remaining stages in the Seanad. It is my intention to bring this draft legislation before the Dáil at the earliest possible opportunity.

Question No. 72 answered with Question No. 39.

Hospital Services.

73. **Mr. J. O'Keeffe** asked the Tánaiste and Minister for Health and Children her estimate of the number of persons who are unable in the short to medium term to obtain an appointment with a consultant in order that they can be put on a waiting list for an operation for orthopaedic surgery involving hips and knees; and her proposals to deal with this problem in view of the fact that some of these persons can be waiting for a year or more for an appointment to be placed on a waiting list. [29513/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the management

[Ms Harney.] and monitoring of out-patient waiting lists, including orthopaedic out-patient waiting lists, rests with individual hospitals and health boards. It is a matter for each hospital to prioritise their services based on patient need and use their available resources to best effect to ensure that patient services are delivered efficiently and effectively. Figures on the number of persons waiting for an outpatient appointment with a consultant are not collected by my Department. However, I do intend to raise with the National Treatment Purchase Fund the question of how we might begin to make progress in relation to outpatient appointments in 2005.

In accordance with health strategy objectives, the Government's immediate focus is on the reduction of waiting lists and waiting times for in-patients and day case treatments in acute hospitals. This is being particularly facilitated by the National Treatment Purchase Fund.

Community Care.

74. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the structures which have been put in place by the Western Health Board to assist a person (details supplied) in County Mayo in providing nursing care for their child; the nursing hours which have been provided since the birth of the child, as respite for their parents; and the plans there are to ensure that adequate help is given in this case. [29514/04]

Tánaiste and Minister for Health and Children (Ms Harney): The provision of community nursing services, and any matters relating to such provision, within its functional area, is a matter for the relevant health board. In the case of County

Mayo this responsibility lies with the Western Health Board.

In the circumstances the Department has requested the chief executive officer of the Western Health Board to reply direct to the Deputy.

Medical Cards.

75. **Ms McManus** asked the Tánaiste and Minister for Health and Children the breakdown of the number of database entries deleted in each category with regard to inappropriate database entries for medical cards in each health board area; and the reasons for deletion (details supplied). [29515/04]

Tánaiste and Minister for Health and Children (Ms Harney): The detailed information requested by the Deputy is held by health boards. The Health Board Executive have been requested to co-ordinate the requested information which will be forwarded to the Deputy upon receipt.

Orthodontic Services.

76. **Mr. J. O'Keeffe** asked the Tánaiste and Minister for Health and Children the number of children who are awaiting orthodontic treatment and assessment in each of the health board areas; and the waiting time for assessment and treatment in respect of each health board area. [29516/04]

Tánaiste and Minister for Health and Children (Ms Harney): The provision of orthodontic services is a matter for the health boards-authority in the first instance.

The chief executive officers of the boards have informed my Department of the following information on their orthodontic assessment and treatment waiting lists as at the end of September 2004:

Health Board	Assessment Waiting List		Treatment Waiting List			
		Average waiting time (months)	Category A	Average waiting time (months)	Category B	Average waiting time (months)
SWAHB	416	3-6	745	12	541	24
ECAHB	81	< 3	55	< 6	194	< 12
NAHB	143	3 -6	149	< 18	2,418	< 36
MHB	229	3	Nil	No Waiting Time	344	18
MWHB	2,737	24-36	Nil	No Waiting Time	657	24-36
NEHB	Nil	No waiting time	3	1.5-2	197	18
NWHB	2,536	8	298	10.5	1,080	30.5
SEHB	203	1.5-2	Nil	No Waiting Time	519	17
SHB	3,171	According to Date of Birth. Currently 1990	Nil	No Waiting Time	3,111	42-48
WHB	633	12	Nil	No Waiting Time	730	33

Patients in category A require immediate treatment and include those with congenital abnormalities of the jaws such as cleft lip and palate, and patients with major skeletal discrepancies between the sizes of the jaws. Patients in category B have less severe problems than category A patients.

Care of the Elderly.

77. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when replacement windows will be installed under the housing aid for the elderly scheme for a person (details

supplied) in County Clare; and if she will make a statement on the matter. [29517/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy will be aware, the housing aid scheme for the elderly in County Clare is operated by the Mid Western Health Board, on behalf of the Department of Environment, Heritage and Local Government. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

78. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when a shower and toilet will be installed under the housing aid for the elderly scheme for a person (details supplied) in County Clare; and if she will make a statement on the matter. [29519/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy will be aware, the housing aid scheme for the elderly in County Clare is operated by the Mid Western Health Board, on behalf of the Department of Environment, Heritage and Local Government. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

Housing Aid for the Elderly.

79. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when replacement windows will be installed under the housing aid for the elderly scheme for a person (details supplied) in County Clare; and if she will make a statement on the matter. [29520/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy will be aware, the housing aid scheme for the elderly in County Clare is operated by the Mid-Western Health Board on behalf of the Department of Environment, Heritage and Local Government. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

80. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when payment will be forwarded under the housing aid for the elderly scheme to a person (details supplied) in County Clare; and if she will make a statement on the matter. [29521/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy will be aware, the housing aid scheme for the elderly in County Clare is operated by the Mid-Western Health Board on behalf of the Department of Environment, Heritage and Local Government. My

Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

Drugs Payment Scheme.

81. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the way in which the indicative drugs target savings schemes work; the person who pays for the drugs; if they are paid from the savings of drugs; if the drugs are paid for separately; the benefit of the scheme; the protection there is to ensure that the best drugs available are given to the sick; the steps taken to ensure that the drugs are not inferior; and if she will make a statement on the matter. [29522/04]

Tánaiste and Minister for Health and Children (Ms Harney): The indicative drugs target savings scheme, IDTSS, was introduced from 1 January 1993 on foot of a negotiated agreement between the Department of Health and Children and the Irish Medical Organisation, IMO. The agreement provided that both parties were committed to the achievement of responsible and cost effective prescribing. The scheme was established in line with 1992 policy document, The Future of General Practice in Ireland.

Under the terms of the IDTSS, participating doctors receive annual prescribing targets and the savings realised by them may be used for health board approved practice developments. From 1993 to 1998, the terms of the IDTSS allowed for 50% of the savings realised to be allocated to health boards to specifically fund general practice developments within their area. The participating doctors could access the other 50%. Since 1999, this has changed and the doctors involved may access 100% of their accrued savings.

The drugs savings which accrue under the scheme relate to prescriptions for general medical services scheme patients. GMS patients receive their approved prescribed drugs and medicines free of charge. Non-GMS patients are entitled to avail of the drugs payment scheme, DPS. The DPS provides that no person or family unit has to pay in excess of €78 per month for approved prescribed drugs and medicines. There is a common list of reimbursable medicines for the GMS and DPS. This common list ensures that prescriptions provided to patients relate to a common usage of drugs for both GMS and other patients. For an item to be included on the common list, it must comply with certain criteria which include authorisation status, where appropriate, price and, in certain cases, the intended use of the product.

Clinical decisions in relation to prescribing are taken by a general practitioner based on the symptoms of the presenting patient. In 1997, a review of the IDTSS was completed by Michael Murphy, Professor of Pharmacology at University

[Ms Harney.]

College, Cork. The purpose of the review was to determine the effects of the IDTSS on quality of patient care in the GMS, with particular reference to changes in prescribing patterns. The review found that “there were changes in prescribing behaviour as a result of the Indicative Drugs Target Savings Scheme. Some doctors made savings through enhanced prescribing of generic medications and there were no discernible negative effects on overall quality of prescribing”.

Under the IDTSS savings may be used by the general practitioners involved to provide additional or enhanced services which impact on patients. These include information technology, practice premises, clinical equipment, research, education, training and recruitment of extra primary care expertise on fixed term contracts, for example, paramedical, counselling etc. Savings made cannot be used to subsidise normal practice expenses. Health boards are required to approve applications from participating GPs for the use of the savings made under the IDTSS.

Health Board Services.

82. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children if she will take steps to ensure that a person (details supplied) in County Westmeath is supplied with a hearing aid without further delay. [29563/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the provision of audiology services to eligible persons in County Westmeath rests with the Midland Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

Budget Submissions.

83. **Mr. O’Shea** asked the Tánaiste and Minister for Health and Children the proposals she has to respond to the pre-budget 2005 submission of the Irish Deaf Society (details supplied) in Dublin 7; and if she will make a statement on the matter. [29568/04]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): My Department is currently examining the pre-budget 2005 submission from the Irish Deaf Society which was supplied by the Deputy. The issues realised in relation to health services will be taken into account in the next few weeks in the light of overall budgetary considerations.

Health Board Services.

84. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in Dublin 9 is not receiving a speech therapy service; the further reason there are no speech therapy services in Coolock;

and if she will make a statement on the matter. [29610/04]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): Responsibility for the provision of services, including speech therapy, for persons with an intellectual disability and those with autism in the Dublin 9 area is a matter, in the first instance, 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.

Variant CJD Case.

85. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the efforts she has made to identify possible causes for the tragic incident of human variant CJD; the extent to which scientific analysis has been concluded in this regard; and if she will make a statement on the matter. [29626/04]

Tánaiste and Minister for Health and Children (Ms Harney): This case relates to a 23 year old man who was admitted to a Dublin hospital about seven weeks ago and who has now been diagnosed as suffering from variant CJD. I am advised that the probability is that he contracted it before the current very strict controls on the sale of meat in Ireland were brought into force in 1996. However, given that the incubation period for variant CJD is considered to be several years, it is virtually impossible to identify the specific source of infection.

I have been advised by the chairman of the national CJD advisory group on any possible broader public health implications which may have arisen from this case and the advice was that there is no public health issue in this case as the patient has never received a blood transfusion, he was never a blood donor and he has not received any invasive medical treatments. The role of the national CJD advisory group is to provide scientific, professional and technical advice on all aspects of CJD and the policy responses that are appropriate in the light of the evolving information and evidence on this topic.

I have also been advised by the chairman of the advisory group that the measures in place to protect public health, particularly in relation to the protection of the blood supply, are in accordance with best international practice.

Following preliminary discussions with the chairman of the advisory group and with the medical director of the Irish Blood Transfusion Service, IBTS, in regard to this case, the initial conclusion is that no other measures apart from those already in place need to be taken. The IBTS undertook a review of its policies following the first reported case of transfusion infection in

the UK last year and again in July this year following the second reported case.

The national CJD advisory group has also recently endorsed the most up-to-date infection control guidance from the National Disease Surveillance Centre in respect of the management of CJD in the health care setting and my Department is ensuring the circulation of the guidance through the health care system. The disease continues to be notifiable and the national CJD surveillance unit in Beaumont Hospital continues its activity in monitoring the occurrence of CJD in Ireland.

I would again like to sympathise with this young man and his family in this very difficult time and ask the media to respect their privacy.

Health Board Services.

86. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Kildare will receive orthodontic treatment as required; and if she will make a statement on the matter. [29629/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the provision of orthodontic treatment to eligible persons in County Kildare 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.

Garda Stations.

87. **Mr. J. O’Keeffe** asked the Minister for Finance the reason for the delay in the renovation of Dunmanway Garda station; and if arrangements for same are being put in place. [29537/04]

Minister of State at the Department of Finance (Mr. Parlon): I am advised by the Commissioners of Public Works that the proposal for the refurbishment of Dunmanway Garda station was contingent on the acquisition of portion of the adjoining site. Protracted negotiations with the adjoining landowner for the acquisition of the plot of land have proven difficult and the commissioners are now reviewing the long-term proposals for Dunmanway Garda station with the Garda authorities.

Public Service Remuneration.

88. **Mr. R. Bruton** asked the Minister for Finance his estimate of the public service pay bill in 2005 based on the target employment levels for the year as outlined in his reply to Parliamentary Question No. 125 of 4 November 2004; the estimated increase in the pay bill over 2004; and the amount of the extra payments represented by the change in public service numbers, the benchmarking awards, the carry-over of existing pay settlements and additional pay increases due to be made in the course of 2005. [29538/04]

Minister for Finance (Mr. Cowen): The total increase in the gross pay bill in 2005 will be €1.06 billion or 7.4% over the 2004 estimated outturn. This is broken down as follows:

	€m
2004 Forecast Outturn	14,182
2005 Estimate	<u>15,239</u>
	1,057
<i>of which:</i>	
Sustaining Progress	530 (of which €388 million represents the 2005 carry-over of the general round increases from 2004)
Benchmarking	174
Numbers	134
Other pay	219

Details of the above figures are included in the 2005 Abridged Estimates Volume being presented to the House today.

National Development Finance Agency.

89. **Mr. R. Bruton** asked the Minister for Finance the number of projects referred to the NDFA in each of the past 12 months; the number whose funding profile has been approved by the NDFA in each of the past 12 months; and the number for which a PPP model has been recommended by the NDFA in each of the past 12 months. [29539/04]

Minister for Finance (Mr. Cowen): The role of the National Development Finance Agency is to advise Departments about the optimum means of financing the cost of capital projects in order to achieve value for money, whether procured through a PPP approach or through traditional procurement. Departments and agencies, which are the decision-making bodies, are obliged to seek the advice of the National Development Finance Agency on all capital projects or grouped projects valued in excess of €20 million. For projects valued under that amount the advice of the agency may be sought but is not obligatory. The National Development Financing Agency does not have a project approval role.

I am advised that, since its establishment, more than 60 referrals for advice have been received by the NDFA. Of these, several projects had already been identified as candidates for PPP. I am advised by the agency that 17 new projects have been referred to it in the 12 months from November 2003 to October 2004. There is a long lead in time involved in the procurement of public capital infrastructure projects, particularly as regards PPP projects. Many projects referred to the NDFA are currently in procurement and the agency has been providing advice on an ongoing basis.

Under the procurement guidelines as set down by my Department, there are a number of steps in the process on which the NDFA is consulted. A key step in the appraisal of a PPP project proposal is the preparation of the public sector

[Mr. Cowen.] benchmark. This represents the estimated costs of the project were it to be provided by the public sector and forms the basis for setting an overall budget for the process and the subsequent evaluation of private sector bids on a value for money basis. The NDFA plays a key role in the project team responsible for devising the public sector benchmark for approval by the project board. The outcome of the tender process for each project is compared to the public sector Benchmark in a value for money test in deciding whether or not to opt for the PPP route. Other steps in the procurement process in which the NDFA is providing ongoing advice include optimal financing package, bidder evaluation and commercial negotiation.

There are cases in which the NDFA recommends a PPP, especially in circumstances in which there is a high degree of risk that can be carried more effectively by the private sector and speed of delivery is a key consideration for the State. The final decision on any project is one for the relevant Accounting Officer or the Minister involved, as appropriate. Many projects on which the NDFA is advising were already designated as suitable for PPP prior to the establishment of the NDFA. In such cases the NDFA advises on current aspects raised with it.

Seven projects have reached the contract signing stage, four of which are PPPs, with finance for the remainder arranged by the NDFA. In a number of cases the projects were already designated as suitable for PPP prior to the establishment of the NDFA. The NDFA advises on the value for money analysis of PPP projects with regard to the financing and risk aspects of a project.

Architectural Heritage.

90. **Mr. N. O'Keefe** asked the Minister for Finance the position regarding ownership of a property (details supplied) in County Cork. [29572/04]

Minister of State at the Department of Finance (Mr. Parlon): In accordance with the Government decision with regard to the built heritage, responsibility for operational functions in relation to the management of the property referred to by the Deputy has recently transferred to the Office of Public Works from the Department of Environment, Heritage and Local Government, while responsibility for policy functions, including capital funding, has been retained by that Department.

Flood Relief.

91. **Mr. N. O'Keefe** asked the Minister for Finance if he will make arrangements to repair a bridge (details supplied) in County Cork which was damaged by floods. [29573/04]

Minister of State at the Department of Finance (Mr. Parlon): The Office of Public Works only recently assumed responsibility for the property referred to by the Deputy. There are two bridges at the property, neither of which was damaged as

a result of recent flooding. Both, however, are in need of repair work and the position is being assessed.

Tax Collection.

92. **Mr. Carey** asked the Minister for Finance if he has received an application for charitable status from a company (details supplied) in Dublin 11; and if he will make a statement on the matter. [29601/04]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that an application for charitable tax exemption was received from the company in question on 9 August 2004. In order to process the application, further clarification and supporting documents were needed. Accordingly, the charities section of the Revenue Commissioners wrote to the agents acting on behalf of the company on 12 August 2004 seeking the additional information. No reply has been received to date.

Marine Tourism.

93. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources the status of the Loughs Agency marine tourism strategy for Lough Foyle; the actions which have taken place in the past four months and those which are planned in the immediate future; and if he will make a statement on the matter. [29528/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The strategy and action plan on marine tourism and leisure in respect of Lough Foyle and Carlingford Lough has not yet been finalised. Following extensive consultation with stakeholders and interest groups, including the north-west region cross-Border group and the east Border region committee, the final draft of a study commissioned to recommend an appropriate strategy and action plan for the development of marine tourism and leisure on Lough Foyle and Carlingford Lough is being considered by the board of the Loughs Agency.

Once the final draft is approved by the Loughs Agency board, it will need to be considered by my Department in conjunction with the Department of Agriculture and Rural Development in Northern Ireland. Any agreed recommendations arising out of this process will ultimately have to be routed through the interim procedures mechanism of the North-South Ministerial Council for ministerial approval.

Proposed Legislation.

94. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources when legislation to licence aquaculture on Lough Foyle will be brought before the Houses of the Oireachtas in view of the fact that commitments were made in 1994 and 1995 that such legislation would be forthcoming within three months; if he will make a statement on the reasons for the

delay; and the timescale for moving the badly needed legislation forward. [29529/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Deputy will be aware from my previous replies to Parliamentary Question No. 159 of 19 February 2004 and Parliamentary Question No. 159 of 16 June 2004 that my Department is working in conjunction with the Department of Agriculture and Rural Development in Northern Ireland and respective legal advisers to draft the necessary legislation to enable the Loughs Agency of the Foyle, Carlingford and Irish Lights Commission, FCILC, to, *inter alia*, exercise its functions in relation to aquaculture.

As I further explained to the Deputy in those replies, the drafting of this legislation is a complex task. Provision must be made for the licensing and control of aquaculture, including an appeals process and fish health matters. The proposed legislation must also address jurisdictional issues, including access to courts North and South in respect of offences committed in a cross-Border context. The aim is to ensure that the resulting framework will enable the Loughs Agency to fulfil its responsibilities under the British Irish Agreement Act to develop and licence aquaculture in Lough Foyle and Carlingford Lough in a fully sustainable way.

My officials are engaged in an intensive series of meetings with all parties involved with a view to resolving all outstanding issues as soon as possible. I assure the Deputy that every effort is being made to facilitate the publication of the necessary legislation by the end of this year.

Telecommunications Services.

95. **Mr. Hogan** asked the Minister for Communications, Marine and Natural Resources the action he is taking to ensure the implementation of DSL technology which would allow significantly higher access to broadband in rural areas; and if he will make a statement on the matter. [29552/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications services, including broadband, is a matter 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 national development plan for broadband infrastructure investment that will enable the provision of broadband services regionally by the private sector.

Metropolitan area networks are being built in 26 towns and cities, in association with 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, metropolitan area networks will be built in a further 92 towns with a population of 1,500 and over.

Due to limitations in both bandwidth and distance, digital subscriber lines is regarded as an introductory broadband technology only. A working limit of around 3 km from the exchange means that many rural subscribers cannot obtain broadband over their telephone lines. Higher speed broadband, 2Mb/s and upward, requires fixed wireless links, cable modems, satellite technology or fibre trunk networks such as those being funded under the national development plan. For smaller towns and rural communities, my Department has 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.

A number of companies are now offering broadband in all areas of the country. Details can be found on my Department's website, www.broadband.gov.ie. 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.

96. **Mr. N. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources the position in the introduction of broadband in an area (details supplied) in County Cork. [29569/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications services, including broadband, is a matter 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 national development plan for broadband infrastructure investment that will enable the provision of broadband services regionally by the private sector.

Metropolitan area networks are being built in 26 towns and cities, in association with 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, metropolitan area networks will be built in a further 92 towns with a population of 1,500 and over.

For smaller towns and rural communities, such as Doneraile, 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 services in the Doneraile 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.

Post Office Network.

97. **Mr. N. O’Keeffe** asked the Minister for Communications, Marine and Natural Resources if he will put in place arrangements to computerise rural post offices in order that they can expand their business and add to the quality of life in rural Ireland. [29570/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Government is committed to a viable and sustainable rural post office network providing a range of services to meet consumer needs. This commitment is illustrated by the Government injection of €12.7 million into the network in 2003 to facilitate modernisation measures. The Government has also supported An Post initiatives such as the channelling of new utility and banking services through the network. In addition, An Post has introduced new service delivery models in order to improve access to post office services. There are 1,000 automated post offices, 475 non-automated post offices, 160 postal agencies and An Post has established 3,000 postpoint outlets in retail premises of which 600 can be used for bill payment.

The automated network accounts for over 95% of An Post’s counter business. This means that the 1,000 automated offices transact 95% of counter business while 475 non-automated offices undertake 5% of business. This figure clearly illustrates the level of business transacted by individual non-automated offices. The current level of automated coverage is considered by An Post to be extremely comprehensive by any objective standard and this level of coverage makes it difficult to justify on either customer-service or economic ground the extension of automation to all offices, regardless of their location or business volumes.

Automation of the post office network was completed in 1997. It is, therefore, only in very exceptional circumstances, such as an existing automated office closing and its equipment being transferred to a suitable neighbouring location which transacts significant volumes of welfare business, that offices are automated today. The core objective continues to be the retention of access to post offices services in as many locations as possible, in the manner which best meets consumer needs, whether services are provided via post office, postal agencies or the postpoint network.

98. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the action he proposes to take directly or through the regulator or by other means to avert the threatened postal strike over the Christmas 2004 period (details supplied); and if he will make a statement on the matter. [29645/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Proposals on arrangements for Christmas were presented to unions by the company recently for consideration. An Post indicated that the arrangements are similar to last year in terms of hiring casual

staff and the amount of overtime available. I understand that this issue has been referred to the Labour Relations Commission for determination and therefore, it would not be appropriate for me to comment further.

Swimming Pool Projects.

99. **Mr. McHugh** asked the Minister for Arts, Sport and Tourism if he will allocate a grant to a development committee (details supplied) in County Galway in order to allow the project to proceed; and if he will make a statement on the matter. [29640/04]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): Under the guidelines for the local authority swimming pool programme, Procedures for the Planning, Approval and Financing of Swimming Pools and Technical Guidelines, there are four principal stages in a swimming pool project. These, in order of progress, are feasibility study and preliminary report; contract documents; tender and construction. The Department and its technical advisors, the Office of Public Works, evaluate each stage and local authorities cannot proceed from one stage to the next without prior Ministerial approval.

Galway County Council submitted documentation for a joint venture for the development of a swimming pool facility at Loughrea that did not follow the guidelines as outlined above. However, officials in my Department are considering the proposal as submitted and are in correspondence with council officials in this regard.

Work Permits.

100. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment the position regarding the application by a person (details supplied) for a work permit; and if he will make a statement on the matter. [29545/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): I am informed that the work permits section of my Department has recently made a decision to refuse the above application for a work permit. From documentation submitted in support of this application, it appears that the above named employee does not have a current valid residency stamp. Her last work permit expired in June 2003. The employer in question has been notified of this decision in writing and has been informed of their right of appeal.

101. **Mr. J. O’Keeffe** asked the Minister for Enterprise, Trade and Employment the reason for the delay in the issue of a renewal of a work permit to a person (details supplied) in County Cork; and if same will issue. [29546/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): The work permits section of my Department has recently made a decision to refuse the application for a work permit based on the following criteria. From documentation submitted in support of this application, it appears that the above named employee was paid less than the national minimum wage and those cir-

cumstances the issuing of a work permit could not be justified. The employer in question has been notified of this decision in writing and has been informed of their right of appeal.

102. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment when a decision will be made on an application for the extension of a work permit in the name of a person (details supplied); and if he will make a statement on the matter. [29551/04]

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.

EU Funding.

103. **Mr. Cuffe** asked the Minister for Enterprise, Trade and Employment if his Department maintained to the fraud squad in its statement of 26 April 1999 that it had assured itself that the invoices related to the alleged fraud had been paid; the way in which this can be explained, in view of the later admission by his Department that it was fairly typical to release grant payment when it had assured itself that the programme was generally on course; the reason attention was not drawn in the statement to the fraud squad, that invoices were not required to match incurred expenditure at the time of draw down; and the further reason the then Tánaiste informed Dáil Éireann on two occasions and her Department informed the accused in writing on another two occasions that all relevant information had been made available, when clearly the vital evidence had been withheld. [29576/04]

104. **Mr. Cuffe** asked the Minister for Enterprise, Trade and Employment the persons who were the assistant secretary general, principal officer and assistant principal officer in charge of implementing and administering the small business operational programme between 1997 and 2000. [29577/04]

105. **Mr. Cuffe** asked the Minister for Enterprise, Trade and Employment the identity of his Department officials who were responsible for implementing EU Regulation 2064/97 as it impacted the small business operational programme. [29578/04]

106. **Mr. Cuffe** asked the Minister for Enterprise, Trade and Employment the person who confirmed to Brussels that Regulation 2064/97 had been implemented by the latest date of 30 June 1998 as required by Article 9. [29579/04]

107. **Mr. Cuffe** asked the Minister for Enterprise, Trade and Employment the person who confirmed to the Department of Finance that Regulation 2064/97 was being implemented, as required by its circular 23/98. [29580/04]

108. **Mr. Cuffe** asked the Minister for Enterprise, Trade and Employment the way in which Regulation 2064/97 expected European social fund funds to be audited differently from European regional development funding. [29581/04]

110. **Mr. Cuffe** asked the Minister for Enterprise, Trade and Employment the identity of his Department personnel who attended the specially convened European Union meeting to express opposition to Regulation 2064/97. [29583/04]

111. **Mr. Cuffe** asked the Minister for Enterprise, Trade and Employment the arguments his Department put forward against Regulation 2064/97. [29584/04]

112. **Mr. Cuffe** asked the Minister for Enterprise, Trade and Employment the identity of his officials who dealt with Brussels and the Department of Finance during the negotiation for Regulation 2064/97. [29585/04]

113. **Mr. Cuffe** asked the Minister for Enterprise, Trade and Employment the person to whom a person (details supplied) reported the charge of fraud when it was formally levelled in January 1999 by phone and letter. [29586/04]

114. **Mr. Cuffe** asked the Minister for Enterprise, Trade and Employment the person who wrote the small business operational programme report and final report of 2002. [29587/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 103 to 108, inclusive, and 110 to 114, inclusive, together.

In 1996, a project undertaken by an organisation was approved for grant assistance of up to €104,000 by my Department under the EU funded small business operational programme. In accordance with the normal procedures for the relevant measure, an initial grant of 50% of the total approved was made at that time, while a further grant of 30% was issued in September 1997, following the submission of a progress report on the project by the organisation.

On 29 January 1999, the Department was advised by the relevant organisation that it appeared to the organisation that it had received an overpayment from the Department in respect of expenses amounting to £16,500 on foot of which a grant had been paid at the rate of 75%. At a meeting with the Department on 5 March 1999 to discuss this matter, the organisation advised the Department that it had decided to alert the Garda fraud squad to suspected irregularities in the claims submitted to the Department for funding for the project. The Department was advised that the fraud squad had been alerted to the organisation's concerns about invoices in the amount of £16,500 received from a supplier of services to the organisation, which had been used to support the draw down of funds from the Department. The Department was advised that the organisation's auditors had also been informed about the matter and that the Depart-

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ment would be kept informed about developments. At that stage, the Department suspended any further payments in respect of this project pending the conclusion of the investigations into the matter.

On 26 April 1999, an official from the Department who had dealt with the project met members of the fraud squad regarding the matters raised with the fraud squad by the organisation and responded to their queries in relation to the matter. The contemporaneous record of that meeting, prepared by the official concerned, gave an outline of the statement he made. This record indicates, *inter alia*, that the official had satisfied himself that the invoices submitted to support the draw down of the second tranche of funding had been paid. The standard approach followed in checking that invoices had been paid was to verify that payments in respect of a sample of invoices were reflected in bank statements. The procedure outlined to the fraud squad for the draw down of funds in this case was followed in relation to the other projects supported by the particular measure.

On 23 June 2000, the organisation wrote to the Department and confirmed that an extensive investigation by its auditors had found no evidence of fraud and that, following a fraud squad investigation, a file had been referred to the Director of Public Prosecutions, who had decided that there were no grounds for action. The organisation indicated that it had accepted the results of these investigations and, accordingly, the invoices, which had been the subject of the investigations, were paid by the organisation on 23 June 2000.

EU Commission Regulation 2064/97 was adopted in October 1997. It established a new set of requirements in respect of the financial controls to be applied by member states for operations co-financed by the EU Structural Funds. These new requirements replaced those that had previously applied. All officials dealing with projects co-financed by EU Structural Funds would have been bound by the requirements of this regulation which is set out below.

In accordance with established practise, it is not considered appropriate to identify individual officials who dealt with various aspects of the issues, as raised in the questions. I am satisfied that no evidence or documents relevant to the allegations made by the organisation were withheld.

COMMISSION REGULATION (EC) No 2064/97 of 15 October 1997 establishing detailed arrangements for the implementation of Council Regulation (EEC) No 4253/88 as regards the financial control by Member States of operations co-financed by the Structural Funds

THE COMMISSION OF THE EUROPEAN COMMUNITIES, Having regard to the Treaty establishing the European Community, Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC)

No 2052/88 as regards co-ordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments (1), as last amended by Regulation (EC) No 3193/94 (2), and in particular the fourth subparagraph of Article 23 (1) thereof, Having consulted the Advisory Committee on the Development and Conversion of Regions and the Committee set up pursuant to Article 124 of the Treaty, Whereas Article 23 (1) of Regulation (EEC) No 4253/88 lays down the principles governing the financial control by Member States of the operations co-financed by the Structural Funds;

Whereas it is necessary, in order to ensure an acceptable level of financial control throughout the Community, for certain minimum control requirements to be specified in detail;

Whereas, in view of the specific constitutional and administrative characteristics of each Member State, it is necessary for this Regulation to be supplemented by appropriate administrative arrangements to be made between the Commission and each Member State;

Whereas this Regulation should apply to the forms of assistance provided for in Article 5 (2) of Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on co-ordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments (3), as last amended by Regulation (EC) No 3193/94, provided that the forms of assistance are administered by the Member States;

Whereas the Member States' management and control systems should be such as to ensure efficient and proper implementation of the operations co-financed by the Structural Funds;

Whereas rules should be established for the conduct of controls by the Member States and arrangements should be made for periodic consultations between Member States and the Commission designed to maximise the useful effect of the overall resources devoted to control at national and Community level;

Whereas the Member States should ensure that apparent irregularities reported by national or Community controls are investigated and satisfactorily treated;

Whereas the Member States should present to the Commission, as part of the closure of forms of assistance, an independent statement providing an overall conclusion as to the validity of the request for final payment and allowing the identification and satisfactory treatment of any weaknesses or irregularities;

Whereas the Member States should report to the Commission annually on their application of this Regulation;

Whereas the Member States are required by the second subparagraph of Article 23 (1) of Regulation (EEC) No 4253/88 to notify the Commission of the description of their management and control systems; whereas these descriptions should where necessary be completed and updated;

Whereas, in the case of forms of assistance involving more than one Member State, provision should be made for administrative co-operation between the Member States concerned and the Commission;

Whereas the Member States should be free to apply national control rules more rigorous than those prescribed in this Regulation;

Whereas this Regulation should be without prejudice to the provisions of Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (4) and Council Regulation (EC) No 1681/94 of 11 July 1994 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the structural policies and the organization of an information system in this field (5);

Whereas, in accordance with Article 214 of the EC Treaty, it is necessary to ensure that professional secrets obtained in the course of the controls provided for by this Regulation are not disclosed to unauthorized persons; Whereas the measures laid down in this Regulation are in accordance with the opinion delivered by the Management Committee on Agricultural Structures and Rural Development and the Standing Management Committee for Fisheries Structures,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation shall apply to the forms of assistance provided for in Article 5 (2) of Regulation (EEC) No 2052/88 and administered by the Member States.

Article 2

1. Member States' management and control systems shall:

(a) ensure the proper implementation of the forms of assistance in accordance with the objectives of sound financial management;

(b) provide satisfactory certification of the validity of claims for advance payments and final payments based on expenditure actually incurred;

(c) provide a sufficient audit trail;

(d) specify the organization of responsibilities and in particular the controls applied at the different levels to guarantee valid certifications;

(e) facilitate the identification of possible weaknesses or risks in the execution of actions and projects;

(f) provide for corrective measures to be taken to eliminate weaknesses, risks or irregularities identified in the course of project execution, in particular as regards financial management.

2. For the purposes of this Regulation, a sufficient audit trail is one which permits:

(a) reconciliation of the summary amounts certified to the Commission with the individual expenditure records and supporting documents at the various administrative and final beneficiary levels, and

(b) verification of the allocation and the transfers of the available Community and national funds.

3. An indicative description of the information requirements for a sufficient audit trail is given at Annex I.

Article 3

1. Member States shall organize controls of projects or actions (hereinafter referred to as controls) on an appropriate sampling basis, designed in particular to: (a) verify the effectiveness of the management and control systems in place; (b) verify selectively, on the basis of risk analysis, expenditure declarations made at the various levels concerned.

2. The controls carried out before the closure of each form of assistance shall cover at least 5 % of the total eligible expenditure and a representative sample of the projects or actions approved, taking account of the requirements of paragraph 3. For forms of assistance approved before the entry into force of this Regulation, the percentage may be reduced proportionally. Member States shall seek to spread the implementation of the controls evenly over the period concerned.

3. The selection of the sample of projects or actions to be subject to controls shall take into account:

(a) the need to control an appropriate mix of types and sizes of projects or actions;

(b) any risk factors which have been identified by national or Community controls;

(c) the concentration of projects under certain implementing authorities or certain final beneficiaries, so that the main implementing authorities and final beneficiaries are subject to at least one control before the closure of each form of assistance.

Article 4

Through the controls, the Member States shall seek to verify the following:

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(a) the practical application and effectiveness of the management and control systems;

(b) for an adequate number of accounting records, the correspondence of those records with the supporting documents at the level of the final beneficiary and the intermediate authorities;

(c) the presence of a sufficient audit trail;

(d) for an adequate number of expenditure items, that the nature and timing of the relevant expenditure (commitments and payments) correspond to the Community requirements, to the approved physical characteristics of the project and to the works actually executed;

(e) that the use or intended use of the project is consistent with the use described in the application for Community co-financing;

(f) that the Community financial contributions are within the limits provided for in Article 13 of Regulation (EEC) No 2052/88 and any other applicable Community provisions and are paid to final beneficiaries without any reductions or unjustified delays;

(g) that the appropriate national co-financing has in fact been made available;

(h) that the co-financed actions have been implemented in accordance with the requirements of Article 7 (1) of Regulation (EEC) No 2052/88.

Article 5

The controls shall establish whether any problems encountered are of a systemic character, carrying a risk for other projects sponsored by the same final beneficiary or administered by the same implementing authority; they shall also identify the causes of such situations, any further examination which may be required and the necessary corrective and preventive action.

Article 6

Each Member State and the Commission shall consult at least once a year with a view to coordinating their programmes of controls so as to maximize the useful effect of the overall resources devoted to controls at national and Community level. These consultations shall cover the risk analysis techniques to be applied and shall take account of recent controls, reports and communications by national authorities, the Commission and the European Court of Auditors.

Article 7

1. Member States shall ensure investigation and satisfactory treatment of apparent irregularities reported following national or Community controls.

2. If an apparent irregularity has not received satisfactory treatment within six months of being reported to the implementing authority concerned, the Member State shall inform the Commission of the situation, unless it has already done so pursuant to Regulation (EC) No 1681/94.

3. For the purposes of paragraphs 1 and 2, 'satisfactory treatment' shall mean the presentation, by the final beneficiary or the implementing authority to the appropriate person or organization responsible for control in the Member State, of sufficient evidence that the apparent irregularity does not exist or has been corrected. If an irregularity is of a systemic character, satisfactory treatment shall further mean the adoption of the necessary steps for the correction of the cases which have not been individually identified by the controls and for the prevention of recurrence.

4. The evidence referred to in paragraph 3 may consist of copies of the accounting records and supporting documents or any other necessary element.

Article 8

1. No later than at the time of the request for the final payment and the final declaration of expenditure in respect of each form of assistance, Member States shall present to the Commission a statement, of which an indicative model is given at Annex II, drawn up by a person or organization functionally independent of the implementing service. The statement shall summarize the conclusions of the control examinations made in the previous years and provide an overall conclusion as to the validity of the request for the final payment and the legality and regularity of the operations underlying the final declaration of expenditure.

2. If the presence of important management or control weaknesses or the high frequency of irregularities encountered does not allow the provision of a positive overall assurance as to the validity of the request for final payment and the final declaration of expenditure, the statement shall refer to these circumstances and shall estimate the extent of the problem and its financial impact. In such a case the Commission may ask that a further control be carried out with a view to the identification and rectification of irregularities within a specified period of time.

Article 9

Member States shall inform the Commission by 30 June each year and for the first time by 30 June 1998 of their application of this Regulation in the previous calendar year, with special reference to the requirements of Article 2 and including any necessary completion or updating of the description of their management and control systems required by the second subpara-

graph of Article 23 (1) of Regulation (EEC) No 4253/88.

Article 10

The Commission and the Member States shall work together to ensure that the objectives of this Regulation are achieved within the framework of the administrative arrangement drawn up with each Member State.

Article 11

In the case of forms of assistance in which more than one Member State participates or where there are beneficiaries in more than one Member State, the Member States concerned and the Commission shall provide one another with any administrative assistance necessary for ensuring proper control.

Article 12

1. The persons or organizations responsible for the implementation of the Community co-financed operations shall ensure that all documents and accounting records required for the controls are supplied to the officials responsible for the controls or to the persons empowered for that purpose.

2. The officials responsible for the controls or the persons empowered for that purpose may require that extracts or copies of the documents or the accounting records referred to in paragraph 1 be supplied to them.

Article 13

Information collected in the course of the controls shall be protected by professional secrecy, in accordance with the relevant provisions of national and Community law. It may not be communicated to any persons other than those who, by reason of their duties in the Member States or in the institutions of the Community, are required to have knowledge thereof for the purposes of performing those duties.

Article 14

In accordance with the relevant national laws, Commission officials shall have access to all documents prepared either with a view to or following the controls carried out under this Regulation and to the date held, including those stored in data-processing systems.

Article 15

Nothing in this Regulation shall prevent Member States applying national control rules more rigorous than those prescribed herein.

Article 16

In so far as they relate to EAGGF Guidance Section, the controls carried out pursuant to Council Regulation (EEC) No 3508/92 (6) and Commission Regulation (EEC) No 3887/92 ⁽⁷⁾ may also be regarded as carried out pursuant to this Regulation.

Article 17

This Regulation shall enter into force on the 20th day following its publication in the

Official Journal of the European Communities.

Article 8 shall apply from 1 January 1998.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 15 October 1997.

For the Commission

Anita GRADIN

Member of the Commission

⁽¹⁾ OJ L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ L 337, 24. 12. 1994, p. 11.

⁽³⁾ OJ L 185, 15. 7. 1988, p. 9.

⁽⁴⁾ OJ L 292, 15. 11. 1996, p. 2.

⁽⁵⁾ OJ L 178, 12. 7. 1994, p. 43.

⁽⁶⁾ OJ L 355, 5. 12. 1992, p. 1.

⁽⁷⁾ OJ L 391, 31. 12. 1992, p. 36.

ANNEX I INDICATIVE DESCRIPTION OF INFORMATION REQUIREMENTS FOR AUDIT TRAIL (Article 2 (3))

A sufficient audit trail, as referred to in Article 2 (3), is present when, for a given form of assistance:

1. Accounting records kept at the appropriate management level provide detailed information about expenditure actually incurred by final beneficiaries for each co-financial project, including the date of the accounting record, the amount of each expenditure item, the identification of the supporting document and the date and method of payment; the records are supported by the necessary documentary evidence (e.g. invoices).

2. In cases of expenditure items relating only partly to the Community co-financed operation, sufficient justification is present of the accuracy of the allocation of the amount between the Community co-financed and the other operations. Similar justification is present also for types of expenditure which are recognized as eligible within limits or in proportion to other costs.

3. The technical and financial plans of the project, the progress reports, the documents concerning the grant approval, the tendering and contracting procedures, etc., are kept available at the appropriate management level.

4. In reporting expenditure actually incurred to an intermediate authority, the information referred to in paragraph 1 is aggregated in a detailed statement of expenditure indicating for each Community co-financed project all individual expenditure items with a view to composing the total certified amount. These detailed statements of expenditure constitute the supporting docu-

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ments of the accounting records of the intermediate authorities.

5. The intermediate authorities keep accounting records for each individual project and for the summary amounts of expenditure certified each time by the final beneficiaries. In reporting to the designated authority referred to in Article 21 (5) of Regulation (EEC) No 4253/88, intermediate authorities present a list of the projects approved under each form of assistance, together with information for each individual project comprising at least a complete identification of the project and the final beneficiary, the date of approval of the grant, the amounts committed and paid, the expenditure period covered and the sums of expenditure by measure and by sub-programme. This information constitutes the supporting documentation of the accounting records of the designated authority and is the basis for the preparation of the declarations of expenditure to be presented to the Commission.

6. In cases of final beneficiaries reporting directly to the designated authority, the detailed statements of expenditure referred to in paragraph 4 constitute the supporting documentation of the accounting records of the designated authority, which is responsible for drawing up the list of projects referred to in paragraph 5.

7. In cases of more than one intermediate authority intervening between the final beneficiary and the designated authority, each intermediate authority for its area of responsibility requires detailed statements of the expenditure amounts processed at the lower level to be used as supporting documentation for its own accounting records of which it reports upwards at least a summary of the expenditure amounts for each individual project.

8. In cases of other models of organization of the management and information procedures, including computerized data transfers, all authorities concerned obtain sufficient information from the lower level to justify their accounting records and the sums reported upwards, thus ensuring a satisfactory audit trail from the summary amounts certified to the Commission to the individual expenditure items and the supporting documents at the final beneficiary level.

ANNEX II

Indicative model for the statement at the closure of forms

(Article 8)

To the European Commission, Directorate-General

INTRODUCTION

1. I, (state name, title and service), have examined the final declaration of expenditure for (indicate the form of assistance, the Structural Fund concerned and the period covered) together with the request to the Commission for payment of the balance of the Community aid.

SCOPE OF THE CONTROLS

2. I conducted the control examination in accordance with the provisions of Regulation (EC) No 2064/97. I planned and performed the examination with a view to obtaining reasonable assurance about whether the final declaration of expenditure and the request for the payment of the balance of the Community aid are free of material misstatement (Describe briefly the practical steps taken for the execution of the control).

OBSERVATIONS

3. The scope of the control examination has been limited by the following:

- (a)
- (b)
- (c), etc.

(Indicate any limitations to the control examination for example systemic problems, management weaknesses, lack of audit trail, lack of supporting documentation, cases under legal proceedings, etc.; estimate the amounts of expenditure affected by these limitations and the corresponding Community aid).

4. The control examination, together with the conclusions of any other national or Community controls to which I have had access, revealed a low/high (indicate as appropriate; if high, explain) frequency of errors/irregularities. Any reported errors/irregularities have been satisfactorily treated by the management authorities and they do not appear to affect the amount of the Community aid payable, with the following exceptions:

- (a)
- (b)
- (c), etc.

(Indicate the errors/irregularities which have not been satisfactorily treated, and for each case, the possible systemic character and extent of the problem and the amounts of Community aid which appear to be affected).

CONCLUSION

Either

If there are no limitations to the control examination, the frequency of errors found is low and all problems have been satisfactorily treated:

5 (a) In the light of the control examination and the conclusions of any other national or Community controls to which I have had access, it is my opinion that the final declaration of expenditure presents fairly, in all material respects, the expenditure made in accordance with the regulatory and the programme provisions, and the request to the Commission for the payment of the balance of the Community aid appears to be valid.

Or

If there are certain limitations to the control examination but the frequency of errors is not high, or if there are problems which have not been satisfactorily treated:

5 (b) Except for the matters referred to at point 3 above and (or) the errors/irregularities which do not appear to have been satisfactorily treated as referred to at point 4, it is my opinion, based on the control examination and the conclusions of any other national or Community controls to which I have had access, that the final declaration of expenditure presents fairly, in all material respects, the expenditure made in accordance with the regulatory and the programme provisions, and that the request to the Commission for the payment of the balance of the Community aid appears to be valid.

Or

If there are important limitations to the control examination or the frequency of errors found is high, even if the reported errors/irregularities have been satisfactorily treated:

5 (c) In view of the matters referred to at point 3 and (or) given the high frequency of errors revealed at point 4, I am not in a position to express an opinion on the final declaration of expenditure and the request to the Commission for the payment of the balance of the Community aid.

Date, signature.

109. **Mr. Cuffe** asked the Minister for Enterprise, Trade and Employment the way in which the advance payment element of European Social Fund expenditures to be audited having regard to the May 1997 datasheets. [29582/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): The datasheets which were published by the European Commission in 1997 applied to the 1994-99 Structural Fund programming period. They were intended to clarify for member states the eligibility criteria applying to the Structural Funds.

The payment advances made from the European Social Fund at the start of the 2000-06 Structural Fund programming period will be audited in accordance with the provisions of Council Regulation (EC) No. 1260/99 of 21 June 1999 lay-

ing down general provisions on the Structural Funds, and Commission Regulation (EC) No. 438/2001 of 2 March 2001 laying down detailed rules for the implementation of Regulation 1260/99 as regards the management and control systems for assistance granted under the Structural Funds. I will arrange to have a copy of Regulation 438/2001 forwarded to the Deputy.

Question Nos. 110 to 114, inclusive, answered with Question No. 103

Work Permits.

115. **Mr. Ring** asked the Minister for Enterprise, Trade and Employment when a work permit application in the name of a person (details supplied) in County Mayo will be decided on. {29605/04}

Minister for Enterprise, Trade and Employment Mr. Martin: I am pleased to inform the Deputy that a work permit was recently issued in respect of the above named individual.

116. **Mr. Murphy** asked the Minister for Enterprise, Trade and Employment if a work permit application will be expedited for a person (details supplied). {29606/04}

Minister for Enterprise, Trade and Employment (Mr. Martin): The work permit section of my Department wrote to the above named employer on 29 October 2004 seeking additional information so that these applications can be processed. To date, the work permit section has not received a reply to this correspondence.

Departmental Recommendations

117. **Mr. Ring** asked the Minister for Social and Family Affairs if payments were made to persons who submitted recommendations which resulted in savings for his Department under any social welfare scheme; if so, the recommendations which were made; the savings which resulted to his Department for each social welfare scheme; and the amounts which were paid and the persons to whom for the recommendations, with details for each of the past three years. [29560/04]

Minister for Social and Family Affairs (Mr. Brennan): Since 2002 my Department has awarded cash payments to 106 staff members in respect of 91 suggestions submitted under the Civil Service staff suggestion scheme, known as INPUT. The purpose of INPUT is to encourage and reward suggestions from staff which improve the effectiveness and efficiency of the activities undertaken by Departments. It has not been possible in the time available to provide the detailed information requested by the Deputy but the material will be compiled and a reply issued to the Deputy as soon as possible.

Pension Provisions.

118. **Mr. Penrose** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Wicklow has still not been

[Mr. Penrose.] awarded a PRSI refund; and if he will make a statement on the matter. [29561/04]

Minister for Social and Family Affairs (Mr. Brennan): Contributions to PRSAs and other personal pensions may be made in a personal capacity outside the payroll system. Social welfare legislation provides for the return, subject to certain conditions, of PRSI contributions paid in respect of payments made to such pensions by employees and proprietary directors outside the payroll system. The refund process is technically complex involving a number of steps and calculations, requiring both revenue and social welfare legislation to be taken into account. My Department and the Revenue Commissioners are currently in consultation to agree mechanisms to refund in these cases and I expect an agreement on these mechanisms will be reached soon.

As soon as the necessary mechanisms are in place, information on how to claim a refund will be publicised and all refunds, including refunds due to the person concerned in this question, will be paid in full.

Social Welfare Benefits.

119. **Mr. Durkan** asked the Minister for Social and Family Affairs when a person (details supplied) in County Kildare will be awarded one-parent family allowance; and if he will make a statement on the matter. [29590/04]

Minister for Social and Family Affairs (Mr. Brennan): Payment of one-parent family payment was disallowed in this case because the person concerned failed to disclose all her means. She subsequently informed the Department that she had changed her address and she provided some documentation on her means. Her application has been referred to a local officer who has interviewed her at her new address. Investigations are ongoing, however, because all the information required to finalise the inquiries are not yet available. A decision will be made when the necessary inquiries have been completed and the person concerned will be notified of the outcome. Under social welfare legislation, decisions on claims must be made by deciding officers and appeals officers. The officers are statutorily appointed and I have no role in making such decisions.

120. **Mr. Durkan** asked the Minister for Social and Family Affairs how he expects a person (details supplied) in County Kildare to survive on a net income of social welfare and rent support of €138 per week; and if he will make a statement on the matter. [29634/04]

Minister for Social and Family Affairs (Mr. Brennan): The person in question is in receipt of an invalidity pension from the Department of Social and Family Affairs. Her pension is at the maximum rate and includes the appropriate increase in respect of a child dependant. She is also in receipt of a fuel allowance during the winter heating season from October to April. The person is in receipt of a monthly rent supplement

of €366.50, which is the correct amount payable in her situation. Her net income after paying rent is €138.60 per week. This is the full net amount to which a household comprising one adult and one child is entitled, based on current payment rates.

The supplementary welfare allowance scheme provides for exceptional needs payments to help meet essential, one-off expenditure which a person could not reasonably be expected to meet from his or her weekly income. If the person concerned finds that she has essential expenses which she is unable to provide for, she can apply for an exceptional needs payment by contacting the community welfare officer at her local health centre. The determination of entitlement to rent supplement or to exceptional needs payments is a matter for the health board. Neither I nor my Department have any function in deciding entitlement in individual cases.

121. **Mr. Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved for carer's allowance. [29643/04]

Minister for Social and Family Affairs (Mr. Brennan): The person in question has been awarded carer's allowance with effect from 19 August 2004, at the maximum weekly personal rate of €139.60. The decision was made after she submitted additional medical evidence last month to the social welfare appeals office. She has been notified of the award. Her payable order books will be available for collection at Belmullet post office on 25 November 2004 and any arrears of allowance due to her will issue shortly thereafter.

Severance Agreement.

122. **Ms Shortall** asked the Minister for Transport if he will report on the terms of the severance agreement reached between his Department and the outgoing board of Aer Rianta in respect of each of the board members and each of the management staff who received packages on the winding up of the Aer Rianta board; and if he will make a statement on the matter. [29603/04]

Minister for Transport (Mr. Cullen): The only agreement concerning former Aer Rianta board members related to cases involving the premature termination of their terms of office. It was agreed that board members who had not completed their terms of office as envisaged at the time of their original appointment should be paid the balance of their director's fees which would otherwise have been payable to them had they completed their terms of office.

Airport Development Projects.

123. **Cecilia Keaveney** asked the Minister for Transport the discussions he has had recently with his counterparts to have outstanding issues in relation to the extension of the runway at City of Derry Airport resolved; and if he will make a statement on the matter. [29530/04]

Minister for Transport (Mr. Cullen): The Department of Transport is considering two separate proposals about the runway and other infrastructural developments at City of Derry Airport. It has participated in a project steering group, which was established at the request of the Secretary of State for Northern Ireland, to examine all aspects of the proposed development of the airport, including the technical need for the proposed runway extension, the current and projected financial position of the airport company, the business case supporting the proposed capital investment and the wider issue of balanced economic development for the entire north-west region. The steering group comprised an official from the Department of Transport, as well as officials from relevant Departments and agencies in Northern Ireland and representatives from local chambers of commerce. The steering group recently concluded its work and a final report is being considered. A separate proposal for retrospective funding towards costs associated with a runway safety improvement project originally approved in 1999, as well as other essential safety related capital expenditure, is also under consideration.

Driving Tests.

124. **Mr. Hogan** asked the Minister for Transport if a driving test application will be expedited for a person (details supplied); and if he will make a statement on the matter. [29531/04]

Minister for Transport (Mr. Cullen): It has not been possible for the Department of Transport to locate a driving test application for the person named from the details provided.

Public Transport.

125. **Mr. Crowe** asked the Minister for Transport when the commitment outlined in the National Development Plan to increase the bus supply by at least 150, will be met; the locations to which these buses will be assigned; and when communities and commuters can expect to see these buses on routes. [29532/04]

131. **Mr. R. Bruton** asked the Minister for Transport his plans for the peak hour passenger numbers on Dublin Bus when the full quality bus corridor network is in operation; his forecast for the numbers which will be carried into 2005, 2006 and 2007. [29554/04]

132. **Mr. R. Bruton** asked the Minister for Transport the plans for the purchase of new buses under the National Development Plan for each of 2005, 2006 and 2007. [29555/04]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 125, 131 and 132 together.

The national development plan provides for the purchase by Bus Átha Cliath of 275 additional buses and 500 replacement buses between 2000 and 2006. Since 2000, the company has purchased 460 new buses, 93 of which are additions to the fleet and all of which are low floor and wheelchair accessible. The new buses, which are in operation, have improved the quality and

reliability of the fleet and have provided for increased capacity and frequency of services. The deployment of the buses, which have been funded under the national development plan from a combination of Exchequer grants and CIE resources, is an operational matter for Bus Átha Cliath. The company has ordered 50 new buses for delivery in 2005, but it has not yet made a final decision on the total number of buses to be purchased between 2005 and 2007. Accordingly, it has not finalised its peak hour passenger forecasts.

Supercube Trucks.

126. **Mr. Crowe** asked the Minister for Transport the approximate number of the so-called supercube trucks that operate in the State. [29533/04]

127. **Mr. Crowe** asked the Minister for Transport when the review of the supercube trucks will commence; the expected timescale; the groups which will be invited to participate; and the approximate date of closure and publication of such a review. [29534/04]

Minister of State at the Department of Transport (Mr. Callely): I propose to take Questions Nos. 126 and 127 together.

The term “supercube truck” is not an official vehicle classification. It is used by the industry to describe certain non-standard height vehicles. There are no official statistics on the number of supercube trucks registered in the State. Two separate surveys of heavy goods vehicles using Dublin Port, which were conducted by the Dublin Port Company and the National Institute of Transport Logistics, found that 4,625 of the 838,580 vehicles which were surveyed, or 0.67% of the total, exceeded 4.65 metres.

The policy considerations to be taken into account when determining public policy on vehicle height do not relate just to the potential effect of regulation on supercube vehicles. They are more extensive and relate to road safety, rail safety, environment, quality of life, protection of expensive infrastructure and the need for certainty in planning for future investment in road, bridge and railway infrastructure. The review of public policy in this area is concerned with the use of vehicles which exceed 4.6 metres in height, regardless of whether they are supercubes.

As I indicated in my response to Questions Nos. 126, 132, 144, 163 and 178 of 2 November 2004, I intend to publish a consultative paper on the matter of a vehicle height limit. The paper will be published as soon as it has been translated into Irish, which I expect will be completed early next month. I am anxious that the consultative process will be as broad as possible. It will involve the general public, as well as the principal interests directly involved in the matter. The paper, which will be available on the website of the Department of Transport, will be circulated to the principal interests involved, such as the National Roads Authority, Irish Rail and the Irish Road Haulage Association. Approximately three weeks, until 31 December 2004, will be provided for the making of comments or suggestions

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by interested parties and the public on the consultative paper. After I have considered the responses I intend to announce early in the new year how I propose to proceed with this matter.

Road Safety.

128. **Mr. Crowe** asked the Minister for Transport the steps he is taking to reduce the number of the 360,000 learner drivers in the State. [29535/04]

Minister for Transport (Mr. Cullen): Under the Government's recently published strategy for road safety 2004 to 2006, consideration is being given to amendments to driver licensing regulations to discourage long-term reliance on provisional licences.

129. **Mr. Crowe** asked the Minister for Transport the breakdown of the 360,000 learner drivers in the State; and the number which have first licences and second licences respectively. [29536/04]

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 that the Deputy has requested. I will forward the information to the Deputy as soon as it is available.

Public Transport.

130. **Mr. R. Bruton** asked the Minister for Transport the total capacity of the Dublin Bus fleet in each year from 1997 to date. [29533/04]

Minister for Transport (Mr. Cullen): The total capacity of the Dublin Bus fleet at the end of each year since 1997, inclusive of standing room capacity, is as follows.

Year	Total Capacity
1997	67,150
1998	67,320
1999	74,385
2000	82,590
2001	87,990
2002	92,158
2003	93,249

It is expected that the fleet capacity at the end of 2004 will be in the region of 95,517. The number of buses in use at any time can vary from day to day.

Questions Nos. 131 and 132 answered with Question No. 125.

Driving Tests.

133. **Mr. O'Shea** asked the Minister for Transport the waiting period in weeks for a driving test at each of the test centres in the State; and if he will make a statement on the matter. [29611/04]

Minister for Transport (Mr. Cullen): The average waiting time for a driving test for each driving test centre at 12 November 2004 is set out in the following table.

Average Waiting Time at 12 November 2004

	Average Weeks Waiting
<i>North Leinster</i>	
Finglas	26
Dundalk	22
Mullingar	24
Navan	41
Raheny	31
<i>South Leinster</i>	
Churchtown/Rathgar	33
Gorey	33
Naas	33
Tullamore	27
Wicklow	30
Tallaght	30
<i>West</i>	
Athlone	22
Birr	24
Castlebar	32
Clifden	19
Ennis	16
Galway	26
Loughrea	19
Roscommon	25
Tuam	28
<i>North West</i>	
Ballina	26
Buncrana	29
Carrick-on-Shannon	35
Cavan	37
Donegal	29
Letterkenny	29
Longford	34
Monaghan	30
Sligo	25
<i>South East</i>	
Carlow	33
Clonmel	36
Dungarvan	32
Kilkenny	30
Nenagh	37
Portlaoise	35
Thurles	41
Tipperary	44
Waterford	37
Wexford	26
<i>South West</i>	
Cork	20
Killarney	33
Kilrush	26
Limerick	34
Mallow	19

	Average Weeks Waiting
Newcastle West	27
Shannon	32
Skibbereen	25
Tralee	30

Note: The average waiting time is derived having regard to waiting times experienced by individual applicants who have undergone a driving test over the previous four week period in the test centre.

Community Development.

134. **Mr. R. Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the fact that family resource centres have been excluded from the support scheme for community and voluntary groups in 2004; if his attention has been further drawn to the fact that this is seriously undermining the funding of many important community centres; and if there are alternative sources of funds which might assist centres such as a family resource centre (details supplied) in Dublin 5. [29548/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): In reviewing the operation of the programme of grants for locally based community and voluntary organisations 2004, and having regard to the funds available for the programme and the availability of funding from other sources, a number of categories of organisations were excluded from applying under the programme. Family resource centres were one of those categories excluded.

The Department of Social and Family Affairs funds family resource centres under the family and community services resource programme through the Family Support Agency, and it is open to the group in question to apply for funding under that programme.

Departmental Bodies.

135. **Mr. Naughten** asked the Minister for Agriculture and Food her plans to develop the Teagasc service provided to farmers; and if she will make a statement on the matter. [29500/04]

Minister for Agriculture and Food (Mary Coughlan): Teagasc, the agriculture and food development authority, was established under the Agriculture (Research, Training and Advice) Act 1988. Its function under the Act is to provide research, training and advisory services for the agri-food sector. Teagasc is governed by an eleven member authority. The chairman and five ordinary members are appointed by the Minister and the remaining five members are appointed by the Minister following nominations from designated organisations — IFA, ICMSA, ICOS, Macra na Feirme and Teagasc unions.

Teagasc has 365 permanent staff comprising advisers, teachers and research scientists with appropriate supporting services. These are com-

plemented by 250 contract staff, as well as teaching staff in the private agricultural and horticultural colleges. Teagasc staff carry out their functions at more than 90 locations.

Teagasc's operating budget for 2004 amounts to more than €153 million. Advisory services make up the largest budget item at 35% of expenditure followed by production research at 32%, training programmes at 19% and food research at 13%. My Department's provision to Teagasc for non-capital purposes in 2004 amounts to €117 million. While no funding for capital development purposes was directly provided from the Exchequer in 2004, Teagasc may use up to €7 million of the retained proceeds from the sale of its assets in 2003 and 2004 to fund its capital programme this year. By any standards, these are substantial resources and indicate the Government's continuing commitment to supporting Teagasc activities.

It is the responsibility of the Teagasc authority to prioritise activities and to allocate its funding accordingly. This it has done over the years in accordance with the needs of clients, EU and Government policy and industry needs. I am satisfied that, in doing so, it has provided a first class service to Irish farmers. In the short term, Teagasc will have to reconfigure its programmes in response to the fundamental changes in agriculture arising out of the single payment. The authority is, however, well accustomed to tailoring its programmes to meet the changing requirements of the agri-food sector. Its annual programme of activities is developed in consultation with the key stakeholders in the sector many of whom are represented on the authority. Recently it has undertaken more strategic planning initiatives, the Teagasc 2000 review and the three-year strategy required under the strategic management initiative. A new review of its training and education programmes is underway.

I am satisfied Teagasc is well placed to face the future and to continue to provide the innovation and technology transfer for the sustainable development of agriculture, the food industry and rural communities in the years ahead.

Food Labelling.

136. **Mr. Naughten** asked the Minister for Agriculture and Food if she has satisfied herself with the meat labelling procedures here; and if she will make a statement on the matter. [29501/04]

Minister for Agriculture and Food (Mary Coughlan): While all meat products sold at retail level in Ireland are subject to the general labelling food requirements set out in national and EU legislation there are gaps in meat labelling that I intend to fill when I have fully considered the technical and legal implications involved.

With regard to beef, there is already in place a comprehensive traceability and labelling system. EU regulations provide for a detailed labelling system to be applied at retail sale that is over and above the general labelling provisions. There is,

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however, a gap in these requirements in so far as they do not apply at restaurant and catering sector level, even though traceability and labelling provisions apply up to the point of delivery to the establishment. It is my intention to proceed with a legal requirement that the country of origin must be displayed in respect of beef served on such premises. The legal options allowing for this development are being examined.

As regards lamb and pork, to which food labelling requirements apply, I am considering how best to implement the recommendations of the food labelling group in respect of labelling of origin of these products sold at retail level.

With regard to poultry, two statutory instruments were signed earlier this year, setting out requirements that loose poultry should bear an indication of its country of origin if imported from outside the EU and requiring that it should be labelled to show class, price per kilogram, whether fresh or frozen and the number of the production plant. Mandatory regulations existed at EU level in relation to pre-packaged poultry products.

Food Production.

137. **Mr. Sargent** asked the Minister for Agriculture and Food if her attention has been drawn to the recent development of sensors to calculate exactly the quantity of nitrogen a crop needs; and if she will progress the use of such sensors here. [29614/04]

Minister for Agriculture and Food (Mary Coughlan): I am aware of the recent developments mentioned and of the pioneering methods used to calculate the quantity of nitrogen needed for crop production. Teagasc is responsible for monitoring such developments and carrying out its own research in this area. Current Teagasc fertiliser recommendations based on soil analysis and cropping history set out to protect the environment as well as maximising crop returns. However, it is conscious of the environmental benefits that would accrue from a more site-specific matching of fertiliser appli-

cation to crop needs. Teagasc, therefore, carefully monitors all new developments that might help to achieve this aim. The N sensor, which predicts nitrogen requirement from foliage colour, is one such emerging technology. However, several other soil and weather factors also affect colour, so some further fine tuning of the system is needed. I am confident that much progress will be made in bringing more precise site-specific fertiliser application to the market-place over the next five years, but it is evident that further research and development is needed before a system is established that could be recommended for widespread adoption by farmers.

Afforestation Programme.

138. **Mr. Durkan** asked the Minister for Agriculture and Food the number of hectares of trees by species planted in each of the past five years; and if she will make a statement on the matter. [25800/04]

139. **Mr. Durkan** asked the Minister for Agriculture and Food the value of timber harvested in the country in each of the past five years; the amount exported and used in the domestic market; and if she will make a statement on the matter. [25801/04]

140. **Mr. Durkan** asked the Minister for Agriculture and Food the number of ozone friendly trees planted in this country in the past five years; the number which have been harvested in the same period; and if she will make a statement on the matter. [25804/04]

141. **Mr. Durkan** asked the Minister for Agriculture and Food the degree to which forests throughout the country have been harvested in the past five years; the number of hectares involved and the number of hectares replanted; and if she will make a statement on the matter. [25806/04]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 138 to 141, inclusive, together.

The total area — hectares — of afforestation grant aided by my Department in each of the last five years was as follows:

	1999	2000	2001	2002	2003
<i>Conifers</i>					
Sitka Spruce	6,890	9,335	9,378	8,818	5,053
Pine	682	654	610	449	235
Norway Spruce	1,551	1,449	1,265	1,183	550
Other Conifers	1,630	2,230	2,288	1,981	751
<i>Broadleaves</i>					
Oak	454	328	366	563	504
Beech	59	42	67	97	81
Others	1,401	1,657	1,490	1,963	1,923
ALL	12,667	15,695	15,464	15,054	9,097

In this regard, all trees are ozone friendly. In terms of harvesting, the total area — hectares —

	1999	2000	2001	2002	2003
Hectares	22,193	23,431	19,882	20,288	17,979
Value €m	€78.5m	€84.5m	€75.3m	€82.3m	€91.2m

These figures account for approximately 95% of all timber harvested in the country. In accordance with the Forestry Act 1946, it is the policy of my Department to attach replanting conditions on felling licences for clearfell areas, save in exceptional circumstances.

1999		2000		2001		2002		2003	
Tonnes	€(000)	Tonnes	€(000)	Tonnes	€(000)	Tonnes	€(000)	Tonnes	€(000)
373,207	51,607	316,260	59,617	543,206	63,131	519,222	81,812	521,489	82,507

Details of the value of timber used in the domestic market for the five most recent years available, also provided by the Central Statistics Office, are as follows:

1998	1999	2000	2001	2002
€366.8m	€394.7m	€507.2m	€471.7m	€483.8m

Grant Payments.

142. **Mr. Hogan** asked the Minister for Agriculture and Food the reason payments have been discontinued to persons (details supplied) in County Kilkenny; and if she will make a statement on the matter. [29502/04]

Minister for Agriculture and Food (Mary Coughlan): The persons named have to date lodged a total of 13 applications under the 2004 special beef premium scheme listing a total of 393 animals. Under the 2004 EU slaughter premium scheme, 1,011 eligible animals have been identified as slaughtered from the herds of the persons named. An application for 2004 suckler cow premium on 62 animals was lodged on 21 April 2004 by the second person mentioned. There may be a problem regarding the movements of some of these animals which could have a bearing on their eligibility under these schemes. My Department has been in contact with the persons named concerning this possible problem and will contact them again shortly to resolve that problem as quickly as possible and to allow payment of premia deemed to be due.

143. **Mr. Ferris** asked the Minister for Agriculture and Food if the rate of €240 per hectare will be awarded to commonage farmers who joined the REP scheme after 1 January 2005. [29503/04]

Minister for Agriculture and Food (Mary Coughlan): The maximum rate of payment on commonage under measure A of REPS, €242 per

hectare, includes an element in respect of income lost through destocking of sheep. In accordance with the terms of the EU regulations governing the single payment scheme, farmers with commonage who, because they had been destocked before the reference period, applied to have years other than that period used in the calculation of their single payment entitlements must agree to accept a reduced agri-environment payment. As matters stand, therefore, farmers applying to join REPS from January 2005 onwards who have been given credit for destocking in their single payment entitlements will not be eligible for the full measure A payment.

As regards exports of timber over the last five years, the Central Statistics Office has provided details as follows:

144. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason the 2004 suckler cow and ewe premium grants have not been awarded to a person (details supplied) in County Galway; and if she will make a statement on the matter. [29558/04]

Minister for Agriculture and Food (Mary Coughlan): Payment under the 2004 suckler cow and ewe premium schemes was delayed pending receipt of legal documents regarding ownership. These documents have now been received and payment of the suckler cow and ewe premium will be made shortly.

145. **Mr. Murphy** asked the Minister for Agriculture and Food if an application under the single payment scheme 2005 in the name of a person (details supplied) in County Cork will be reviewed. [29596/04]

Minister for Agriculture and Food (Mary Coughlan): To date, my Department has issued provisional entitlements statements to approximately 130,000 farmers in connection with the advent of the new single payment scheme. The statement includes a detailed breakdown of how the provisional entitlements were calculated.

Farmers who are not satisfied with their provisional entitlements statement may seek a

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review on a form which is available from all local offices of my Department and from my Department's website.

I have had arrangements made to have a review form forwarded to the person named, who should complete it and return it to: Single Payment Entitlements Review Section, Special Beef Premium Unit, Old Abbeyleix Road, Portlaoise, County Laois. My officials will then be in direct contact with the person named regarding the review.

My intention is that definitive entitlements statements will issue early in 2005.

146. **Mr. Durkan** asked the Minister for Agriculture and Food if persons (details supplied) in County Kildare will qualify under the single payment scheme; and if she will make a statement on the matter. [29597/04]

Minister for Agriculture and Food (Mary Coughlan): The single payment entitlement is calculated using the average number of animals and hectares on which direct payments were made during the reference years 2000, 2001 and 2002.

Department records indicate that the person named was not a participant under the direct payment schemes during this period and therefore does not qualify for entitlements under the single farm payment scheme.

Live Exports.

147. **Mr. Durkan** asked the Minister for Agriculture and Food the measure she proposes to take in the event of the cessation of live exports due to the lack of a carrier; if she has examined the likely negative impact and loss of income to producers in such circumstances; and if she will make a statement on the matter. [29615/04]

Minister for Agriculture and Food (Mary Coughlan): The Government has consistently supported the continuance of the live export trade, as an essential market outlet for Irish farmers. Regarding the transport of animals by sea, my Department's function is to approve sea vessels for the carriage of livestock by working closely with applicant companies to ensure that the conditions aboard such vessels are consistent with national and EU animal welfare requirements. Within this framework, 18 dedicated livestock vessels and three roll-on roll-off vessels have been approved for the carriage of cattle since 1995. However, the actual provision of such services is a commercial matter.

I assure the Deputy, however, that I am exploring all options to facilitate the continuation of the live export trade. I have met a number of stakeholders in the industry and have raised the possibility of re-opening the landbridge through the UK with Commissioner Byrne. At this week's meeting of the EU standing committee on the food chain and animal health, the European Commission indicated its willingness to bring for-

ward a proposal on this matter at an early date. Officials of my Department are also working closely with prospective service providers on providing an alternative ferry service. Nevertheless, the transport of live animals is ultimately a commercial matter and my Department has approved a sufficient number of vessels to provide a service if the commercial demand exists. Likewise, it will inspect any further vessels that are proposed for use in transporting cattle.

As regards producer incomes, the price of cattle is dependant on a number of factors in the market at any given time including the availability of live shipping outlets.

Animal Feedstuffs.

148. **Mr. Durkan** asked the Minister for Agriculture and Food if she has satisfied herself that every step has and is being taken to eliminate the possibility of importation of any animal diseases through animal seed stuff or importation of meat or meat products; and if she will make a statement on the matter. [29616/04]

157. **Mr. Durkan** asked the Minister for Agriculture and Food the degree to which she can give assurances regarding the possible importation of animal diseases here through either the human or animal food chain; and if she will make a statement on the matter. [29627/04]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 148 and 157 together.

My Department operates stringent controls on imports of animal feedstuffs at all levels of the feed chain, including the sampling and analysis of all imported bulk shipments of feed materials for the presence of bone spicules — they being indicators of the possible presence of processed animal proteins. To strengthen these controls, earlier this year my Department put in place new operating procedures, SOP, for the sampling, analysis and follow-up of positive results for processed animal proteins in animal feedstuffs. The new SOP provided for an extension to the sampling procedures whereby a proportion of imports of feed material from third countries are sampled at the point of entry and tested for processed animal proteins prior to being put into circulation or use in the feed chain. Circulation of the sampled material is not be permitted until the results of tests carried out are to hand and confirm that the samples are free from contamination.

My Department also operates extensive controls on imports of meat and meat products in accordance with detailed rules set down under community legislation providing for the production, processing and trade in animal products to protect human and animal health.

Third countries' animal products may only be imported from countries that the EU has approved on the basis that their controls are at least equivalent to those of the member states.

These harmonised rules are operated in accordance with Community legislation and are audited by the food and veterinary office, FVO, of the EU.

I fully accept that controls on the importation and circulation of feed and meat products are critical to the success of the national effort to contain and eliminate diseases such as BSE and to protect the integrity of the feed and food chain. Any failures in this regard hold the potential to undermine progress made to date and to negate the time, money and effort which various interested parties, not least the taxpayer, have committed to this end over recent years with increasingly obvious success.

Beef Industry Irregularities.

149. **Mr. Durkan** asked the Minister for Agriculture and Food if any meat products, bonemeal or offal exported from this country arising from the beef destruct scheme or otherwise have found its way back into the country again by circuitous means; and if she will make a statement on the matter. [29617/04]

Minister for Agriculture and Food (Mary Coughlan): I take it that the Deputy is referring to the beef purchase for destruction, PFD, scheme and the beef special purchase scheme, SPS, as operated by my Department in 2001 and 2002. Following a tender procedure my Department contracted three companies to dispose of the meat and bone meal arising from the PFD and SPS schemes. All quantities produced were dispatched for incineration in Germany and the UK. There is no evidence whatsoever that any of this material was re-imported into Ireland.

Grant Payments.

150. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which applications for single payment have been favourably responded to; and if she will make a statement on the matter. [29618/04]

Minister for Agriculture and Food (Mary Coughlan): The new single payment scheme will replace all livestock premia and arable aid schemes and will be introduced in Ireland from 1 January 2005. It is envisaged that there will be one composite form incorporating area aid and single payment applications. Consequently, applications under the single payment scheme will not

be available to farmers until the 2005 area aid application becomes available in spring 2005. My Department is in the process of calculating entitlements for each farmer and has already issued provisional statements of entitlements to some 130,000 farmers.

Rural Environment Protection Scheme.

151. **Mr. Durkan** asked the Minister for Agriculture and Food the number of participants in the original REP scheme; the number currently in the scheme; the number of participants who are required to make refunds payments to her Department for whatever reason; and if she will make a statement on the matter. [29619/04]

Minister for Agriculture and Food (Mary Coughlan): The original REP scheme was launched in 1994. Participation levels peaked at approximately 45,000 participants in 1999. Numbers are now increasing again. At present more than 40,500 farmers are participating in REPS and my Department has another 1,200 applications on hand.

Currently there are 1,275 existing or former participants in REPS from whom my Department is seeking to recover payments.

Dairy Sector.

152. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which output in the dairy industry has increased or decreased in the past ten years; the future prospects in this regard; and if she will make a statement on the matter. [29620/04]

Minister for Agriculture and Food (Mary Coughlan): The supply of milk from Irish producers to the dairy processing sector is subject to the production constraints imposed by the milk quota regime. Given that a levy is payable on milk production over and above Irelands milk quota allocation, milk production volumes in Ireland have remained relatively stable over the last ten years.

The table below shows the production of Irelands main dairy products in the years 1994 and 2003. It is clear that an increased proportion of Irelands milk pool is being utilised in the production of cheese and casein, with a consequent reduction in the manufacture of milk powders; the production of butter and butteroil remains relatively stable. These trends are broadly in line with those in other EU member states.

Production of dairy products	1994 (tonnes)	2003 (tonnes)	Percentage change
Butter and Butteroil	142,297	147,200	+3.4
Cheese	92,700	111,900	+20.7
Skimmed Milk Powder	129,500	78,500	-39.4
Whole Milk Powder	36,041	31,037	-13.9
Casein	36,509	50,514	+38.4

The Prospectus report entitled, Strategic Development Plan for the Irish Dairy Processing Sector, recommends a readjustment in the Irish

dairy industry's product portfolio with reduced production of commodity type dairy products and a greater emphasis on the development of higher

[Mary Coughlan.] margin products. Ultimately, it is a matter for the industry to respond to market demands and the realities of the new CAP support framework in deciding the product portfolio which will maximise returns from the marketplace.

Beef Industry.

153. **Mr. Durkan** asked the Minister for Agri-

Year	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Production	400	436	565	579	591	626	555	568	511	560

Beef production peaked at 626,000 tonnes in 1999. In this context suckler cow numbers increased from 624,000 in 1990 to 1.2 million. This shift in production was driven by the demand for better quality beef on the higher value EU markets. These markets now absorb some 83% of total beef exports.

The EU beef market is now in deficit and this creates additional opportunities for Irish beef producers and processors to consolidate and grow a greater share of this high value market. With the removal of technical restrictions relating to coupled payments farmers will in future choose to produce beef based on the returns available in the marketplace. This will make more transparent to Irish producers the market value of beef production.

Cereal Sector.

154. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which grain production has increased or decreased in the past ten years; and if she will make a statement on the matter. [29622/04]

Minister for Agriculture and Food (Mary Coughlan): Production of cereals in Ireland has averaged about 2 million tonnes in recent years, with fluctuations in production being mainly attributable to weather conditions. The following are production figures over the past ten years:

Year	
1995	1.796 million tonnes
1996	2.142 million tonnes
1997	1.943 million tonnes
1998	1.865 million tonnes
1999	2.011 million tonnes
2000	2.174 million tonnes
2001	2.165 million tonnes
2002	1.964 million tonnes
2003	2.147 million tonnes
2004	2.253 million tonnes — latest estimate

It is desirable to maintain this level of production in order to avoid over dependence on imported grain and I am satisfied that, subject to weather conditions, production will continue at the 2 million tonne average.

culture and Food the extent to which output in the beef production sector has increased or decreased here in the past ten years; and if she will make a statement on the matter. [29621/04]

Minister for Agriculture and Food (Mary Coughlan): Irish beef production figures for the past ten years are set out in '000 tonnes carcase weight equivalent in the table below:

Under the reformed CAP, Irish cereal farmers will have the cushion of the single farm payment decoupled from production as and from 1 January 2005, and will be able to concentrate on supplying markets, focusing on minimising production costs and maximising their incomes. Improved efficiency of production at farm level will be important to maintain incomes, and to ensure that the volume of output is maintained to support the processing sector.

Potato Sector.

155. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which potato growing has increased or decreased in the past ten years; and if she will make a statement on the matter. [29623/04]

Minister for Agriculture and Food (Mary Coughlan): During the past ten years potato production area has fallen from 16,600 ha. in 1994 to 13,700 ha. in 2003. The decline in production area continued through the 1990s but has now stabilised at an average of 13,400 ha. for the past three years. Last year saw an increase of 2% in the area planted to potatoes.

The number of potato growers has been halved over the ten year period but numbers have stabilised at 800 growers for the past two years. The reduction in growers has primarily come from growers with smaller holdings. Irish potato production is now dominated by a small number of large scale growers with the largest 200 growers accounting for 80% of the total production area.

Nitrates Directive.

156. **Mr. Durkan** asked the Minister for Agriculture and Food the degree to which she has measured the potential impact of the nitrates directive on agricultural production; and if she will make a statement on the matter. [29624/04]

Minister for Agriculture and Food (Mary Coughlan): The implementation of the nitrates directive is a matter for the Minister for the Environment, Heritage and Local Government in the first instance.

Proposals for a national action programme giving effect to the directive were submitted to the EU Commission in October and preliminary discussions have taken place between the Depart-

ment of the Environment, Heritage and Local Government, my Department and the European Commission. Proposals for a derogation, allowing farmers to operate at a more intensive level, have also been submitted. Until the discussions with the Commission have been completed, the full terms of the action programme and derogation arrangements will not be known with certainty.

However, Teagasc has undertaken some studies into the likely impact of a number of possible scenarios associated with implementation of the nitrates directive. These indicate that the great majority of farmers are already operating below the general limit of 170 kg of organic nitrogen per hectare specified by the directive. A proportion of dairy specialist producers are operating above that level. However the vast majority of these are operating below 250 kg per hectare, and Ireland has made proposals to the European Commission for arrangements that would allow farmers to continue to operate at that level under appropriate conditions.

My Department will continue to work closely with the Department of the Environment, Heritage and Local Government in discussions with the European Commission on the action programme. It is my objective, shared by the Minister for the Environment, Heritage and Local Government, to minimise the burden of compliance on farmers generally and to ensure that the future of the commercial agriculture sector is safeguarded.

Question No. 157 answered with Question No. 148.

Grant Payments.

158. **Mr. Ring** asked the Minister for Agriculture and Food if she will examine the entitlement of a person (details supplied) in County Mayo to the ewe premium for 2004; and if she received all the information from the application to state that this person had the necessary animals on application. [29644/04]

Minister for Agriculture and Food (Mary Coughlan): As stated in my reply of 10 November the person named qualified for payment of €2,100 under the 2004 ewe premium. However under the 2003 scheme he had a shortfall of 40 ewes out of the 115 on which he applied which resulted in non payment of premium. Under the conditions of the scheme the amount that would have been payable on these 40 ewes, €1,170.40, was offset against his 2004 premium of €2,100 leaving a balance of €929.60 which is being processed for payment.

Regarding his position under the 2003 scheme, my Department's records show that notification issued to him indicating that an inspection of his flock would be carried out on 1 April 2003. When the inspector called the person named was not present. Another inspection was arranged for the 7 April for which he received notification on 3 April. He rang the local office of my Department on 3 April stating that he had sold some of the

sheep between 1 and 3 April. The inspection went ahead as planned on 7 April and again the person named was not present. Only 75 of the 115 ewes applied on were found during the course of the inspection. He was subsequently requested to submit to his local office documentation such as sales documentation, dispatch docket or sheep register, relating to the sale of the 40 ewes but there is no record of such documentation being received. He was notified of his contravention of the terms and conditions of the scheme in September 2003 and advised that he could have the decision reviewed by submitting an appeal to the district inspector for the area. There is no record of an appeal ever having been submitted.

Garda Strength.

159. **Mr. R. Bruton** asked the Minister for Justice, Equality and Law Reform the implications for the authorised number of gardaí in 2005 and in 2006 of the Government's decision to increase the number of gardaí to 14,000 by 2008. [29540/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am pleased to say that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members, in line with the commitment in An Agreed Programme for Government. This is a key commitment in the programme for government and its implementation will significantly strengthen the operational capacity of the force.

A new recruitment campaign will start shortly as an initial step in increasing the force strength to 14,000. 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, approximately 274 recruits will be taken into the college, amounting to almost 1,100 recruits each year. Taking into account projected retirements, it will lead to a combined organisational strength, of both attested gardaí and recruits in training, of 14,000 as early as 2006.

The commissioner will now be drawing 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 already promised that the additional gardaí will not be put on administrative duties. Rather, they will be put directly into front line, operational, high-visibility policing. They will have a real impact.

The maximum number of gardaí permitted in each rank is set out and amended from time to time in a Government order known as a ranks order which is made under the Garda Síochána

[Mr. McDowell.]
Act 1972. The ranks order will be amended by Government to allow the personnel strength of the Garda Síochána to be increased to the target strength of 14,000 members.

Garda Deployment.

160. **Dr. Fitzpatrick** asked the Minister for Justice, Equality and Law Reform his plans to increase the level of police presence in the Dublin Central constituency and to reduce the level of crime; the details of the policing plan for the constituency; the way in which it is designed to address the very different policing needs of the inner city areas of the constituency and the real but different needs of the more residential area of the west of the constituency; and if he will make a statement on the matter. [29541/04]

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 within the DMR north central division, which is the main division responsible for the policing of the Dublin Central constituency and includes the north inner city, a city centre initiative was introduced on 9 June 2003 and involves high visibility policing in the city centre, with particular emphasis on public order incidents, street thefts, begging and vagrancy and shoplifting.

In conjunction with the above initiative a high profile policing operation throughout the DMR north central commenced on 8 November 2004, following an increase in funding granted by my Department. This operation focuses on both the inner city areas and residential areas, with particular emphasis on public order, road traffic issues, burglaries, liquor licensing laws, community policing and cash in transit issues. In order to focus on the above initiative, extra resources by way of extra beat and mobile patrols, both uniform and plain clothes, have been introduced throughout the DMR north central division to reduce the level of crime.

The personnel strength of the Dublin metropolitan region north central division as at 17 November, 2004 was 635 and an additional 29 probationer gardaí are due to be allocated to the north central division on 26 November 2004. Garda personnel assigned to the Dublin Central constituency, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources, and the best possible Garda service is provided to the general public.

Residency Permits.

161. **Mr. J. O'Keefe** asked the Minister for Justice, Equality and Law Reform the residency rights here for those who wish to exercise EU treaty rights; if there is a time limit for dealing with an application by a person wishing to exer-

cise such rights; and the position in relation to an application lodged in December 2003 by persons (details supplied) seeking to exercise such rights. [29542/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The EC treaty provides that EU nationals have the right to move and to reside freely within the territory of the member states, subject to the limitations and conditions laid down in the treaty and by the measures adopted to give it effect. These residency rights are of course subject to the power of national derogation on the grounds of public policy, public security and public health.

The EU national's spouse, dependent descendants and dependent relatives in the ascending line of the EU national and his spouse are also entitled to install themselves with the EU national if they qualify under the secondary legislation implementing the relevant provisions of the EC treaty. The residency rights of the EU national and his family will depend on the EU national's status in the State, for example as an employee, as a recipient of services or as a retired person. Directive 64/221/EEC provides that a decision to grant or to refuse a residence permit shall be taken not later than six months from the date of application for the permit.

The non-EU national concerned originally arrived in the State in August 2001 and lodged an application for asylum. A deportation order was made in respect of him in July 2002 and by letter dated 23 April 2003, he was informed of the intention to execute the deportation order. In May 2003 he married an Irish national. As the Irish national was also entitled to citizenship of another EU member state, an application for residency based on marriage to an EU national under Regulation (EEC) 1612/68 was subsequently lodged. This application was processed and residency has recently been granted to the non-EU national following the revocation of the deportation order made in respect of him.

Visa Applications.

162. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 369 of 18 May 2004, if a visa will be granted to a person (details supplied) on humanitarian grounds; and if he will make a statement on the matter. [29543/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My position regarding the visa application in question is as outlined in my reply to Parliamentary Question Number 369 of 18 May 2004. I am not aware of any exceptional circumstances over and above that of other persons in a similar situation which would warrant a reconsideration of the case. The Deputy will note from my reply of 18 May 2004 that both parents of the person in question abused the Irish visa system for the purpose of gaining entry to the State.

163. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform the position regarding an application for a holiday visa (details supplied). [29556/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am pleased to inform the Deputy that the visa application in question was approved on 15 November 2004.

Registration of Title.

164. **Mr. Connaughton** asked the Minister for Justice, Equality and Law Reform when registration of a dealing will take place in the name of a person (details supplied) in County Galway; and if he will make a statement on the matter. [29557/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is a application for a boundary rectification. Dealing number D2003GY012119W refers. I am further informed that correspondence issued to the solicitors acting for both of the parties in this case and a reminder was issued to both parties on 16 November 2004. I am also informed that on receipt of a satisfactory reply to this correspondence, the matter will receive further attention in the Land Registry.

Decentralisation Programme.

165. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the number of staff members of the Equality Authority who wish to relocate to Roscrea in County Tipperary; the number of staff members of the Equality Tribunal who wish to relocate to Portarlinton in County Laois; and the number of staff employed by each of these bodies. [29589/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As part of the Government's decentralisation programme, the Equality Authority with 54 staff will decentralise to Roscrea and the equality tribunal with 29.5 staff will decentralise to Portarlinton. Based on the decentralisation central applications facility, CAF, data of 7 September 2004, which indicates the applicants first preference in respect of posts below the level of chief executive officer, none of the existing employees of the Equality Authority had applied to decentralise to Roscrea at that stage. However, 36 other civil servants and five public servants have nominated the Equality Authority as their first preference for decentralisation. In the case of the equality tribunal, one existing employee along with 18 other civil servants and three public servants have nominated the equality tribunal as their first preference for decentralisation. As the Deputy is aware, the CAF remains open for the receipt of applications until such time as the decentralisation programme has been implemented in full.

Citizenship Applications.

166. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the reason it is taking 24 months to process applications for naturalisation; and if he has proposals to deal with this aspect of his Ministerial responsibility more efficiently. [29612/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The lengthy processing time for applications for naturalisation is primarily due to the significant increase in the volume of applications being received during the last number of years. The following table sets out the position in this regard for the last five years:

Year	New applications	Certificates issued
2000	1,004	125
2001	1,431	1,012
2002	3,574	1,332
2003	3,580	1,664
2004 (end of Sept)	3,138	1,117

There are 23 staff assigned to the citizenship section of my Department at the present time. In all, 650 staff members are employed by my Department in the provision of the 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 the area of service provisions 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.

Citizenship Applications.

167. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform when a citizenship application in the name of a person (details supplied) in County Kildare will be approved; and if he will make a statement on the matter. [29636/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A declaration of acceptance of Irish citizenship as post-nuptial citizenship was received in the citizenship section of my Department on 9 August 2004 from the person referred to in the Deputy's question. The average processing time for such declarations is approximately ten months at present. It is likely, therefore, that processing of the declaration of the person concerned will be concluded by May 2005. The declaration has recently been returned to the person concerned for some amendments. When these amendments have been carried out, processing of the applicant's declaration will continue.

Departmental Schemes.

168. **Mr. P. Breen** asked the Minister for Education and Science the names and the number of the post-primary and primary schools in County Clare which have applied for the 2005 summer works scheme programme; and if she will make a statement on the matter. [29518/04]

Minister for Education and Science (Ms Hanafin): The closing date for receipt of applications under the summer works scheme 2005 was 5 November 2004. Officials of my Department's school planning section are in the process of recording and assessing all applications received. On completion of the process, it is planned to publish the list of successful applicants early in the New Year.

Child Care Provision.

169. **Mr. Crowe** asked the Minister for Education and Science the section in her Department which is monitoring the training, quality, quantity and delivery of child care. [29504/04]

Minister for Education and Science (Ms Hanafin): Early childhood education and care is a horizontal policy issue involving several Departments and agencies. My Department is primarily concerned with the education aspects. Broad policy issues come under the aegis of the central policy unit of my Department.

To assist in the development of policy options 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. The policy implications of the recommendations arising from the OCED review are under active consideration within my Department and also by the relevant sub-group of the Government's high level working group on child care and early education.

170. **Mr. Crowe** asked the Minister for Education and Science if costings have been carried out on the recommendations made by the OECD report on child care with respect to her Department's responsibilities. [29505/04]

Minister for Education and Science (Ms Hanafin): The policy implications, including potential costings, of the recommendations arising from the OECD review are under active consideration within my own Department and also by the relevant sub-group of the Government's high level working group on child care and early education.

Departmental Schemes.

171. **Mr. P. Breen** asked the Minister for Education and Science when the applications for the summer works scheme 2005 for a school (details supplied) in County Clare will be considered; and if she will make a statement on the matter. [29506/04]

Minister for Education and Science (Ms Hanafin): The management authority of the school to which the Deputy refers has recently made an application for replacement windows under the summer works scheme 2005. All applications for the 2005 scheme will be considered in the school planning section of my Department and it is planned to publish the list of successful applicants in January 2005.

Schools Refurbishment.

172. **Mr. Stanton** asked the Minister for Education and Science if her attention has been drawn to the fact that damage was caused to the roof of a school (details supplied) in County Cork during recent storms; if funding will be made available immediately to rectify the damage to prevent further loss or injury; and if she will make a statement on the matter. [29507/04]

Minister for Education and Science (Ms Hanafin): The funding required by the school in question falls within the scope of the minor works grant. If funds are available in the minor capital works account, the school should utilise this grant towards the works required. The school authorities have been advised by my Department that contingency funding is only available for emergency works arising in schools that cannot fund a project from the school's maintenance grant.

School Closures.

173. **Mr. F. McGrath** asked the Minister for Education and Science the reason a school (details supplied) in Dublin 5 will close in 2007; and if she will make a statement on the matter. [29508/04]

Minister for Education and Science (Ms Hanafin): The decision to close the school referred to by the Deputy was taken by the trustees. The closure will take place on a phased basis, culminating with full closure in June 2007. Given the pattern of falling enrolments at the school, together with surplus capacity in the general area, my Department concurs with the trustees' decision.

The Department's main role in a school closure is to ensure that the best interests of the pupils are looked after in the period up to the closure and that alternative provision is available to accommodate the pupils who would have ordinarily attended the school.

School Accommodation.

174. **Mr. F. McGrath** asked the Minister for Education and Science if a school (details supplied) in Dublin 9 will receive the maximum support in 2005, particularly with regard to funding, staffing, building and educational facilities, and for the support of the parents, teachers and pupils of the school; and if she will make a statement on the matter. [29509/04]

Minister for Education and Science (Ms Hanafin): The second level school to which the Deputy refers is the recipient of considerable supports from my Department in terms of current and capital funding and extra teaching resources. Currently, it receives €119,122.84 per annum capitation grant together with a range of supports under the school services support initiative totalling €105,483.11. In addition, it receives a range of equalisation grants of over €14,000 per annum. A measure of the increase in overall current funding for a school of this size and type is that by comparison with 1997, it now receives extra funding of over €105,000 per annum.

With regard to teaching resources, the school applied for and received a curricular concession allocation of 1.37 whole time equivalent teacher posts. It was also allocated 0.66 whole time equivalent teaching posts to cater for students with special educational needs. In terms of capital grant aid, the school has received over €1,747,000 since 1998 for a range of projects, including an extension project, refurbishment of a science laboratory, dust extraction and physical education hall works.

The school currently has an application with my Department for the provision of a computer room. This application 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 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.

Schools Building Projects.

175. **Mr. Crawford** asked the Minister for Education and Science the position regarding the building project for a school (details supplied) in County Monaghan; if her attention has been drawn to the fact that this school is coping with two and a half times the numbers for which it was originally intended and that all the facilities,

including toilets, are completely archaic; and if she will make a statement on the matter. [29559/04]

Minister for Education and Science (Ms Hanafin): The extension project for the school referred to by the Deputy is at an advanced stage of architectural planning and has a band 2 rating. My Department's technical staff are currently examining the stage 4 documentation — detail design. 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 with a view to including them as part of a multi-annual programme from 2005. All projects are being assessed against the published prioritisation criteria, agreed earlier this year with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the programme from 2005.

Student Numbers.

176. **Mr. Gilmore** asked the Minister for Education and Science the costs which have been incurred to date in increasing the number of first year students at a college (details supplied) in County Sligo; the estimated additional costs for this college for 2004, 2005, 2006 and 2007; and if she will make a statement on the matter. [29564/04]

177. **Mr. Gilmore** asked the Minister for Education and Science the number of students from each county who enrolled in 2004 as first year students at a college (details supplied) in County Sligo; and if she will make a statement on the matter. [29565/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 176 and 177 together.

The total number of first year students enrolled at the college to which the Deputy refers is 53. The college has not yet forwarded the information regarding the numbers of students from each county in 2004 to my Department. When this information becomes available, which is expected very shortly, I will arrange to have it forwarded directly to the Deputy.

My Department funds the college in question on a budget basis and has allocated a total of €2,741,000 to it in 2004. The only additional cost incurred by my Department to date, due to the increasing numbers of first year students, is the cost of one contract post at college lecturer grade. The cost in 2004 for this lecturer is likely to be €20,000, with the full-year cost being in the region of €60,000.

As was the case in previous years, following receipt and examination of the college's budget submission by my Department, the college in question will be funded on a budget basis in 2005, 2006 and 2007. It is impossible to say what the

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likely annual allocation to the college will be in the absence of those submissions.

Schools Refurbishment.

178. **Mr. Connaughton** asked the Minister for Education and Science the position regarding an application for grant aid under the summer jobs scheme by a college (details supplied) in County Galway to overcome health and safety problems concerning students having to use a less than satisfactory play area; and if she will make a statement on the matter. [29566/04]

Minister for Education and Science (Ms Hanafin): The management authority of the school to which the Deputy refers recently made an application for the provision of a play area, under the summer works scheme 2005. All applications for the 2005 scheme will be considered in school planning section of my Department and it is planned to publish the list of successful applicants early in the new year.

School Staffing.

179. **Mr. J. O’Keeffe** asked the Minister for Education and Science the reason a person (details supplied) in County Cork has been denied resource hours, despite full reports having been furnished to verify their situation; and if immediate arrangements will be made to remedy this in order that adequate resource support is provided. [29607/04]

Minister for Education and Science (Ms Hanafin): My Department has received an application for resource teaching support for the pupil concerned. My officials are liaising with the National Educational Psychological Service, NEPS, regarding the application. A decision will be conveyed to the school as soon as this process has been completed.

180. **Mr. P. McGrath** asked the Minister for Education and Science the five projects that are most behind schedule in the context of the capital expenditure on primary schools in 2004; the reason each of these projects is delayed; the total allocation for each of these projects; the savings to her Department by the delay in each of these projects; and if she will make a statement on the matter. [29608/04]

181. **Mr. P. McGrath** asked the Minister for Education and Science the five projects that are most behind scheduled in the context of the capital expenditure on second level schools in 2004; the reason each of these projects is delayed; the total allocation for each of these projects; the savings to her Department by the delay in each of these projects; and if she will make a statement on the matter. [29609/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 180 and 181 together.

The 2004 school building programme is a very complex undertaking involving many hundreds of individual projects ranging from new school buildings, extensions, refurbishments and other projects under the summer works scheme, the temporary and permanent accommodation initiatives, the remediation programmes and the contingency fund. In addition, my Department funds the purchase of sites for new school building projects.

In broad terms, there are many reasons outside the control of my Department which contribute to projects not advancing as quickly as expected. These include an appeal of planning permission by third parties to An Bord Pleanála, contractors withdrawing tenders, design teams being slower than anticipated in getting projects tendered and delays in the legal process associated with site purchases. As the Deputy will appreciate, it is not possible for me to give individual project details for commercial sensitivity reasons.

School Attendance.

182. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science if a second education welfare officer will be provided for County Kerry; if her attention has been drawn to the need for such a person; the number of referrals to the Education Welfare Board from Kerry in 2003 and to date in 2004; and if she will make a statement on the matter. [29638/04]

Minister for Education and Science (Ms Hanafin): My Department recently conveyed approval to the National Educational Welfare Board for the recruitment of an additional ten educational welfare service delivery staff. Decisions relating to the assignment of staff to specific areas are a matter for the board, which is an independent statutory agency.

The issues raised by the Deputy are matters for the National Educational Welfare Board, which was established under the Education (Welfare) Act 2000 as the single national body with responsibility for school attendance. I am arranging to pass the Deputy’s query to the NEWB for direct reply to her.

Higher Education Grants.

183. **Mr. O’Shea** asked the Minister for Education and Science if the third level grant application from a person (details supplied) in County Waterford will be reviewed with a view to introducing appropriate amending legislation in order that such candidates can qualify; and if she will make a statement on the matter. [29639/04]

Minister for Education and Science (Ms Hanafin): The decision on eligibility for maintenance grants is a matter for the relevant local authority or VEC. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is desired. The higher education

grants scheme operates under the Local Authorities (Higher Education Grants) Acts 1968 to 1992. These Acts define mature students to mean persons “of not less than 23 years of age, or such other age as may stand specified for the time being in regulations made by the Minister with the consent of the Minister for Finance, who have secured places in approved institutions and have reached that age on the 1st day of January, or such other date as may be prescribed from time to time by the Minister with the consent of the Minister for Finance, in the year of entry to such institutions”.

Mature students are categorised as either independent mature students or mature students dependent on parents. An independent mature student is defined to mean a mature student who was not ordinarily resident at home with his/her parents from the October preceding their entry to an approved course. Independent mature students are assessed without reference to either their parents' income or address.

When assessing the means of students other than independent mature students, the means test provision of the scheme specifies that the students' means and those of their parents or guardians must be below a prescribed limit. This provision requires that parental income be taken into account irrespective of the individual circumstances in any case where the student is not an independent mature student.

I understand that the student in question was out of the country travelling from September 2003 to July 2004 and that on her return she took up residence at her parents address. She was accordingly assessed with reference to her parents address and income details. The Deputy will appreciate that the terms of the schemes are of general application and it is not open to me to make exceptions in individual cases. It is not proposed, in the foreseeable future, to change the current position in relation to the assessment of mature students.

Army Barracks.

184. **Mr. N. O’Keeffe** asked the Minister for Defence if he will put the necessary arrangements in place to provide a new target shed and workshop for civilian staff at a military camp (details supplied) in County Cork. [29571/04]

Minister for Defence (Mr. O’Dea): The target shed in Kilworth Camp, County Cork is currently being reproofed and temporary accommodation is being used by the personnel normally employed therein. The reproofing work is to be completed by Christmas and running water and a power supply will then be provided. When the power supply has been installed, heating and lighting will be provided in the building. The provision of a new barrack foreman of works workshop and barracks services store is under consideration at present.

Architectural Heritage.

185. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government if an application for a heritage grant was made by a school (details supplied) in Dublin 7; the reason no funding was made available; and if this matter will be further considered in the context of a new application. [29567/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): No application has been made under the architectural conservation grant scheme administered by my Department in respect of the school referred to in the question. The Heritage Council operates its own scheme of heritage grants and inquiries regarding any grant application which has been made to the Heritage Council may appropriately be directed to that body.

Water and Sewerage Schemes.

186. **Mr. Hogan** asked the Minister for the Environment, Heritage and Local Government when the upgrade of a sewerage scheme (details supplied) in County Kilkenny will receive the necessary approval; and if he will make a statement on the matter. [29510/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Proposals for a wastewater scheme to serve Glenmore were ranked sixteenth in the list of wastewater schemes submitted by Kilkenny County Council in December 2003 in response to my Department's request to all local authorities to undertake fresh assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of the assessments. The priority lists were taken into account in the framing of my Department's water services investment programme 2004-06 published in May 2004. Given the ranking afforded to the scheme by the council, it has not been possible to include it in the current programme. However, it would be open to the council itself to consider funding the scheme, estimated to cost €0.15 million, under the small schemes measure of the devolved rural water programme.

Local Authority Housing.

187. **Mr. J. O’Keeffe** asked the Minister for the Environment, Heritage and Local Government the support available towards the cost of the installation of heating in the homes of local authority tenants and pensioners in view of the fact that such costs may now include special ESB network service charges of €800 for electricity connection. [29511/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Since 1994 my Department has required that central heating be provided in all new local authority dwellings and included in the overall cost of schemes. Where capital funding is

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provided under regeneration and remedial programmes operated by my Department for upgrading of local authority dwellings, the provision of central heating may form part of the work undertaken. In addition, some authorities have been granted approval, on foot of specific proposals, to the use of their internal capital receipts to provide central heating in particular cases.

In July of this year, my Department introduced a special programme for the installation of central heating in existing local authority rented dwellings. A sum of €12 million has been provided by my Department for the programme in 2004. There is no contribution sought from the tenant in respect of installations under the central heating programme. Similarly, in relation to new local authority housing, any ESB connection charges would be part of the overall cost of the house and would not fall to be paid by the individual tenant.

Local Authority Funding.

188. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government when sufficient funds will be made available to Kildare County Council to facilitate the restoration of disabled persons grants which have been suspended due to lack of finance; and if he will make a statement on the matter. [29637/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Kildare County Council received a capital allocation of €934,000 for disabled persons and essential repairs grants in May 2004. It subsequently sought an increase of €116,000 which was allocated to it on 9 September to bring its total allocation for this year to €1,050,000. No further requests for increased funding have been received from the council in respect of these schemes.

Election Management System.

189. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if the Commission on Electronic Voting intends to release the results of its initial testing of the equipment acquired by the State for the purposes of electronic voting, in view of the fact that the legal impediments to doing so were removed by the Government in May 2004; and if he will make a statement on the matter. [29641/04]

190. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the reason a tender has only recently issued for the provision of software assurance and system testing services for electronic voting; and his views on whether such testing should have been carried out prior to the purchase of the equipment. [29642/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 189 and 190 together.

Since 2001, my Department has commissioned internationally accredited institutes-companies to carry out extensive testing of the voting machine equipment and election management and count software associated with the introduction of electronic voting and counting in Ireland. All the test results, including an architectural and code review of the software, endorsed use of the Nedap-Powervote system and these test reports have been made publicly available.

The Commission on Electronic Voting, CEV, recently issued a request for tenders as part of its ongoing work to assess the secrecy and accuracy of the planned electronic voting and counting system. The CEV is an independent body which was established by the Oireachtas. My Department does not have details of its proposed activities in fulfilment of its mandate and I have no function in relation to its work.