



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 23 November 2004.

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TUAIRISC OIFIGIÚIL OFFICIAL REPORT

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Tuesday, 23 November 2004.

Chuaigh an Leas-Cheann Comhairle i gceannas ar 2.30 p.m.

Paidir.
Prayer.

Ceisteanna — Questions.

Proposed Legislation.

1. **Mr. Rabbitte** asked the Taoiseach if the approval of the Attorney General was sought by his Department in regard to the subcontracting out to private firms of the drafting of legislation; the number of occasions on which such consent was given; if the Attorney General is satisfied with the drafting of legislation outside his office; and if he will make a statement on the matter. [22145/04]

2. **Mr. Sargent** asked the Taoiseach if the Attorney General gave approval to the subcontracting out to private firms of the drafting of legislation; and if he will make a statement on the matter. [27998/04]

3. **Mr. J. Higgins** asked the Taoiseach if approval was given by the Attorney General to the subcontracting out to private firms of the drafting of legislation. [30191/04]

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

As outlined in a reply to a written parliamentary question on 29 September 2004, no legis-

lation has been drafted for my Department outside the Office of the Attorney General so the matter of approval does not arise.

Mr. Rabbitte: What is the Taoiseach's view of the subcontracting out of legislation to be drafted, whether that of his Department or other Departments, on the instructions of the Department as distinct from the Attorney General? Since the Taoiseach's answer to me, which I took to mean that legislation was not being subcontracted out, Deputy Burton told me that the Central Bank Bill was contracted out at a cost of €1.5 million. Subsequently, before it went through Committee Stage, the Bill had to go back to the Office of the Attorney General to be redrafted. Does that matter require consideration?

The Taoiseach: I draw a distinction between statutory instruments and Bills. The Office of the Attorney General is not opposed to statutory instruments being sent out for drafting. It has recommended a list of people who are appropriate for Departments to employ in that regard because there is much drafting to be done and the statutory instruments are regularly handled in this way by Departments.

[The Taoiseach.]

It is very rare for Bills to be drafted outside the Office of the Parliamentary Counsel. I asked my Department to check how many Bills were drafted outside that office over the five-year period since the beginning of 2000. There was not a great deal of checking to be done. Only two Government Bills, the Adventure Activities Standards Authority Bill 2000 and the Official Languages (Equality) Bill 2002, were drafted outside the Office of the Parliamentary Counsel. While those Bills were drafted outside the Office of the Attorney General and that of the Parliamentary Counsel, both were drafted by a former official in the latter office. No Bills were drafted in private practice. It should be borne in mind that over the period mentioned, 226 Bills were enacted.

An outside firm with special expertise advises the Department of Finance on the regulation of financial services, which relate to the Bill referred to by Deputy Rabbitte. As part of that advice, the firm prepared a sample draft of the Central Bank and Financial Services Authority Bill 2003. That was a substantial Bill with a large number of heads. The sample draft was presented to Government not as a Bill but merely as heads or the scheme of the Bill. The Bill itself was drafted by the Office of the Parliamentary Counsel.

The same situation pertained to the Unclaimed Life Assurance Policies Bill 2002, with an outside firm drafting the heads of the Bill for the Department in the form of a sample draft. The Bill itself was drafted by the Office of the Parliamentary Counsel.

These situations rarely arise. I have spoken on a number of occasions with the Office of the Parliamentary Counsel, the Attorney General and the two previous Attorneys General. They are not in favour of Bills being drafted by outside parties, a view I support. Their position is that whenever drafting is attempted within Departments or by outside agencies, the quality of the drafting is not of much use to them and is not satisfactory. They end up doing the drafting themselves. I do not wish to be unfair or uncharitable to the outside agencies, but such drafting is not satisfactory.

Mr. Rabbitte: The Taoiseach seems to be saying that where primary legislation was contracted out, work was done up to heads of Bill stage and the drafting then done in the Office of the Parliamentary Counsel. Can the Taoiseach be more clear? He has expressed the matter in one way. Another way of putting it would be to say the quality of the outside work is not up to scratch and that the drafting must be done by the Office of the Parliamentary Counsel. That is my understanding of the position.

Regarding the Finance Bill to which I referred, I am informed by Deputy Burton that the cost of contracting out its drafting came to €1.5 million. That is quite a mind-blowing figure for a single Bill, no matter how substantial or complex. If the Taoiseach agrees with the Office of the Attorney

General that there should be a coherence of style and uniformity, it would be desirable that his writ should run with line Departments.

The Taoiseach: I do not disagree with the Deputy but we should be clear about it. There are three areas to be considered. There is no problem with regard to the drafting of statutory instruments being done outside the Office of the Attorney General, provided the drafting is done by people recommended by that office and who are seen as competent to provide the quality of drafting desired.

The Office of the Attorney General believes there is merit in the heads of Bills being drafted by people with legal qualifications in the various Departments. There are a number of such people in the top six Departments competent to draft heads of Bills and the explanatory matters surrounding them. There are some outside the Departments who have also done such work. My understanding is that such work is far better done within the office than outside it.

On the outside work — and the Central Bank and Financial Services Authority Bill 2003 was an enormous Bill — the office of the Parliamentary Counsel states that the distinction between a Bill and the heads of a Bill is important in the context of the Cabinet and Oireachtas procedures, as it sees them, and that the heads of a Bill are merely an outline of the policy objectives a Department wishes to achieve. The office of the Parliamentary Counsel holds the view that it is not involved in the preparation of the heads of Bills because policy formulation is a matter for Departments. If the policy formulation of the heads of a Bill is drawn up either inside or outside the office, the office of the Parliamentary Counsel lives with that. Without putting a tooth in it, that office would say that when one goes further than that, the quality of the work done by those outside is not up to a penny. I know there are people outside who will argue that it would say that, but in fairness to the people in the office of the Parliamentary Counsel, many of whom are beyond retirement age and many of whom have expertise both in this country and outside it, they do a specialist job. They do not believe we can give the work out.

Over the years I have asked why that is the case, and I am sure Deputy Rabbitte has experience of this too. While somebody can draft a Bill and even draft a Bill from the heads of a Bill, that does not give us the legislation. A parliamentary draftsman must go back to God knows when — perhaps to the 1940s — to check the compatibility of the Bill with legislation in the 1940s, maybe with a Bill in the 1950s, amending legislation in the 1960s and perhaps cross reference the Bill with a Finance Act. The office feels that outside people do not do that to any quality. Experience over a long period and with many Attorneys General seems to vindicate their position.

Mr. Sargent: Can I take from the Taoiseach's reply that the Office of the Attorney General does not approve of outsourcing, and on an individual basis is not asked for its approval in advance of outsourcing? When legislation which has been outsourced is returned in draft form, is the Taoiseach satisfied there is a sufficient number of staff to make sure it does not progress in a flawed state? I think his colleague, the Leader of the Seanad, Senator O'Rourke, referred to the State Airports Bill as legally flawed and suggested that it had been drafted outside the House — by a leading firm of solicitors — and that that might be one of the reasons. This indicates that there may be a problem of staffing in the office of the Attorney General.

The Taoiseach said previously in a reply that there were seven vacancies. Can he give us an up-to-date position since four vacancies on the drafting side were referred to? There was an 8% increase in the Estimates for staffing. Is that one of the areas the Taoiseach proposes to resolve because it may put an end to outsourcing if there is an adequate number of staff in-house?

The Taoiseach: I do not wish to be repetitious but I have been told there were only two Bills outsourced in the past five years, and not too many before that. In a period when the House enacted 226 Bills, only two were sent out. Those two Bills were sent to a former official of the Office of the Parliamentary Counsel so, in effect, someone who did not understand the system did not draft a Bill. Statutory instruments have been frequently sent out, as have heads of Bills, including the case Deputy Rabbitte cited. It is not liked and where Bills have been sent out, the office believes it ends up, to a large extent, having to do the work again.

Drafting legislation is a slow process. It is a professional job and it takes a long time for someone to acquire the expertise. Some of the people in the office have been abroad but are now working in this country. I think there are approximately 13 people in the office and there might be one vacancy in that area of the Office of the Parliamentary Counsel.

I understand there are some 13 draftsmen in the Office of the Parliamentary Counsel and one vacancy. It is a specialised job in this country and elsewhere. The draftsmen frequently work contract hours and stay on in the role. A number of them are elderly and it is very much appreciated that they stay on. Although I am no legal expert, their role involves a gifted talent. Any politicians in any jurisdiction will tell you that they are treasured people. That is why they are asked to stay on and we are in the same position.

Mr. Sargent: To which two Bills has the Taoiseach referred?

The Taoiseach: The two Bills were the Adventure Activities Standards Authority Bill 2000 and the Official Languages (Equality) Bill 2002.

These were the only Bills in the past five years that were drafted outside the Office of the Parliamentary Counsel. Both were drafted by a former official of that office.

Mr. J. Higgins: I am relieved the Attorney General is not attempting to lead an MBO. There is a significant backlog of legislation in the Government's promised list and the usual response from the Taoiseach to queries about when this legislation will be brought forward is that there is yet no date. Does the Taoiseach agree that this points to a significant shortage of staff at the drafting stage? Admittedly, we would have been much better off if some of the legislation brought forward by the Government had never seen the light of day. I do not want to tempt fate. In regard to progressive or necessary legislation, however, the Government should be providing for sufficient staff in the office to ensure there is no backlog or unnecessary pressure on the existing staff. The outsourcing of work would then be unnecessary.

The Taoiseach: The point is that we are not outsourcing. One cannot simply advertise for positions in the Office of the Parliamentary Counsel and get people with sufficient competency to fulfil that role. Such people are recruited whenever they become available. There is usually a vacancy or two in the office and some excellent staff who are beyond retirement age are continuing to provide the service.

From the House's point of view, I can not recall when we were stuck for legislation. It is generally the other way around. There are Bills at various stages on the Order Paper and after the budget next week, the resources almost of a full-time person will be required for both the Social Welfare Bill and the Finance Bill for a long period of time. Other legislation also requires time. It is a matter of prioritising. The House is putting forward by a multiplier significantly more legislation than it did five, ten, 15 or 20 years ago. It is becoming more productive all the time in terms of legislation.

National Security.

4. **Mr. Sargent** asked the Taoiseach if he will report on the recent work of the high-level group established within his Department in the aftermath of the terrorist attacks on 11 September 2001; and if he will make a statement on the matter. [22475/04]

5. **Mr. Rabbitte** asked the Taoiseach if the high-level group established within his Department in the aftermath of the 11 September 2001 attacks is still functioning; if he will report on its recent work; and if he will make a statement on the matter. [23383/04]

6. **Mr. Kenny** asked the Taoiseach if he will report on the recent work of the high-level group, established under the aegis of his Department, to monitor developments in the United States ter-

[Mr. Kenny.]
 rorist atrocities of 11 September 2001; and if he will make a statement on the matter. [24128/04]

7. **Mr. J. Higgins** asked the Taoiseach when the high-level group established by his Department in the aftermath of the 11 September 2001 terrorist attacks last met; and if he will make a statement on the matter. [24150/04]

8. **Caoimhghín Ó Caoláin** asked the Taoiseach if it is proposed to maintain in 2005 the high-level group established within his Department in the wake of the atrocities of 11 September 2001 in the United States; and if he will make a statement on the matter. [29971/04]

The Taoiseach: I propose to take Questions Nos. 4 to 8, inclusive, together.

The national security committee, which is chaired by the Secretary General to the Government, comprises representatives at the highest level of the Departments of Justice, Equality and Law Reform, Defence and Foreign Affairs, and of the Garda Síochána and the Defence Forces. The committee meets as required and will continue to do so in 2005. In addition, its members liaise on an ongoing basis to monitor developments which might have national security implications, in particular in the international arena. It is concerned with ensuring that the Government and I are advised of high-level security issues and the responses to them, but not involving operational security issues.

Mr. Sargent: Are the Taoiseach and the high-level committee aware of the opinion clearly expressed by the Reverend Jesse Jackson, the United States civil rights campaigner, that the ongoing involvement by Ireland in the war in Iraq through its making available Shannon Airport for United States troops is putting Ireland "in the line of fire"?

Has the high-level group made any recommendations on the use to which Shannon Airport is being put? Will the carrying of unspecified cargo, which is neither searched for weapons nor inspected for compliance with air safety and fire regulations, be addressed? Does the Taoiseach consider it would be proper to make sure that this matter is addressed to avoid any risk to the people or directly to Shannon? Will he act on the Minister of Defence's statement that he would not be happy if people were being brought through Shannon who may be unaccounted for or who may be being brought through in a way that transgresses international human rights agreements, for example, being brought through on their way to Guantanamo Bay? Will the Taoiseach take hold of this issue and address the concerns expressed by Reverend Jesse Jackson, which are shared by many people here, that Ireland is, effectively, in the line of fire as a result of the activities that continue to take place at Shannon?

The Taoiseach: The Deputy is aware, as I pointed out shortly after the events of 11 September 2001, that the Government set up the Office of Emergency Planning to co-ordinate the work of the various emergency services in preparing contingency plans. The task force on emergency planning is chaired by the Minister for Defence. It meets frequently to assist and consider these issues. I will not comment in detail on its work. Its primary role is advisory and to examine any issues about which it is concerned. The issue raised by the Deputy is not one about which it is concerned. There is no change in the position regarding the Shannon stopover and we should not talk up that issue.

Reverend Jesse Jackson was in with me and before he left the country a few days later, he contacted me to tell me that what he had stated on this matter had not been accurately quoted, what was reported was not his view and that he considered it mischievous that his views were being used in such a way.

Mr. Sargent: What I said was a direct quote.

Mr. Rabbitte: Whatever Jesse Jackson felt about the way he was quoted, is the Taoiseach saying that the advice from the high-level group is that the ongoing facilitation of American troops to Iraq through Shannon is not a factor in the considerations here? For example, how is it that people in captivity can be transferred from Iraq to Cuba without going through Shannon Airport? The Minister for Justice, Equality and Law Reform is on record as saying that he would be concerned if that were in fact happening. It would appear that it is happening and that we are not minded to establish the truth or otherwise of that claim. In the event that this is the situation, is the Taoiseach saying the national security committee is saying it is not a factor in its weighing up of any potential threat to the security of this country?

The Taoiseach: Since 11 September 2001 everybody is conscious of the level of terrorism in a range of countries for a variety of reasons. The arrangements that have pertained here for the past 45 years are not new and do not add anything to the precautions that are being taken. Those precautions would be taken in any event. We are all aware there have been a number of concerns about what international terrorists are up to and how they operate. There are all the protections and security provided by Interpol, Eurojust and all the other agencies that cooperate with the Garda and the Army, but that position is not changed because of the arrangements that have been in place for the past 45 years.

Mr. Kenny: We are now the most defenceless country in Europe. Is there a document which sets out Ireland's national security policy? In the wake of the atrocities of 11 September 2001, a number of statements were made by the Govern-

ment. It was stated, for example, that the elite Army ranger unit would be considerably strengthened. That has not happened. No extra finance has been given to G2, the military intelligence wing, which has a unique understanding of Middle East complications and difficulties. What is the situation with regard to these issues?

Is the Government's approach to emergency planning not very fragmented? There is the national security committee, the Office of Emergency Planning, the task force on emergency planning and the interdepartmental group under the control of that task force. If, God forbid, someone decided to fly a plane into the country as a suicide mission, the Taoiseach would have to make the crucial decision to call in the RAF to shoot it down. Is the Taoiseach happy that the streamlining of national security issues is sufficiently well informed and professional and would, in all circumstances, enable him to make that decision correctly? Is there a danger that he would underestimate the importance of such an event or that his information might be flawed? Is he happy that he could deal with such a critical emergency?

The Taoiseach: In considering modern terrorism and security issues, one can never know what someone might do or whether threats will be carried out. The interdepartmental group, which is an advisory group under the chair of the Secretary General of my Department, is the first port of call for feeding in information which comes from various quarters. It exchanges such information. It is a very tight group, consisting of the Secretaries General or appropriate officials from the Departments of Justice, Equality and Law Reform, Defence and Foreign Affairs, the Garda and the Defence Forces. If the group needs anyone from another area he or she is invited to participate. That group is advisory.

Following the events of 11 September 2001 it was believed that we should have an office of emergency planning to co-ordinate the work of the various agencies. There are several agencies — not all are represented on the national security committee — which do whatever is necessary to prepare contingency plans. The Minister for Defence answers questions on that matter although much of the committee's work is confidential. The committee meets frequently, considers that role, examines information and liaises with Eurojust, Interpol and the other groups.

Possible crises and ongoing work are dealt with by those two groups. They come under the aegis of my Department and I am kept abreast of their work. I do not deal on a daily basis with the Office of Emergency Planning. That is the responsibility of the Minister for Justice, Equality and Law Reform.

The Minister for Defence, through the Office of Emergency Planning and the task force on emergency planning, oversees emergency planning generally to promote the best possible use of State resources and to ensure compatibility

between different emergency requirements. The possible amalgamation of the management of emergencies into a single agency was raised in a report of the Emergency Planning Society which was presented to the Government some months ago. Substantial costs would be associated with this approach and a number of the agencies argued as to whether or not this would be the best thing to do. In a small country it is not difficult to bring people together. The problem is that there are different types of emergency, which require different skills, resources and experience. If one is dealing with a marine oil pollution incident it is a very serious issue, but it is entirely different from reacting to the only crisis we have had in this country in recent years which was the foot and mouth outbreak. It is for this reason that primary responsibility remains with the relevant agency but all of them can pull together when required to do so.

Approximately 23 or 24 groups were involved daily on the foot and mouth campaign. On marine issues there may be seven or eight groups and, therefore, having them all together would be unnecessary. The foot and mouth experience was a good example where people came together from their respective agencies on a committee that worked very well. It was initially chaired by myself and then by the former Minister for Agriculture and Food, Deputy Joe Walsh.

Until the Department of Justice, Equality and Law Reform, the Department of Defence, the Defence Forces and the Garda Síochána see it otherwise, I think the current arrangement works very well.

Mr. Kenny: Will the Taoiseach comment on the Government statement, following the attacks of 11 September 2001, concerning the expansion of the elite Army ranger unit?

Given the pressure of political circumstances applying to the entire Middle East, does the Taoiseach not think that G2, our military intelligence unit, which has an extensive understanding of the complications of Middle Eastern politics, should be properly funded and resourced?

In the Taoiseach's discussions with various groups, have reports of personnel associated with al-Qaeda operating in Dublin been brought to his attention? Has that matter been dealt with to his satisfaction?

The Taoiseach should indicate what tangible improvements have been made since 11 September 2001. What has happened, if anything, in respect of national security that is to the benefit and comfort of the people of the nation following decisive Government action?

The Taoiseach: There is now an office of emergency planning under the Department of Defence, which was not there heretofore and which feeds into all agencies and groups. In addition, the taskforce on emergency planning also feeds into that group. Under the aegis of my

[The Taoiseach.]

own Department, there is a group to which I referred earlier, including the Department of Justice, Equality and Law Reform, the Department of Defence, the Department of Foreign Affairs, the Garda Síochána and the Defence Forces. There is a cross-link between both groups — one is advisory and the other deals with specific matters that arise.

As Deputy Kenny knows, considerable capital resources have been put into the Department of Defence over the past five Estimates to update equipment, as well as providing additional training skills and expertise. I cannot answer precisely what all those projects are; it is a matter for the Minister for Defence. I know from the Chief of Staff, however, that the Defence Forces have been engaged actively through those units. In particular, our rangers are highly thought of in the United Nations. They were asked to work on the Indonesian border during the difficulties in East Timor. They are highly skilled and their equipment has been improved dramatically.

There is considerable co-operation on the movement of people associated with al-Qaeda. While I am not briefed on these issues weekly, I am aware of the intelligence work by the Garda Síochána, and externally, on a number of individuals. Considerable effort, both by the Garda Síochána and the Army, has been put into Middle Eastern groups operating both here and elsewhere. There are not significant numbers involved but security-wise a substantial effort goes into that now.

Mr. J. Higgins: As part of its brief, does the National Security Committee have a political role in advising the Government on how aspects of foreign policy or actions the Government might take might lay the people open to an increased chance of an outrage by groups using terrorist methods? How often does the committee report to the Government? For example, has it indicated how the obliteration of Fallujah and the huge anger that has caused in the Arab and Moslem worlds might allow some groups to feel they should go around the world and quite wrongly seek revenge on ordinary people?

Has the National Security Committee a role in how the Shannon facility is used, which the Government affords to the United States military to assist in its occupation? Has the committee made inquiries as to whether prisoners being spirited from the Middle East have stopped there on the way to President Bush's gulag in Guantanamo? The Taoiseach might also give us his own reaction to that matter. Should it not be absolutely clear given the strong indications that this is happening, which would be an absolute outrage, that all US military airplanes or airplanes on duty related to the US military should be checked when they stop at Shannon to ensure the Government is not facilitating the kidnapping of suspects and their illegal relaying to Guantanamo?

The Taoiseach: The committee has no political role. The committee does its utmost to protect and safeguard the country from a defence and security point of view. It exchanges information. It is not involved in the politics of the matter, nor is the office of emergency planning which constantly tries to ensure the State is protected and to oversee emergency planning generally. Therefore, the questions raised by the Deputy do not arise.

On aircraft that wish to stop — and do stop — coming from anywhere in the United States and going to any destination, not just to Iraq, as they have traditionally done for four and a half decades, they must seek the permission of the Minister for Transport in the case of civilian aircraft and the Minister for Foreign Affairs in the case of foreign military aircraft. Following the 1959 letter, there are concessions on that matter. Successive Governments have followed the arrangements agreed in 1959 by the Minister for External Affairs, Mr. Frank Aiken, on security issues during the time of the Cold War. Those procedures still pertain and do not mean that the aircraft need to be checked on each occasion. However, rules are laid down.

Caoimhghín Ó Caoláin: Has the remit of the high level group changed in any way since 11 September 2001, for example regarding the situation currently pertaining in Iraq? Has the high level group reviewed the Government's policy of facilitation of US military forces at Shannon Airport since it was established? Shannon Airport is now being used as a staging post or perhaps Ireland is being used as an aircraft carrier for US forces travelling to and from their war in Iraq. As recently revealed in Department of Transport documentation, can the Taoiseach confirm that the people through the Government and Exchequer are subsidising access to the war on Iraq for the US forces to the estimated tune of €6 million so far? Is this position continuing?

Will the Taoiseach explain how he can reconcile that subsidisation of the US war in Iraq with his stated position, following the march by tens of thousands of Irish citizens in this city, that he was personally opposed to the invasion of Iraq? How does he reconcile what is happening at Shannon Airport and the use of Irish taxpayers' money in this way in the context of the daily horrific scenes in Falluja and other locations in Iraq and of the cruel murder of Margaret Hassan? Will the Government consider adopting and reflecting the view of the overwhelming majority of Irish people on the US-British war in Iraq and clearly indicate to the US authorities that we are no longer available to facilitate or subsidise their ongoing military actions in that country?

The Taoiseach: There has been no change in the terms of reference. I am not involved in the day to day work of the advisory committee. It is always looking at new threats and militant groups because there is always concern about new

groups in the Middle East that surface on an almost monthly basis. Intelligence is exchanged on an ongoing basis but the terms of reference of the committee have not changed.

There has been no change since 1959 in the position on the stop-over facilities used by US forces. It is not a matter of justifying it, the position has been the same for half a century, with Ireland making available to the US landing and overflight facilities. That period covers many crises and military confrontations where the US took military action without specific UN endorsement, such as in Kosovo and Vietnam. We have never withdrawn or suspended those facilities during that time and I do not see the situation any differently now.

Caoimhghín Ó Caoláin: Have we always subsidised it?

The Taoiseach: If the Deputy wants to pursue that matter, he should put questions to the Minister for Transport. I do not have the figures.

Caoimhghín Ó Caoláin: The Taoiseach might know.

The Taoiseach: On the issues of concern to the Deputy, there are no difficulties with Shannon that feed into the wider system. Flights from the United States and elsewhere also land in German bases. The House is well aware that the position when the war started, when there was no UN resolution, was that we believed there should have been a resolution and have consistently supported Mr. Kofi Annan at every level. The position has moved on in the European Union and elsewhere and countries have taken a different approach. A UN resolution is in place so the position is not the same now as it was then.

Mr. Rabbitte: Does the Taoiseach know whether prisoners are being transported from Iraq to Guantanamo Bay by the Americans?

Mr. Kenny: Would the Taoiseach prefer if the UN had given a clear mandate for the invasion of Iraq through a second resolution? Would that have made his decision on Shannon easier? The Government found it difficult to say to the American Government that we would continue to make Shannon available. It would have been easier for the Taoiseach to do that if the United Nations had been in a position to give a clear, unequivocal second mandate, as happened in 1990, with the first invasion of Kuwait.

Does the Taoiseach have information about the number of overflights that did not land in Shannon which have been approved by the Government? As some Members have mentioned Iraq, does he have any confirmation that the body recovered there recently was actually that of Mrs. Margaret Hassan?

Mr. Sargent: I would again like to ask the Taoiseach if he will instigate measures that con-

firm there is not a breach of international law taking place with the transfer of suspects from wherever to Guantanamo Bay through Shannon Airport. There is enough illegality as regards the war in Iraq without it taking place in this country as well.

Will he confirm whether the spending of between €5 million and €10 million over the next six months on a national security system at Irish ports is in response to any particular heightened threat, in terms of terrorism, or whether it was planned all along? The expert committee to draw up a blueprint to deal with a biological threat has not met for over a year. Has that matter been resolved? Is the biological threat now seen as non-existent or has there been a falling down on the job in that a meeting has not taken place?

The Taoiseach: In reply to Deputy Rabbitte, I have no information whatsoever about prisoners being moved to Guantanamo Bay or elsewhere.

Mr. J. Higgins: Why are the planes not being searched?

An Ceann Comhairle: The Taoiseach, without interruption.

The Taoiseach: Approval has been sought in that regard as per the schedule used for that purpose from both the Departments of Foreign Affairs and Transport. However, I have no information about prisoners. I do not have the number of overflights, but I am sure Deputy Kenny is aware that nowadays, with long flight capability, many are going to Germany, and are also overflying France, incidentally.

On the UN resolution the answer is "Yes". There is no doubt about that, as regards any of these conflicts. I have said this to President Bush—

Mr. Kenny: As I was saying to President Bush.

The Taoiseach: —across the table in Hillsborough and in the White House. It was not something he wanted to hear, perhaps, the first few times, but in any event we made that point very clear. It is a lesson for the future. As regards any of these conflicts, all the divisions within the European Council, the hostilities and difficulties in parliaments could have been avoided, I believe, if sufficient time had been given. I will not change my view on that. Ireland had done good work on the first resolution. I am not taking any credit for that because it was done by officials in the Department of Foreign Affairs. It represented a good effort and good work could have been done on the second resolution too, which could have avoided many of the difficulties experienced.

I hope it is a lesson for the future. I know the UN needs to be reformed and that there are issues to be resolved regarding vetoes, boycotts, etc. Having said that, however, I believe it could have been achieved, and was achieved later on,

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even in difficult circumstances when the war had started. People still sought a unanimous resolution.

On the security at ports, that has much to do with drug-related issues as anything else, but it is improving. I have no formal confirmation on Mrs. Margaret Hassan, but I fear that this could be the case. I believe the Deputy is aware of the difficult circumstances that surround this question. It has not been confirmed, but I believe it is Mrs. Hassan.

Priority Questions.

Fiscal Policy.

58. **Mr. R. Bruton** asked the Minister for Finance if he is satisfied that the extra tax collected in the past seven years is delivering value for money through the spending increases they were used to finance. [30128/04]

Minister for Finance (Mr. Cowen): The Government has more than doubled total spending on public services between 1997 and 2004 to over €41 billion. As provided for in the Abridged Estimates Volume published last week, the Government will add a further €2.5 billion to this in 2005 on a pre-budget basis to fund day-to-day spending on public services. Priority has been given to expenditure on social welfare, health, education and investment. Gross current spending on health has increased by 176% to €9.6 billion in 2004, spending on social welfare has increased by 97% to €11.3 billion while expenditure on education has increased by 103% to €6.1 billion. Capital spending to address the country's infrastructural deficit has increased by 178%. The general Government debt ratio has decreased from 65% of gross domestic product, GDP, in 1997 to an expected ratio of less than 32% by the end of this year. In addition almost €10.5 billion has been set aside for long term pension and social security costs by investing in the national pensions reserve fund.

This level of spending has been achieved in tandem with the preservation of a stable budgetary position and major reductions in personal taxation. It has resulted in significant improvements in public services across the board but issues concerning individual programmes or projects should be raised by the Deputy with the relevant Ministers.

Mr. R. Bruton: The Minister admits that the tax take has doubled in the past seven years and that tax as a proportion of gross national product, GNP, has also increased. Do people ask him, in the same way as they ask me, what we get for all this extra money? Have we made an impact? For example, do they ask him about the trebling of spending in the health area which appears to have produced only a few hundred extra hospital beds

and a decrease in accident and emergency services while there is chaos in the health service and fewer are eligible for medical cards than were seven years ago? Do people ask him why things went so wrong? Why does the Minister think there has been a preference for recruiting to administration and management tasks instead of to frontline services? This view has been supported by the Comptroller and Auditor General in his report on the health services. What changes does he believe are necessary if we are to get better value from spending on this scale given that these golden years will not last forever? Since we are not delivering, what changes does the Minister advocate making to obtain better delivery?

Mr. Cowen: I do not accept the continuous contention of the Opposition that there has been no improvement in the health service in the past seven years. That is patently absurd.

Mr. R. Bruton: There has been no commensurate improvement.

Mr. Cowen: That is patently absurd. It suggests that 35,000 extra employees are going to work every day and doing nothing which is also patently absurd. I can give a simple example of the improvements in the health service. When I became Minister for Health and Children in June 1997, the Government of which the Deputy was a member left a situation where the intellectual disability provision was €1 million for that year which did not even cover emergencies. We have had subsequent multi-annual investment in that area, in which I was involved, for three years of more than €18 million. This meant increases in residential places for more than 1,700 people with intellectual disability and more than 3,000 new day care places. That is just one subhead of activity and there are many more where there have been real improvements. There is no suggestion of a completed agenda but real improvements for ordinary people in respect of the increased provision in the health service.

On the question of frontline staff, there are an extra 6,500 nurses in the service and 8,500 in the medical, dental and health and social care professional grades. We then hear the facile idea that support services are a waste. For frontline staff to do their job properly, they need good support staff behind them. I do not think consultants should be engaged in surgeries and all that type of detailed work and that they should work out their appointments for next week and send out the letters themselves. While there is the superficial attraction of the Deputy's argument which is meant to have a wider populist appeal, there are many in the support services that help frontline staff to do their job better.

Mr. R. Bruton: May I ask the Minister—

Mr. Cowen: In regard to the future, it is not simply a question of more resources, although

they are important because this is a people-centred service. It is also about getting better value and implementing the required reforms which are a major challenge to the system. They have been devised as a result of the widest consultative process that has ever taken place in the health service.

Mr. R. Bruton: The Minister is trying to attack a straw man. Does he agree it was the Comptroller and Auditor General who reported that the increase in administrative staff at a rate of 90% dwarfed the increase in frontline staff medical staff which was only 20%? He has drawn the attention of the Oireachtas to this imbalance. Does the Minister agree significant new layers of bureaucracy have been created in the health service? In the Dublin area alone, three new health boards were created which did not deliver improved service. Will the Minister admit any mistakes in regard to the way in which these matters have been handled? Will he admit they have made serious blunders in regard to cost overruns? Will he admit when benchmarking arose, which was a golden opportunity for reform to be brought forward as an issue, the Government paid the money without any reform being negotiated? I will not even deal with waste of the scale of Punchestown.

Mr. Cowen: Some 6,500 nurses and 8,500 people in medical, dental and health and social care professional grades, such as physiotherapists or social workers dealing with community care problems, are frontline staff. I do not know what the Comptroller and Auditor General calls them but I know they are frontline staff.

Mr. R. Bruton: The Minister ought to at least brief himself before he speaks. He should read the audit he has done and not pretend the problems do not exist.

Mr. Cowen: The Deputy's problem is that he wants to answer his own questions.

Mr. R. Bruton: It is for the Minister to answer them. It is for me to state the problems——

Mr. Cowen: I am giving my opinion which happens to differ from that of the Deputy. I am sorry if I have a different opinion.

Mr. R. Bruton: No, the Minister is distorting the facts.

Mr. Cowen: The truth born out of experience is not of any relevance to the Deputy. To suggest that 90% of the increase of 35,000 are down to paper pushers in the health service——

Mr. R. Bruton: That is not what the Comptroller and Auditor General said and it is not what I said. The Minister is deliberating misinterpreting what I said.

Mr. Cowen: I am not. The Deputy is trying to give a false impression——

Mr. R. Bruton: The increase in the number of administrative staff——

Mr. Cowen: The Deputy has been trying to give a false impression for months.

Tax Yield.

59. **Ms Burton** asked the Minister for Finance if his attention has been drawn to recent figures showing that in 2001, 41 persons earning more than €500,000, including 11 earning more than €1 million, paid no tax; his views on whether it is satisfactory that super high income earners should be able to secure a zero tax liability when so many low and middle income earners pay tax at up to the 42% rate; the steps he intends to take to ensure a reasonable tax contribution from all high earners; if he has considered the introduction of a minimum effective tax rate or the capping of reliefs; and if he will make a statement on the matter. [30012/04]

Mr. Cowen: The recent figures to which Deputy Burton refers were made known to her in my reply to her parliamentary question last month on this matter. There are many reasons a person would have a nil liability. This can arise from the cumulation of tax relief for pension contributions, trading losses carried forward, capital allowances and various tax incentives. It must be accepted that, of their nature, tax reliefs even where they can be justified for good public policy purposes, will reduce the tax bills of those in the higher income bracket.

I am conscious of the need to ensure equity in the tax system. This Government has reduced the tax burden on all taxpayers, especially the lower paid, on an unprecedented scale. Since 1998, we have also taken effective measures to limit and refocus tax reliefs to ensure a proper balance is struck between the provision of particular incentives for good public policy reasons and the availability of opportunities for higher earners to reduce their tax exposure. I will continue this policy. To that end, all reliefs and incentives must be kept under review to ensure they fulfil the purpose for which they were intended.

I refer the Deputy to the long-standing practice of Ministers for Finance not to comment on what may or may not be contained in upcoming budgets. I do not intend to depart from that approach.

Ms Burton: Does the Minister accept that a fortunate 41 persons who earn more than €500,000, 11 of whom earn more than €1 million, pay no tax? Does he accept this is an insult and outrage to the 32.6% of PAYE workers who pay some of their income tax at the top rate of 42%? I can understand the Minister's discretion relative to next week's budget, but such plain inequity to the vast bulk of compliant taxpayers whereby a new golden circle of 41 semi-millionaires pay no tax and 391 taxpayers with incomes in excess of €120,000 per year pay either no tax or pay tax at

[Ms Burton.]

the 20% rate is a grave injustice. Does the Minister not believe that in terms of maintenance of confidence in the integrity and fairness of the tax system, which is absolutely essential in any functioning society, never mind one with the pretension of being left-wing, such circumstances are an outrage to the compliant taxpayer? Will the Minister undertake to cap or review those allowances that are producing this outrageous state of affairs?

Mr. Cowen: There has been much comment in recent weeks on these figures and the fact that a very small number of high earners have managed to pay little or no tax through the use of tax incentives. Therefore, I take this opportunity to put the figures in their correct context. Of the 270 PAYE income earners on €500,000 or more per annum, 263 were liable to tax at the 42% rate, one was liable at the 20% rate and nine had a nil net income tax liability. Of the 590 self-employed income earners on €500,000 or more per annum, 552 were liable to tax at the 42% rate, six were liable at the 20% tax rate, and 32 had a nil net income tax liability.

On tax reliefs in general, all Governments have generally introduced or continued various tax reliefs with the aim of stimulating investment in particular sectors of the economy or in particular regions. Such investment has led to employment creation or maintenance, as well as improving the capital stock of buildings, for example, in the hotels sector or in various cities and towns under the urban renewal and town renewal schemes. However, it is accepted that these reliefs, no matter how desirable, narrow the tax base and will, of their nature, have the effect of reducing the tax paid by high earners.

As I stated, there can be many reasons some persons can have a nil liability to income tax. This can arise from the accumulation of tax relief for pension contributions, trading losses carried forward, capital allowances on business investments, charitable donations and various property-based tax reliefs. These tax reliefs are incentives that were introduced purposely by successive Governments, including the rainbow Government, to stimulate investment.

On the question of golden circles raised by Deputy Burton, I do not know the identity of members of such circles. The Deputy knows their affairs are confidential to the Revenue Commissioners. To use the term "golden circle" is unworthy and takes from the argument.

It is worth noting that the ten most costly reliefs cover items such as pension contributions, stamp duty and capital gains tax exemptions on one's home, mortgage interest relief, non-taxation of child benefit, medical insurance relief and SSIA's. These reliefs are widely used by all classes of society and the cost pertaining thereto amounts to more than €5 billion. They are not tax

reliefs that should be characterised or referred to as reliefs for the rich.

This Government has a strong record on closing off and limiting reliefs, where necessary, to promote tax equity. Prominent in this regard was the cap of €31,750 on tax relief applied in the 1998 budget, which will progressively limit the tax loss involved. In the 2003 budget the former Minister announced the termination of various property and investment reliefs. The termination date was extended in the 2004 budget and Finance Act to provide for an orderly winding down of the various existing schemes. These schemes will terminate on 31 July 2006, with only pipeline projects qualifying, subject to certain conditions being met. To answer the Deputy's question, obviously the schemes will be kept under review.

Ms Burton: I remind the Minister that the former Minister, Deputy McCreevy, promised to end some of the reliefs in the 2002 budget but changed his mind last year and extended them. As a consequence, some of the tax breaks will continue for at least another 15 years, thus enabling a golden circle to pay no tax while a single individual earning more than €28,000 per annum could end up paying tax at the 42% rate. This is the legacy of Deputy McCreevy's grossly inequitable and unjust tax system. People want to know what the Minister will do about this. Let me give one example of the inequities to which I refer. To be eligible for the small self-administered pension scheme, one would need to be able to invest at least €70,000 per year. How many ordinary workers can invest this much in a pension scheme?

Mr. Cowen: I am making the point that equity is being established in the tax system generally while the Deputy is referring to a specific issue. The wider issue is such that it represents greater economic justice to have 400,000 more citizens at work. The removal of another 280,000 workers from the tax net, the reduction of the standard and higher rates of tax by 6%, the substantial increase to €246 in the sum one must earn before paying PAYE tax and the significant widening of the standard tax band also represent significant improvements and greater economic justice for the ordinary people.

Under the rainbow coalition, the top 1.5% of earners paid less than one fifth of the tax. The top 1.5% of earners now pay more than one quarter of the tax. When one examines the progression—

Ms Burton: They must be civil servants—

Acting Chairman (Mr. McGinley): I am sorry, Deputy—

Mr. Cowen: They are not.

Ms Burton: That is the reality.

Acting Chairman: We have spent eight minutes on this question so we will proceed to Question No. 60.

Financial Services Regulation.

60. **Caoimhghín Ó Caoláin** asked the Minister for Finance the action he proposes to take in response to the endowment policy scandal; and if he will make a statement on the matter. [30294/04]

Mr. Cowen: The Irish Financial Services Regulatory Authority, IFSRA, is currently studying the position on endowment loan shortfalls, having commenced a survey earlier this year to determine whether and to what extent there will be difficulties for customers. It would be inappropriate to reach any conclusions on this issue in advance of IFSRA's consideration of the outcome of the survey.

There are currently no reliable data on the overall numbers of cases where there may be a shortfall. However, endowment loan approvals in the past five years represent just 3% of the overall mortgage market, although it has been considerably higher in the past. Since 1989, a total of 90,000 endowment loans were approved, which is roughly 10% of total loan approvals since 1989.

Recent publicity on endowment mortgages has focused on the possibility that a significant number of holders of such mortgages will have a shortfall of funds when their mortgages reach the end of their normal term. These products inherently require customers to take some risk. They are exposed to market fluctuations, just like any market-based life assurance investment. The fact that an endowment mortgage holder does not gain as much as expected is not in itself an indication of any inappropriate practices on the part of the bank or insurance company concerned.

There is already a substantial volume of legislation in place on these products. For example, the Consumer Credit Act 1995 requires that all endowment loan application forms must contain a prominent notice to the effect that there is no guarantee that the proceeds of the insurance policy will be sufficient to repay the loan in full when it becomes due. The Act also obliges the provision of ongoing information on the performance of the policy, as do the Life Assurance (Provision of Information) Regulations 2001. The Central Bank and Financial Services Authority of Ireland Acts 2003 and 2004 established IFSRA and considerably strengthened the regulatory environment, including through the provision of an enhanced structure for dealing with consumers' complaints about financial institutions.

I will continue to review the adequacy of the legislative framework as the information developed by IFSRA becomes available.

Caoimhghín Ó Caoláin: In his response the Minister has confirmed the endowment mortgage issue affects some 90,000 policyholders. Has he any information at this point on the number of

people who believe they have been mis-sold a policy in this regard who have come forward as a result of the invitation or appeal to do so by the Consumer Director, Mary O'Dea? Is the Minister in a position to confirm that the cases presenting would be included in IFSRA's ongoing examination of the endowment loan shortfalls? I expect that they must be included.

Can the Minister indicate whether he has given any further consideration to measures, legislative or otherwise, that might be necessary to tighten up this area, given that there are undoubtedly people who are suffering and are continuing to suffer as a result of the shortfalls experienced? Does he believe this area should be more tightly regulated? Is there not a case for restrictions on the types of mortgages that can be sold to customers or consumers? Experience of the product indicates that this is a particular area which needs better protection for consumers and tightening of the regulations applying to the financial institutions.

The Minister implied in his reply that he is unlikely to take steps in advance of the IFSRA report. Will he confirm whether, following the report and having given it his full consideration, he will be open to considering the recommendations of IFSRA and to taking the substantive and appropriate steps necessary?

Mr. Cowen: I do not wish to anticipate the findings of IFSRA, which was set up to provide an enhanced regulatory and supervisory regime governing the financial services industry, primarily through the enactment of the Central Bank and Financial Services Authority of Ireland Act 2003. It is the competent authority in this area and it should be allowed to get on with its work. Having commenced a survey earlier this year, it is studying the situation to determine whether and to what extent there will be difficulties for customers. It would be premature at this stage to second-guess the outcome of the survey, the results of which will be used to establish the nature of any appropriate action to be taken. I will monitor the position as the information obtained by IFSRA becomes available.

While it is estimated that approximately 90,000 endowment mortgages were sold in Ireland since 1989, there are no reliable data as yet on the overall numbers of cases where there may be a shortfall. Obviously there may not be a shortfall in every case. We must await the outcome of the survey. The Deputy referred to the consumer director of IFSRA, Ms Mary O'Dea, who has encouraged people to come forward if they are worried about the possibility of having been mis-sold an endowment mortgage. The advice at the moment is that people should complain in the first instance to the company from whom they bought the policy. Following the enactment of the Insurance Act 1989, a code of conduct for insurance intermediaries and guidelines were drawn up by the industry in consultation with the then Department of Industry and Commerce.

[Mr. Cowen.]

The key requirements of the code were that the intermediaries should know the clients can give the best advice.

Acting Chairman: : Ceist 61—

Caoimhghín Ó Caoláin: Gabh mo leithscéal, a Chathaoirleach, nach bhfuil seans agam—

Acting Chairman: D'úsáid tú beagnach trí nóiméad ar do chéad cheist bhreise, a Theachta. Tá seacht nóiméad caite againn ar an gceist seo. Mar sin, caithfidimid dul ar aghaidh.

Caoimhghín Ó Caoláin: De ghnáth, bíonn seans beag ag gach Teachta an dara ceist breise a cur.

Acting Chairman: Tá mé buartha faoi sin ach tá sé in am don chéad cheist eile.

Caoimhghín Ó Caoláin: Is mór an trua é sin.

Tax Code.

61. **Mr. P. McGrath** asked the Minister for Finance if he is satisfied with the tax treatment of the housing sector; and if he will make a statement on the matter. [30129/04]

Mr. Cowen: Government policy in the housing market has focused, among other things, on improving supply, assisting home ownership particularly for first-time buyers, facilitating the expansion of the private rented sector and promoting the regeneration of certain areas. In this context, a range of tax incentives exist in regard to the housing market in the case of first-time buyers and other owner-occupiers, for tenants and investors. I can detail these for the Deputy if he desires.

The years 2002 and 2003 were the eighth and ninth successive years of record housing output with 57,695 and 68,819 completions, respectively. This positive trend in supply has continued into 2004, with statistics for the six months to June showing that overall house completions at 35,957 were up 21.4% on the same period last year. The rate of house building is now more than double that in 1996. We have had some success in our tax policy but we do not claim all the credit.

Like all other goods and services, the State finds it necessary to raise taxes from this area. However, there has been some badly informed commentary recently in regard to the tax take from new homes. Figures in excess of 40% have been attributed to the amount the Government raises in tax from each new home. However, this figure is wrong. The cost of a new home that accrues directly to the Exchequer through taxation is more like 28%, based on both Dublin and national prices. This is broadly in line with the tax take on the overall economy.

The housing market is a complex and dynamic one and demands continuous monitoring and adjustment to address changing circumstances.

As the Deputy will appreciate, it is not the practice to comment on the possibility or otherwise of tax policy changes in the lead-up to the annual budget.

Mr. P. McGrath: I would appreciate if the Minister would forward to me the figures to which he has referred rather than put them on the record of the House. The figures put forward by the Construction Industry Federation, to which the Minister appears to be alluding, suggests that on a house in Dublin costing €295,000, VAT amounts to €35,000; site taxes, €30,000; labour taxes, €29,000; and profit taxes, €11,000. Perhaps the Minister will detail the figures with which he disagrees.

The Minister will be aware that stamp duty for first-time buyers is increased on property costing more than €190,000. However, it is not just the cost in excess of €190,000 which is taxed, stamp duty must be paid on every euro the house costs. Will the Minister examine this cost because the threshold is very low and it is a very heavy tax on first-time buyers? Will he agree that the reward for people in private rented accommodation in terms of tax breaks is extremely low. It might be tax efficient to increase the tax relief because there might be more reporting by tenants and more claims for tax relief. It would be self-financing in terms of bringing more people into the tax net.

Mr. Cowen: The figures the Deputy is using are figures presented by the Irish Home Builders Association as part of its pre-budget submission last year, which estimates that the total tax take from the cost of a new home is more than 40%. However, the calculation by the IHBA is based on the presentation of statistics in a manner that is open to question. In its calculation, the IHBA included VAT as a percentage of the house price net of VAT. Normally one would show the tax as a percentage of the overall price, including tax. If, for example, a person who earns €10,000 pays tax at 40% and PRSI at 3%, it would not be the case that the individual's liability for tax and PRSI would be expressed as a percentage of net income, namely, 75%. To say one is paying €4,300 out of €5,700 would be misleading.

Taking the base figure used by the IHBA, and presenting the statistics, as would commonly be done in practice, as a percentage of the total cost, including VAT, the actual cost of a new home that accrues directly to the central Exchequer through taxation is in the order of 28%, based on both south Dublin and national prices. This is broadly the order Exchequer tax represents on all economic activity across the economy. In addition, the IHBA has included in its calculations pay-roll taxes, even though it accepts that construction labour might be employed elsewhere in the economy.

Given the high levels of employment currently experienced in the building industry, and that it is a pay-roll tax and not specific to housing, it

appears there is a strong argument for exclusion of that tax. Removing this element reduces the central Exchequer tax take to almost 18.5% for a house in Dublin and under 17% based on national prices. On the basis of the figures used by the IHBA for a new house in Dublin, the Exchequer tax take, comprising capital gains tax, stamp duty on site transaction and corporation tax on profit and VAT, excluding pay-roll taxes and other local authority charges and levies, is €54,365 of an average house price of €295,000, which is less than 18.5%.

Even if we add the estimates of home builders for other charges, which are not strictly Exchequer taxes but rather local authority charges such as the development levy application to each house and the cost per house of the obligation of the developer to transfer land under Part V of the Planning and Development Act 2000, that brings the total take by the State, excluding pay-roll taxes, to just under 26%, or €76,010, for a house in Dublin and less than 23% for a new house based on national prices.

On the other question—

Mr. P. McGrath: May I ask the Minister a question?

Acting Chairman: The Minister has given a comprehensive reply.

Mr. P. McGrath: The Minister is filibustering.

Acting Chairman: We have spent seven minutes on the question.

Mr. P. McGrath: How can the Minister condone the payment by a first-time buyer of €75,000 in tax on a new house in Dublin costing €300,000?

62. **Ms Burton** asked the Minister for Finance the investigation that has been carried out by the Revenue Commissioners into the reported use of single premium insurance policies as a tax avoidance mechanism; the information available to him or to the Revenue Commissioners on the extent of this practice; and if he will make a statement on the matter. [30013/04]

Mr. Cowen: I am advised by the Revenue Commissioners that as part of their ongoing assessment of potential tax risks, various methods used by taxpayers to hide undisclosed income or gains are identified. Some of these have been the subject of major investigation projects. The information assembled by Revenue from various sources, including disclosures made by taxpayers in the course of some of the recent investigation projects, indicates that there may have been use of insurance products for the purpose of hiding undisclosed income or gains.

Revenue's concern relates to the status of the moneys which are invested by the taxpayer into the relevant policies and whether they were undisclosed income or gains of the taxpayer. The research into this area, which Revenue has been

carrying out for some time, will now be used to drive a further investigation project aimed at recovering any previously undisclosed liabilities arising from the use of insurance products as a vehicle for evasion.

The structure of the investigation is a matter for the Revenue Commissioners but I understand from them that while the precise nature of the investigation has not been decided the successful approach taken in the investigations of bogus non-resident accounts and offshore accounts is likely to form the basis for this latest investigation. This is likely to involve discussions with the industry to seek its co-operation, a defined period for voluntary disclosure and subsequent pursuit of those who failed to come forward in the voluntary phase. Preparatory work is under way and the investigation itself will begin next year.

Ms Burton: Does the Minister agree this Revenue investigation is likely to yield at least another €1 billion, probably €1.5 billion, in unpaid taxes and penalties as a consequence of people investing untaxed or undeclared money in insurance-based products?

The Minister stated that a voluntary disclosure scheme is to be set up. Does he agree that for some of these people this will be the fourth opportunity they have been given by the State to come clean. We have had two tax amnesties and an investigation into non-resident deposits. Now they are being given another chance. What are compliant taxpayers to make of this?

The Minister referred to the financial institutions co-operating. What exactly does that mean? Most small business people did not wake up one morning and decide to buy a single premium insurance product. It had to be sold very aggressively to them with its consequent tax advantages. Is the Revenue likely to take action against financial institutions which may have been selling products conscious that those products offered tax evasion opportunities to certain individuals who were not tax-compliant?

Mr. Cowen: What people should take from this is that they should place their trust in the integrity, competence and professionalism of the Office of the Revenue Commissioners to deal with this matter comprehensively as it has dealt with other matters that come to its attention. That is what people should make of it. I have spoken to the Chairman of the Revenue Commissioners, who comes to visit me from time to time regarding developments and issues that arise, and he has my total confidence. That is based on an outstanding performance by him and his staff. Compliant taxpayers may be assured that anyone who has been involved in tax evasion, which is an offence, will be dealt with and that the returns to the taxpayer will be what one would expect based on the investigations which are continuing.

Neither the Chairman of the Revenue Commissioners nor anyone else is in a position,

[Mr. Cowen.] because it is too early in the investigations, to comment on the likely receipts. That issue, with a range of factors, will be considered in forecasting tax revenue. This issue has been under investigation by the Revenue Commissioners. The preparatory work has been done. Revenue has an outstanding record of success in dealing with the most difficult task of tracing income which was not declared for tax purposes. The Office of the Revenue Commissioners will get to the bottom of this, as it has got to the bottom of other matters.

Ms Burton: Does the Minister agree that the expected €1 billion or €1.5 billion which will arise next year from these inquiries should be set aside for capital investment, particularly in areas that would benefit compliant taxpayers who paid their taxes in the 1980s when others were putting their money offshore or into special products to hide it from the tax man? It should be borne in mind that it was the Minister's predecessor and people in the Revenue who argued at the time of the tax marches that there was not a pot of gold in terms of unpaid taxes, yet time and again we have seen evidence of a huge industry of non-compliance regarding the payment of taxes.

Mr. Cowen: I am not aware of any area that has greater geographic virtue than any other in terms of compliance with taxation in the 1970s or any other decade. Neither do I believe the Deputy is so aware.

Ms Burton: Does the Minister not follow the tribunals?

Mr. Cowen: Furthermore, it was my predecessor who introduced a package of powers that can cater for investigations of the type being planned in this instance. Much of the taxation which was not paid is now being paid because of a more compliant culture brought about by the policies pursued by this Government. Those policies contrast starkly with the policies of the Administration that was in place when I was first elected to this House in the mid-1980s, which ensured effective taxation rates of 73%.

Other Questions.

Tax Collection.

63. **Mr. Sargent** asked the Minister for Finance if he has considered the possibility of introducing refundable tax credits; and if he will make a statement on the matter. [29985/04]

Mr. Cowen: The issue of making unused tax credits refundable was considered by a working group established under the Programme for Prosperity and Fairness to examine the role refundable tax credits can play in the tax and wel-

fare systems. The group was made up of representatives of the social partners and was chaired by my Department.

The current established approach to taxation in Ireland and other OECD countries is that while the tax system has a role to play in the broader issue of equitable income distribution, it is not the primary mechanism for the distribution of income to low-income households. Instead, the social welfare system is the main instrument for this.

It is also the established and generally accepted view that the fundamental role of taxation is to raise revenue to fund the provision of services by the State. The introduction of a refundable tax credit system would be a major departure from this position. It would have significant implications for the social welfare system as well as wide-ranging economic, cost and administrative implications.

Mr. Boyle: The Minister has not expressed an opinion, he has outlined the views of the working group which met on the last partnership agreement. In the debate on tax equity, the question of refundable tax credits deserves consideration, given that people on the minimum wage are paying tax at the moment on 90% of their income. That means that a large number of PAYE workers benefit only partially from the tax credits they have been allocated or are unable to take advantage of them.

As to the excuse regarding the effect on the social welfare system of refunding tax credits, it might be argued that administratively it would be a better mechanism for redistributing income. Other mechanisms under social welfare to bring up the pay of low paid workers are very complicated and are not being accessed. The family income supplement is accessed by only one third of the people who are entitled to claim that supplement. By using the tax system creatively in this way, the Minister might, at lower cost and with better efficiency, go a long way towards solving the problem of low paid workers not getting full advantage from the tax system.

Mr. Cowen: I am advised by the Revenue Commissioners that the most recent estimated cost of making all personal tax credits refundable when they are unused, including personal employee credits, the home care tax credit, the one-parent family credit and the age credit, as well as the minor personal credits, such as the incapacitated child credit and the blind person's credit, would be approximately €1.3 billion annually. The main category of refund would relate to the basic personal credit where the annual cost of refunding the unused portion of the credit to income earners with insufficient earnings to fully absorb it would amount to approximately €700 million. The next two categories of refund in order of scale are the employee credit, which would cost approximately €590 million, and the home care credit which would cost approximately €35 million.

The estimate of €1.3 billion relates only to the cost of extending refundable tax credits to all those on Revenue's tax files. If a refundable tax credit system were to be introduced, one would have to consider those who are not on the tax files, for example, those who are of employable age but not working, including those on social welfare. That would increase the cost significantly.

Mr. R. Bruton: Would the Minister consider going part of the distance along this route? I have in mind particularly the family income supplement. Family income supplement has a very low take-up, not because there are not many people in the income categories that are eligible but because they must apply for it. Would the Minister consider making administrative arrangements to pay family income supplement through the tax code? He rightly states social welfare is the way in which many of these needs should be addressed. Is the Minister aware that if a person is unemployed and in receipt of rent supplement, 95% of the rent is paid but if that person gets a job at the minimum wage or higher, the supplement towards the rent, either from tax or supplementary welfare, drops to zero? This unwittingly creates an unemployment trap in our system. Between the Minister for Finance and the Minister for Social and Family Affairs, some solution must be found. If Deputy Boyle's solution is not the correct one, perhaps the Minister will find a different one.

Mr. Cowen: We are getting into a potential budgetary area and I am not prepared to comment on what, if any, amendment I will make to the tax credits system. However, with
4 o'clock regard to the broader point on the facts, costs and problems that come with this, there are negative effects with such a system of refundable tax credits without the characteristics of a partial basic income system.

Mr. R. Bruton: That is not what I asked.

Mr. Cowen: I am coming to the point. I am sorry if I do not answer as precisely as the Deputy wishes. I could say to the Deputy that he could have asked his question differently or more quickly but he would not find that appropriate or helpful. I will answer the Deputy's question.

The issue of the impact of secondary benefits is a continuing problem.

Mr. P. McGrath: Miriam Lord was right.

Mr. Cowen: The Deputy does not have to interrupt me every time I open my mouth. Question Time is about providing information, not interrupting each other.

Mr. R. Bruton: The problem is that we are time limited.

Mr. Cowen: There is no point being juvenile about it.

Mr. R. Bruton: As we are time limited, we do not have the luxury of waiting for answers.

Mr. Boyle: The Minister is wasting time.

Mr. Cowen: I made a point in regard to this question. It was suggested that I have a discussion with the Minister for Social and Family Affairs in regard to the impact secondary benefits have in preventing people coming into the jobs market. I will take up that offer. However, an economic paper prepared by the European Commission in 2001 refers to the major negative aspects regarding this system as including high budgetary costs, which imply higher taxation and, therefore, increased rather than reduced distortions of the labour market. In addition, it suggested that another problem with universal public assistance schemes which are not usually combined with work, for example, a simple negative income tax system, is the disincentive effect they have on persons or families not already on welfare but who become windfall beneficiaries of universal schemes.

Mr. R. Bruton: What about the family income supplement?

Mr. Cowen: The point I am making indicates that no matter how we try to deal with the impact of supplementary benefits or the loss of eligibility to them in the event of people entering the workplace, a refundable tax credit system is not a component that would bring about a solution, according to those more expert than I in this area.

Decentralisation Programme.

64. **Mr. P. McGrath** asked the Minister for Finance if he intends to use budget 2005 to make further announcements on decentralisation.
[29917/04]

Mr. Cowen: Budget 2005 will be presented to the Dáil and published on Wednesday, 1 December. As the Deputy knows, it is not the usual practice to speculate in advance of the annual budget on what it will contain. I do not propose to deviate from this practice.

Mr. P. McGrath: Will the Minister comment on the fact that he has not included any figure for decentralisation in the Estimates for 2005? Was this an oversight or the deliberate policy of the Minister? The Minister of State responsible for decentralisation has already acquired eight facilities for decentralisation throughout the country. The Minister's predecessor, Deputy McCreevy, in last year's budget stated that no deals could be entered into until a corresponding building or property in Dublin was disposed of. With regard to the eight properties which have been acquired and the Departments which will use them, will the Minister outline the matching properties

[Mr. P. McGrath.]
which have been disposed of in Dublin city to comply with the former Minister's budget statement of 2004?

Mr. Cowen: I cannot refer to my predecessor's reference to the question of corresponding buildings. The issue of buildings is one which my colleague is dealing with in conjunction with the Office of Public Works. With regard to the non-involvement of decentralisation costs or a provision for next year, these will arise in the multi-annual Estimates 2005-2009 which will be published with the budget. They were not included in the previous multi-annual envelope.

Mr. P. McGrath: Will the Minister forward to me the information on the properties?

Mr. Cowen: I will. The properties are already in the process of being disposed of.

Ms Burton: I understand the Minister lives in Parlon country. Will the Minister speculate as to whether there will be signs next week in Parlon country reiterating the Minister of State's coup last year in regard to decentralisation? Specifically, is the proposal to decentralise certain public bodies, such as the IDA, still on track or will it be held back until such time as agreement can be reached with the staff in those organisations?

Mr. Cowen: The only signs of a political nature I expect to see next week are those asking where the Labour Party is in that area, a question which is often asked of me in my constituency. Regarding the question of the IDA, there will be ongoing consultations with staff in regard to ensuring a successful roll-out of this programme.

Mr. R. Bruton: The Minister was probably in the House some three weeks ago when the Tánaiste indicated that an announcement on decentralisation was due within a day or two days at most. What has happened to that announcement? Is it being held back for the budget, as would appear to be the case? What is the Minister saying about the multi-annual envelope? The Minister of State kindly told the Joint Committee on Finance and the Public Service it would cost €800 million to accommodate the new staff and that proceeds from sales would be €400 million. Will we see a multi-annual spread of these costs published with the budget?

Mr. Cowen: Decentralisation costs were not part of the 2004-2008 five year multi-annual envelope because they had not been assessed at that time. Obviously, the Office of Public Works has to take account of those costs going forward.

Mr. R. Bruton: Are they built into the 2005 Estimates?

Mr. Cowen: The Deputy will discover on budget day what is built into the 2005 Estimates.

On the other question, these are matters discussed by Government which I am sure will be announced in due course.

Mr. Boyle: The Minister seems to accept the €800 million figure given by the Minister of State, Deputy Parlon, to the Joint Committee on Finance and Public Service in regard to the cost of physically moving to centres throughout the country. The Minister of State admitted this did not include ancillary costs, such as providing services like child care, and did not cover additional current expenditure such as logistical costs or the cost of travel to and from the secretariat in Dublin and the new locations of many of the agencies, wherever they will be. Have the figures been researched and can the Minister estimate what the likely costs will be in a year?

Mr. Cowen: I have no idea what those costs, if any, will be. However, I am sure the Deputy will welcome the investment these funds represent.

Mr. Boyle: I would welcome the figures.

Caoimhghín Ó Caoláin: On the last occasion we addressed this sequence of questions, the Minister indicated that the calculation was that some 4,813 Dublin based civil servants had applied to participate in the proposed relocation or decentralisation scheme. Has there been any advance on that figure in regard to Dublin based civil servants seeking to move from the city to other rural locations? Mindful of the words of the former Minister, Deputy McCreevy, when he stated that the prospect of a hanging concentrates the mind wonderfully, does the Minister believe the deadline of the next general election is unlikely to be met in the context of the announcement made in last year's budget? Would the Minister consider a changed proposal that might have a more realistic target date and would allow time to consider the proposed locations and for civil servants to properly plan for the advent of such a move?

Mr. Cowen: The Government's policy on decentralisation is proceeding as planned. Despite many, such as the Deputy, claiming this or that will not happen, progress is constantly being made by the implementation group. Some 3,711 Dublin based civil servants are interested in moving to new locations; that figure was 2,195 in July.

Tax Code.

65. **Mr. Crawford** asked the Minister for Finance if he is satisfied all persons eligible for tax relief are receiving the relief to which they are entitled under medical relief, rent paid to private landlords, home carers and so on; and if he will make a statement on the matter. [29925/04]

Mr. Cowen: I am advised by the Revenue Commissioners that each year all PAYE taxpayers receive a certificate of tax credits and standard

rate cut-off point setting out their entitlements. This certificate is accompanied by a detailed information letter setting out the main personal tax credits available for the year, tax rates and tax bands, exemption limits, and how to claim an adjustment to the tax credit certificate.

Once credits are claimed, they are in most cases automatically carried forward from year to year to avoid the necessity to reclaim. For self-employed taxpayers, their statutory return form that is issued annually contains reference to all claimable reliefs and allowances. Information on the full range of reliefs is available on the Revenue website with a range of claim forms for download and a "what's new" section.

Revenue also provides information via the Aertel service on RTE 2, on page 451. Revenue is reminding people via media advertisements of the tax relief available to taxpayers who maintain relatives or certain other persons in approved nursing homes. Revenue is developing a system to simplify procedures for claiming certain credits using a self-service facility via the Internet. When available, which is likely to be early in 2005, this will be advertised widely to encourage taxpayers who have entitlements to various tax credits to claim them.

Mr. R. Bruton: This matter arose from the recent visit by the Chairman of the Revenue Commissioners to the Joint Committee on Finance and the Public Service. I was staggered to note how low the take-up was in medical relief, for example. Most people would spend at least €125 annually on medicine, and a family would spend at least €250, yet only 105,000 people out of a population of 4 million claimed the relief. In the private rental area there are 90,000 people claiming relief. We know from the CSO that there are 220,000 people in rented accommodation, though some of those are in local authority housing. Only 100,000 people claim home carer credits. It is clear that many people are not claiming their entitlements so the Minister for Finance and the Revenue Commissioners are exacting tax which they should not be exacting. Will the Minister make a better effort to look at the particular categories where there is clear evidence of under-claiming, and make it easier for people to receive their entitlements? This is excess taxation on many people in the low-paid categories in those areas.

Mr. Cowen: Reliefs are made available for all citizens to claim and we try to make people as aware as possible. There is no policy to do otherwise and the Revenue Commissioners are proactive in this area. Much discussion takes place during the time of the budget and I hope that will heighten awareness. After each budget the budget book is placed on the Department's dedicated website, www.budget.gov.ie.

Mr. R. Bruton: Will the Department add a note to people's tax credit notification asking if they

have claimed tax reliefs to which they are entitled if they spend more than a certain amount on medicines or on private rental?

Mr. Cowen: The budget summary leaflet is prepared in Irish and English.

Mr. R. Bruton: Would it help if the Department put the information in bright lights on the tax certificates sent to people in March each year?

Mr. Cowen: Whatever about bright lights on tax forms, we could ask the Chairman of the Revenue Commissioners to see what could be done to assist.

Mr. Boyle: One tax relief which seems to have a low take-up is the standard tax rate relief on refuse charges. From 1 January 2005, with the application of the polluter pays principle, seven local authorities are threatening to grossly increase the level of charges in their areas. Has the Minister made allowance for this anticipated increase and does he anticipate a greater take-up of this relief in the next tax year?

Mr. Cowen: I cannot comment on any issue that might be related to the budget

Tax Collection.

66. **Mr. Howlin** asked the Minister for Finance the progress made by the Revenue Commissioners into allegations that tax improprieties may surround trust operations in a bank (details supplied) in Jersey; if the Revenue has reached a determination regarding whether these trusts facilitated tax evasion as distinct from tax avoidance; and if he will make a statement on the matter. [29849/04]

Mr. Cowen: I am informed by the Revenue Commissioners that substantial progress has been made regarding this inquiry. Arising from a voluntary disclosure programme, 254 individuals came forward and made voluntary disclosures. To date this programme has recovered in excess of €105 million for the Exchequer.

Inquiries by the Revenue Commissioners have identified those individuals who failed to make voluntary disclosures. They are under investigation by the investigation and prosecution division of the Revenue Commissioners. It is clear from some of the disclosures and the amount collected to date that in some instances taxpayers used trusts to facilitate tax evasion.

Ms Burton: Will the Minister confirm that there are 59 or more individuals who have not come clean to the Revenue Commissioners with regard to these trusts? Will prosecutions follow? The Revenue Commissioners have allowed these people a great deal of time in which to come clean. The Minister has acknowledged that a number of them are guilty of tax evasion. How many are involved and will they be prosecuted?

Mr. Cowen: From its investigation and inquires, the Revenue Commissioners have identified 43 individuals holding trusts who failed to avail of the voluntary disclosure programme. The other 85% of individuals holding offshore trusts availed of that programme. The action to be taken under the tax laws is a matter for the Revenue Commissioners, in whom I have total confidence.

Written answers follow Adjournment Debate.

Adjournment Debate Matters.

AnLeas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Michael Moynihan — the refusal of Eircom to move poles in Lismire Village — considerable work has been ongoing by Cork County Council and the local community for the past four years approximately and despite numerous approaches and commitments Eircom has still not attended to this matter; (2) Deputy Haughey — the recent decree issued by President Lukashenko of Belarus regarding children travelling abroad for medical treatment and for rest and recuperation, and the response of the Minister to this; (3) Deputy O'Dowd — the Minister's response to the fact that BSE risk material may have unsuspectingly entered the national food chain through the pipes of a Drogheda company (details supplied); (4) Deputy Neville — the issue of the primary care strategy, Mid Western Health Board, and the implementation project, Cois Abhainn in west Limerick; (5) Deputy Connolly — to discuss the recent closure of Barford Meats Limited, Carrickmacross, County Monaghan, with the loss of 82 jobs and the consequences for the local economy; (6) Deputy McGinley — the urgent necessity to take action in regard to the Nuvotem industry, Donegal, where 43 workers have been suspended without work for 11 weeks; (7) Deputy Burton — the spate of recent shootings in west Dublin and the need for community policing in the west Dublin area; (8) Deputy Lynch — the urgent need for Aer Lingus to resume its cargo and courier operations due to the devastating effect the suspension of these services has on Irish businesses who have to resort to purchasing seats on planes for staff to transport goods to clients; (9) Deputy O'Sullivan — the need for the Minister to use his influence to ensure that children from the Chernobyl area of Belarus can continue to come to Ireland and other countries for medical treatment and recuperation; and (10) Deputy Cowley — to ask the Minister if the recruitment embargo in the Western Health Board on the hiring of nurses can be lifted.

The matters raised by Deputies Cowley, Connolly, McGinley and O'Dowd have been selected for discussion.

Leaders' Questions.

Mr. Kenny: Last year the Taoiseach told the IMI: "We will keep down personal and business taxes in order to strengthen and maintain the competitive position of the Irish economy." We were told that the Government intended to launch an onslaught and a flood of announcements by Ministers about their plans to tackle inflation. The Taoiseach will be aware that the recent report by the National Competitiveness Council was a savage indictment of the efforts of the Fianna Fáil-Progressive Democrats Government to control inflation and implement policies which would maintain business and consumer costs. Ireland is now Europe's most expensive country. According to the National Competitiveness Council, decisions by Government, its agencies and regulators have contributed adversely to inflation. In other words, far from being a solution to the problem, Government is part of the problem.

The Taoiseach will be aware that for business, competitiveness is not just a buzzword. Costs have increased, cheques must still be paid, price increases cannot be passed on, contracts are lost and jobs are placed in danger. The Taoiseach will be aware of the 27 stealth charges imposed on the Irish business and consumer sector since 2002. VAT has risen by 8%, ESB charges soared by 13%, parking fees are up 25%, accident and emergency charges have increased to €45, the drugs refund threshold level has been raised to €78 and leaving certificate examination fees have gone up to €86. In the Estimates last week, the drugs refund threshold level went up again, to €85, accident and emergency visit charges increased by €10 to €55 and inpatient stay charges went up €10 to €55.

We seem to have a unique regulation where, for instance, price increases in gas and electricity are allowed by the regulator on the basis that this will encourage competition. There have been 34 new stealth charges. Last week's Estimates saw €50 million being collected by means of increased health charges. Fine Gael has been highlighting rip-offs in Irish society over recent years and thousands of ordinary people have sent in their stories to the relevant website. Will the Taoiseach tell the House of three tangible initiatives taken by the Government that have helped to increase Ireland's competitiveness, which is so important for our future?

The Taoiseach: In recent years the economy has annually turned in one of the best economic performances in the world. From 1997 to 2003 the economy has grown by more than 8% per annum in real terms. These are genuine increases for the economy and for business. For the current year we expect Ireland to maintain its global economic position. The mid-term review of the economic outlook forecast a growth of 4.7% and we might even beat that. Irish GNP growth is predicted to rise by 4.2%, while euro area growth is predicted at 1.7%. We remain one of the strongest econom-

ies in terms of profitability. Deputy Kenny knows profitability among Irish companies, both indigenous and international, is extremely strong. That is what enables us to create the current level of jobs. Again this year, over 1,000 jobs are being created per week. The number at work has increased by almost 400,000 over recent years. Unemployment is at an historic low and employment creation is at an historic high. EU and Irish inflation are at the closest point in three or four years. I would have thought the convergence of the two would have been the source of some satisfaction. We have seen all the international areas in which we have moved to make successful productive investment.

The Competition Authority report is to keep people on their guard so that we examine areas in which we can try to do better. That is the purpose of the Competition Authority. It is not to tell us we are doing well and that we should do no more. Regulators do not apply stealth taxes. A stealth tax is a secret tax. The purpose of regulators is to create a transparent position so that people can make their submissions.

I was asked to give three examples. Our taxes policies actively drive our ability to create jobs and wealth. We have moved on insurance and on infrastructure on which we are spending 5% of gross domestic product, GDP, which is much higher than that being spent by any other country. We have moved on education and on Science Foundation Ireland. Those are four or five examples and I could go through each of them. In education, infrastructure, Science Foundation Ireland and in other areas, we are trying to get the productive sector of the economy up and running. I do not have to remind Deputy Kenny where we are in a global context in that few countries are ahead of us.

Mr. Kenny: That is all very well but actions speak louder than words and the reality is not what the Taoiseach outlined. For instance, the Government's tax policies have driven 50% of taxpayers into the 42% tax rate. The Forfás report of 2003 refers to the cutting edge of competitiveness. In organisations sponsored by the IDA and Enterprise Ireland, there were 4,000 job losses in 2001, 8,000 in 2002 and 7,500 in 2003. These figures have not been plucked from the air but are identified in that Forfás report. The Taoiseach also said — it seems to be a hallmark of his Government — that there is a policy of containment by spending rather than by reform allied to spending. In other words, while the country has done very well from a number of points of view, it could have done so much better had the Taoiseach implemented a real policy of reform allied to good spending.

The Taoiseach made the point about tackling the professions and the uncompetitive practices which exist in that regard. When will a person be able to go directly to a barrister or a consultant without being charged through the nose for a letter of introduction? Does the Taoiseach hold out

any hope that there will be an end to the rapid spiral of Government inspired costs? Will we see a situation where prices charged by Government bodies will not rise more than the rate of inflation unless there are compelling public interest reasons?

The Taoiseach: On the professions, we know this is an area of high cost. The Competition Authority, as Deputy Kenny knows, has produced its interim reports for each profession and will produce the final reports. On regulatory reform and the concept of regulatory impact analysis on legislation and other areas, we published a White Paper last January in which we are committed to having a thorough regulatory impact analysis on each area to ensure there are no costs or inbuilt costs and that we are not doing something to add regulation, red tape and bureaucracy to our systems. That is good. In terms of legal fees, what the Tánaiste has done in insurance and what we have done in PRBI and in other areas to bring down costs is working and will continue to work. On income tax and taxes generally, I could go into each area, whether it be corporation tax, personal tax and so on, but in terms of creating employment, all are quite attractive.

On the argument we could always do better, I will not argue with that because I always try to do better in terms of employment, growth and what this country is achieving. We should not always get ourselves caught up in expenditure. We are spending on the productive areas of the economy which we were not able to do for years. The reason we are spending 5% of GDP on productive investment is that, for generations, we were not able to spend anything on capital programmes. On many occasions, capital programmes were squeezed and reduced. We are now able to spend on capital programmes, and that increases expenditure because one is talking about a great deal of money. In the past six years we have spent €5 billion on roads. These are substantial increases. We have done the same in respect of water services, including the work done in Dublin Bay and in the west. All these works are costly but they are good and help the productive side of investment. We should not only look at them as a cost on public expenditure.

Regarding our debt-GDP ratio, I remember and I know Deputy Kenny would acknowledge that, when the Maastricht figures came out in 1992, we were on 120% or not far off it and were reducing it at that stage. The European model was to get to 60%. It seemed that it would be impossible for us, as part of the conditions for our entry into monetary union, to reach the 60% target. We are now under 30%. We should not become fixated on the fact we are spending money when we are reducing our debt and when the general Government deficit and the current budget deficit, EBR, are very low. We must be prudent and follow fiscal controls, and the Government is doing that. To criticise us in some

[The Taoiseach.]
way for spending, especially on productive areas, is not a reasonable argument.

Mr. Rabbitte: Has the Taoiseach had the opportunity to examine the annual report of the Radiological Protection Institute of Ireland, published last Thursday? The report shows yet again that 200 people die of lung cancer directly attributable to radon gas. That is more than half the number of people who die in road accidents each year and we quite properly spend tens of millions on the effort to save lives on the roads. When does the Government intend to treat deaths from radon gas with the same seriousness?

According to the Radiological Protection Institute of Ireland's report, 100,000 houses are identified as being at risk. Counties regarded as being high risk areas are Carlow, Kilkenny, Waterford, Wexford, Wicklow, Clare, Galway, Mayo and Sligo where the chances of dying are one in 50 from a lifetime of exposure to radon. That is twice the risk of a car accident. What does the Government plan to do about this?

The Taoiseach will probably have read that Daniel Day-Lewis, who lived in County Wicklow, fled this country. I only mention him because, as a fellow thespian, the Taoiseach will have sympathy with him as a result of the radon instance in his house. As I said, I mention him because the Taoiseach would be interested in any film with the words "my left foot" in the title and may even audition for the next one because of the classes I hear he is taking in that area. What does the Government intend to do to respond to the serious matters raised in the annual report of the Radiological Protection Institute of Ireland?

The Taoiseach: I remind Deputy Rabbitte that the stars are coming to this country because of the good tax regime, they are not flying in the other direction.

Mr. Rabbitte: If we do not get rid of the gas, tax breaks will be of little use.

The Taoiseach: I am sure Mr. Daniel Day-Lewis or any other stars will have little difficulty in dealing with the remedial issues mentioned in the Radiological Protection Institute review.

It is a serious issue and has been for some years. The Radiological Protection Institute has undertaken several reviews that highlight how people can take preventative measures with regard to this issue, at minimum cost to themselves. People should follow this advice. A significant number of people die from the effects of radon gas. The surveys of which I have been aware for the past ten years have been based on trying to assist people through providing free advice on the actions they should take.

A former Minister of State came to the Cabinet a number of times in recent years and pointed out that most surveys showed that if people take remedial action, the problem can be eliminated.

There are difficulties with regard to older houses in the State, which are not bound by new building regulations. The surveys indicate, however, that those difficulties can be overcome at minimum cost. I presume Deputy Rabbitte is not raising this issue with regard to new houses. As he knows, the greater number of houses built since 1970 are governed by the new regulations, which take account of radon gases. This has worked well.

There are no means to deal with this issue in regard to older houses other than by people taking interest and advice. People are given free advice as to how they should deal with the issue. I am not sure what more can be done. It is not a question of having to rebuild or restructure one's house. I do not wish to be flippant but Deputy Rabbitte is aware that these are basic issues that are all centred around ventilation in the summer in particular. This is how the build-up of these gases occurs. The solutions are not complex or costly.

Mr. Rabbitte: Radon gas is the most significant, secret and deadly killer after smoking. I do not see how the Taoiseach can say that the solution is ventilation and advice. It is exclusion precautions that must be installed, not ventilation, at a cost of some €10,000 per unit. The cost of treating a cancer patient could be €1 million. My colleague, Deputy Stagg, established a remedial grant scheme but the Government abolished it in 1997. It is not true to say that the only solution to be offered is free advice and a recommendation that doors should be kept open during the summer. The necessity is to retrofit exclusionary precautions that will deal with this silent menace.

Some 100,000 houses are at risk. This represents a significant number of people and many of those householders are unable to afford the cost of the measures I have described. Does the Taoiseach continue to believe that advice and recommendations to keep doors open during the summer are the best we can do? Will the Government re-establish the grant scheme in place until 1997, which was introduced by Deputy Stagg and continued by Deputy McManus?

The Taoiseach: I do not wish to be flippant. An issue is either serious or it is not. There are other concerns in this area and asbestos is probably a more serious issue than radon gas. I believe, subject to correction, there was a proposal about a grant but no such grant was paid to anybody.

Mr. Stagg: The Government came into power and removed the grant.

The Taoiseach: Such a grant was never paid to anybody. It is great to have a theory but no money was paid out.

Mr. Stagg: Deputy Jacob removed the grant.

The Taoiseach: The Radiological Protection Institute has done several surveys on this and has

pointed out that basic issues of ventilation in old houses will dramatically improve the situation.

Mr. Stagg: Such measures will do nothing of the kind. The Taoiseach is incorrect and his information is inaccurate.

The Taoiseach: There are strict regulations with regard to new houses. I am not simply talking about opening the doors. It is a question of proper ventilation schemes. The institute has also said that it will give advice and recommendations to householders on how this issue can be tackled on an individual basis. The Department of Education and Science has provided assistance in this matter to older schools, particularly through the summer building scheme. I am not sure of the costs involved with regard to this issue. However, I am aware of the situation with regard to a number of old houses whereby small issues were identified which required minor action. I am not saying there were no costs involved but the costs were minor. We all spend resources on the maintenance of our homes. Such costs were not in the order of €10,000 or €20,000.

Mr. Kenny: The Taoiseach speaks as if it were the cost of a flower basket.

Mr. J. Higgins: Can the Taoiseach explain why in the Ireland of 2004, which his Government has had a considerable influence in shaping, a number of young men are so brutalised, twisted and mentally damaged that they will savagely murder a rival gang member while his child and partner sleep beside him under the roof of his mother, as happened this week in west Dublin? Why will such young men savagely slaughter an innocent man, a father of two, as he flees from them, as happened two weeks ago? How can such people leave a 74 year old pensioner, Mr. William Barkley from Donegal, in the revolting and appalling condition depicted in today's *Evening Herald*? Why, after almost eight years, has the Taoiseach allowed a situation to develop whereby the brutal murder of gang members is often greeted by ordinary, decent people, the backbone of those communities, who are frustrated, angry and fearful, with relief that there is one less individual to terrorise the neighbourhood and pose a danger to them and their children?

The Government policy has failed miserably to use the unprecedented resources available to transform those working-class neighbourhoods, still criminally neglected even if they are in the shadow of opulent new apartment blocks and the glass towers of major corporations. Life for many of the predominantly good people in these communities is fraught with tension and insecurity. Why has the Government failed in its policy to engage with that cohort of young people, a small minority, who are clearly dysfunctional from an early age and represent a serious menace to their neighbourhoods and communities?

The Government has failed to provide the resources to bring this about and it continues to do so. What genius in the Department of Justice, Equality and Law Reform thought that the people of west Dublin would believe it a solution to throw up a few Garda checkpoints in their estates and have gardaí walking through the estates with horses? The problem is not confined to west Dublin. My Independent colleagues represent constituencies with many of the same needs. What is required are emergency resources in education, social services and psychological services to intervene dramatically to prevent this occurrence. Provision of emergency resources in community development to empower communities to take control of their neighbourhoods is the key.

How does the Government think that Blanchardstown, a city, so to speak, of 70,000 people, can be covered by a handful of community gardaí? Does the Taoiseach not realise that what people demand is not high profile stunts but large numbers of community gardaí working side by side with local people under the direction of local representative organisations? That is what is critically needed. I want to hear the Taoiseach's response on this matter. The position I outlined is not only the case in parts of Dublin, it also pertains in many neighbourhoods, cities and towns throughout the country and also in rural communities.

The Taoiseach: The Deputy asked a number of questions, which I will answer in two ways. He mentioned gangland killings and referred to the need for local development, social exclusion programmes, educational programmes for the disadvantaged, early intervention schemes to target young people at risk and the need to work with organisations in the statutory and voluntary sectors such as Barnardos and others. The State resources these organisations to help them to look after people across the system who are dysfunctional at an early age and to provide them with the necessary assistance for their rehabilitation. Community development support programmes are funded by enormous amounts of taxpayers' money, taxpayers being the people to whom the Deputy referred. In education alone this year, more than €50 million has been allocated to provide for the educationally disadvantaged and more than €20 million has been allocated to community development programmes. Such programmes are targeted mainly at people who, as the Deputy rightly said, constitute a small number of families in a small number of areas who, either through no fault of their own or through circumstances of being influenced by others, require that kind of assistance. Professional people ranging from clinical psychologists to teachers to individuals working with people under stress work hard in many areas.

Unfortunately, my experience is that such programmes do not cover the category of people who wish to be involved in gangland attacks. They are

[The Taoiseach.]

normally groups who believe there is a way other than the normal route to make it rich. They are normally not dysfunctional but clever, smart and not drug takers or abusers of alcohol. They are willing to operate whatever system is necessary or to undertake themselves or through others whatever violence is necessary to make unlawful gains. Unfortunately, we have seen the results of some of those events. We have not seen too many gangland killings this year. The gangland killing over the weekend was only the second, although there have been murders in other areas.

With the large number of gardaí in this country compared with police forces operating in other countries of our size, the Garda has specialist forces in these areas which are well resourced and use the modern technology available to try to break these gangs. Deputy Joe Higgins is aware of the feud in the area in question and that some of the people involved, who come from different areas, are well known, have been involved for a long time and are experienced in criminal activities in this city. This is an operational matter for the Garda which is using considerable resources to deal with these issues.

Mr. J. Higgins: What confidence can the decent people in the communities in this estate have that the Government has a solution to address these issues when the Minister for Justice, Equality and Law Reform can glibly say that this is merely the dying sting of a wasp or when in a prominent street in the Taoiseach's constituency there is an open market for cocaine and heroin about which he must know? What confidence can they have when a society is fostered where inequalities are allowed to increase and the necessary resources are not invested in sufficient measures to provide for those who, for social and historic reasons, have been left behind and, unfortunately, among a brutalised minority there emerges the kind of nihilism that wreaks havoc on the community? Those are the issues that need to be addressed. They will not be resolved by the equivalent of Operation Freeflow as we approach Christmas. That will not resolve the issues. Fundamental, structural adjustments and emergency resources are required to fund grassroots community activists and organisations to assist them to take control of their communities. Will the Government make those resources available?

The Taoiseach: In respect of all the issues to which the Deputy referred, if he were to give credit to what is being done with the resources being spent, I could take him seriously and say we should do more, and I would not oppose that. The Deputy is aware that we invest tens of millions of taxpayers' money in local development social inclusion programmes. We invest enormous amounts in community development support programmes. We have invested almost €100 million in the young people's facilities and services fund. Resources are being invested to pro-

vide for the educationally disadvantaged. We resource various voluntary organisations which require funding to provide for early intervention in the case of children. We are also providing social housing and social facilities in these areas. I agree with such measures.

However, we should not let all of that mask the situation. There are groups of people whom the Deputy and I know and of whom we are not proud who are gangsters, thugs and criminals and who do not need the help of any of these interventions. The Deputy rightly said that there are people in my area and his area who operate activities to make large amounts of money to maintain properties in Spain, Amsterdam and elsewhere. If we were tough enough and strong enough, we would stand up to some of these people, as the Deputy does in his area and I regularly do in my area, but these people operate with immunity on many occasions.

Gardaí do their best. My only regret, given the number of years I have been trying to address this problem, is that we are so easy on these people. We believe that a garda going out with a book and a pencil will deal with these people and, if a garda were to hit the wrong one, he would be up before a board under the disciplinary code. This is unfair to the Garda force. How in the name of God can a garda with a pencil and a book deal with people who—

(Interruptions).

The Taoiseach: Deputy Costello knows very well what we are faced with. We are up against hardened criminals who are not in the same category as disadvantaged people.

Mr. Kehoe: The Taoiseach is in a position to do something about that.

The Taoiseach: We are up against fairly ruthless people.

Mr. Durkan: What will be done?

The Taoiseach: I am all for helping people, but let us not be mistaken about this. We are up against tough hardened criminals and we know what they are about.

Resignation of Member.

An Leas-Cheann Comhairle: I announce for the information of the House that I received a communication from Deputy McCreevy in regard to his appointment as a member of the Commission of European Community and to advise the House that Deputy McCreevy, having become a member of the Commission, ceased to be a Member of Dáil Éireann on Monday, 22 November 2004.

Mr. Rabbitte: I still remember him, but nobody on the Government benches does.

The Taoiseach: We wish him well.

Requests to move Adjournment of Dáil under Standing Order 31.

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

Mr. Crawford: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the ongoing crisis in the psychiatric services where funding is inadequate and people needing individual care, such as my neighbour and friend who failed to get adequate help which led to his suicide, do not get the care they need.

Mr. Neville: I seek the adjournment of the Dáil to discuss the following issue of urgent national importance: the study of Bodywhys, which highlights the lack of services for people with eating disorders and the particularly inadequate services for children and adolescents with such disorders.

Mr. Connolly: I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of urgent public and national concern: a comprehensive review of the Irish driving test system with a view to reducing unacceptable year-long waiting lists and the 51% failure rate, and improving driving standards to reduce the ongoing road accident carnage.

Dr. Cowley: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance: the failure of Government to sanction a sports hall for Davitt College, Castlebar, County Mayo while 11 other projects have been brought forward ahead of it. The project is on the priority list and is being sought for the past 25 years.

Mr. Allen: I seek the adjournment of the Dáil under Standing Order 31 to discuss the elections in the Ukraine, which have been described by observers as the most fraudulent ever held in Europe.

Mr. Deenihan: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of urgent importance: the crisis in the accident and emergency department at Kerry General Hospital, Tralee, which is now the most understaffed accident and emergency department in the country; and the urgency for funding to be allocated to provide a new accident and emergency unit in Tralee to replace the existing unit, which will be expected to deal with 30,000 patients in 2005.

Mr. Durkan: I seek the adjournment of the House under Standing Order 31 to discuss a matter of vital national interest: the recent dis-

closure in the *Sunday Independent* and *Irish Independent* newspapers relating to allegations of energy price hiking to the effect that gas and electricity prices are being regulated upward and in such a way as to impact negatively on industrial and domestic consumers and to the detriment of the competitiveness of the economy.

An Leas-Cheann Comhairle: Having considered the matters raised, I do not consider them to be in order under Standing Order 31.

Order of Business.

The Taoiseach: It is proposed to take No. 10, motion re proposed approval by Dáil Éireann of the amendments to the Convention establishing the European Telecommunications Satellite Organisation (back from committee); No. 11, motion re proposed approval by Dáil Éireann of the amendments to the Convention for the establishment of the European Radiocommunications Office and the ratification of the instrument amending the ERO Convention (back from committee); No. 20, Council of Europe Development Bank Bill 2004 — Order for Report and Report and Final Stages; and No. 3, Health Bill 2004 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that (1) the Dáil shall sit later than 8.30 p.m. tonight and business shall be interrupted not later than 10.30 p.m.; and (2) Nos. 10 and 11 shall be decided without debate. Private Members' Business shall be No. 43, motion re roads infrastructure

An Leas-Cheann Comhairle: There are two proposals to put to the House. Is the proposal for dealing with the late sitting agreed?

Mr. Kenny: Fine Gael will not accept a guillotine of the Health Bill 2004. This is a fundamental Bill which will reform the health services and every Member will want to contribute to the debate.

Mr. Rabbitte: I must oppose the late sitting because it is the only mechanism available to me to ask the Taoiseach to explain why he switched the Health Bill and the Irish Nationality and Citizenship Bill. The Government has been promising the Health Bill for 18 months. It is supposed to provide for major reform of the health service. The Bill was published on Friday, most Deputies will have received it in their pigeon holes yesterday and it has been brought forward from Wednesday to Tuesday. Why is that happening?

The Minister for Health and Children, when she was on this side of the House, would have worked herself up into incredible lucidity if this kind of thing had happened. She is now bringing forward yellow pack medical cards. Patients will soon be expected to make do with half a bed; or will the Minister put two patients into one bed? This Bill is her major effort. She is the one who

[Mr. Rabbitte.]

pledged that there should be two weeks between publication of a Bill and its being debated in the House. Why the change?

The first schedule for this week had the Irish Nationality and Citizenship Bill for debate today, on which there would have been a number of votes. That schedule was agreed by the Whips at the Whips' meeting. Then, without any notice, the Government changed the schedule to bring forward the Health Bill, on which there will not be any vote. The least the House is entitled to know is why the Government made that change and why one of the most major pieces of legislation being advanced by the Government, on its own claim, is to be guillotined on Friday.

Mr. Sargent: It is alarming to hear the Health Bill is to be guillotined. The late sitting notwithstanding, this decision must be reversed. The Bill, apart from being brought quite suddenly to our attention for debate with limited time to prepare, is an issue which reaches far beyond the Minister for Health and Children. It relates to the way the Government has forced an economic policy which has disimproved the health of the people of the country. God help those who need hospital attention on the back of that. There is a need to address the Government's responsibility for so much of the deteriorating health of the country and the way that deterioration is compounded by the Government's failure to provide the facilities to address the health problems when they arise. The debate will not be given the breadth and length it needs. The Government is trying to close down the debate because it would be damning for it to hear the facts of this matter. Recent research shows ever more clearly how the Government has disimproved the health of the country. This matter needs further debate and action.

Caoimhghín Ó Caoláin: I object to the guillotining of the Second Stage of the Health Bill on Friday. I do not know whether it is an accident or can be attributed to the change in Chief Whip, but there have been very few votes on the Order of Business in this sitting. This is because there has been an acceptance by the Government that guillotines are not appropriate and are not acceptable to the House, particularly of substantial and substantive legislation such as the Health Bill. The Bill is the wrong remedy for the wrong problem because it seeks merely to make bureaucratic changes to the health service and does not deal with the real reforms the public need and for which they are crying out.

I join colleagues in opposing the Order of Business as presented. The Government is reintroducing the guillotine and making a totally inappropriate proposal.

The Taoiseach: The Government published its health reform programme 18 months ago. The changes of the Health Service Executive have been in the public domain since then.

Ms McManus: A Leas-Cheann Comhairle, may I raise a point of order?

An Leas-Cheann Comhairle: I call Deputy McManus on a point of order.

Ms McManus: It is wrong for the Taoiseach to mislead the House. He has misled the House and he will continue to do so unless he is stopped. He has no right to say what he has——

An Leas-Cheann Comhairle: That is not a point of order.

Ms McManus: He has no right to say what he has said because it is not true.

An Leas-Cheann Comhairle: That is not a point of order.

Ms McManus: If it is not a point of order I am not sure what I am doing here. It is wrong for the Taoiseach to say what he has just said.

Mr. Quinn: It is a lie.

An Leas-Cheann Comhairle: The word "lie" should not be used.

Ms McManus: Members received the Bill yesterday morning and 36 hours later we are to debate it in the House.

An Leas-Cheann Comhairle: As I have pointed out, that is not a point of order.

Ms McManus: On behalf of the people I represent, I ask why the Bill has been brought forward to today.

An Leas-Cheann Comhairle: The Chair has called on the Deputy to resume her seat. I call the Taoiseach.

The Taoiseach: I will try to answer the questions put by Deputies Rabbitte and Sargent. May I do so without interruption?

Over the past 18 months, however, the Government has indicated that it is a major priority to implement the health service reform programme. Therefore, it intends that, on 1 January 2005, the Health Service Executive will take over the management of the health service from the health boards and the Eastern Regional Health Authority. The Government discussed this legislation last week and I understand that Deputy McManus received a copy of it after the Government meeting last week.

Ms McManus: Yes, I got it but none of my colleagues received it until yesterday.

The Taoiseach: I understand you got a copy of it last Tuesday.

An Leas-Cheann Comhairle: The Taoiseach should address his remarks through the Chair.

Ms McManus: I got it but nobody else in my party did, and I only got a draft, I did not get a copy of the Bill.

The Taoiseach: Deputy McManus is the spokesperson so I presume she briefed her party's Deputies.

Mr. Rabbitte: There are several Deputies to contribute.

Ms McManus: I ask the Taoiseach to recognise what is happening here. Members of the House other than Opposition spokespeople did not receive the Bill until yesterday. I only got a copy of the full Bill yesterday. Before that I got a draft, a photocopy

An Leas-Cheann Comhairle: The Deputy has made her point. She should resume her seat and allow the Taoiseach to continue his reply.

Ms McManus: We are being asked to debate this Bill today. We were promised it would be on the Order of Business for tomorrow. Why has it been scheduled for today?

An Leas-Cheann Comhairle: The Taoiseach should be allowed to proceed with his reply.

Mr. J. Brady: They all want to see change.

The Taoiseach: I thought the last thing I would have to do is defend starting discussion on the Bill today, so that we would deal with it today, tomorrow and Friday.

Mr. Rabbitte: No, we can deal with it tomorrow.

The Taoiseach: Do people want less time to debate the Bill?

Mr. Rabbitte: The Taoiseach should tell the House why he switched it.

The Taoiseach: That is why we are having it today, tomorrow and Friday.

Mr. Allen: That is not the reason.

The Taoiseach: The Whips were informed.

Mr. Stagg: They were not informed.

The Taoiseach: They were informed yesterday.

Mr. Rabbitte: The Taoiseach should tell us the truth.

The Taoiseach: It is our responsibility—

Mr. Sherlock: It is leading to a dictatorship.

The Taoiseach: If giving more time to a Bill is dictatorship, that is a new type of dictatorship.

Ms McManus: The Taoiseach is not giving more time for the Bill.

An Leas-Cheann Comhairle: The Taoiseach is in possession.

The Taoiseach: I am not much in possession as this is the third time Deputy McManus has interrupted me. However, at least it is giving me an opportunity to state that the Deputy has had the Bill for over a week and she has had the proposals for 18 months. If Deputies are asking me to withdraw the Bill today and to take it only tomorrow and Friday, we can look at that.

Mr. Allen: The Taoiseach withdrew Bills before.

The Taoiseach: If, however, Deputies want to have it debated today, tomorrow and Friday, we will go on to Committee Stage next week and Report and Final Stages the following week, and it will be in the Seanad right up to the Christmas recess. I have repeatedly explained to the House that this is an urgent Bill and, so that it would not be complex, we took out the entire section on the information and quality issues. We undertook to take those in a separate Bill in the spring session. How many concessions on a Bill do I have to make?

Question proposed: "That the proposal for dealing with the late sitting be agreed."

The Dáil divided: Tá, 66; Níl, 56.

Tá

Ahern, Bertie.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Browne, John.
Callanan, Joe.
Callely, Ivor.
Carey, Pat.

Cassidy, Donie.
Collins, Michael.
Cowen, Brian.
Cregan, John.
Cullen, Martin.
Curran, John.
Davern, Noel.
de Valera, Síle.
Dempsey, Noel.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.

Tá—continued

Finneran, Michael.
 Fox, Mildred.
 Hanafin, Mary.
 Harney, Mary.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Hoctor, Máire.
 Jacob, Joe.
 Kelleher, Billy.
 Kelly, Peter.
 Killeen, Tony.
 Kirk, Seamus.
 Kitt, Tom.
 Lenihan, Brian.
 McEllistrim, Thomas.
 McGuinness, John.
 Martin, Micheál.
 Moynihan, Donal.
 Moynihan, Michael.
 Nolan, M.J.

Ó Cuív, Éamon.
 Ó Fearghail, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donnell, Liz.
 O'Flynn, Noel.
 O'Keefe, Batt.
 O'Keefe, Ned.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Smith, Brendan.
 Smith, Michael.
 Treacy, Noel.
 Walsh, Joe.
 Woods, Michael.
 Wright, G.V.

Níl

Allen, Bernard.
 Boyle, Dan.
 Broughan, Thomas P.
 Bruton, Richard.
 Burton, Joan.
 Connaughton, Paul.
 Connolly, Paudge.
 Costello, Joe.
 Crawford, Seymour.
 Cuffe, Ciarán.
 Deenihan, Jimmy.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Ferris, Martin.
 Gilmore, Eamon.
 Gormley, John.
 Gregory, Tony.
 Hayes, Tom.
 Healy, Seamus.
 Higgins, Joe.
 Higgins, Michael D.
 Hogan, Phil.
 Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Kathleen.
 McGinley, Dinny.

McGrath, Finian.
 McGrath, Paul.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Moynihan-Cronin, Breeda.
 Naughten, Denis.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Penrose, Willie.
 Perry, John.
 Quinn, Ruairi.
 Rabbitte, Pat.
 Ryan, Eamon.
 Ryan, Seán.
 Sargent, Trevor.
 Sherlock, Joe.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Twomey, Liam.
 Upton, Mary.
 Wall, Jack.

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

Question declared carried.

An Leas-Cheann Comhairle: Is the proposal for dealing with Nos. 10 and 11 without debate agreed to? Agreed.

Mr. Kenny: I hope the Taoiseach and his fellow Ministers will achieve further progress in tomorrow's discussions with the leader of the DUP, the Reverend Ian Paisley, and the British Prime Minister in London tomorrow. While I am somewhat disappointed that we did not have the opportunity to have a debate on the matter beforehand, I can understand its sensitivity. I hope all goes well at that meeting.

I take the words of the Minister for Transport to heart, when he said yesterday that, following

the meeting of the Cabinet sub-committee dealing with the Aer Lingus issue, he wished everybody here would become involved in as inclusive a debate as possible. In that sense the representatives of the rest of the House, including those from the Fianna Fáil Party, do not have sight of the Goldman Sachs report with its ten recommendations. If we are to have an inclusive debate, in which all stakeholders in this business are to involve themselves, could the report not be published or at least its recommendations made available to us? This will allow everybody with an interest in the matter to understand the options being discussed by the Cabinet sub-committee.

In respect of the announcement being made today by the absent Minister for Justice, Equality and Law Reform about the new traffic corps, can

we take it that adequate facilities will be made available to train these people and that they will be sufficiently resourced both in communications equipment and high visibility vehicles to allow them to do their jobs? Will this require legislation and if so when will we see it?

The Taoiseach: I thank the Deputy for his comments on the talks. I still cannot be certain how this will move into a debate. As the Deputy has said, our difficulty is that we are in different levels of the debate. However, I have tried to brief all the parties over the weekend. I had a long meeting yesterday with the SDLP and we have also talked to the other parties. While we have not given them the documents we have tried to brief them as much as we can. There is not much to say beyond what I said here during Question Time. Depending on what happens in coming days, I will keep the issue of the debate under review. I again confirm I will meet Dr. Paisley, the DUP and Sinn Féin before we have the meeting and then we will see where we move, but I do not expect tomorrow to bring a conclusion to this issue. It will move on from there.

The Cabinet discussed the second matter following the meeting of the Cabinet sub-committee. The Cabinet sub-committee decided we would publish the Goldman Sachs report.

Mr. Cullen: It will be available on the website.

The Taoiseach: We will put it on the website as soon as possible and then issue the documents, if we have any documents on the matter. We made a commitment on the traffic corps in An Agreed Programme for Government. The Minister for Justice, Equality and Law Reform set out the time-table from the strategic review today, pointing out the changes that will lead to the enforcement of traffic law. The number of gardaí dedicated to this task will rise from 500 today to 1,200, more than doubling the number enforcing road traffic law in every possible way. I will raise the other issues about training with the Minister.

Mr. Rabbitte: I also wish the Taoiseach well in his discussions in Downing Street tomorrow.

Will primary legislation be necessary to implement the yellow pack medical cards? If so, when will that legislation be brought before the House? Is the interpretation placed at the weekend on the Taoiseach's denunciation of the Aer Lingus management correct, that the Government has reversed direction and will retain Aer Lingus in public ownership?

The Taoiseach: The substantial increase in medical cards above the increase in the limit for those currently on medical cards will require legislation.

Ms McManus: The Taoiseach is misleading the House, they are not medical cards and he knows that, they are yellow pack cards.

The Taoiseach: I made no statements at the weekend about Aer Lingus. Last week I thanked the management, the board and the workers in Aer Lingus.

Mr. Sargent: The Taoiseach might meet the former management of Aer Lingus since it has arisen that there was not even a meeting between them. That is a strange way to show appreciation for work done. Once the Government has discussed the Goldman Sachs report, will it let us know when we can debate this issue?

I wish the Taoiseach well in his discussions with the parties and the British Prime Minister in Downing Street. On promised legislation and a matter involving the Department of Foreign Affairs, President Lukashenko of Belarus has stated that he will not allow children who have radiation sickness and who have been affected by the Chernobyl disaster to travel to Ireland for the medical treatment and clean food they need. Is the Taoiseach taking any steps to address this matter? It is straightforward from a humanitarian point of view. He could allay the fears of the President of Belarus and ensure these children do not suffer further as a result of that tragedy in 1986. The subject could be discussed under the diplomatic relations and immunities (amendment) Bill but addressing this should not require legislation.

The Taoiseach: I will bring that matter to the attention of the Minister for Foreign Affairs.

Mr. Durkan: Will the Bord Gáis Éireann Bill and the electricity Bill be brought before the House or published and circulated as soon as possible, given the recent references to price hikes in energy, to give Members an idea of the Government's thinking in the area?

The Taoiseach: The Bord Gáis Éireann Bill will be before the House next year. I do not have a date for the electricity Bill, although its heads have been approved and it is being drafted.

Mr. Quinn: What is causing the delay with the introduction of the building control Bill, which deals with radon gas among other things? Can it be prioritised?

Has the Government had a chance to consider the timing of the referendum to ratify the European constitution? The British Government is likely to have that referendum in spring 2006 and it is desirable that we have our referendum before that. There are limited numbers of windows for running it so will the Taoiseach indicate his thoughts on the matter?

The Taoiseach: The heads of the building control Bill have been approved for some time and it is scheduled for mid 2005.

On the referendum, a spring 2006 referendum is the probable preference of the British Government, although it is not final. There will probably be an election before then. It is advisable for us to hold our referendum before then, although we

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have not decided on a date. We are, however, looking at the steps we must take to ensure everything moves in time. We want to spend as much time as we can ensuring the preparatory work is done

Caoimhghín Ó Caoláin: I join other Members in wishing well all who wish to see a satisfactory and sustainable resolution of the current talks engagement. If agreement is reached, does the Taoiseach envisage a peace dividend for the southern Border counties of Donegal, Sligo, Leitrim, Cavan, Monaghan and Louth, given that over the period since the Good Friday Agreement, the expected peace dividend has not materialised and many of the services and public supports people had have been taken away? Does the Taoiseach envisage a serious package of supports and a keen bent towards those counties in light of any advance in the near future?

The Taoiseach: There is no legislation planned for this area and we must wait to see if we can conclude the comprehensive settlement to look at issues that surround it. There are no proposals in the area but the Government continues to put significant resources into the Border, midland and west, BMW, region to help economic development in those regions. In our multi-annual and capital programmes, large amounts of resources are dedicated to assisting in that region.

Mr. Kehoe: When will the criminal justice Bill come before the House?

The Taoiseach: The Criminal Justice (International Co-operation) Bill will be taken in this session. The heads of the criminal justice (miscellaneous provisions) Bill are expected before Christmas and the Bill will be introduced in the new year. We are also working on a criminal justice (protection of confidential information) Bill for next year but the criminal justice (miscellaneous provisions) Bill will be the first before the House.

Mr. Howlin: On the Council of Europe Development Bank Bill, which supports Belarus, has there been any communication with the President of Belarus? There is concern at the assertion that children who have come here for treatment will no longer be allowed to do it. Before we debate the Bill, will the Taoiseach indicate the Government view and if it has been made known through the European Union or directly to the Government of Belarus?

The Taoiseach: The Minister for Foreign Affairs was not involved in this issue today but the Department has made contact. I will ask for a note to let the Deputies Howlin and Sargent know what progress has been made.

European Conventions: Motions.

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

That Dáil Éireann approves the amendments, approved in May 1999 by the Assembly of Parties of the European Telecommunications Satellite Organisation, to the convention establishing the European Telecommunications Satellite Organisation, which originally entered into force in September 1985, copies of which, including the amendments, were laid before Dáil Éireann on 27 October 2004.

Question put and agreed to.

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

That Dáil Éireann approves the amendments, adopted at Copenhagen on 9 April 2002 by the Council of the European Radiocommunications Office at its 14th ordinary meeting, to the convention for the establishment of the European Radiocommunications Office, ERO, The Hague 1993, and approves the ratification of the instrument amending the ERO Convention which was signed by the Irish ambassador to Denmark, subject to ratification, in Copenhagen on 17 December 2002; copies of the convention, including the amendments, and an attached copy of the instrument of ratification were laid before Dáil Éireann on 27 October 2004.

Question put and agreed to.

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

Minister of State at the Department of Finance (Mr. Parlon): I move: "That Report Stage be taken now."

Question put and agreed to.

Council of Europe Development Bank Bill 2004: Report and Final Stages.

An Leas-Cheann Comhairle: Amendment No. 1 is in the name of Deputy Burton. Amendment Nos. 2 to 6, inclusive, are related. Amendments No. 1 to 6, inclusive, will be taken together.

Ms Burton: I move amendment No. 1:

In page 3, line 14, after "text" to insert "in the English language".

These amendments are largely technical in nature and self-explanatory. The first amendment is to provide for a statement that the text is in the English language. Council of Europe Bills are normally in both French and English.

Amendment No. 2 is also for tidying up purposes. In the context of the Government donating to the Council of Europe Development Bank, it

is important, given that in last week's Estimates it walked away from its commitment as regards overseas development assistance. These amendments are appropriate on Report Stage, given the subsequent disgraceful attack by the Minister of State with responsibility for overseas development, Deputy Conor Lenihan, on the aid agencies such as Trócaire and Concern. This attack was crude and intemperate and indicated, on the Minister of State's part, probably complete lack of knowledge as regards the work of development agencies, particularly in the poorest and most distressed parts of Europe. The House has just heard a reference to the evolving situation in Belarus, which may affect the capacity of the Chernobyl charity, and people such as Ms Adi Roche, to continue the inestimable work they have done on behalf of children suffering from the aftermath of the 1986 nuclear disaster.

In the context of the Government agreeing to make a commitment to the European Development Bank, this calls into question its lack of imagination as regards the standing of development money. The excuse given for the Taoiseach walking away from the solemn commitment he made before UN and other bodies as regards reaching the overseas development assistance target of 0.7%, was that the agencies and the Department of Foreign Affairs were unable to spend the money. The Minister of State also indicated this here today. Here we have a blank cheque being sent to the European Development Bank. Unlike our experience with the aid agencies and the bilateral programme of the Department of Foreign Affairs, I do not know whether every penny of this €13 million commitment to the European Development Bank can be accounted for. The Minister expects us to rubber stamp an initiative for the European Development Bank on which there is precious little detailed accountability while his colleague, the newly appointed Minister of State at the Department of Foreign Affairs is free to cast aspersions on organisations such as Trócaire, Concern and Oxfam in order to bolster the naked and shameful turnaround the Taoiseach did in walking away from Ireland's ODA commitment.

In the Estimates last week the commitment made to annual increases over the next two years as well as in the forthcoming Estimate were such that if adhered to, unless our growth in gross national product, GNP, collapses, not only will we undershoot the 0.7% target, but we will almost definitely be below the new target of 0.5%. The commitments made are nonsensical in terms of meeting even the anticipated growth projections for the Irish economy given by the ESRI and other bodies for 2005-07. In moving my amendment I deeply regret that it follows in the context of the shameful reneging by an Irish Government, having hawked the commitment around the world at the UN and other places to gain votes for Ireland. The Government is now offering to write a blank cheque for the European Development Bank, while at the same time the

Minister of State feels free to cast aspersions on organisations such as Trócaire, Concern and Oxfam. It is a shameful act by this Government and it is a pity that Deputy O'Donnell is not here to participate in this brief comment on the Council of Europe Development Bank Bill.

Mr. R. Bruton: I join Deputy Burton in pointing out the complete hypocrisy of solemnly committing at the UN to deliver 0.7% of GNP by 2007 and reneging on that in a year when the Exchequer's revenue intake has never been stronger. In the past 12 months the Government has succeeded in collecting the equivalent of €3,000 for every household in the country, over and above what it raised the year before. It has turned around, on the back of such a revenue performance, and told the poorest of the world that Ireland cannot honour its commitments. This is wrong. What value are we to put on the solemn promises of the Taoiseach if, even in good times, he cannot honour that commitment? The Minister of State, I am sure will answer, as the Minister for Finance has done already, by asserting that Ireland is seventh in the world in terms of development aid and say that €65 million is committed over the next two years. That is true, but the whole point of the Taoiseach's statement was that Ireland was to lead the field. It was to become one of only two countries that would honour this commitment. We were going to try to lead by example and bring others with us. It is reneging on a solemn principle and this is not acceptable.

There are red herrings about the extent to which we can stand over this current initiative and assertions to the effect that this money will be well spent. I also read over the weekend that the World Food Programme is looking for €1 billion to try to deal with world hunger and it is not getting the contributions. If there is money surplus to what is committed to existing programmes, why not put it towards the world hunger programme, so that this body, which is doing vital work to save lives on a day by day basis, can deliver on its programmes. I find it hard to explain to people who ask me why this was done and why this decision was made. We all know that gross domestic product, GDP, and GNP grow. They are not stationary targets. Even by the end of 2007 we will not be at 0.5%, as Deputy Burton said. All the predictions are that we will be short of that. We will only have made a small headway towards the target. Only in one year — the year after the commitment was made — when we were looking for a position on the Security Council, was a realistic effort made to honour the commitment. Every other year there have been only token gestures. We need to take ourselves and our promises more seriously than has been exhibited in this case. I am extremely disappointed. I welcome the Bill. It is timely that the Government supports the work of this Bill. I have no general comments on any of the amendments proposed on Report Stage.

Mr. Boyle: Deputy Burton referred to an issue of great importance, that of subsequently reporting back to this House on the activities of the Council of Europe Development Bill. In various agreements with international finance agencies there is a requirement for the Minister for Finance to table such reports. I have in mind the International Monetary Fund, IMF, and the World Bank in particular. While those reports are often not what they should be in terms of passing on information, at least there is a mechanism for reporting back to this House. I ask the Minister of State to state whether such a mechanism will exist for this in the future?

It is obvious that the Government has been guilty of gross hypocrisy in the area of development aid. As of now, 0.39% of GNP is given to overseas development aid, which is well short of the 0.7% target promised by the Taoiseach, most recently in Johannesburg. Even if one takes into account the €60 million increase projected this year and the €130 million projected for the next two years, it is likely that the 0.5% figure will not be reached either, given the projected levels of economic growth. The figure in 2007 is likely to be no greater than 0.44% or 0.45% of GNP. That is the summit of the Government's ambition on overseas development aid. We are moving from a current figure of 0.39% to 0.44%. We are talking about a significant fund in ODA of well over €400 million and up to €500 million and €600 million by 2007.

However when the Band Aid Foundation asked for a VAT rebate on DVD and CD sales of its charity record which will be released at Christmas, the Government chose to respond not by giving a VAT rebate but by taking €1 million from the development assistance budget and giving it to the Band Aid budget regardless of how that money has been allocated. One can understand the reason we on this side, and many outside, are utterly cynical about the Government's attitude to overseas development aid. That is an attitude that can translate not only into development aid but across a myriad of charities and voluntary organisations requesting particular action on the way they are treated for VAT repayment purposes.

I wish to raise the issue of Belarus, a matter that was raised on the Order of Business. Belarus is significant in the context of this Bill because it is likely that it will be one of the countries seeking funds from the Council of Europe Development Bank and will be accessing such funds to develop badly needed infrastructure. The Taoiseach has given an indication that he will seek a statement from the Department of Foreign Affairs on what is being done. Ireland has given more *per capita* than any other country towards alleviating the stress and suffering caused by the Chernobyl disaster in 1986. When the head of Government in that region says that in future young people cannot come to Ireland to receive medical assistance or for rest and recuperation, from which they have benefited for the past 18 years, we need

to say that internationally this does not represent best practice. We should use the mechanism of our membership of this bank to ask whether the development that will occur in Belarus as a result of accessing funds from this bank — our membership of the bank is comparable with the making of diktats of this type — will affect the benefit to which young people from Belarus, Ukraine and other countries in the region are entitled, which they have received previously.

Will the Minister of State say how the Government will report back to the Dáil in future on how the Council of Europe Development Fund is doing its work, how we can respond in future and specific issues occurring in Belarus? I hope for some defence on what is an unacceptable position on overseas development aid but I may be living in hope of receiving an adequate response in that area.

Caoimhghín Ó Caoláin: I welcome that we have reached Report and Final Stages of the Bill and I will support its passage. I welcome Deputy Burton's amendments and join in her presentation of them, as we did on Committee Stage. On the broad areas addressed by colleagues, it is important to reflect on the backdrop to the Bill, which was introduced following the end of the Second World War. Both the Council of Europe and the Council of Europe Development Bank are facing a very different set of circumstances today from those in the late 1940s on their establishment. We have to recognise that we are facing a very changed position in our country. Throughout Europe reactionary politics are holding sway, where fortress Europe is the image that is presented and is the reality for many of those for whom the Council of Europe Development Bank Bill might address the problems and difficulties they would experience coming here and to other European countries.

The situation here has changed because we are in the post referendum period, the citizenship referendum having been adopted by the people last June. That is one of the more regrettable decisions the Irish people have taken in recent years. This does not auger well for the policies the European Council has set itself to improve community relations, encourage tolerance and guarantee the rights, including social rights, of immigrants irrespective of what category they may have attributed to them by their country of choice.

I would look with interest at the prospects of the polices being out-worked and supported through the European Council Development Bank in the coming weeks, months and years. Certainly it is a laudable pursuit, but I do not know how it will translate in real terms. The recent upsurge in racially motivated attacks and utterances indicate a tremendous need for the Council of Europe and the Council of Europe Development Bank to focus on matters in Ireland in regard to our attitudes to indigenous people on this island as well as those new brothers and sis-

ters in our respective communities. There is much about which to be concerned. It is appropriate to appeal for a revisitation of the decision on Irish children who will not have the opportunity to enjoy equal rights of citizenship and nationality with those of us who have been able to enjoy our birthright in Ireland. There are some 11,000 children in this category. I appeal to the Minister of State and the Tánaiste, who has joined him in the House, to consider seriously the terrible anguish, suffering and pain of uncertainty that many families are experiencing throughout this jurisdiction as a consequence of their loss of the right to remain here. Moreover, they should consider the terrible vista that will present itself if this country continues to deport Irish children to other jurisdictions. How will those children, their extended families and the wider communities in which they will grow and, I hope, flourish regard this country in the future when they look back at the way Ireland, the country of their birth, closed its door on them? Such circumstances are absolutely abhorrent and a revisitation of those cases that existed prior to the June referendum is certainly required. We should extend an open and welcoming hand to these children, their parents and siblings. What better time than the month of Christmas for the Minister of State, Deputy Parlon, and his colleagues to exercise themselves in this regard instead of closing the door on and banishing to a stable elsewhere people who should be able to find an opportunity to be nurtured and nourished in this, the land of their birth?

Like my colleagues, I am deeply disappointed by the commentary of the Minister of State, Deputy Conor Lenihan, on overseas development aid. The exercise of criticising the aid agencies' use of ODA funding for advocacy is incredible. In other words, he is criticising the aid organisations' use of funding in raising awareness of the needs of the Third World and the need for justice and human rights universally. I strongly reject his commentary and feel it was totally inappropriate. However, it was coming on the tail of the Government's significant indication of its intent not to proceed with what was a clear promise, made a number of years ago, to ensure that we would reach the target of allocating 0.7% of gross national product, GNP, for overseas development aid by 2007.

The budget has yet to be presented but it is not too late to ensure, over the week remaining before its presentation on 1 December, that a change of heart be brought to bear on this issue and that we have a restoration in that budget of the proposed annual increases to 2007, thereby realising a commitment that I understood had the support of all political opinion in this House. Clearly, the commitment no longer has such support. Let me conclude with the words of Hans Zomer, spokesperson of Dóchas, the umbrella group of 34 Irish aid agencies that has, quite understandably, reacted with great alarm and anger to the signalled intent of Government

regarding overseas aid, as published in the Estimates:

It is incomprehensible that our Government has taken credit internationally for something it will not now deliver on. In a world where 1.2 billion people live on less than \$1 a day and where 8,000 people die of AIDS each day, Ireland is failing to live up to its promise.

This failure brings shame on each and every one of us, which is very sad indeed. I hope that the Minister of State, Deputy Parlon, and the Minister for Health and Children, Deputy Harney, as representatives of their party, will recognise that a former Minister of State from their party was an enthusiastic exponent of the commitment regarding overseas development aid. It is regrettable that their partners in Government are now failing in this regard.

Acting Chairman (Mr. Sherlock): We are on amendment No. 1.

Minister of State at the Department of Finance (Mr. Parlon): The Acting Chairman could be forgiven for forgetting the business of the House. We are dealing with amendments to the Bill, with which I want to deal.

Acting Chairman: I referred to amendment No. 1, in the name of Deputy Burton, and others related thereto, but the Minister of State made no move to speak on them.

Mr. Parlon: I apologise to the Acting Chairman. I remind the House that we are dealing with amendments to the Council of Europe Development Bank Bill. We have dealt with many other issues. When we took Committee Stage of the Bill, the same amendments were tabled but, unfortunately, Deputy Burton was not present. I oppose the amendments as I consider those referring to "the English language" to be unnecessary. If the intention was to emphasise that the text is in English and French, it was not necessary as the text in English is the official text of the document. If the intention was to indicate that the text is not in Irish, it must be noted that the Bill, as drafted, will facilitate the translation of the official text of the agreement into Irish. The amendment, as proposed, would mean that when the Bill, as passed, is translated, the only text that could be used would be the English text. The drafting in this regard is consistent with similar legislation. The other textual amendments are a matter of style and I am satisfied that the current drafting is appropriate.

I welcome the support in the House for overseas development aid but the comments that were made in this regard are not relevant to this Bill. Our contributions to the Council of Europe Development Bank are new and additional to our ODA contributions. I am proud to be part of an Administration that will contribute over €1.8 billion to overseas development aid over the next

[Mr. Parlon.]

three years. This is a substantial contribution on behalf of a small economy.

On the issues raised about the accountability of the Council of Europe Development Bank, the €13 million we are paying to the bank is the cost of joining it. The bank is very accountable. It is an arm of the Council of Europe and is accountable thereto. It comprises members of the Council of Europe of which Ireland has been a member since the Council's foundation in 1949. In joining the bank we are completing our commitments to the Council of Europe and its work in Europe, including the countries in eastern Europe which are in dire need of our support.

Mr. Boyle: I asked whether we would receive reports on a regular basis, preferably annually, on the activities of the bank, to be placed in the Oireachtas Library. I raised a question on the likelihood of countries such as Belarus receiving loans from the bank and asked about the mechanisms Ireland could use to argue against diktats of that type issued by the Belarussian authorities affecting those who wish to travel to and from Ireland.

Ms Burton: Let me reiterate some of the points I put to the Minister of State, Deputy Parlon, to assist him. He is probably aware that announcements were made over the weekend by the President of Belarus indicating the possible intention of that country to close access to projects such as the Chernobyl Children's Project. I am sure he is aware that many hundreds of thousands of Irish people have contributed to this charity to improve the lot of children suffering from the effects of the disaster in Chernobyl.

As I understand it, part of the function of the Council of Europe Development Bank is to assist poor countries that are members of the Council of Europe. I know it has a specific brief regarding migrants, a subject to which I will return. It is appropriate, in view of the fears raised by people such as Adi Roche regarding events in Belarus, that we should take the opportunity during the consideration of this Bill to ask the Minister of State to comment, on behalf of the Government, on whether he has sought to make representations to the Government of Belarus which is likely to be a recipient of assistance under the programme of the Council of Europe Development Bank and other similar institutions. Did the Minister of State inquire what is happening in regard to the possible change by the authorities in Belarus?

Some months ago, the Government undertook a referendum, which considerably more than 80% of the people supported, to seek to limit the right to Irish citizenship to children born in Ireland. As the Minister of State will be aware, some of these children have been deported, along with their non-Irish parents, to some countries which are to be aided by the Council of Europe Development Bank.

6 o'clock

Will the Government consider assisting Irish-born children deported to the countries the Bill seeks to assist which are very poor and where there is a problem of migration to the rest of Europe? Will the Minister ensure that some of the money the Government is committing to the Council of Europe Development Bank will be used to assist some of these deported Irish citizens?

Mr. Parlon: In response to Deputy Boyle, the reporting of the activities of the bank is carried out through the Council of Europe in which Ireland has a permanent representative. I am sure an annual report is submitted. Therefore, we will obtain the information through the permanent representative and make it available to the Deputy.

On Deputy Burton's question, there was an Opposition question to the Taoiseach earlier regarding the difficulties in Belarus. He gave a commitment that either he or the relevant Minister would deal with the issue.

Ms Burton: Will the Minister of State reply to the question on the children? The purpose of the Bill is to assist migrants.

Mr. Parlon: The issue the Deputy raised is irrelevant to what we are dealing with today. We are dealing with amendments to the Council of Europe Development Bank Bill and the criteria set down for spending the money. Unfortunately, it does not apply to Belarus. I am sure migrants from Belarus in eastern Europe will benefit, just as many other eastern European countries have benefited substantially in the past from investments from the Council of Europe Development Bank.

Ms Burton: I draw the Minister of State's attention to the following excerpt from the Bill:

The primary purpose of the Bank is to help in solving the social problems with which European countries are or may be faced as a result of the presence of refugees, displaced persons or migrants consequent upon movements of refugees ... The investment projects ... The Bank may also contribute to the realisation of investment projects approved by a Member of the Bank which enable jobs to be created in disadvantaged regions, people in low income groups to be housed or social infrastructure to be created.

The point I am making is that following the referendum earlier in the year, we now have the phenomenon of Irish citizen children being deported from time to time by the Minister for Justice, Equality and Law Reform to some of the poorest countries in Europe. As major contributors to the bank, will the Minister of State use his offices to try to assist some of the children who were deported, together with their migrant parents who applied unsuccessfully for refugee

status in this country? It is a straightforward question and it is an area in which the Government ought to have a policy. Deporting Irish citizens from the country is a unique phenomenon in the history of Ireland. The Minister of State will be aware that some of these children are returning to very poor circumstances. As a humanitarian gesture, will he undertake to use the Government's contribution to the Council of Europe Development Bank to assist some of these Irish citizen children who are now back in very poor parts of eastern Europe? The Minister of State must be aware of this fact because his colleague, the Minister for Justice, Equality and Law Reform, never stops boasting about the expulsion of children.

Mr. Parlon: The referendum to which the Deputy referred was put to the people recently. I recall the public voted 9:1 in favour of the referendum.

Ms Burton: I am asking about the children who have been deported.

Mr. Parlon: One of the laudable reasons we decided to join the bank and make a contribution was because of some of its policies. We are members of the bank because of our €13 million contribution, but in terms of being involved in its day-to-day running or in carrying out its policies, that is an issue for the bank itself. It is not in our remit to advise the bank. It has a good tradition and record of supporting the underprivileged in eastern Europe.

Ms Burton: Is the Minister of State saying that the Government will take no interest in how the bank spends €13 million of Irish taxpayers' money? This is exactly the blank cheque phenomenon. The Minister of State, Deputy Lenihan, was crass enough to criticise organisations like Trócaire and Concern for spending money on advocacy in this country. Talk about the pot calling the kettle black. May I make a positive suggestion to the Minister of State and the Tánaiste? In the run-up to Christmas, he should consider asking the bank to support and sustain Irish-born children who are being deported from this country along with their failed asylum seeker parents and who will find themselves in very difficult economic circumstances when they return to their parents' country of origin.

Mr. Parlon: Perhaps the Deputy will make available to the Minister for Justice, Equality and Law Reform or me the names of some of the people to whom she referred. She is exaggerating the situation.

Ms Burton: I am not.

Mr. Parlon: To how many people is the Deputy referring?

Ms Burton: The Minister of State is in Government. He should be aware of these figures.

Mr. Parlon: The number is minimal. When a decision is taken by the Minister for Justice, Equality and Law Reform, it is for a very good reason.

Ms Burton: The Minister of State's colleague never stops boasting about his decision.

Mr. Parlon: The Minister is fully supported by the people following the 9:1 margin in the referendum result.

Acting Chairman: The Minister of State must stick to the question.

Mr. Parlon: The question is entirely irrelevant to what we are dealing with. I am satisfied that the day-to-day running of the Council of Europe Development Bank will deal with the issues the Deputy raised.

Amendment put and declared lost.

Ms Burton: I move amendment No. 2:

In page 3, lines 22 and 23, to delete all words from and including "(which" in line 22 down to and including "Act)" in line 23.

Amendment put and declared lost.

Ms Burton: I move amendment No. 3:

In page 3, line 23, after "and" to insert "of".

Amendment put and declared lost.

Ms Burton: I move amendment No. 4:

In page 3, line 24, to delete "which" and substitute the following:

"the text in the English language of which".

Amendment put and declared lost.

Ms Burton: I move amendment No. 5:

In page 4, line 9, after "text" to insert "in the English language".

Amendment put and declared lost.

Ms Burton: I move amendment No. 6:

In page 4, line 16, to delete "as" and substitute the following:

"the text in the English language of which is".

Amendment put and declared lost.

Bill received for final consideration and passed.

Health Bill 2004: Order for Second Stage.

Tánaiste and Minister for Health and Children (Ms Harney): I move: "That Second Stage be taken now."

Question put and agreed to.

Health Bill 2004: Second Stage.

Tánaiste and Minister for Health and Children (Ms Harney): I move: "That the Bill be now read a Second Time."

I am pleased introduce the Second Stage of the Health Bill 2004 to the House. This is an historic piece of legislation. It provides for the most comprehensive reorganisation of our health services since 1970 which is long overdue and vital. It is a once-in-a-generation event. It is our generation's chance to put patients first in the design of the management of health services. It is our chance to put in place modern, effective management to make the best use of these tremendous resources we are applying to health and to get clear value and clear results for that money. It is our chance to create a system where money can follow patients and where outcomes can be measured. We are legislating for the start of the 21st century, for ten, 20 or 30 years in advance. There is no going back. We can no longer rely on outdated and ineffective legislation that may have met the needs of Ireland of the 1960s and 1970s.

We must bring sense to the patchwork of amendments we have made to health legislation over the years and to the growth of separate health agencies. We do not need 273 people on separate health boards in addition to 166 members of the Dáil and 60 senators to manage and account for public health spending. We do not need more than 58 separate health agencies. It has become a jumble and it has led to below-par results for patients and below-par value for money for taxpayers. Those are the two reasons we are proposing this legislation and the two ways Government policy should be judged: better outcomes for patients and better value for taxpayers' money. To achieve them, we badly need clarity of roles and accountability — political responsibility for the Minister and management responsibility for the management. The lines of responsibility and accountability are clear in this legislation, the clearest they will ever have been in health administration in this country. That will make a real difference to the quality of health services provided for our people.

The need for reform of our health management structures has been well known for a long time by anyone with an interest in public administration. The Government's policy behind this legislation is also well known. In this Bill, the Government proposes to implement our policy that has been widely communicated and debated since we first announced our health reform package on 18 June 2003. The Taoiseach, the then Minister for Finance, the Minister for Health and Children and I made that announcement

together. We published in detail our plans for health reform. We proposed to replace health boards with a single Health Service Executive and to bring together 27 health agencies in the HSE. We said we would establish a Health Information and Quality Authority and re-focus the role of the Department of Health and Children. We published the Prospectus and Brennan reports that informed our policy. The Minister for Health and Children said the legislation would take 18 months to prepare. The media gave wide-spread coverage to all aspects of the reform programme. Opposition parties commented immediately, accepting, it is fair say, the thrust of the reforms while asking for more to be done. Some people asked for more funding and nearly €1.7 billion more has been provided since then.

Few people if any said the present situation was the best for patients. Few argued for the retention of the health boards or that we needed all the separate agencies with unclear or overlapping roles. The Department of Health and Children immediately set about a wide-ranging communications process that has continued up to this day. This legislation has arisen from a long deliberative process by many people, both before and after June 2003. I hope our debates in this House will bring this process to fruition by focusing on precise points of legislation. The Health Bill 2004 forms the main legislation to implement a single unified health service. The Bill provides for the establishment of the Health Service Executive on a statutory basis and provides for the consequential dissolution of the Eastern Regional Health Authority, the area health boards, the health boards and a number of other identified agencies. It sets out the functions of the Health Service Executive and outlines the accountability arrangements applying to it. The Bill also provides for the establishment of a national health consultative forum, regional health forums, advisory panels and a statutory complaints framework.

I will now outline the provisions of the Bill. Section 6 establishes the Health Service Executive on establishment day which is planned for 1 January 2005. The executive will be a corporate body and will be entitled, subject to the provisions of the Health Acts 1947-2001, to acquire, own and dispose of land and property.

The object and functions of the executive are set out in section 7. The object and functions of the agency responsible for the delivery of health and personal social services are being set out clearly in statute for everybody to read. This is of critical importance because in attempting to make an organisation responsible for the performance of its functions, one must first know what those functions are. The object of the executive is "to use the resources available to it in the most beneficial, effective and efficient manner to improve, promote and protect the health and welfare of the public". The executive is assigned the functions transferred to it of the bodies being dissolved on establishment day, which are those functions which were conferred on the ERHA

and the health boards under the Acts listed in Schedule 3 to the Bill. A review of the functions in this schedule will give an idea of the breadth of the functions and responsibilities being taken on by the executive.

In delivering or arranging for the delivery of health and personal social services, the executive is required to integrate the delivery of health and personal social services. In requiring the executive to do this, we are seeking to address the criticism which has frequently been levelled at the health services that patients can get lost in the system when moving from one sector to another because of the lack of integration between the various settings. The executive is also being required to have regard to the need to co-operate and co-ordinate its activities with those of other public authorities if the performance of their functions could affect the health of the public. This is important for the executive in its role of protecting and promoting the health of the public.

Section 8 allows the executive to enter into agreements with other public authorities either on its own initiative or if requested by the other public authority to do so. Health boards have agreements with local authorities and local authorities with health boards to carry out functions on each other's behalf and we want to encourage the continuance of that co-operation, be it formally under section 8 or informally under section 9.

Under section 10, the Minister for Health and Children is enabled to give general direction to the executive on the performance of its functions under this legislation or other enactments. As it is, the Minister and the Government is responsible for setting overall health policy and it is essential that the Minister has the power to inform the executive of policy decisions made and to direct it to carry out its duties in compliance with Government policy. The executive is also required to provide the Minister with any information or statistics relating to the functions of the executive which may be requested.

Section 11 establishes the board of the executive. The board will have 11 members, including the chairperson, all of whom will be appointed by the Minister from among persons who, in the Minister's opinion, have the experience and expertise relating to the executive's functions to enable them to make a substantial contribution to the performance of the executive's functions. As with appointments to other State organisations, persons who are Members of the Houses of the Oireachtas, the European Parliament or a local authority are not eligible to become members of the board and should they be elected to either House of the Oireachtas, the European Parliament or a local authority during their tenure of office, they immediately cease to be members of the board.

The provisions relating to the operation of the board are set out in Schedule 2. The board's term of office is five years and members may serve two

terms of office. Five members of the first board will serve five years and five members will serve three years. This is to ensure continuity of experience in the board so that not all members of the board leave at the same time. The board is required to meet as often as necessary to carry out its functions but must have at least one meeting in each of 11 months of the year. I do not consider this an onerous commitment as the board has responsibility for the management of an organisation with a budget of €10 billion, 100,000 employees and the provision of health services to approximately 4 million people.

In accordance with good governance guidelines, the board is the governing body of the executive. Section 12 confers on it the authority to perform the functions of the executive, other than those conferred in statute on the medical officer of health. The executive can then delegate any of those functions to the chief executive officer, CEO, who has operational responsibility for the day-to-day running of the executive under section 18.

The provisions of section 14 allow the Minister to remove the board if it fails to comply with specified obligations, including failure to comply with a direction of the Minister or any other requirement under this Act, or if the Minister is satisfied that it is not performing its functions in an effective manner. If a Minister is of the latter view, he or she can commission an independent review of the matter giving rise to that opinion. The board of the executive is required to give the person undertaking the review all reasonable assistance.

The responsibilities of the executive are diverse and wide-ranging. In recognition of this, section 15 allows the executive to establish committees to provide it with assistance and advice in regard to the performance of its functions. The members of the committees need not be members of the board, but may be persons who have the experience and knowledge required to advise the board.

Section 17 provides for the recruitment by the board of a CEO pursuant to a recommendation from the public appointments service. The CEO is responsible to the board for the performance of his or her functions and for the implementation of the board's policies. The board is empowered to appoint a deputy CEO in the absence of a CEO or if the position is vacant.

The Bill provides for a formal system of delegation of functions by the CEO to other employees and for subsequent sub-delegation by those employees of some or all of their functions to other employees. This formalised mechanism for delegation will provide clarity for employees in regard to their roles and responsibilities and aid accountability within the executive.

Section 20 provides that the CEO will be the accounting officer of the executive. This reflects the principle that the board is solely responsible for the management of the health services. This will mean that the CEO will be accountable, in the same way as a Secretary General of a Depart-

[Ms Harney.]

ment, for the appropriation account and for the Vote of the executive. This is a very strong form of accountability for a public body and will give much greater clarity than before as to where responsibility for the management of public funds lies. A similar provision is found in the Garda Bill 2004 in regard to the Garda Commissioner.

The CEO will, under section 21, be required to appear before Oireachtas committees when requested by those committees to account for the performance of the executive. Political responsibility for the activities of the health services will rest with the Minister for Health and Children who, supported by the Department, will hold the executive to account.

The executive is allowed recruit its employees subject to the terms of the Public Service Management (Recruitment and Appointments) Act 2004. The overall numbers, grades and terms and conditions will be determined by the executive with the approval of the Minister for Health and Children and with the consent of the Minister for Finance.

Provision is made in section 63 for the transfer to the executive of the staff currently employed in the ERHA, area health boards and health boards, and the other dissolved bodies. These employees will transfer on establishment day on terms and conditions no less favourable than those they enjoyed prior to the transfer. Staff of bodies which will be dissolved at a later stage by order of the Minister will also transfer under similar terms. Provision is made for changes to the terms and conditions of such staff on an agreed basis following negotiations with staff representative interests.

The disciplinary procedures provided for in the Health Act 1970, which provide for appeal to the Minister in the event of a proposal to dismiss a staff member, will no longer apply. Instead, the Bill provide for the application of the employment protection legislation, namely, the Unfair Dismissals Acts, 1997 to 2001, to the employees of the executive. These provisions were extended to local authority employees in the Local Government Act 2001. A saver is provided in the Bill for persons who have initiated a process under section 24 of the 1970 Act which provides for the establishment of committees for certain removals, that where such a process is not completed on establishment day, it should continue until it is completed.

Section 23 requires the executive to prepare a superannuation scheme in respect of its employees which must be submitted for the approval of the Minister for Health and Children with the consent of the Minister for Finance. Members of either House of the Oireachtas or of the European Parliament are not eligible for employment with the executive and if employees of the executive are elected to any of those institutions, he or she will immediately be seconded from employment with the executive. The Bill, by way of amendment to the Local Government Act

2001, enables the Minister for Health and Children to designate certain grades or classes of employees who may not become members of a local authority.

Section 25 requires all members of the board, the employees of the executive and advisers engaged by the executive to maintain proper standards of integrity, conduct and concern for the public interest. This is vital in an organisation that deals with people on a daily basis and often when they are most vulnerable. The executive will be required to prepare and make available to all its employees and advisers engaged by it a code of conduct that will indicate the standards of integrity and conduct to be maintained by these persons in the performance of their functions.

Part 7 contains the main accountability requirements being imposed on the executive. It sets out a statutory framework of accountability for the executive by requiring it to clearly set out the plans it has for the provision of services over a three year period and the services it intends to provide for the level of funding it receives on an annual basis, and then to indicate the level and quality of those services provided for the expenditure it has incurred.

In view of the Government's decision to make the CEO of the executive the accounting officer of the executive, I will introduce a number of technical amendments on Committee Stage in regard to the provisions of this Part. These amendments will ensure that the executive will operate as a separate entity with full accountability for its own Vote.

In accordance with good governance practices, the executive is required, in section 40, to prepare and submit to the Minister a code of governance. This code will outline the guiding principles applying to the executive in the performance of its duties, its structure and the responsibilities of its board and the CEO, the processes and guidelines used to ensure compliance with the requirements of the Act and its internal controls, including procedures relating to internal audits, risk management, public procurement and financial reporting. The code will also outline how the executive intends to integrate the delivery of health and personal social services and the nature and quality of services that persons can expect when receiving those services. The executive is required to publish this report and to provide details in its annual report on its adherence to it.

In section 29, the executive is required to prepare and submit to the Minister a corporate plan for the subsequent three year period. The corporate plan, which must have regard to Government and ministerial policies, will outline the executive's key objectives for the following three years and the strategy for achieving those, and should detail how the executive intends to use the resources available to it in that period. When the plan is approved by the Minister, he or she is required to lay it before the Houses of the Oireachtas. The executive is required to provide the Minister with updates on its implementation

of the corporate plan in its annual report or in any other manner specified by him or her.

Section 32 requires the executive, on receipt of notification of its funding, to prepare a national service plan, which must provide an indication of the type and volume of health and personal social services to be provided by the executive during the period of the plan and estimates of income, expenditure and number of employees for the period and the services to which the plan relates. The plan must also comply with the limits given with the approval of expenditure for the period, comply with directions from the Minister, be consistent with the policies and objectives of the Government and have regard to the corporate plan in place at that time. The plan must also comply with the limits given with the approval of expenditure for the period and with any directions from the Minister, be consistent with the policies and objectives of the Government and the Minister and have regard to the corporate plan in place at that time. The executive will also be required to prepare capital plans that will outline how it intends to use the capital funding available to it for that year. Under section 38, the executive is not permitted, without prior written permission from the Minister, to undertake or enter into an agreement to undertake capital developments that would exceed an amount determined by the Minister.

As the executive itself will be unable to provide all of the health and personal social services required by the public, it is empowered under section 43 to enter into arrangements with other service providers for the delivery of any of those services. These arrangements will be on such terms and conditions as the executive may determine and will be subject to the resources available to it and any directions issued by the Minister. As it is public finances that will fund these arrangements, service providers entering into these arrangements will be required to keep all proper and usual accounts and records of income and expenditure as specified by the executive. The service providers are also required to submit these accounts annually for audit and submit the audited accounts together with an auditor's certificate to the executive. The executive is also empowered to make whatever arrangements it considers necessary to monitor the expenditure incurred and the services provided under these arrangements and to request any information from the service providers it considers material to the provision of those services.

Section 41 requires the executive to prepare its annual financial statements in accordance with accounting standards specified by the Minister and to have them adopted by the board on or before 1 April in the year following the financial year to which they relate. It is also required to prepare and adopt an annual report not later than 30 April each year outlining its performance of its functions in the previous year. The report must be submitted to the Minister and he or she will

then lay copies before each House of the Oireachtas.

The Bill provides for the establishment of three new mechanisms to enable public representatives and users to reflect their views on the delivery of health and personal social services to the Minister and the executive. I consider it very important that both users and public representatives should be able to have forums available to them to advise the executive of their views on how they perceive the management and delivery of health services as it affects them.

In section 46, provision is made for the establishment of a maximum of four regional health forums comprising members of city and county councils within the functional area of the forum. The forum will provide local public representatives with the opportunity to make representations to the executive on the range and operation of health and personal social services within the forum's functional area. This Government is very aware of the important role played by public representatives in representing the views of their constituents on developments in the health services.

Under section 47 the executive is enabled to establish such mechanisms as it considers appropriate, including advisory panels, to assist it in seeking the views of local communities or other groups on health and personal social services. Such panels may consist of users of the services, service providers or other groups which the executive considers appropriate. The establishment of these advisory panels meets the commitment in the health strategy for a more structured approach to community participation in decisions about the delivery of health services.

Under section 48, the Minister can direct the executive to establish an advisory panel for a particular purpose, should he or she think it appropriate, and he or she may appoint members to the panel.

The health strategy recommended that a statutory framework for complaints be put in place. This is provided for in Part 9. This framework will enable persons dissatisfied with an action of the executive or other service provider to make a complaint as allowed for in Part 9. It will provide for clarity and uniformity of approach in dealing with complaints. It seeks to provide that the complaint should be resolved at local level, but provides access for independent review if the complainant is unhappy with the decision reached by the complaints officer. Availing of this statutory complaints framework does not preclude a person from making a complaint to the Ombudsman or the Ombudsman for Children.

The executive will be required to establish complaints and review procedures for dealing with complaints about it or about other service providers. Service providers may establish their own complaints procedures providing the executive is assured that the procedures are of a comparable standard to those it established. If a person is unable to make a complaint because of

[Ms Harney.]

illness or age or disability, certain specified persons may make a complaint on his or her behalf. Complaints must be made within 12 months of the actions giving rise to the complaint. Complaints cannot be made about certain issues which include matters which are or have been the subject of legal proceedings, matters relating to clinical judgment, matters relating to the recruitment and appointment of employees, etc.

The procedures relating to the operation of the statutory framework will be set out by way of regulations made by the Minister. The executive is required to provide in its annual report a general report on the number of complaints received, the nature of those complaints, the number resolved by informal means and the outcome of any investigations undertaken during the previous year.

Section 60 lists the bodies to be dissolved on establishment day. Provision is made in Part 10 for the transfer of their staff, property, liabilities, contracts, etc. to the executive. A number of bodies established under the Health (Corporate Bodies) Act 1961 were identified by Prospectus in its report, for dissolution with their functions, staff, assets and liabilities transferring to the executive. It is not intended to dissolve these bodies immediately but it is necessary to provide the Minister with the power under this Act to do so at a later stage.

As I said earlier, it is important to provide for a smooth transition from the health board structure to the executive structure. With this in mind, the Bill contains a number of transitional provisions to provide for continuity between the structures in place within the health boards pre-establishment day and the structures within the executive from establishment day. Section 62 provides for the transfer of functions from those bodies dissolved on establishment day to the executive on that day.

Provision is made in section 79 to continue the delegation of functions made by the health board CEOs and the regional chief executive of the ERHA prior to the establishment day to continue across into the executive structure on and after establishment day, and until the executive varies such delegations. Appointments as authorised officers, for example environmental health officers, made prior to establishment day, will also continue in force until such time as such authorisations are varied by the executive. These continuation provisions are important as the executive will not be in a position on establishment day to put in place delegations and to issue warrants of authorisation to employees throughout the country.

Provision is also made to deal with the transfer of financing and accountability from the health board structure to the executive structure. Under the current legislation, the Minister is required to issue letters of determination to the ERHA and the health boards within 21 days after the publication by the Government of the Estimates for

supply services for that financial year. The ERHA and health boards are then required to prepare and submit to the Minister within 42 days a service plan outlining the services they propose to provide for that determination. This process must be followed up to 31 December 2004 as the provisions of the new legislation will not take effect until 1 January 2005. The provisions in this Schedule allow the service plans of the ERHA and the individual boards to be amalgamated after establishment day to become the executive's national service plan, if the Minister so decides. The individual determinations issued to the bodies dissolved on establishment day are allowed to be aggregated to become the determination for the executive for 2005.

As the House will see, this is a very comprehensive Bill designed to provide the executive with operational independence in the management and delivery of health and personal social services for our country for many years ahead. To complement that independence, strong accountability mechanisms are in place to ensure that the object of the executive is met. This legislation is just the enabling mechanism to allow the reform process to get under way. There remains much hard work ahead to streamline processes from the eight health boards and the ERHA into one cohesive unit while continuing to deliver quality front-line services to the public. There are many more reforms ahead — in the way we deliver and pay for health services, in the way we pay for and use drugs and in the way we respond to people's needs, all with the aim of providing top quality health care based on need. I commend this Bill to the House.

Dr. Twomey: Fine Gael welcomes any reform of the health sector but fears that reform regarding two major issues in this Bill is in name only. One of these has regard to what the Bill sets out to accomplish, while other public health services to be provided for the public may also be in name only. Many of these changes were first highlighted three years ago in the health strategy. The Prospectus and Brennan reports of 2003 were part of this blueprint for change. However, with only four weeks to go before the implementation of the Health Service Executive, there is still a lack of clarity as to what will happen. This is a huge concern for patients, taxpayers and employees of the health services.

While many nice words have been spoken tonight, there is a considerable number of issues that should be cleared up. Everything is not perfect. The Minister is right on one point, that is, getting the legislation through the Houses of the Oireachtas will probably be one of the easier tasks in regard to this reform.

The first casualty of the Government's ineptitude in regard to reform of the health services was Professor Halligan. He must be thanking his lucky stars on this occasion because when one considers the behaviour of the Taoiseach towards the management of Aer Lingus last week, one

can only imagine the scapegoating that will be due to the CEO of the HSE when the Government fails to implement the changes we expect in the health services. Perhaps incompetence is a strong word but we must look at what is happening with such a short length of time to go before 1 January 2005 when the HSE should be up and running. There is no permanent CEO for the HSE, although we knew this legislation was coming for the past 18 months. The permanent board of the HSE has yet to be announced. We are getting rid of 140 local authority members, 90 professional representatives, nine representatives of the voluntary services and 24 ministerial appointees, but as of now, we still do not know the identity of the 11 members of the new board.

This is a very important issue because we are getting rid of 263 people and replacing them with 11 individuals who will have responsibility for a total budget of €11 billion of taxpayers' money. To think that we do not know the calibre of the people who will make these huge decisions in a few weeks' time makes a mockery of many of the fine words spoken tonight. It is one thing to have lost the CEO but not to have a board to take over the new HSE is unbelievable, especially since the health boards, as we knew them, have already been dismissed. We are running the risk of having a banker's version of the ERHA taking over the health services. That lack of clarity and direction is far more worrying than much of what I have heard tonight.

We have been given three weeks to debate this issue in the Houses of the Oireachtas. In some respects, we are rushing through important legislation. We have seen this happen on a few occasions — for example, with the citizenship referendum and the amendments to the Freedom of Information Act. Both were vital and important Bills which were guillotined and rushed through this House to stifle debate and prevent people raising issues about which they had concerns. However, we will continue to raise these issues both inside and outside the House.

In regard to the long delay in bringing forward the legislation, all I can say is that the Taoiseach and the former Minister, Deputy Martin, must have had little or no interest in the health services. Both must have been more interested in saving their own aspirations for the future of Fianna Fáil. The Tánaiste, as leader of the Progressive Democrats, has been left to make up for seven years of bad Government. We hope this will happen more easily than what already appears to be the case.

The objectives of this legislation can be broken down into four major points. The executive will be responsible for managing the health services as a single entity and will protect the health and welfare of the population. The consolidation of service providers will reduce the fragmentation of services and make them more integrated and easier for patients to access. Those are the two vital points as far as patients are concerned. There will be established structures for public representa-

tives and participation by service users — there are many faults in that regard — and there is provision for the transfer of staff to the executive from the ERHA, the health boards and other statutory organisations connected with health.

I have discovered that staff in the health services are not happy with the consultations so far. We cannot alienate workers in the health service when carrying out radical reforms. It does not matter whether they are doctors, nurses or administration staff, we cannot alienate these workers because their views are vital. In recent weeks I have been contacted by a number of employees of the health boards who said they were unhappy with the way the interim Health Service Executive has spoken to them. They feel the interim Health Service Executive is trying to force a corporate culture on health administration which is geared more towards the commercial world than the ethos of public service that exists in the health services at present. While I fully agree with the Minister in regard to efficiency, accountability and transparency, we must bring these people on board and not alienate them. The above four points apply not only to the people working in the health services but also to the Government. That is something that is not clear when one reads through the legislation.

IMPACT has threatened strike action because it is not happy with the way people working in the health services have been treated. These people believe they have been poorly informed and do not know what role they will play after 1 January 2005. The delegation about which the Minister spoke is not clear to anybody, not even the CEOs or assistant CEOs. They do not know what their function is or what the integration or the lines of responsibility about which the Minister spoke involves. They are simply unhappy with what is happening.

My concern is that as the deadline approaches, nobody seems to have a clear idea where the Government sees this executive in 12 months' time. Although section 3 allows for provisions of the Bill to be brought into operation at different times, if there is a lack of clarity beforehand, it will increase anxiety and increase the difficulties the Minister will face in trying to reform the administration side of the health services — he will face many difficulties unless it is clear to people what will happen.

In regard to complaints, it is important service users — patients, consumers or whatever one likes to call them — have an opportunity to make complaints about difficulties in the service. I do not want to see the HSE turn into an unaccountable statutory agency like the National Roads Authority, which appears to be happening. There may be less accountability to the people who use the service after 1 January 2005 than it is at present. We have had our fair share of complaints about health boards up to now but this could make matters much more difficult. There is nothing in this legislation which specifically shows the HSE is answerable to anybody other than

[Dr. Twomey.]

itself. I am sure the Minister will take time to respond to these remarks, but that is how it looks to me.

The national health consultative forum and the four regional health fora have no powers and they could all end up as talking shops with no mandate. One could raise whatever issue one liked, but it would not have to be heeded by anybody, especially since the people who will now be on the board of the HSE will not be public or professional representatives but 11 people nominated by Government who can, more or less, decide to ignore or listen to what they like. The complaints procedure could be restrictive and could be anti-consumer. However, the health service belongs neither to the Minister nor to me but to all the people.

Section 55 states that a complaints officer may not, following investigation of a complaint, make a recommendation the implication of which would require or cause the executive to make a material amendment to the service plan. In other words, if the problem is not highlighted, the problem never existed. That is how I read that section. If there is no opportunity to state there is a problem and to make a recommendation, that is, more or less, saying the problem can be buried, put aside or forgotten about. It suggests that when the report is published at the end of the year, a complaint, no matter how important, can be ignored. The more important a complaint, the more likely it is not to be highlighted because the complaints officer would not be in a position to make a recommendation on it or could make only a lukewarm recommendation.

According to section 59, the annual report on complaints and reviews shall contain "such information as the Executive considers appropriate or the Minister may specify". This represents almost a second attack on those who wish to make complaints. The information contained in the annual report is that which the executive or the Minister decide. A blanket can be thrown over any major complaint against the Health Service Executive, HSE, in its annual report and some complaints may not even get that far. This is a similar situation to that regarding the restrictions introduced in terms of the freedom of information legislation two years ago.

Will the consolidation of service providers help to reduce waiting times and will integration make it easier for the public to access health services? This issue is very much an aspect of the administration of the health service and I stress that there are two elements which require reform. These are the delivery and the administration of health services and they run in tandem. We may get carried away with the notion that the proposed changes will change the situation dramatically. This will not be the case. The provision of radiotherapy services, for example, will not become available any faster for cancer patients. It is hoped the Tánaiste and Minister for Health and Children will address this issue before

the Joint Committee on Health and Children soon. What about patients who face the prospect of waiting three years before they see a neurologist? This waiting time will not be reduced from January 2005.

This is another issue which must be taken on board when considering reform of the health service. Patients' conditions can deteriorate in six months, never mind over a period of three years. I mention neurology because it is another issue due for discussion with the Tánaiste in January. Patients in this area find that no matter how hard they try to contact the consultants, who are extremely facilitating when one tries to push urgent cases on behalf of constituents, it is impossible to secure an appointment. This is another issue about which the Government talks but does nothing.

There has been much talk of the national treatment purchase fund recently. Regional services are provided at the so-called regional level, including orthopaedics, dermatology, ophthalmology, ear, nose and throat services and so on. There is a hidden waiting list for such services with which the national treatment purchase fund does not deal. This involves the cases where a GP sends a letter to a hospital, after which the patient receives an outpatient appointment. This system will not become any faster under the reform of the administration. Hospitals generally do not send out appointments because it is at this point that patients may become eligible for services under the national treatment purchase fund. These hidden waiting lists are quite extensive. For orthopaedics, for instance, the waiting time can be as much as two to four years depending on the region. It is not much fun to wait four years for an orthopaedic review.

The Tánaiste may feel that I am inventing this information to create problems for her but the health boards have published lists detailing the waiting times for some of these specialist services. Waiting times for rheumatology services vary between two and three years while ENT services have waiting times of between two and four years. ENT services include, for example, the treatment of adenoids, provision of tonsillectomies and the use of grommets which have a dramatic effect on the development of a child's hearing. While a child may become eligible for treatment under the national treatment purchase fund within six months of receiving an appointment, most of the damage is done during a wait of two or three years. The administrative reforms will not speed up the delays that exist in securing outpatient appointments. As we have long maintained on this side of the House, we cannot effect a change in isolation. It must run in tandem with other reforms.

I have no issue with the 32 regional services because they are not being altered too much. My concern is with the HSE and the four regional services below it. These bodies have the potential to become merely another administrative nightmare for the patients who are trying to use the

service. The Eastern Regional Health Authority was set up out of the Eastern Health Board for the purpose of improving the delivery of services to patients in the greater Dublin area. The ERHA was established to administer the service and three health boards were set up to function beneath it. The former Minister for Health and Children, Deputy Martin, established and also abolished this body. We should analyse the experience with the ERHA in the hope that we may discover the mistakes that were made. Of those who sit on the board, there is only one with any experience of the ERHA who might give pointers as to what pitfalls the HSE should avoid in the process of dissolving the health boards and the ERHA. The Tánaiste risks making the situation worse through the establishment of the HSE. Members on this side of the House have considered the matter and are unsure whether the correct approach is being taken. We are concerned about the accountability aspects for the patient. This aspect is not as strong as the Tánaiste has suggested.

Another problem evident in this legislation is that these health bodies will take on advisers and consultants and set up committees to do the work for them. Such an approach could see an expansion into the same old quangos into which we sometimes felt the health boards were descending. There is no indication in the legislation of the regulation that will operate in this regard. There is no concrete information about the regulation of the entire system. The Bill seems more concerned with setting up protocols and establishing chains of command. One can easily predict that many of these delegations and committees will include many of the same people about whom the Tánaiste has spoken of removing from the health service. She must make clearer her role in this regard.

Will managing the health service as a single entity make the significant difference that she has predicted? The health service is comprised of different branches. The primary care branch consists of general practice services and community care services such as home carers, nursing homes and public health nurses. There is the acute and non-acute hospital sector and I understand that the acute sector will be another pillar of the hospital service when it is properly established. Another branch is the mental health and disability services which have been grossly underfunded. In her estimates, the Tánaiste observed that some 1,000 staff will be recruited in this area. I hope this means the recruitment of 1,000 frontline staff, who will remain as frontline staff rather than move into another capacity after the first year or two. The administration aspect must also be considered. All these elements are important and should move in tandem with each other. This is not happening. The previous Minister, Deputy Martin, spent the past four years just spending money on the health service and did not seem to be quite sure what he was about.

This scattergun approach to health spending has left us with the current mess. The Tánaiste seems destined to repeat this approach in the context of the lack of clarity regarding investment in primary care and mental and disability services.

Debate adjourned.

Private Members' Business.

Roads Infrastructure: Motion.

Mr. Gilmore: I move:

That Dáil Éireann,
considering:

- the necessity to improve transport links along the Cavan-Dublin corridor;
- the importance of the Hill of Tara national monument and its environs;
- the inevitable road construction delays which will result and the inevitable destruction of heritage if the National Roads Authority persists with its current plan to build the M3 through the Tara-Skryne area; and
- that the Minister for the Environment, Heritage and Local Government is currently considering his options under the National Monuments Act;

calls on the Government to:

- address the current transport problems on this corridor by proceeding immediately with the Dunshaughlin, Kells and Navan bypasses, by other road improvements and the provision of a Navan-Dublin rail link;
- direct the NRA to immediately reconsider other options for the proposed M3; and discontinue its plans to route the M3 through the Tara-Skryne Valley.

I wish to share my time with Deputies Shortall and Quinn.

An Leas-Cheann Comhairle: That is agreed.

Mr. Gilmore: Some of the worst traffic conditions in this country are to be found on the N3. Some 15,000 cars crawl through the town of Kells every day. Traffic backs up at Navan and Dunshaughlin. The road is in poor condition and it has one of the worst road accident rates in the country. Many of those who are stuck day in and day out in these frustrating traffic queues are young workers who have been forced by the high house prices in Dublin to commute from towns and commuter estates in County Meath.

There is no disputing the need for improved road and transport links along this corridor or the

7 o'clock

[Mr. Gilmore.]

necessity to urgently resolve the traffic congestion which is the daily reality on the existing N2. In 1998, the national road needs study concluded that a dual carriageway standard road was needed between Kells and Clonee. In 1999 Meath County Council approved plans for a bypass of Dunshaughlin and planned to also bypass Kells and Navan. These plans, however, were effectively set aside by the National Roads Authority, which at the behest of the Government advanced a proposal for a 62.8 km motorway to run from Clonee to north of Kells, which would be built as a PPP and which would be tolled.

The NRA and Meath County Council commissioned consultants to produce a route selection report and to conduct a public consultation process. Eventually the NRA selected a route for the section of motorway between Dunshaughlin and Navan, which was not the preferred option of the vast majority of those who made submissions and which was not recommended under any of the environmental headings of archaeology, built heritage, water quality, landscape, air quality or noise level.

This route, which is the subject of the Labour Party motion, was subsequently approved by An Bord Pleanála in October 2003 following an oral hearing. A tendering process is now under way to select a single contractor to build the motorway. It is expected that construction will begin in 2006 or perhaps 2007 and that the motorway will be completed by 2010, provided there are no legal challenges or other delays.

While many concerns have been expressed about the proposed motorway, including the plans to toll it, the main worry now relates to the 14 km section between Dunshaughlin and Navan. This section of the M3 will cut through the Tara-Skyrne Valley, one of the richest archaeological landscapes in Europe, and will include a major 26 acre floodlit interchange at Blundelstown, just over one kilometre from the northern edge of the Hill of Tara. It will also cut through the historic complexes of Lismullin and Dowdstown and will take away a major part of the nature reserve at Dalgan Park.

The unique archaeological, cultural and natural landscape of Tara and its environs, which has existed virtually untouched for almost 6,000 years, will be destroyed forever if the M3 is built on the route that has been approved. The NRA argues — no doubt this will be repeated in the course of this debate — first, that the Hill of Tara is not being touched by the motorway and, second, that every effort has been made and will be made to mitigate the archaeological impact of the motorway construction.

The leading authority on Tara is Dr. Conor Newman of NUIG. He has worked on Tara since 1982. He was director of the State's Tara survey organised under the discovery programme, which began in 1992. He has written extensively about Tara with his academic colleagues Dr. Joseph Fenwick of NUIG and Dr. Edel Bhreathnach of

UCD. In his submission to An Bord Pleanála, Dr. Newman described the Hill of Tara as one of the most important archaeological complexes in the world. He pointed out that the Hill of Tara had to be considered in a wider geographical context. In his submission he stated:

The Hill of Tara represents the ritual and political core of a far larger territory or landscape. It cannot be regarded, or treated, in isolation from this broader landscape because this would be to divorce it from its cultural and geographical context. For the most part, people did not live on Tara; they buried their dead there and built temples. They lived instead in the shadow of their sacred mountain. This is why archaeologists and historians are concerned about any developments within the vicinity of Tara. Moreover all of our researches point to the valley between Tara and Skreen as an area of paramount importance throughout the history of Tara and this is spectacularly corroborated in the geophysical survey carried out as part of the EIA.

This valley between Tara and Skyrne is precisely where the NRA plans to build the M3 and it has been described by Dr. Newman as “chock-a-block with archaeological monuments and interesting and complex ones at that”. It is estimated that there is an archaeological site along the route of the proposed motorway on average every 370 metres. Initially, the NRA sought to play down the number of such sites. In letters to newspapers and to other interested parties in February this year, the NRA claimed that there were only two recorded sites along the entire 60 km of the proposed motorway and that the geophysical survey had found a further three, that is, five in all.

By May of this year the NRA's interim report on test trenching along the route acknowledged that “to date approximately 28 archaeological sites have been confirmed or identified by the archaeological testing”. On 1 June at the Joint Committee on the Environment and Local Government, the NRA mentioned 15 possible archaeological sites on which testing was ongoing and 23 other areas of archaeological potential, all remaining areas currently being tested.

On 21 September at a meeting between the NRA, Meath County Council and the Meath Archaeological and Historical Society, it was announced that the M3 between Dunshaughlin and Navan would impact on a minimum of 38 site monuments and complexes. In September also the NRA published 21 archaeological reports outlining the results of test trenching between Dunshaughlin and Dowdstown which identified a minimum of 38 sites, monuments and archaeological complexes, some of them between one hectare and two hectares in area, and representing an archaeological site on average every 370 metres along the route of the planned motorway between Dunshaughlin and Navan. This number and scale of sites and monuments are in line with

the predictions of Doctors Newman, Fenwick and Bhreathnach and are a far cry from the claims made by the NRA prior to the approval of the motorway scheme.

It is remarkable that the NRA played down the possible archaeological impact of the M3 because at the An Bord Pleanála hearing Dr. Newman stated:

From the very outset this route was identified as the least desirable from the archaeological point of view; the attrition rate on the archaeological heritage will be far greater here than for any other of the proposed routes. This is not just my conclusion, it is the conclusion arrived at by the archaeological consultants involved in the route selection process. What is surprising, therefore, is that in spite of this, the National Roads Authority has selected this as the preferred route.

Dr. Newman, in his submission to An Bord Pleanála in September 2003, complained that the geophysical images produced by the archaeological consultants to the environmental impact statement were not included in the environmental impact statement. He wrote:

Instead what we got were interpretive drawings that we had to take at face value. This is completely abnormal practice. I have never encountered a situation before where the geophysical images were not provided alongside interpretive drawings. It is an industry standard.

Dr. Newman concluded that this had completely compromised the EIS, on which the motorway scheme was based. He said: "If I were a conspiracy theorist, I might have concluded that the geophysical evidence was part-buried because it proved so spectacularly the enormity of the archaeological dimension to this section of the motorway." No conspiracy theory is required. The facts speak for themselves. Only nine months ago, the NRA claimed there were only five archaeological sites on the route. Now even they admit there are 38. They would not listen to Dr. Newman and other experts. They buried the geophysical evidence which have confirmed Dr. Newman's warning that the Tara-Skryne Valley is chock-a-block with sites and monuments. For whatever reason, they selected the wrong route, and they now claim to be unable to change that. Their apologists are now attempting to blackmail the people and commuters of Meath that to be freed from the insufferable traffic jams, they must sacrifice the Celtic heritage of our country and continent.

Let us consider realistically what will happen if the NRA is allowed to persist with its planned route for the M3. For 38 sites that we know of so far, the NRA will have to request the Minister for the Environment, Heritage and Local Government to exercise his new powers under the National Monuments Act 2004. On most of those 38 occasions, the Minister will be subjected

to considerable pressure from international and expert opinion on the importance of Tara. The Minister will probably order an initial archaeological dig. After that he will still have to decide whether to halt the construction of the motorway or perhaps order the destruction or removal of the archaeological find concerned.

If he accedes to the NRA request he exposes the country to international ridicule. If he denies the request the motorway cannot be completed or will have to be rerouted. If he takes time to make up his mind, at the very least, he will delay completion of the road, probably adding hugely to the cost since, unlike the Carrickmines case, the option of sending the contractors further up the road will not be available as there is an archaeological site, that we know of, every 370 metres.

Inevitably there will be legal challenges and some will be taken in international courts. The long-suffering Meath commuter may yet become knowledgeable about the Valetta Convention as he or she suffers years of added traffic congestion and chaos.

This is an occasion when Government should face the inevitable. The M3 cannot be built through the Tara-Skryne Valley, as is planned. Any attempt to do so would destroy 6,000 years of Celtic heritage, prolong the traffic problems it was meant to solve and add hugely to the already estimated €680 million it is planned to cost the taxpayer.

The Labour Party proposes that the traffic problems of County Meath should wait no longer. The bypass of Dunshaughlin, Navan and Kells should proceed without further delay. The portions of this motorway north of Navan and south of Dunshaughlin can be proceeded with. The section between Dunshaughlin and Navan will have to be thought out again. There are options. There are the routes which were already considered. There is the suggestion by the Ballinter Residents Association that there should be improved road links to the M2 which will be only 12 km from the planned M3. There is the proposal to reopen the Navan to Dublin rail line, which would considerably reduce the demand for car traffic.

There is a window of opportunity for the Government to dig the NRA out of this hole. That window, however, will close some time in the new year when a tender is accepted and contracts are entered into.

I, therefore, ask the Government to make the decision called for in the Labour Party motion. No other authority is in a position to make that decision. The NRA cannot withdraw from the motorway scheme which has now been approved, An Bord Pleanála will not unilaterally revisit it and Meath County Council is not in the driving seat. This is a decision that must be made by the Government. Doing so will protect our heritage, save the country from ridicule, save the taxpayers money and save the N2 commuter from an even longer wait for traffic relief.

[Mr. Gilmore.]

I was interested in the Government amendment for three reasons. First, it is tabled by the Minister for Transport, not by the Minister for the Environment, Heritage and Local Government, to whom the motion was addressed and on whose shoulders responsibility rests for making the immediate decisions relating to the permissions sought by the NRA. Second, considering the motion refers to the M3 and Tara, the amendment makes no mention of the M3. Third, the amendment makes no mention of Tara.

I take some comfort from that. The amendment does not address the centrality of the motion, the necessity to address the question of the section of motorway between Dunshaughlin and Navan which poses a threat to the Tara national monument. When the Minister for Transport replies to the debate, I hope he will tell us not what is in the amendment about the fine things the Government is doing to advance the roads programme and the national spatial strategy, but what it intends to do about the section of the M3 which is to run through the national monument of Tara.

Ms Shortall: County Meath has the fastest growing population of any county outside Dublin. It has grown by more than 22% in the past six years. Its population stands at approximately 135,000 and it is expected to increase to 180,000 by 2012. Many of the towns of Meath have become dormitory towns for people working in Dublin who have been forced out of homes in Dublin by spiralling house prices.

Large numbers of residents of towns such as Navan, Kells and Dunshaughlin commute on a daily basis to and from the capital. In doing so they face atrocious traffic congestion. The daily trek to and from work is becoming more and more difficult by the month. The journey between Navan and Dublin takes approximately two hours in the morning and the same in the evening. This adds four hours to the working day and an incredible 20 hours to the working week for people who must endure it. Many young couples leave home before 6.30 a.m. and do not return until after 8 p.m. There is no quality of life for people who live like this, especially when they have young children and hardly see them during the week.

These problems have come about not only because the Government has failed to control house prices but also because there has been no co-ordination of housing development and transport provision. In the absence of a development strategy, housing has been provided where developers have chosen to provide it and little thought has been given to how people will access work, schools, colleges and services generally. We were promised the greater Dublin land use and transport authority in the programme for Government but, like so many other promises, that has fallen by the wayside. While the NRA drew up plans to upgrade the N3, the Government decided in the

national development plan to replace this with a full motorway. Initially this proposal was generally welcomed by the people of Meath as an essential element of a modern transport system, but it quickly became evident that the route selected by the NRA was not realisable because of its archaeological significance and sensitivity. The critical objections to the scheme relate to that section of the motorway between Dunshaughlin and Navan which, as proposed, would cut right through the Tara-Skryne Valley. The reasons for these objections are obvious. Tara is one of Ireland's foremost archaeological and cultural landscapes. There are 38 known sites of archaeological significance on the route.

This route, chosen by the NRA and supported by the Government, is known as the B route. Of the six routes considered, the B route is arguably the most sensitive. It is impossible to understand why this route was chosen. All the environmental experts employed by the NRA to assess the various routes stated that another route, known as the P route and located east of the Hill of Skryne, was the most viable. Under the headings of archaeology, built environment, flora, fauna, habitat, landscape, visual effects, air quality and noise quality, the P route was found to be the best option. In no category did this group recommend the B route but none of this information was contained in the EIS.

It is quite clear and inevitable that if the Government persists with plans to route the M3 through the Tara-Skryne Valley, the people of Meath will not see their motorway for a very long time. Given the strength of opposition to the proposed route, which is growing daily, it is absolutely certain that the motorway will be delayed interminably as each and every archaeological site in its path is excavated. If the Government does not agree to this, I believe each site will be challenged in the courts. The amended National Monuments Act is unlikely to speed up this process as the Minister has suggested. It is almost certain that the new Act will be challenged in the courts.

The residents of Meath, who are growing increasingly impatient with delays in providing a modern transport infrastructure, will be let down yet again. The M3 was designed as five separate contracts but, for reasons best known to the NRA, its construction is to be delivered in a single contract. The Minister should now direct that the contract be split into its component parts. The obvious thing is to proceed with the by-passing of Dunshaughlin, Navan and Kells which would tackle the most serious bottlenecks on the M3.

The Government should also fast-track Iarnród Éireann's plans to upgrade the rail connection from the Maynooth line between Clonsilla and Dunboyne. Priority should also be given to reinstating the rail line from Dunshaughlin to Navan. The permanent way is there, although there is some building close by. As a project and an objective for serving that part of Meath, which is the most poorly served part of the greater Dublin

region, it should be afforded the priority to provide a full commuter service.

Given the delays in the M50 and the N11 it is quite possible that the M3, as proposed, may not be completed for a decade, with massive additional cost to the taxpayer. The transport needs of County Meath's residents require urgent attention. I call on the Minister to give that county the attention it requires by taking the necessary practical and pragmatic decisions. The Minister should proceed with the by-passes, upgrade the rail line and revise the section between Dunshaughlin and Navan. For the sake of our heritage and in fairness to the commuters of Meath, it is the only way forward.

Mr. Quinn: I join my colleagues in supporting this reasoned and reasonable motion which, no doubt, the reasonable Minister, Deputy Cullen, will accept. The Labour Party did not table this motion because it is opposed to progress or because it does not recognise the chronic traffic problem confronting Meath and other parts of the country. In many respects, traffic jams are the problems of success and I would prefer to have those problems than the alternatives. That said, however, the measure of our ability to deal with such success is how we handle these problems but it should not be informed by our past attitudes.

I remind the Minister of some of our attitudes from the past. Wood Quay immediately comes to mind. It was a stubborn clash between officials and professionals — some from the National Museum and others from the department of medieval studies at UCD. In the case of Wood Quay, there was an obstinacy driven by a sense from some officials that once they had made a decision they could not be seen to reverse it because somehow or other this would be a loss of face.

There is no loss of face involved in this case but there is a potentially serious loss of heritage and no one wants that epitaph to be written on their professional career. Fast-forwarding from Wood Quay, we should ask ourselves what lessons we learnt from Mullaghmore and Luggala about that assertive statist attitude that says the State can do no wrong and does not need to listen to third parties — that once the internal experts have come to a view, nobody else could have a better or more informed view and that the State, in effect, is above the law. The State attempted to hold that view until such time as the Supreme Court said “No”. As an agent acting on behalf of the citizens of this Republic, the State must abide by the same laws on planning and development as other institutions. It was a good day for planning when local and State authorities were obliged to go through the planning process.

The Minister has experience of the NRA in his own constituency. If this was a once off, accidental casualty of judgment perhaps we might be a bit more understanding and tolerant. Let us start with the Kildare by-pass, however, and the dismissive ignoring of warnings about the environmental impact of that by-pass. What happened

concerning the delays? The commuters of south and mid-Kildare were just as inconvenienced by the delays when trying to get through Kildare town as were the commuters of Meath whom Deputy Shortall described earlier. Yet, because of an obstinacy of decision making at official level, this matter was taken to the courts — as was the right of those involved, invoking legislation the Government had supported — and the delays and their cost, both direct and indirect, were piled on the community in the form of stress in a myriad of ways.

The problem does not stop there because we have also had the Carrickmines experience. Whatever about corruption in the decision making and rezoning of the alignment of a road going through an area where the site was already known to have some archaeological artefacts, which could never be fully ascertained until the excavations were completed, the obstinacy of the NRA and those who are politically responsible for it seems to suggest an attitude of: “Put your head down, keep going. It'll be all right on the day and, sure, we'll push it through”. Whatever options there were in respect of maintaining progress on the wider M50 road in the vicinity of Carrickmines, that is not an option now.

We have not stopped learning from our recent experiences. The Minister himself is deeply concerned about the implications of the site in Waterford. Anybody who had read Carty's *Irish History* — and God knows that was not a very accurate historical analysis of archaeological artefacts in the 1950s and 1960s — would have said that at the confluence of those three rivers, slightly further upstream from where the city of Waterford is located, one was likely to find within 100 metres of the banks of the river some archaeological remains. Yet for reasons, perhaps related to cost or to engineering and mechanical efficiency, a route was selected which to everybody's surprise, as Donnchadh Ó Corráin has said, is perhaps the largest Viking site of significance to be found this century and possibly ever in Europe.

The Labour Party is pointing out that we have been here before. This is not some new accident. There is a pattern and a legacy of archaeological remains — originally calculated to be only five and which Deputy Gilmore has now announced are of the order of 38, which is one for every 370 metres. It will make the lawyers' fees in tribunals of inquiry look like chickenfeed by the time we get out of the courts if this matter proceeds down the legal path we seem destined to follow if the Government proceeds with this proposal.

We are not suggesting the Government should stop and build nothing because we recognise, as has been said, that we need a traffic resolution. On the Cavan corridor we are clearly saying that north of Navan and south of Dunshaughlin the route is not in contestation and the NRA should proceed. However, within that space alternatives exist, some of which have been mentioned by Deputy Shortall. On this side of the House we

[Mr. Quinn.]

cannot take the Executive decisions to reverse the decision-making process that has already been statutorily completed. Only the Government can do that.

We are not trying to force the Minister to lose face. We do not say the NRA is a bad organisation. On the contrary, the activities of the NRA probably provide us with the best archaeological opportunity the nation and our culture has conceivably ever had. We will dig up more of this land than ever before with far greater safeguards than prevailed when the railways were built in the century before last at a time when no protection existed. We do not even know if we have everything that was found. Anything that was discovered was found by accident.

We now have a legislative structure, trained archaeologists — while not enough of them, far more than before — and an opportunity to do something that will allow people in 500 years' time to say, "Wasn't that some generation of Irish people, who notwithstanding their need to resolve all the problems of commuting, stress and strain, held back, looked at the matter again and decided to stop for the time being." We should not walk away from the matter. Let us just hold and see what we can find.

Archaeological techniques are developing and will continue to develop in terms of scientific imaging and all sorts of electronic surveillance that can enable us to ascertain in advance before putting a spade in the ground that the probability of finding something is much higher than we could have known ten, 15 or 20 years ago. It is not just what is found that is important from the point of view of analysis and interpretation but also where it is found and its relationship to other parts, places and spaces. We do not know enough about our past and we have an obligation and responsibility, if not a duty, to maximise its conveyance into the future for our children and grandchildren.

The Minister is at this point. We are not asking him to stop or walk away. We are saying he should just pause. The Minister has the ability, power and responsibility to make this pause. He should then proceed without delay with what can be done. He should consider the options that can maximise traffic efficiency and minimise traffic delays by proceeding with the three bypasses to which Deputies Gilmore and Shortall have already referred. In the short term, it would be possible to improve the flow of traffic in Dunshaughlin, Kells and Navan. This would not be wasted money. Nobody in Kinnegad today feels that the small mini-bypass around that village represents wasted money, as I am sure Deputy Cassidy would agree.

Mr. Cassidy: As would Deputy Penrose.

Mr. Quinn: Yes. Yet that was a short-term alleviating measure, which in one respect will become redundant once the main N4-N6 motor-

way is built. It is possible to justify the apparent additional cost of those interim bypasses by completing them in the short term. The cost offset against the legal fees, the delays and the opportunity cost associated with those delays would be more than sufficient to justify the additional net expenditure.

We want the Minister not to press his amendment. The Whip's office must have been pretty stretched for imagination if this was all it could come up with today. We do not dispute the Government's roads programme, the expenditure or the necessity to take action. We are talking about a specific problem that has been encountered and not for the first time. This problem seems in part to reveal an inability within the NRA to recognise that sometimes the longest way home is the quickest way to get there. Sometimes the longest route is the shortest route.

If the Government persists with ratification of the tenders and the commitment to contract then we know from Carrickmines, Wood Quay, Luggala, Mullaghmore and Mutton Island in Galway that it will not stop here. Not just Irish citizens but also European citizens, aware that the European heritage lying beneath the soil in County Meath will be damaged, if not destroyed, by this intemperate and precipitate action, will use the institutions of the courts at national and European level and the delays the Minister dreads will become real. The costs that he does not want to contemplate will be higher than he could measure and the dissatisfaction among commuters, not to mention businesses and the local community, with the existing inadequate system of transport will get worse in the short term rather than better.

What is involved in accepting our proposal — a loss of face? I do not believe any Fianna Fáil Minister would suggest that preserving the Celtic heritage of the country could be considered a loss of face.

Mr. Rabbitte: It is not a phenomenon with which they are familiar in any way.

Mr. Cullen: I lose face many times along the way.

Mr. Quinn: No reasonable citizen on either side of the political divide would look unfavourably at the Government having second thoughts on the basis that, while it did so for the best possible reasons and in the best possible way because of the necessity to move quickly, it might have got it wrong. The Government could think about the matter for a second time and, because of issues it did not fully realise, comprehend or understand, decide to delay proceeding with the section between Dunshaughlin and Navan in order to come up with alternatives.

The Minister could indicate to the House tonight a willingness to take on board the thrust of what we suggest, a willingness to recognise that mistakes have been made in the past on routes resulting in damage, some of it irreparable and

some of it impossible to quantify or measure, and that the Government is currently facing similar dilemmas in Waterford. Against the background of what the Minister now knows — not what he fears — he should tell the House in the course of the debate that in principle he is prepared to reconsider. We do not say he must take the actions set out in our motion, which are merely options and suggestions.

Ultimately the Minister has the executive responsibility and must make those choices. However, only he can make that choice. The NRA cannot unilaterally halt this project nor can the other agencies involved, only the Minister and the Government. That is why the Labour Party Members, holding the Minister to account, ask him to think again and to do what is best for everybody involved.

Minister for Transport (Mr. Cullen): I move amendment No. 1:

To delete all words after “Dáil Éireann” and substitute the following:

“commends the Government’s commitment and proactive approach in the delivery of the upgraded national roads network;

- notes the Government’s commitment to the protection of our national heritage and the preservation of archaeological sites and features;
- notes the ongoing liaison between the NRA and the national monuments division of the Department of Environment, Heritage and Local Government in preserving our national heritage and with dealing with archaeological sites and features in accordance with best practice;
- notes that the roads programme is being implemented in full accord with the code of practice on archaeology for the national roads programme agreed with the then Department of Arts, Heritage, Gaeltacht in 2000;
- commends the National Roads Authority, NRA, on its commitment and investment in placing archaeological issues at the centre of the road planning process — evident in the discovery of so many previously unrecorded areas of historical-archaeological importance;
- notes that the national roads investment programme is being implemented as part of the National Development Plan 2000-2006 and supports the objectives of the national spatial strategy;
- confirms the importance of the transport corridor that links north west, Cavan and north Meath to Dublin as one of the busiest in the country;

- notes that the Government investment in our road network is essential to provide for balanced regional investment and is delivering shorter, safer and superior road journeys;
- notes the comprehensive statutory public consultation procedures in place, under the Roads Act 1993, which are also being supplemented by extensive non-statutory local consultations by road authorities; and
- emphasises the importance of public private partnerships in harnessing the necessary skills and finance to support the earlier completion of the Government’s ambitious national road infrastructure targets.”

I am pleased to have the opportunity tonight to outline this Government’s commitment to the protection of our national heritage and the preservation of archaeological sites and features. The ongoing liaison between my Department, the National Roads Authority and the national monuments division of the Department of Environment, Heritage and Local Government to preserve our national heritage and deal with archaeological sites and features in accordance with best practice is also based on the code of practice on archaeology for the national roads programme agreed by the NRA and the then Department of Arts, Heritage, Gaeltacht and the Islands in 2000. The NRA continues to demonstrate its commitment and investment in placing archaeological issues at the centre of the road planning process — evident in the discovery of so many previously unrecorded areas of historical and archaeological importance and indeed through the employment of archaeologists. Archaeological works conducted to date along the route of the M3, including test trenching, are being carried out in accordance with appropriate statutory authorisation — licences under section 26 of the National Monuments Act 1930, as amended.

The M3 route is a significant distance from the Hill of Tara national monument and, accordingly, the works to date do not require a special consent under section 14 of the Act, which concerns works or other activities that could impact on a national monument. In the event of archaeological features being discovered along the line of the motorway which are of national or international significance and which would warrant classification as a national monument, both Meath County Council and the NRA would seek the appropriate consent from the Minister for the Environment, Heritage and Local Government.

The role of An Bord Pleanála, which concluded its oral hearing on this project in November 2002 after sitting for 28 days, the longest ever hearing for a national roads scheme, further supports the independent appraisal of the impact of the roads programme on issues including impact on archaeological sites and features. The hearing dealt at length with archaeological issues.

[Mr. Cullen.]

The inspector concluded as follows in his report to the board:

Having regard to all of the evidence given at the hearing and the cross-examination on the archaeology impacts in the Tara/Skreen area presented at the hearing and to the details set out in the EIS, I am satisfied that the route as proposed would not have a significant impact on the archaeological landscape associated with the Hill of Tara, as indicated by the area designated as the core zone on the RMP Map SK 500. I also consider that the route proposed will not impact significantly on the archaeological landscape associated with the Hill of Skreen.

I am also pleased to have this opportunity tonight to highlight how this Government's continued commitment to investment in our roads network is providing a high quality national roads infrastructure that is contributing to the ongoing development of our national economy, providing further opportunities for regional development, safer roads, shorter and more reliable travel times and enhancing our quality of life.

Under the National Development Plan 2000-2006 and the objectives of the national spatial strategy, the ambitious national roads investment programme has seen investment of over €5 billion to the end of 2003. The Government's commitment to national road infrastructure is further underpinned with the €8 billion investment between Exchequer funding and public private partnership investment over the period 2004-08 announced under the multi-annual funding plan provisions in the last budget. The results of these commitments, including over €1.1 billion in the BMW regions, are already evident to all, with bottlenecks all over the country being removed, offering relief to many of our towns and villages. Projects that have been completed include the M1 from Dublin to Dundalk, bypasses of Kildare, Monasterevin and Cashel, phase one of the N7 Limerick southern ring road, the N22 Ballincollig bypass and the N11 from Ashford to Rathnew, to name but a few. Work continues on many other projects, including the bypasses of Fermoy, Ennis, Loughrea, Mullingar, Cavan, Ballyshannon and Bundoran, Kinnegad and Enfield, the Sligo inner relief road, the Dublin Port tunnel and the south eastern motorway, which will complete the M50 from the M1 to the M11. Planning is under way on projects such as the widening of the M50 and provision of free-flow interchanges, the Waterford city bypass, and the road from Kinnegad to Athlone.

Deputy Quinn mentioned the Waterford bypass, with which I am familiar. The problem is that everyone I meet in Waterford thinks that the ruins of Pompeii have been found, with entire buildings being dug up. That is completely untrue and it has discredited good work in so many different ways. I have spoken to many of the archaeologists from all points of view and they are pleased with the pace of work there. Like

everyone else, I want a full excavation but the context has moved to preserving this site forever so millions of people can come to look at it. There is nothing to see unless the viewer is an archaeologist in the company of an archaeologist who can explain the site. It is meaningless. The artefacts are important and I take the point that the context of their find is equally important. Saving those artefacts, which have been given to the National Museum and will be put on display in time, is what is really happening.

Most people in Waterford think the situation is completely different. This is where problems start, when people get the facts wrong and present them in a distorted way.

Mr. M. Higgins: They just want a heritage policy. Archaeology is not a by-product of road building.

Mr. Cullen: There is a heritage policy. Archaeology has changed dramatically because it is now planning led. That is not a bad thing, as Deputy Quinn said, because we would not be discovering these artefacts without the massive investment in infrastructure. That is why they are coming to light. There are archaeologists who would prefer not to see these sites touched, for them to be built over and left *in situ* and undisturbed. It is the legitimate point of view of some archaeologists.

Mr. M. Higgins: The NRA should not define archaeology policy.

Mr. Cullen: The problem for politicians is squaring the circle between the conflicting points of view because someone must decide. Ironically, I am in the House when the Opposition environment spokespersons have tabled a motion that is largely concerned with archaeology, an area which I dealt with for the last two years. Perhaps the Minister for the Environment, Heritage and Local Government should be here with me.

Mr. M. Higgins: I remember when we had an archaeology policy.

Mr. Cullen: We have a very good archaeology policy, the best in Europe.

Since the start of the NDP in 2000, 46 projects, comprising 327 kilometres of road, have been completed and there are 20 projects of 196 kilometres currently under construction. There are 9 projects of 147 kilometres at tender stage and a further 12 projects of 167 kilometres are either through the statutory process or before An Bord Pleanála.

I welcome the opportunity to present the facts on the M3 Clonee-Kells motorway. The M3 Clonee to north of Kells motorway is a much needed project, consistent with both the national development plan and the national spatial strategy. It is vital infrastructure which will contribute to the ongoing success of the local and regional economy, bring better-balanced regional development, improve safety and access to and

from Dublin, the ports and airport. In addition, this project will transform the quality of life for those people living in Dunboyne, Dunshaughlin, Navan and Kells. This project will result in reductions of through traffic of 75% in Dunshaughlin, 78% in Navan and 90% in Kells. It will also benefit everyone living along the existing N3 by removing the majority of the through traffic and associated congestion which currently affects their lives on a daily basis. The present road is not coping with the traffic volumes using the route and the situation will only worsen given the planned development in County Meath and further afield.

I am fully aware of the rich archaeological landscape in County Meath, the importance of the Hill of Tara and its significance to our national heritage. Both Meath County Council and the National Roads Authority are aware of the special place that the Hill of Tara holds in the national consciousness and of their responsibilities to protect it and the cultural heritage of County Meath. A great deal of time, expertise and expense has been expended in developing the M3 motorway scheme through the planning process and every effort has been made to mitigate the impact of the proposed road through the landscape surrounding the Hill of Tara.

As regards the proximity of the motorway to the Hill of Tara, the proposed road passes between the Hill of Skryne to the east and the Hill of Tara to the west. The route was carefully chosen to avoid the important core zone around Tara, which has national monument status. The chosen route lies 1.5 km. to the east of the limit of the record of monuments designated area and east of the existing N3. In other words, the motorway as it passes through the Tara-Skryne Valley will be a greater distance from the Hill of Tara than the existing N3 Dublin-Navan road. The scheme has been designed to minimise physical and visual impacts on the archaeological landscape around Tara.

Great care was taken by Meath County Council and the NRA to avoid any previously recorded or upstanding monuments when planning the route of the M3 project. Statements by various groups stating that the selected route was "the only route that was considered by the NRA" are incorrect. A total of ten route options in four broad corridors were examined as part of the route selection study for the Dunshaughlin-Navan section of the scheme which involves the Tara area. Project planning and assessment of route options was carried out over a period of more than three years. The impact on archaeology, implications for other aspects of the environment, effects on people and their homes, the extent to which farms would be severed, together with traffic, engineering and cost considerations were taken into account in evaluating the ten route options in the Tara area. The archaeological consultants engaged by Meath County Council to advise on route selection concluded that the preferred route which emerged from this

process was viable in terms of archaeology. The preferred route was assessed as best or joint best under 14 of the 18 assessment criteria used as part of the environmental impact evaluation process and, accordingly, scored higher on environmental grounds than any alternative route.

The public consultation process saw 4,000 people attend public meetings. The preferred route was subsequently submitted to An Bord Pleanála for consideration. Following a 28-day oral hearing, during which extensive attention was given to archaeology and potential impacts on Tara, the board approved the M3-Cloneenorth of Kells road project proposal. In this regard, it should be noted that the decision to approve the proposal was, *inter alia*, based on the board's conclusion that the motorway scheme "is necessary to provide adequately for the existing and projected traffic growth and would be in accordance with the proper planning and sustainable development of the area". The board also concluded that the scheme "would not have significant adverse effects on the environment".

I understand that the NRA and Meath County Council are working on arrangements to advance the project to construction in accordance with the approvals obtained from An Bord Pleanála and both are committed to resolving archaeological issues in line with best practice and in a manner that fully complies with any direction which may be given by my colleague, the Minister for the Environment, Heritage and Local Government, Deputy Roche, under the national monuments legislation.

I wish to set out in more detail the extent of the archaeological work carried out on the proposed route. In the case of the M3, a test trench was excavated along the centre line of the 59 km length of the route, with cross trenches being dug every 20 metres. I understand that the National Roads Authority and Meath County Council have carried out extensive archaeological investigations of the route of the M3, including test trenching over virtually the entire 59 km length of the scheme. This work, as would be expected, has identified a number of previously unknown archaeological sites and features. Reports on the sites concerned have been submitted to the Minister for the Environment, Heritage and Local Government to assist him in determining the most appropriate manner in which to deal with the sites concerned. The reports concerned relate to a total of 38 sites on the 15 km section of the route between Dunshaughlin and Navan. The extent to which new sites have been discovered, approximately 2.5 sites per kilometre, is similar to the experience on many other schemes throughout the country and in some cases the incidence of sites on the M3 is substantially less than finds on other national road schemes. For example, on the M1 route, a total of 211 previously unknown archaeological sites were found over a distance of 60 km, an average of 3.5 sites per kilometre. In addition, in the case of the Cashel bypass, which was opened to traffic last

[Mr. Cullen.]

month, 100 new sites were located on the 7 km route or 14 per kilometre.

I know that Deputy Gilmore was making a point about the exceptional number sites, but that is not the case. The number is low relative to what people might have thought. I am just giving the House some other examples. I was aware of this before I left my previous Department. That is not to suggest in any way that the Hill of Tara and the Hill of Skryne are not extremely important. There is no question about that. The Minister for the Environment, Heritage and Local Government is better informed than I am on this. However, a balanced view must be taken of the fact that the level and extensiveness of the sites on this route are not as fulsome as people might have thought. This confirms, in a sense, that great and careful consideration was given to the route chosen, in the first place.

Mr. M. Higgins: It is the total context that matters.

Mr. Cullen: I take the total context into account. I am not for a second trying to suggest that the Hill of Tara is not important in a total context. However, I am trying to point out that great care was taken. Some of the points that people accept as facts are not true in terms of the extensiveness of the archaeological effort. Trenches have been dug every 20 kilometres on a 59 km site. On behalf of taxpayers, irrespective of any more work to be done, €30 million will be spent on archaeology on this route.

Mr. English: The State will get it back in tolls.

Mr. Cullen: I am delighted that so many young people are now choosing archaeology as a profession and going to universities and colleges. It is wonderful, but let us understand why this is happening and appreciate that it is the taxpayer who pays for the phenomenal amounts being spent on these routes and to a much greater extent than in many other countries throughout Europe. I do not suggest we lower our standards to theirs, but the standards are high. Deputy Michael D. Higgins, as a former Minister of State with responsibility for the arts, was one of the key players responsible for raising archaeology and heritage matters to their present important levels. We all want to maintain those levels, but in the end—

Mr. M. Higgins: Roads should be designed separately from archaeology.

Mr. Cullen: —a balance must be drawn between doing full and excellent mitigation of sites from an archaeological viewpoint and balancing all that with the needs of ordinary men and women who spend four hours a day sitting in their cars trying to go to and from work. That is not a quality of life we want for our people, so

we must balance all these issues. A balanced view in the context of the M3 is important.

The reports on the new discoveries on the M3, as submitted to the Minister for the Environment, Heritage and Local Government, identify burnt spreads as the most common site type. Other sites include former burial locations, possible foundations of houses, including five of relatively recent origin. Overall, the new discoveries appear to be along expected lines and do not seem to be of unique archaeological value in their own right.

The National Monuments (Amendment) Act 2004 introduced new procedures for approved road projects. A separate excavation licence is not required where such a project has been approved by An Bord Pleanála, a process which includes consideration of an environmental impact statement which will have identified the impacts involved and the extent of mitigation needed. Instead, the Act requires that any archaeological works associated with that development must be carried out in accordance with the directions of the Minister for the Environment, Heritage and Local Government, following consultation with the director of the National Museum of Ireland, and accordingly proper standards can be so specified for the carrying out of those works.

That is belt and braces, as is the direct involvement of the director of the National Museum of Ireland.

Mr. M. Higgins: The Minister with responsibility for heritage matters was a co-equal before that Act. That was the reality.

Mr. Cullen: There was no obligation previous to that for the Minister for the Environment, Heritage and Local Government to consult with the director of the National Museum of Ireland. It was I who introduced that section.

Mr. M. Higgins: The Minister with responsibility for heritage matters was a co-equal with the Minister for the Environment and Local Government and it was not a case of the Minister for the Environment and Local Government showing his colleague what he was proposing to do. The Minister knows that.

Mr. Cullen: Just for the record—

Mr. M. Higgins: Yes, I am saying it for the record.

Mr. Cullen: In regard to the section I amended when I brought it before the House, there was no obligation and there was nothing in legislation providing that the Minister for the Environment, Heritage and Local Government should consult with the director of the National Museum of Ireland. I introduced that as a new policy and a new direction in legislation, which is a belt and braces approach. At least give me some credit for doing some positive things.

Mr. Gilmore: The Minister is telling him and giving him 14 days. It is a fig leaf.

Mr. Cullen: The current position is that Meath County Council has applied to the Minister for the Environment, Heritage and Local Government for directions as to the carrying out of archaeological works associated with the M3 approved road project.

The archaeologists employed by Meath County Council on this project operate to the highest professional standards. The use of test trenching is part of the comprehensive and proactive strategy for dealing with archaeology on the route that was submitted to An Bord Pleanála during the oral hearing process. The test trenching process and other archaeological evaluation methods have been the subject of a published study undertaken by the Oxford archaeological unit co-funded by the European Regional Development Fund, entitled Evaluation of Archaeological Decision-making Processes and Sampling Strategies. The study concluded:

All non-intrusive methods of site evaluation had merits ... and were all comparatively cheap, but they all had some serious failings and none were even moderately successful at evaluating the range of archaeological remains that survived. Machine trenching was the only effective means of predicting the character of the sites in this study and even though it was more expensive than other methods, the improved quality of information and greater certainty from which to devise a mitigation strategy made it cost effective.

The test trenching on the route of the M3 project was carried out by archaeologists who were familiar with the results of the previous surveys undertaken along the route. The purpose of these archaeological investigations is to identify new sites along the route. Those discovered are reported to the Minister for the Environment, Heritage and Local Government and will be dealt with in accordance with the requirements of the Minister. Rather than losing sites, this work is adding to the archaeological record long-forgotten sites that have no visible presence in the landscape.

This project is being implemented as a public private partnership. Attracting private financing and ensuring we can benefit from better allocation of risk between the public and private sectors while also availing of private sector project management expertise and design innovation in major road projects was central to the policy set out in the National Development Plan 2000-2006. Some €245 million will be made available by the private sector in 2005 through PPP investment. The Clonee-Kells project is one of ten key PPP projects of which three are already under construction. Attracting private investment and international private sector project management and design expertise means that the NRA can deliver large, key projects which are essential

elements of the national roads programme more efficiently and more quickly than the traditional methods of financing and constructing road schemes which rely exclusively on the Exchequer as the source of funding. A further key element of the PPP programme is rigorous assessment of proposals from planning, design and value for money perspectives, not least to satisfy the due diligence requirements of financial institutions.

This Government's commitment to the roads programme is not just about concrete and tarmac or the undoubted quality of the workmanship that we can all see as our new roads are opened. At the core of this programme is our absolute commitment to making sure we have lasting foundations in place to protect and grow employment in every part of the country. When the roads programme is completed, Ireland will, for the first time, have a modern infrastructure to support economic and social life. At a time when commitment to balanced development has never been greater, the roads programme allows the regions to prosper. Investment in our roads is an investment in the future of our country and a statement of confidence in the future of communities throughout the country.

As I have already stated, I as Minister for Transport, particularly in the light of my experience as Minister for the Environment, Heritage and Local Government, am firmly committed to ensuring that investment in the national roads programme is planned and implemented in a manner which ensures the protection of our national heritage and archaeological sites and features. I am committed to ensuring that the NRA works proactively with the national monuments division of the Department of the Environment, Heritage and Local Government in ensuring that archaeological issues arising on national roads projects are resolved in accordance with best practice. In recent years the archaeological work carried out under the national roads programme has made a massive contribution to our store of knowledge about our past and I want to ensure we implement the national roads investment programme in a manner which minimises any adverse impacts on the environment and as far as possible protects our national heritage.

May I share time with Deputy O'Connor? I apologise for omitting to say this earlier.

Acting Chairman (Ms O'Sullivan): Is that agreed? Agreed.

Mr. O'Connor: I thank the Minister for sharing time with me. I compliment the Labour Party on tabling the motion and giving us an opportunity to hear a comprehensive speech by the Minister. I declare an interest. I am a well-known supporter of the Minister and his Minister of State and am always happy to support him.

Mr. O'Dowd: The Deputy should be promoted for that.

Mr. O'Connor: I am a happy backbencher from Tallaght and that is the only time I will mention that town.

Ms O. Mitchell: The Deputy must be on the payroll.

Mr. O'Connor: Having listened carefully the Minister I support what he said. All of us are aware of the need for this scheme and the increasing congestion in the towns and villages of Kells, Navan and Dunshaughlin which are better known to my colleagues opposite. The new road will reduce traffic on the existing N3 and will significantly reduce through traffic in Dunshaughlin, Navan and Kells.

The existing N3 experiences a high incidence of road accidents, which is unfortunate. I am informed the new road will reduce accident rates by up to 50%. This should be welcomed because there is not a day when we do not lament accidents. The need for a major improvement in the environment for those living adjacent to the existing N3 and to the towns and villages which the N3 passes through is essential. The capacity of the existing two-lane road is 13,800 annual average daily traffic against current traffic volumes which range from 15,000 to 28,000 per day.

I note that the options mentioned by Members so far for upgrading the existing N3 Dublin-Navan road are not feasible. There are 62 house farm entrances, 47 field entrances and two commercial entrances on to the existing N3 between Dunshaughlin and Navan. To close these accesses would require the provision of a series of local access roads, dramatically increasing the footprint of the road scheme and leading to increased severance and environmental impact. Widening of the existing road would involve demolition and encroachment on to existing properties. There are 184 houses adjacent to the existing road between Dunshaughlin and Navan. Perhaps Members opposite will confirm what they would say to local people, who would be clearly impacted upon if this route had been chosen. The chosen route lies within the corridor 1.5 kilometres to the east of the Hill of Tara which is approximately twice the distance from the Hill of Tara as the existing entry Dublin-Navan road.

The landscape architect who wrote the visual impact section of the EIS concluded that in the overall context the proposed road would not have an appreciable residual impact and would quickly be assimilated into the fabric of the robust County Meath landscape. He recognised that for a period immediately following construction some locations would continue to suffer visual impact until planting became established. The preferred corridor has a number of other advantages, including the fact that it is outside the core Tara zone, and represents the best route in terms of serving traffic demand and impact on the existing network and is the preferred option for crossing at the River Boyne.

The archaeological considerations were fully taken into account in the entire road planning process. All Members, including those opposite, will be glad to hear the Minister's assurances in that regard. I hope that in the rest of this debate, account will be taken of the points he articulated. I look forward to hearing what Members have to say, including those from the area in question. I am always happy to hear them. I look forward to hearing the end of the debate tomorrow night and to supporting the Minister's position.

Acting Chairman: Amendment No. 2 cannot be moved at this time but it may be referred to in the course of the debate.

Mr. O'Dowd: I wish to share my time with Deputies Olivia Mitchell and English.

Acting Chairman: Is that agreed? Agreed.

Mr. O'Dowd: This is a very important debate. The first part of the amendment, which I cannot move but to which I will refer, refers to the need to commence work on the road forthwith. The reason is very simple. The capacity originally envisaged for the M3 was approximately 11,600 cars per day. The number of cars actually travelling on it is 21,700 per day, and this number is to rise to 36,500 per day by 2024. If the road cannot cope with the present number, it will not be able to do so in ten years' time. It is clear that something must be done and Fine Gael contends that the new road must commence now.

The amendment we will be moving tomorrow will state very clearly that we must immediately re-examine the issues with a view to finding a resolution that will address the concerns about the archaeological impact of the proposed road. The amendment will be simple, short and factual. If we do not find a way of resolving this issue, the delays to which the Labour Party referred will occur. Nobody, including members of the Opposition, wants them, and I do not believe the Government wants them either. Let us get together to solve this problem.

To address this issue we must first recognise the importance of Tara, the location of the primary prehistoric monument in this country. There should not be a road within miles of it. If it were in the Valley of the Kings, for example, would we consider it in the same light? Tara is just as important and sacred as anywhere else. The problem is that there is a road at Tara at present, on which people live. We must use the route and this begs the question of where we must locate the proposed road. Given the importance of the area, let us face the fact that we will find archaeological sites no matter where we put an alternative road. I accept fully the argument put forward by the Labour Party that the area is littered with archaeological monuments and is part of our history. We cannot say "No" to 5,000 years of history, nor can we say where it starts or stops. We know that the archaeological monu-

ments exist and we would have to build the road on stilts if we were to meet the requirements that some people wish us to meet.

We must ask ourselves how we should proceed. The current argument is that development and progress are in opposition to archaeology, but Fine Gael believes this should not be so. We should be at a stage in our policy-making and development in which archaeology and development can go hand in hand. The argument at the core of the issue concerns whether we should be preserving *in situ* or preserving by recording. The latter will soon be at the core of Fine Gael policy. The road must be built and we must protect whatever archaeological sites we can, keeping them *in situ* if at all possible. If it is not possible to keep them *in situ* — it will not be in this case — we must find the route that will least affect the archaeological sites.

I praise the NRA for the commitment it has made to developing this country and for the money it is spending on roads and archaeology. We should not lose sight of this. I agree with the Minister regarding the spending of €20 million to €30 million on archaeology. It is an enormous amount and it is well spent. The archaeological sites found must be recorded and reported.

Mr. Callely: If that is the case, the Deputy should support our amendment.

Mr. O'Dowd: No, my amendment is very clear on this matter. It attempts to deal with an issue that is not addressed at all in the Government amendment, namely, the effort to resolve the problem.

Mr. Callely: That is what our amendment does.

Mr. O'Dowd: No, it does not. The Minister of State's amendment does not mention this area at all. I do not mind meeting him to discuss this matter and am prepared to do so afterwards. I want to see the problem resolved, as I hope he does.

We must have archaeology that is empathetic to development, and *vice versa*. If we achieve this, we will not have High Court cases or mass protests but clarity and vision. Clarity and vision in this area are what this country needs but it has not got them under this Government. Fine Gael will provide them when in Government.

That one should preserve sites *in situ* is one view in archaeology but it is not practical or realistic in this age. We must consider preserving by record. This is the reality and the road we must go down.

A pink option, as it was described by the NRA, was put on the table when it was making its decision. This option is the one that has the least effect on archaeological sites but, unfortunately, it is probably the most expensive. However, it has been researched and the associated route has been drawn on a map. The NRA has done much preliminary work on the pink option and it should

be considered by the Government. The other option it should consider is that of working on the existing roadway. Perhaps it would be less disturbing archaeologically to expand the existing road *in situ* than to opt for the pink route or another route. We cannot put our heads in the sand and must face the reality that we must compromise on these issues.

We are not compromising archaeological finds if we protect them by recording them. What is important is not what is under the ground but that we protect and preserve archaeological artefacts when we find them by bringing them to our museums or keeping them *in situ*. It is most critical that we learn from them. We will have learnt nothing if we do not dig or work in the most appropriate way.

It is all very well to talk about sealing archaeology *in situ*, as the Minister stated. This is possible if one is building a house or shopping centre but not possible if one is building a motorway, given the massive downward pressure it would exert on a repository of archaeological remains. Let us face facts and do the business.

I watched "The Time Team" two weeks ago and saw archaeologists do a trial dig in Eamhain Macha in Armagh. They dug in the middle of what they believed to be nowhere and discovered important archaeological artefacts. No matter where one touches in a sacred landscape, such as that of Tara or Eamhain Macha, one will find sites of archaeological importance. Let us recognise this, minimise the impact and listen to those who are present in the Visitors Gallery, such as Professor George Eoghan, a former Member of the Seanad. These people know their business and spend their life working in this area. Theirs is a labour of love and it is a learning process for us to meet them and listen to them. Let us listen to them and find a realistic, practical solution to the problem. We must do this and, above all, build the road.

Ms O. Mitchell: I support my colleague Deputy O'Dowd. I have the greatest sympathy with the issues raised by this motion and fully understand the frustration and desperation that drives those responsible for such a motion. I share many of the feelings that have been expressed by members of the Labour Party, but like Deputy O'Dowd I have come to a different conclusion. The proposed road must go ahead and there are ways of dealing with the problems that have been outlined.

The issue in question is one regarding which there is no right or wrong answer. All we can do once we have agreed that we want to build a road — there is virtually full agreement that we do — is arrive at the best answer, bearing in mind a variety of criteria, including archaeological criteria, that are very important regarding the road in question.

It is difficult to make a decision on the route of the road because we have all been lobbied heavily on this issue and professors on both sides

[Ms O. Mitchell.]
 have been cited. Film stars and others from all over the world, but not too many from County Meath, have expressed their views on it. As I tried to inform myself on it, I wavered from side to side in a way that I did not find necessary regarding the Carrickmines issue, which was very much more clear-cut. Most people realise there is a vast difference between the remains of a 500-year-old outer wall of a castle and archaeological sites in a 5,000-year-old landscape.

Tonight I have heard accusations, counter accusations, rebuttals and so on. The waters have been so muddied that we cannot have a rational debate on the issue, not least as a result of the presence of professional objectors associated with the campaign. There is a type of objectors' roadshow whereby they move from one cause to another — almost any cause will do. These types of objectors do very little to serve the people of County Meath who have genuine concerns, which perhaps could be addressed and ameliorated but for the "all or nothing" nature of the campaigns run by professional objectors who are more concerned with negative campaigning than with finding solutions to problems.

The waters are muddied further by the one-sided nature of the information available to all of us, particularly to the public. It is difficult enough for us as Deputies to get accurate information. Inevitably, our opinions are formed and informed, and our decision-making is influenced by the kind of information available to us. I heard today that the chosen route was the worst, but my information is that it is the second best in terms of avoiding the archaeology of the area. I assume that information is correct. What we did not hear is that what is best for the archaeology of the area is highly unsuitable in terms of the impact on traffic, environmental footprint, visual intrusion and so on. We heard all about the archaeological arguments but little about any of the other issues that must be considered when building a road. For instance, we did not hear that in the six routes considered initially — ten routes were examined — in the sensitive area around Tara the impact was measured across 18 different aspects, including traffic, safety, environment, visual intrusion, the impact on homes, people, businesses, hedgerows, farms, severance, community and archaeology. All these aspects are important. I accept archaeology is particularly important in such a sensitive area but the route that was selected was top in 14 of the 18 criteria examined. The next best option was way behind.

What was chosen in the end was neither the cheapest nor shortest route; it was the best route in 14 of the 18 criteria examined, as determined not by blinkered officialdom or people with a particular point of view, but by 18 well paid, independent professional experts in their field. If this is the best of ten routes, the logic of the argument is that if we drop or postpone this proposal there is an 11th route which will be better. Is there a route that will not meet with objections or that is

better than what has now been determined? I do not think so. We have gone through the process. Whatever one might think about the process — I said previously to the Minister that I do not think a whole lot of it — we have gone through it and selected a route.

We have all heard calls for a compromise by building three bypasses and linking them together. I would like it if that were the solution, but it is not the case. Not only would it be dangerous but it would add significantly to the congestion on the road. It would create a number of bottlenecks. If anyone doubts it, they should ask the residents of Knocklyon or Sandyford who had a motorway spewing out into their area for a number of years. This is exactly what would happen if a number of bypasses were built and the traffic was fed back on to the narrow roads.

The people of Meath have a once-off opportunity to get 57 kilometers of high standard motorway, which would deliver them from the constant congestion of the Navan Road. It would reduce their business costs, improve safety, relieve the local feeder road of traffic and end the conflict between heavy commercial and commuting traffic and children travelling to school, tractors, animal movement, pedestrians, cyclists and all the normal activities which require a safer environment and slower pace. I am not sure if the chance which is currently available will be available in the future. I would be very reluctant to halt the process now and I do not think we would be serving the people of Meath well if we did so.

Mr. English: I thank my colleagues for allowing me to speak on this motion. As I am probably the only Deputy who lives on this route and within a certain distance of the proposed motorway, five minutes will not be sufficient time to speak on the matter. There is no doubt that most people who have problems regarding the Tara area believe in the merits of the motorway. Most people who live in County Meath are in favour of it, but they not want it at the cost of the destruction of Tara. These people are entitled to a proper debate and answers on the issue.

There has been a request to discuss the matter further at committee level. If there is a question about the process, it should be answered. I spoke on the issue in committee a number of months ago but there has been no progress on the matter. If there had been progress, perhaps this motion would not have been tabled. There are questions to be answered and people's fears must be allayed. We must find a solution to the problem. There appears to be a civil war between them and us, which is not good enough.

The people of Navan, Kells, Cavan etc., want and need the motorway. I live beside the proposed route and have driven through the area every day since I began driving. The motorway was needed long before now. The motion seeks to find a solution to the problem. There will be inevitable problems with one section of the motorway. There are two sides to the argument.

The Taoiseach said last week that he is not convinced by the arguments, but we need to find a solution, otherwise there will not be a motorway. This is my greatest fear as a representative for Navan, one of the areas affected. However, I do not want any area to suffer unduly as a result. Naturally, any motorway will cause some suffering, but we should avoid causing unnecessary problems in the Tara-Skyrne valley.

The only way to deal with the issue is for both sides to compromise. The construction of the motorway should begin while a compromise is being sought. Excuses are being made that one section of the motorway cannot begin because it will be tolled and it is just one project. This is the choice that was made. It began as three projects in 1999 when I first became a councillor. Why can it not be separated? I have 30 or 40 questions which I would like to ask on behalf of myself and others. If we received answers to the questions, it might help us move on. Can we begin with part of the project and solve the problem while the work continues? Construction should begin at Carnaross, Clonee and so on. As it will take three or four years to construct the motorway, perhaps a solution could be found in the meantime. This would not cause a delay and it would give people a fair chance to put forward their case and try to resolve the issue.

Bypasses are needed to relieve the traffic flow through Navan, Kells and Dunshaughlin. The suffering of 22,000 commuters who must travel each day from Meath to Dublin to work — it is another area where the Government has failed because these people should not have to travel to Dublin — trying to negotiate these towns cannot continue. There is also suffering involved for those who do not need to leave Navan, Kells and Dunshaughlin because they cannot conduct their business properly. The commercial viability of these towns is suffering and something must be done about the problem.

This debate relates to more than just the motorway. I am disappointed that alternatives have not been examined. A rail link has not been considered. The Minister should not shake his head. This aspect has not been considered. One cannot dispute the need for a railway line. There will always be disputes about motorways but a railway line would be acceptable to everyone. It would make common sense to build a railway line but the issue is not being discussed. The NRA and Iarnród Éireann could not work together on the project. We will now have a motorway but not a railway line. The motorway could be delayed for years because of concerns expressed or there might be a decision to change the route. Alternatively, it might transpire that we can build only three bypasses and 90% of the motorway. Solutions need to be found. A railway could have been built by now, either on its own or in conjunction with a motorway, but that was not even considered.

We need to find a solution. People in the northern area need this motorway. A motorway

alone will not solve our problems. A railway is needed. Development of the M50 junction is needed in order that people can get into Dublin. A motorway will improve conditions at off-peak times. At peak times there will be no great improvement. Something must be done. I ask for a review of this and an examination of other ways of solving transport problems.

Debate adjourned.

Health Bill 2004: Second Stage (Resumed).

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

Dr. Twomey: Fine Gael supports the reform of the health service. However, it is not interested in the perception of reform because this issue is too important to both patients and potential patients. Earlier I pointed out that we need to know the qualifications of the new board of the HSE to have an informed opinion on their ability, we want clarity on the issue of accountability and that we want lines of command and delegation of roles that are clear for everybody to see when the HSE comes into operation.

The risk of all these changes not working is extremely high. The opportunities for patients to express their concerns through the consultative and regional fora are unclear and are not binding on Government. The opportunity to dismiss, elude and even hide patients' complaints is a significant possibility. The patient is not fully protected by this legislation. On those grounds alone Fine Gael must oppose this legislation.

The view of workers must be respected. Although the Minister said there will be no forced redundancies, many of the employees of the health service are extremely concerned about what their roles will be. We must be crystal clear as to the role of advisers, consultants and committees established by the HSE if it is not to contribute to the difficulties we have seen in the health boards up to now, with no rationalisation of the administration of the health service and another tier of administration simply added in place of one we have removed.

There are two major points I did not reach before Private Members' business that I want clarified. The former Minister for Health and Children, Deputy Martin, and the current Minister, Deputy Harney, have stated that the HSE will be accountable to the Minister for Health and Children. I do not see undisputed evidence that this is the case. My reading of this legislation is that the Minister will be able to avoid difficult questions on the health service after 1 January 2005. This is not the way to deal with a crisis in the health service. If we have failed the public over the past five years, covering up is no solution.

Earlier the Minister stated: "The CEO will, under section 21, be required to appear before Oireachtas committees when requested by those

[Dr. Twomey.]

committees to account for the performance of the executive.” She continued: “Political responsibility for the activities of the health service will rest with the Minister for Health and Children who, supported by the Department, will hold the executive to account.” The legislation does not refer to that. The only reference to a Minister is in section 9 where it is stated that in carrying out the duties under this section the CEO shall not question or express an opinion on the merits of any policy of the Government, or a Minister of the Government or on the merits or objectives of such a policy. There is nothing to indicate that the HSE will be accountable to Dáil Éireann. This is, therefore, another agency similar to the National Roads Authority, which is an unaccountable statutory body from which we will get very poor answers when we request them after 1 January.

Section 20 provides that the new CEO, and not the Secretary General of the Department of Health and Children, will be the accounting officer of the executive. The Minister believes this is a very strong form of accountability for public funds and will give much greater clarity than before, but I disagree. Accountability could be worse than before given that the only information we might get will be what the CEO and the HSE decide to give and we will have no way of finding out for ourselves the details we now get from the health boards. When we have questions regarding what is happening to our patients, what is happening in the health boards, how money is being spent, we can get relatively detailed answers at present. I am afraid that soon this will no longer be the case.

I have read the reports that have been published. I have read the health strategy, and I have read the Prospectus and Brennan reports. They are fairly nebulous. They do not set out clearly what will happen regarding the administration of the health service after 1 January. Nothing in this legislation makes me comfortable about voting for it. There is still much that needs to be changed in the primary legislation. There is a huge amount of information that could still be put out into the public domain by the Department of Health and Children. The role of the Department after 1 January is not clear. The people who work there are a great source of advice for Members of this House, but we are not sure what they will be doing after 1 January.

There are so many ifs, buts and possibilities. As both a politician and a medical doctor, this is creating the fear that we will not know what is happening in the health service after 1 January and that in some respects this legislation is letting the Government off the hook on significant issues that are continually raised in this House. These issues must be clarified even if the amendments Fine Gael will be tabling on Committee Stage are passed.

Ms McManus: I move amendment No. 1:

To delete all words after “That” and substitute the following:

“Dáil Éireann declines to give a second reading to the Bill in view of:

(a) the inadequate time given to members of the Dáil to consider the terms of the Bill;

(b) the fact that the position of Chief Executive of the Health Service Executive has yet to be filled;

(c) the threatened industrial action by 15,000 members of the trade union IMPACT, arising from concerns about jobs and working conditions;

(d) the confusion and uncertainty that remains about Government plans for reform of the health services.”.

This Bill is a major legal instrument that will result in a new configuration of administration of our health service. It is an important Bill worthy of full public scrutiny. It is clear the Minister for Health and Children believes otherwise. By forcing through a rushed debate without any period for reflection or consultation, she is trampling on every safeguard that a reasonable person, regardless of their political outlook, expects of a Parliament worthy of the name. By her actions the Minister for Health and Children is treating this House with disdain and the people we represent with contempt.

This Government has had 18 months since it announced its plan to abolish health boards and establish a Health Service Executive. During that time we have seen no detailed proposals of the legislation envisaged. No heads of the Bill have been published and no briefings on the Bill have been held for Members of this House. The arbitrary date of 1 January was set as the start-up date for the new HSE and due democratic process has been sacrificed at the altar of expediency as a result.

There is, at the very least, a convention in this House, which I understood the Minister supported, that a Bill, particularly a major Bill of this type, should be published two weeks — at a minimum — before it is debated on Second Stage so that time and attention can be given to the changes contained in it. That procedure has been flouted by the Minister. Debate on the Bill was due to begin tomorrow, although it was published only last Friday evening. However, even that ludicrously tight timeframe was not tight enough for the Minister and the debate is now shoved back into today’s Order of Business. I am not interested in any statement of regret from her about this decision. What is needed is a full and comprehensive explanation as to why the Government is so intent and determined to stamper this important Bill through the House just 96 hours after publication and 36 hours after Members received their copy of it. It may be a

record but, if it is, it is a despicable record. A new low has been reached by a Government that has lost the run of itself. The Minister should tell us the reasons for her hurry and tell us what is so important or pressing that democratic accountability must suffer at her hand. The Minister built her reputation on telling it as it is so let us hear it from her now.

Maybe we should not be surprised — this high-speed hijack of democracy is only the latest twist in a comedy of errors that has characterised the Government's approach to health care reform since it was announced in June 2003 — but we should begin to worry. The comedy of errors has every likelihood of becoming a catalogue of disasters. Back in the heady days of the health strategy launch in 2002 we were promised health care reform. However, by June 2003 we discovered what was on offer was administrative reform only.

The big challenges facing a true health care reformer were ignored then and continue to this day to be ignored. The Government has no policy to tackle the inherent inequality in our health service. The system of apartheid between the treatment of private and public patients is intact. There is no policy to shift care towards the most appropriate level, to move, that is, towards primary and community care so that fewer patients end up in hospital. The Cabinet decision on generic drug description has disappeared off the map, the 3,000 beds did not materialise, the hospital waiting lists did not disappear and the 200,000 medical cards were taken away. Yet, those who suffered are expected to be grateful for a cheap, yellow pack substitute.

We have a new Minister but we still have the same old spin. On RTE's "This Week" programme last Sunday the Minister for Health and Children spoke to the Irish people and told them a cock and bull story. She told them that the level of medical card coverage is now at its highest level since 1995 as a consequence of the provision in this year's Estimates, which is simply untrue. The claims made by the Minister are unfounded and she knows well that a medical card provides for a whole range of benefits other than the visit to the doctor, and to claim that a free general practitioner card is a medical card is gross dishonesty.

The Minister talks, as her predecessor did, about a patient-centred health service, and she again referred to it in this debate. To have the patient at the centre of the service is a wonderful idea but it does not match reality despite the best efforts of professionals caring for patients. It is worth noting that in this major Bill, which covers 68 pages, there is only one mention of the word "patient". We may have been promised a patient-centred health service, but instead all we got was an announcement from the Government of its intention to abolish health boards and to establish the Health Service Executive. This is hardly a health care reform programme. Nor is it correct to maintain, as the Minister repeated in her contribution, that the changes announced followed

recommendations made in the Brennan and Prospectus reports. This was the spin but the truth is different. The truth is that Professor Brennan's report specifically recommended the retention of health boards, in the Minister's words, "to safeguard the need for local democratic representation". Her only caveat concerned the size and number of health boards, which should be reviewed, a point on which I support her. All that is left in the Bill of her recommendation is sham local representation.

Even within the narrow confines of administrative reform there is a shortfall between what was promised and what we received. The Government's health care programme states:

A key policy aim of the health strategy is to deliver high quality services that are based on evidence-supported best practice. In order for the reformed health service to base planning and policy-making on world-class standards, it is essential to ensure that high quality information is available to the system. The Health Information and Quality Authority will be established to achieve this aim.

The Government is merrily pursuing its course of establishing the HSE on 1 January next without this essential reform being published. There is no sign of the Health Information and Quality Authority or the Bill to establish it. Information and quality should be central to the new structures which are to come into being. Without this piece of the jigsaw in place, the proposal to set up the HSE is seriously defective and even risky.

It is 18 months since the Government set in train an interim HSE to deal with transition issues and to enable a smooth transfer to the new structures. Instead, there has been a lack of consultation and certainty at all levels over that period as new structures and systems affecting around 120,000 people are being mooted and developed. The Minister for Finance stated publicly that there would be no forced redundancies and the Government stated there would be no voluntary redundancies. Meanwhile, however, health boards have been abolished and will no longer function as an entity in the new structures. It is difficult to envisage how this circle can be squared, particularly as a whole new layer of administration is being created by the interim HSE.

Today I received the most extraordinary answer to a parliamentary question in regard to senior management posts which might have been filled by health boards. I discovered that a circular went out from the Department of Health and Children last March advising health boards that they were not to appoint to new posts without permission because of the changes in the structures, which sounds reasonable on the part of the Minister and the Department. However, it turns out that since March last 22 senior management posts have been filled. That does not make sense. These senior management posts have been filled at a time when the employers making the

[Ms McManus.]

appointments are in effect out of a job in the sense that the health boards are defunct. These 22 posts mean that a remarkable number of senior managers have come into the system at a time when we should expect, if anything, movement in the opposite direction.

The Minister should tell us how many staff will be left in the Department of Health and Children when these structures go through, which might provide a picture of what is happening within the service. It would be useful also if the Minister would tell the House how many staff currently employed in particular positions will no longer be employed in those positions given this change across the health board structure. I presume she knows the answer.

IMPACT is a trade union with an honourable record of embracing change and is not one of the trade unions which has tried to block development. However, even that trade union has been driven through frustration to the point of holding a strike ballot and directing its members not to attend briefing meetings. The vote was endorsed by a massive margin of 7:1, whereupon Mr. Kevin Kelly, chairman of the HSE, went on radio and stated it was all due to a misunderstanding. A misunderstanding, if that is the problem, should not arise if the people driving change are doing their jobs properly. However, the IMPACT spokesperson, who was also interviewed on radio, made it clear that this is about more. He spoke about a breakdown in trust, delays, breaches of agreements and an AIB culture intruding into the health service. This is serious from a trade union that has welcomed health care reform and helped to deliver it in the past. We will have to wait and see if this is to be another first for the Minister. Will she be responsible for the birth of a new statutory body that on opening its eyes for the first time will confront the possibility of a strike by the workers for whom it is responsible?

We move on to the matter of the new chief executive officer or, to be more accurate, his failure to show.

Professor Aidan Halligan was to be the Bonnie Prince Charlie of our day, coming over the waves to liberate us. He was such a catch that he was offered the highest salary rate ever for an Irish public servant, who could afford to get home in time for his tea every day by helicopter if he needed to, and whose coming was announced officially by the Minister, again with a virtual fanfare of trumpets. First he was to come next April. Then he was convinced to come by the end of next January. Deliverance, we were to understand, was at hand for the Irish health service.

Alack and alas, like the Young Pretender the professor never did come over the sea. It turned out he had not signed any contract nor signed off on his existing job. He is perfectly entitled not to do so, but I would love to hear what he has to say about all this. The failure to appoint a CEO further undermines confidence in the Minister responsible. Professor Halligan's withdrawal

leaves a disturbing lacuna. There is little reassurance to be drawn from the temporary appointment of Mr. Kevin Kelly in that position.

We have no proper debate or scrutiny of legislation, no information and quality authority, no partnership, no streamlined system of change, no CEO and no need for the headlong rush to meet the 1 January deadline. That is why we in the Labour Party are tabling this amendment.

With regard to the appointments to the HSE board itself, appointments which as Deputy Twomey pointed out are still unknown, the Bill quite rightly specifies that no member of the Oireachtas or European Parliament should be appointed. However, there is no statutory bar on other inappropriate appointments other than the obvious ones related to criminal records and the like. This board will have sole responsibility for the management of our health service. It will meet in secret. It will be very different from the current management system which is essentially the responsibility of the Minister and is managed by the Civil Service. Whatever about the shortcomings in the current system, there was little if any possibility of a conflict of interest. In the new environment, where private individuals rather than civil servants will be managing the health service, that will no longer be the case.

We hear a lot about vested interests in the health service. In this new structure there is even greater likelihood of influence from vested interests such as the pharmaceutical industry, for example. A person from that industry is currently on the interim board, and I note that solely as an obvious example.

A code of conduct is provided for in this Bill for those appointed to the board but it is for guidance only and looks like a very poor protection against powerful interests that have much to gain by having a foothold in a body managing the entire Irish health service. The reference to gender balance is so weak as to be meaningless. We do not know who these members will be but we know they will meet in secret. The media will not have the access it has hitherto had to health board meetings and the public will not have access either.

In section 20 of the Bill, the CEO is defined as the accounting officer. That is a significant change. I find it unacceptable that the Minister for Health is going to bring in amendments as yet unseen to her own Bill on this particular section. If they are simply technical amendments as she claims, what is the delay in publishing them?

Section 32 of the Bill requires the executive to prepare and adopt a service plan specifying the services to be provided within the financial limits for the year. The Minister has extensive powers and can amend the plan and issue directions as to its form and manner of preparation. However, there is no requirement on the Minister to publish the draft service plan or give any ministerial directions, nor is there any requirement in this Bill to publish the service plan even in its final form.

I have grave concerns with the proposal that the Oireachtas Committee on Health and Children will have the oversight role. That is unrealistic and my experience so far has not been encouraging. The only time that Mr. Kelly addressed the committee was in his early days, when he clearly did not have much experience, but he referred repeatedly to the road-map being the composite plan towards which everyone was working. As a member of the committee I looked for a copy of that composite plan. I did not get it for weeks and I had to badger everyone, including the then Minister, the Taoiseach and others before I got it. That is not a very encouraging experience if we are talking of an Oireachtas committee which is very busy and which has to concentrate on many aspects of the health service, playing such a central role.

Part 8 outlines a series of bodies that have the potential to be expensive and time-wasting talk shops. A national consultative forum “may be convened” from time to time — big deal. The county councillors are to be pacified by regional health forums with no power, but of course with expenses, and if that is not enough we will have local panels which will be circumscribed even in the matters they can discuss.

The biggest failing of the health board structure was the lack of direct accountability. Members of health authorities should have been and could still be directly elected by the people, not channelled through county councils. Had that decision to have direct elections been taken and had Professor Brennan’s advice been heeded, we would have a dynamic and responsive structure, unlike this plethora of bodies that will be all mouth and no teeth. I am dissatisfied because the nature of this Bill is to offer much promise but then let us down. It is very disappointing in what it does.

Do the proposals for a complaints procedure satisfy the need for a clear and independent assessment of complaints? The appointment of complaints officers will be made internally both at executive level and at service provider level. Inevitably that will not protect the independence of any response to a complaint. I would have thought that the experience of the Garda Complaints Board and its utter failure to deal with complaints from the public should be a warning to the framers of this legislation. I would prefer to see the proposal for a health ombudsman who would play an effective and focused watchdog role which would benefit the service as well as the user and would be a much healthier, cleaner way to deal with complaints. A complaints procedure was promised for a long time even before this Bill was mooted but what has been produced in the Bill is a deep disappointment.

The voluntary hospitals are not mentioned in the Bill. I wonder what discussions have been held with them, or with the Department or the HSE with regard to their future relationship within the health service.

Will the Minister define personal social services? The Minister may need to seek legal advice on that issue. Part 2 of the Disability Bill defines “health service” as meaning a service, including a personal social service, provided by or on behalf of a health board. “Personal social service” is undefined in that Bill and in any other statute. If one looks up Oasis, Comhairle’s information on the public services website, one is cross-referred to “community care services”, a term that has no statutory definition either. According to the website, public health services provided in the community in Ireland are sometimes referred to as community care services. They are generally provided by the health boards or by voluntary organisations in conjunction with or on behalf of the health boards. Entitlement to community care services is not as clear-cut as entitlement to hospital services. There is also wide variation in the level of services available in different parts of the country. In general, medical cardholders are entitled to community care services free of charge, though not of course the “yellow pack” unfortunates. Others may also be entitled but it is not always possible actually to get the services.

Community care services can include the public health nursing service, home help service, physiotherapy, occupational therapy, chiropody service, day care, respite care service and so on. The rules about which community care services must be provided differ in accordance with the different services. In some cases, health boards are obliged to provide services, while in others the health board has discretion about whether to make the service available.

The website goes on to deal, in turn, with public health nurses, care assistants, home helps, physiotherapy, occupational therapy, chiropody, technical aids, respite care, day centres, meal services, transport, social workers, speech therapists and dieticians. I can find a statutory basis for the provision by health boards of some of these services — for example, for home nursing, home help, employment training and technical aids for disabled adults. However, other services do not seem to fit within the statutory framework but, admittedly, the framework is piecemeal and I may have overlooked something.

In regard to social workers, the position seems to be that on the abolition of public assistance provided by local authorities and the introduction of supplementary welfare in the 1970s, the remaining public assistance officers were transferred to health boards but the health boards, in general, and these transferred officers, in particular, apart from dispensing supplementary welfare, were not given any specific social welfare brief. It would be odd if there were no statutory basis for the employment of social workers or the provision of services by them outside the context of child care and the Child Care Act, but perhaps the Minister might find out and advise us in her reply.

[Ms McManus.]

Are physiotherapy, occupational therapy and chiropody sought to be justified as being outpatient services under the 1970 Health Act which includes institutional services other than inpatient services provided at, or by persons, attached to a hospital or home and institutional services provided at a laboratory, clinic, health centre or similar premises? Where does respite care fit in? Is it deemed to be a form of home help for which there is statutory authority? Is a health board justified in providing or funding a day centre which provides activities such as recreation, sport or leisure facilities outside a strict employment training context? Where do technical aids for disabled children fit in? Neither seems to fall under section 68 of the Health Act 1970. It may be that the Disability Bill not only deals with the provision of an indeterminate range of undefined services, variously described as community care or personal social services, but that in regard to some of them at least, there is no statutory basis for their provision in the first place.

The matter is confused rather than clarified by the Health Bill 2004. This Bill proposes to define health and personal social services for the first time. It is clear that it is simply to be a compendious term which encompasses everything existing health boards already do. The term is defined in section 2 as meaning services provided in accordance with the scheduled Acts. The Schedule lists every Act that contains a reference to a service provided by a health board. For example, health board functions under the Marriages Act 1844 and the State Lands (Workhouses) Act 1930 and 1962 are health and personal social services. A person with a disability will be entitled to an assessment as to whether health board services under the Rats and Mice Destruction Act 1919 are required to meet the needs occasioned by his or her disability but not, apparently, whether he or she needs a speech therapist. That may seem like a technical point but it is an apposite one since we have been dealing with systems and structures with which we have become familiar and which have provided services at community level. However, I raise the question whether they all have a statutory basis. Does that issue need to be addressed in this Bill?

The concentration has been on changes in administration to the point of obsession. Essentially, the problem lies in the hospital sector and I would prefer if a new national hospitals authority had been established and if the health boards had been directly elected and streamlined, that is, fewer in number, larger in geographic area, and maintained not to deal with hospitals but with community services such as primary care and so on for which they have built up a responsibility. That separation would have made a lot of difference but with a lot less disturbance and cost.

Obviously, there are always concerns about bureaucracy and streamlining to make sure there is not unnecessary bureaucracy but I do not see this Bill resolving that issue. I remember dis-

cussing proposals to create four health boards in the Dublin region and making the point that everyone acknowledged that the old Eastern Health Board was a monster but that there was a real risk that we are going to create four monsters instead of one. There is a real risk here in that this Bill is being rushed through to the point where nobody has stopped to reflect and to ensure things which could be done better will be done better. There is a real risk we will end up with a board that is unaccountable and untouchable, other than by way of its connection with the Minister, that there will not be proper oversight and that it will not be open in the way modern society and the protection of patients demand.

Mr. Connolly: I wish to share my time with Deputies Gormley and Ó Caoláin.

I welcome the opportunity to speak on this Bill. It signals the biggest shake up in the health services in 43 years. The establishment of the Health Service Executive will transform the administrative function of the health boards with the effect of centralising services. Effectively, we will move from 11 health boards to four nationally. Health board members, the democratic voice of the people, were the people's watchdog in regard to services at local level. There was a myth that health board members cost the health boards a fortune. If one looks at what they cost, it was in the region of .003% of the total budget. Before it reached health boards, 97% of health board funding was predetermined so the influence health board members had was negligible. The benefit was that the people felt they had a voice. There was also the voice of the professionals representing professions in the health services.

As Deputy McManus said, rather than abolishing health boards, we should have looked at ways of tweaking the system and of re-examining what we had. I have no doubt it needed to be changed and that there was a need for accountability in the way services were delivered. However, I am not particularly happy with the way we are moving in terms of ministerial nominees and so on. These people do not have to go back to the electorate. Effectively, there will be a bunch of head noddors on this board and there will be a lack of accessibility for the press and so on. It is an issue of major concern.

The abolition of these health boards and the establishment of the HSE is clearing the way for implementation of the recommendations in the Hanly report. There will be no democratic objections and no voice for the people. Given the changes to the health services which were signalled, health board members were a thorn in the side of the Department, the Executive and the professional bodies. The easy option was to get rid of health boards so there would be no objectors.

There has been a number of reports on the health services recently. I believe the cost of those reports totals approximately €40 million. I wish to refer to the health strategy and the Hanly

report. The health strategy refers to services being accessible to all. Under the Hanly report, I do not see how that can happen because the Hanly report, irrespective of what people say, is about removing services from the smaller hospitals. There will be a withdrawal of services from hospitals such as Monaghan General Hospital and Ennis, Nenagh and Loughlinstown hospitals. In particular, services are being withdrawn from accident and emergency units. That is the big threat hanging over each of these hospitals. Looking at the situation in Monaghan General Hospital, lives have been lost. The North Eastern Health Board is a prototype of what the Hanly report is about. If one reads that report and supplants the North Eastern Health Board, that is what it is and what it has given us. The mid-west region has been described as the pilot project but we are a step ahead of it. The north east is never out of the news and always for the wrong reasons. Much of this is accounted for by the fact that the region has the most underfunded health board in the country.

The rush to implement to the Hanly report relates to the requirement to satisfy the EU Working Time Directive which was to be implemented on 1 July this year. The report considered many options but only certain of those options are being taken. These are the cheap options. Smaller hospitals have been robbed of their staff to accommodate a reduction in staff hours in the larger hospitals in line with the EU directive. The Hanly report also referred to the need for beds. More than 2,000 beds are required in the system. The report also referred to regional centres of excellence. I would be very happy to be shown these centres.

The changes are more hospital-focused than patient-focused. We are familiar with environmental impact studies. A patient-impact study of the changes proposed in the Hanly report should have been undertaken. The major question is how to marry the requirements in terms of local services with the changes proposed with regard to the establishment of regional centres of excellence. This will be the acid test. There is a perception that my Independent colleagues and I are opposed to such regional centres. This is grossly unfair. We are pro-people, pro-services and pro-local hospitals.

However, I do not know how these centres will cope with the additional volume of patients that will be transferred from smaller hospitals. If regional centres of excellence include such facilities as Beaumont and Tallaght Hospitals, the reality is that they cannot cope with the current volume of patients. Cavan General Hospital cannot cope with the overflow of patients from Monaghan General Hospital. This problem will be magnified in larger hospitals. The notion of regional centres of excellence with spare capacity is an excellent prospect. However, where are we to accommodate patients? They are being put on trolleys in corridors and in dental rooms. There

was a case last year where patients were put in a hospital carpark.

Are the regional centres going to adopt a system similar to that initiated by Holles Street Hospital whereby notice will be given that only a certain number of patients will be treated at a particular time? The precedent has been set in this regard. The situation will arise whereby we simply cannot handle the volume of patients presenting for treatment. Hospitals may effectively put themselves off call in such cases.

My colleagues and I have been accused of wanting all-singing, all-dancing hospitals at every crossroads or in every county. We know this will not happen. We do not expect that heart or brain surgery, renal operations and orthopaedic units can be provided in small hospitals. That is not what people want. The key issue is the provision of well functioning accident and emergency units at all these small hospitals. Other services must be provided also if the accident and emergency services are to be sustainable, to have the volume and mix of staff necessary in smaller hospitals. This issue must be considered. There is no point in people being told at Monaghan General Hospital, for instance, that they should hold on for another hour and they will be brought to a regional centre of excellence. People have died on the way to other hospitals and this will continue to happen.

The priority must be to save lives. People's concerns regarding their local hospitals is to have faith that their lives will be saved rather than endangered. They are willing to undertake journeys for elective treatment. Patients have travelled to Cork, Waterford, England and elsewhere to receive elective treatment under the national treatment purchase fund. There is no objection to such travel because it is not a matter of emergency and their lives are not under threat at that time.

A significant issue is consultant numbers and I wish to offer some comparative figures in this regard. The average EU figure is 139 surgeons per 100,000 population while the corresponding figure here is 31. The EU average for gynaecologists and obstetricians is 131 as compared to Ireland's figure of 23. The EU figure for paediatricians is 146 while in Ireland it is 22. There are on average 98 radiotherapists per 100,000 population in the EU but only 39 in this country. We must begin to employ more consultants, professionals and hands-on people in the service.

Last week, the Tánaiste and Minister for Health and Children sent her adviser to the Cavan-Monaghan area. When she receives the report of this visit, I hope she will listen to the concerns expressed by the Monaghan Hospital alliance, the Monaghan Hospital development group and the staff in both hospitals in the area. This will allow the Tánaiste to gain a better enlightenment as to the services required.

There has been talk of providing clinical nurse practitioners in hospital units. This sounds like a good idea. However, the training period for clini-

[Mr. Connolly.]
cal nurse practitioners is some seven years and there are five such qualified people currently employed in the health service. Moreover, clinical nurse practitioners must have a consultant in the room with them. Allocating such a practitioner to a hospital, therefore, necessitates the co-operation of a consultant surgeon. They are not stand-alone staff and the Tánaiste should take this into consideration.

Mr. Gormley: I welcome the opportunity to speak on this important legislation and appreciate the Tánaiste's attendance at the debate. The Tánaiste did not sell herself short in her introduction of the Bill. Words such as "historic" and "once in a generation event" tripped off her tongue. I am only surprised she did not use the words "ground breaking" to describe the legislation. She also claimed to be putting the patient first, a claim we have heard before. We heard it at the launch of the health strategy in 2001 when so many other promises were made. We were promised 200,000 more medical cards but all we got was an extra 30,000 courtesy of the Estimates. This is what the Government describes as "putting the patient first". We were promised 3,000 new beds but little has happened in this regard three years later. This is another element of the Government's policy to put the patient first. The Tánaiste should communicate this policy to those patients on trolleys and chairs in accident and emergency units as we speak.

The Tánaiste will tell us this is just the start of a brand new era in health care which will usher in a state-of-the-art, world-class health service, as she has described it. In order for it to happen, we must give it time. I do not buy that. This Bill represents yet another rebranding of the health service. More importantly, it represents a rebranding of the Government parties as caring, even socialist, and an attempt to buy time.

Ms Harney: The Government is not socialist.

Mr. Gormley: It represents an admission by the Government that, after more than seven years in power, the health service is a mess but that we should trust in its strategy of applying new, slick, corporate principles to the service. In a short time, perhaps after the next general election, waiting lists and the crisis in accident and emergency provision will be in the past.

As I said when this legislation was first mooted, the Bill sets up another layer of bureaucracy, centralises control of the health service and will result in less accountability. Under section 21, the chief executive officer can appear before an Oireachtas committee but woe betide him or her if a word of criticism of the Government should cross his or her lips. Section 21 (9) prohibits any such critical statements and means that the CEO might as well be gagged before coming in front of an Oireachtas committee. What rights do members have with regard to Question Time?

What questions will the Ceann Comhairle rule out of order because a matter is deemed to be one for the Health Service Executive? It would be helpful if the Tánaiste could spell out in detail matters about which we will not be allowed to ask questions. Will we be able to ask about bed shortages, the accident and emergency crisis, orthodontic or cancer services? What will be off limits? If a subject is off limits, does that not mean there will be less accountability? What precise input will the House have in making health policy? We are told that under section 29 the executive will have to produce a corporate plan. Under section 30, such a plan will have to be placed before the House after the Minister has approved it. Surely if the Minister is serious about accountability, the House should have the opportunity to debate such a corporate plan and to make amendments. Likewise, we should have the opportunity to debate the progress reports. We will have progress reports and they will simply come before the House, but we will not have the opportunity to debate them. That is a missed opportunity in the legislation.

Perhaps that can be revisited on Committee Stage. However, I believe this will not happen because, essentially, this legislation is about removing power from Deputies, councillors and health boards. Were the health boards costing the State a fortune, as was claimed when the idea to disband them was first put forward? No, the Brennan report did not call for the disbandment of the health boards. A few advisory panels will replace them. They will give advice but will anyone pay a blind bit of notice to what they advise?

How much will this new executive cost? It will not come cheap. We will pay an inordinate amount of money to its chief executive so that he or she will take the poisoned chalice from the Minister. His or her primary function will be to protect the Minister, essentially, to be her mud-guard, for which he or she will be handsomely remunerated.

The legislation does not address the root causes of our health crisis. Like conventional medicine, it deals with the symptoms of the problem. We may be — I say "may be" because this is disputed — living longer, but we are becoming sicker. As pointed out in the latest Feasta review entitled *Growth: The Celtic Cancer*, which I advocate as recommended reading for the Tánaiste——

Ms Harney: It is a joke.

Mr. Gormley: It is not a joke.

Ms Harney: It recommends poverty is good for one's health.

Mr. Gormley: It is an excellent document.

Ms Harney: I read a bit of it.

Mr. Gormley: That is good because I will remind the Tánaiste about a few key statistics in it.

Ms Harney: It proposes we go into recession because it would be good for our health if we were unemployed and poor.

Mr. Gormley: The review is no joke because it is founded on the fact that——

Ms Harney: The review is mad.

Mr. Gormley: It is not mad.

Ms Harney: It is crazy stuff.

Mr. Gormley: It is an excellent piece of work. I commend the authors of it, in particular my Green Party colleague, Dr. Liz Cullen, for her fascinating and insightful contribution. What it states is the key to solving the problems we are currently experiencing in our health service. I am glad the Tánaiste has at least dipped into it.

Ms Harney: I was so amazed by what I heard about it that I had to read it to see if it could possibly be true.

Mr. Gormley: It is all true.

Ms Harney: It states that economic success is bad for our health.

Mr. Gormley: The Tánaiste wants to believe what the Taoiseach calls the right wing economists who write for *The Economist* who would have us believe that we are living in some sort of nirvana in that they claim we have the best quality of life in the world. That is bunkum. This publication puts paid to that myth.

Ms Harney: It suggests a recession would be good for our health.

Mr. Gormley: We do not have the best quality of life in the world. A question I have put over and over again to the Minister's predecessors, and which I will put to her, is the role played by stress in causing illness. We have to examine stress levels——

Ms Harney: The Deputy is causing me stress.

Mr. Gormley: I will try not to.

Ms Harney: He should think about my health.

Mr. Gormley: I might be bad for the Tánaiste's health if I do, but I will try not to cause her so much stress.

I will give a few statistics. A survey of 1,000 people carried out in 2001 on behalf of the Mental Health Association of Ireland found that 73% reported finding life more stressful than five years previously, 19% of the respondents said they were smoking more and 17% said they were drinking more in order to cope with stress. The national health and lifestyle survey of 6,539 people in 1999 to ascertain what people believe

would best improve their health found that the majority reported that less stress would improve their health regardless of their age, sex and social background. A follow-up report in 2001 also reported that stress was the most common answer from males and females in reply to that question. These are the facts.

In an on-line survey in 2001 a sample of 2,000 students were asked if they thought that the level of stress experienced by the general Irish population had increased, in response to which more than two thirds said that it had increased a great deal, 30% said it had increased a little and only 3% said it had not increased at all. All the indications show that stress is increasing.

One of the surveys I find fascinating was one on depressive disorders. In 2003, research involving a representative sample of 12,702 women in four European countries found that women in Dublin were more susceptible to depressive disorders than in similar cities in other countries. It was found that one in three suffered from depression. One of the authors, Professor Patricia Casey, commented that this study was conducted at a time of economic boom when one would expect depressive disorders to reduce.

They have not reduced. This is this problem. The Tánaiste created the Celtic tiger, so she claims. She has created this mess, this level of illness and now she claims she will fix it, but I do not believe she will.

Ms Harney: One third of women here do not suffer from depression.

Caoimhghín Ó Caoláin: This Bill will not provide one extra bed in our hospital wards. It will not reduce by one hour the waiting time of a single patient in any of our chaotic accident and emergency units. It will not lead to the employment of a single extra nurse, doctor or paramedic. It will not extend radiotherapy services to the regions. It will not restore a single service that has been lost to local hospitals. Above all, it will not address the scandal whereby money can buy superior health care in this State and where public money subsidises the private health business while public patients suffer. The Bill diverts vital energy from the real delivery of services. I support the amendment tabled by Deputy McManus.

Before this Bill was even published the change-over process had descended into chaos. The duly appointed chief executive officer of the Health Service Executive, for which the Bill legislates, stepped down less than two months before he was due to officially take up his position. On the day this Bill was published, IMPACT which represents 25,000 workers in the health services, announced that its members had voted to stop co-operating with preparations for health service reforms until it gets safeguards about the continuity of health services, jobs and working conditions when the new health structures come into force on 1 January 2005. Its members have

[Caoimhghín Ó Caoláin.]

endorsed industrial action by a margin of 88% to 12% in a national ballot of staff directly employed by existing health boards, including nurses and other health professionals as well as clerical, administration and managerial staff. I do not believe these workers took that decision lightly. They feel they have been left in the dark and that they face an uncertain future.

I have also listened carefully to what has been said by organisations representing people with disabilities. They too are very concerned at the lack of clarity and information about how services on which they depend will be delivered under the new structures. This is surely yet another example of the disastrous mismanagement of the health services by the Government, which published its health strategy in 2001, the Prospectus report in 2003 and which is now presiding over a situation where those who deliver the services and those who avail of them are left in a state of uncertainty and agitation.

This Bill is based on the recommendations of the Prospectus report. When it was published I stated that it proposed not real reform of the health services but bureaucratic change. Everything that has happened since then, supports that contention. We see all around us the glaring need for real reform and real improvement in the delivery of services in our crisis ridden health system. Instead what do we have? We have this Bill that is the wrong remedy for the wrong illness. We have a Bill to establish an all-powerful quango appointed by the Minister for Health and Children and subject to no direct democratic accountability.

When the Prospectus report was published I stated that few would shed tears for the old health boards. They were too cumbersome and it was widely agreed that they would have to be replaced. The Minister's comments in her introductory speech were accurate in that respect. However, they had a degree of democratic accountability. There was representation of elected councillors and of bodies representing health service workers. That degree of accountability is now gone. The Government tries to cover up the democratic deficit by providing in the Bill for fora and powerful talking shops. They will be powerless talking shops. Decisions will be made even more remotely from the communities and individuals they will affect.

The people of my constituency know the consequences of that only too well. The day before he left office the Minister's predecessor, Deputy Martin, issued a public statement which appeared to provide for significant improvements at Monaghan General Hospital and to reverse some of the loss of services we suffered during his term of office. The promises have turned out to be a carefully woven fabric designed for public relations. That fabric has been unravelling ever since. Last week, it was confirmed that all surgical doctors are to be removed from Monaghan Gen-

eral Hospital, finally reducing our hospital to the status of a day clinic.

As a former member of the North Eastern Health Board, I know that colleagues of most political shades fought hard to retain services at Monaghan hospital. We were met time and again with deliberate efforts to deceive, confuse and conceal information. The executive of the health board, the Department of Health and Children in Dublin and the professional bodies, such as Comhairle na n-Ospidéal and the Royal College of Surgeons in Ireland, dictated from on high.

The Bill will make a bad situation even worse. Decision making will be even more remote from the citizen and the community. For at least all of next year, energy will be concentrated on this massive bureaucratic change instead of on real delivery for patients and real reform of the health services. It cannot be stressed enough that any so-called reform that does not challenge the grossly unfair two-tier public/private system will only maintain inequity and inefficiency. We should have a much fuller discussion on that issue. Such a debate would address the Government's policy of subsidising the private health industry.

The guillotining of this Bill will not allow such a debate, but I will make some points briefly. I ask the Minister to clarify the following issue in her concluding remarks. Spin doctors in the Department of Health and Children, or perhaps in the Progressive Democrats, recently told the media that the Minister wishes to increase private sector involvement in the health services. Lo and behold, a 43% increase in funding for the treatment purchase fund was signalled in last week's Book of Estimates. I have asked the Taoiseach how this tallies with his claim to hold socialist and republican principles but he has declined to answer. The increased privatisation of services can only lead to a reinforcement of the public private apartheid in our services, which is driven not by the need of patients but by the profit motive of the private health business. Money must be invested in our public health system.

We have yet to be given an explanation of why the Minister went on a visit to New York recently to look for ideas for our health services. I hope she has carefully examined the grossly unequal health system in the United States where an estimated 43 million people have no health cover whatsoever. Perhaps the Minister will also explain that trip to us in her closing remarks.

For years, the Government has been promising a separate health complaints Bill to provide a statutory framework for the handling of complaints within the health services. Then we were told statutory provision for health complaints would be included in this Bill. What have we got? We have little or nothing. It is left to the Health Service Executive to establish these procedures. There will be no independent complaints system. Section 52 sets out all kinds of limitations and restrictions on the type of complaints which can be made.

The Bill provides for the most far reaching change in the administration of the health services since the establishment of the health boards. It is a significant Bill for our health services, the foremost issue of public concern and a foremost responsibility of the Oireachtas. Yet, this long promised and long delayed legislation was only published late last Friday and we are being asked to debate and pass Second Stage of a major Bill of 82 sections in the space of three days. It is to be rammed through the Oireachtas by Christmas in a desperate effort to hide the shambles that is the so-called health policy of the Government. At the core of this issue is the ongoing erosion of our health services by the Government and its failure to grasp that fact.

Accordingly, I will be supporting the amendment tabled by Deputy McManus because the Bill is a mess and should be withdrawn and redrafted.

Mr. O'Connor: I welcome the opportunity to contribute to the debate and I acknowledge the presence of the Tánaiste and Minister for Health and Children and the Minister of State, Deputy Tim O'Malley.

Unlike my colleague, Deputy Gormley, I do not have a book written by a party member to promote. I must pass on that opportunity. This is important legislation and it is important that we debate it in the time allowed. There is pressure to pass the Bill because many people are awaiting its enactment.

I too lament the passing of health boards. I was elected to Dublin County Council in 1991 and was nominated to be a member of the Eastern Health Board in 1994. I was delighted to be given that opportunity and to gain that experience. Working on the health board, I learned about the working of the health service at first hand. I have also had the opportunity to serve on hospital boards, including the board of St. James's Hospital and the board of Tallaght hospital, which I first joined in 1987. I enjoyed my time on the Eastern Health Board. Subsequently, I was nominated by the council to the South Western Area Health Board. I became the founding chairman of that body and was a member of the Eastern Regional Health Authority. I value the experience I gained of the workings of the health board. For most of that period, my good friend, Deputy Callely, was chairman of the Eastern Health Board and of the Eastern Regional Health Authority and was a great help to many of us. I valued that period of my political life and I enjoyed it hugely. While I lament the passing of the health boards, I accept that times change and things move on. We are now trying to achieve a different model. Like all models, it will not be perfect in the first instance but we must work on these things.

As a Fianna Fáil backbencher, I am not afraid to say that when huge amounts of public money are being put into the health services — more than €11 billion this year — it is right that we

demand proper services and facilities. We demand that sick people who turn up at accident and emergency units, whether walking wounded or in ambulances, be facilitated properly and given a hospital bed as quickly as possible. I am not talking about people with cracked finger nails. I have little sympathy for such people or for those who turn up at accident and emergency units the worse for drink. I am talking about people who are genuinely sick. We must continue to exert pressure to ensure that such people are facilitated. This pressure must be maintained throughout the country and not only in my constituency. Public representatives are often called upon to intervene on behalf of families and to calm people when their relatives are in accident and emergency units. Every opportunity should be taken in this Chamber to support that view. I have heard comparisons being made with other jurisdictions but until we reach that situation we must keep the pressure on.

I have always supported the accountability of health boards. In fairness, the political system served the health boards well, even though I often saw criticism being levelled from fairly eminent people around the country, including Dublin, who did not quite see the contribution of politicians in that positive way. Unfortunately, that criticism created a different sort of view, although many politicians, including councillors, served the health authority and its predecessors well.

I want to put on the record the great work that was done over the years by the association of health boards under the chairmanship of Mr. Jack Burke who did a tremendous job. I hope the Minister will examine ways in which people of such expertise will have an input under the new legislation.

I have strong views about representation on hospital boards. I was first appointed to the planning board of Tallaght Hospital in 1987 by the then Minister for Health, Deputy Rory O'Hanlon. He asked me to serve at that level and bring a local perspective to the work of the board. I remember attending my first meeting of the board in Harcourt Street and asking the chairman and members when we would meet in Tallaght. I almost caused consternation because that was not done at the time. I and others brought that Tallaght feel to the board. Even when I was on the board of St. James's Hospital I tried to do that, as did other colleagues.

Where the Eastern Regional Health Authority's nominees have lapsed it should be understood that there is still a need for local representation. I recently made representations to the Tánaiste, asking her to look at that gap. As far as Tallaght is concerned, other than the nominees of the National Children's Hospital, the Adelaide Hospital, the Meath Hospital and the archbishop, the charter does not provide for other representation. I hope that matter will be examined. I also appeal to those in a position to nominate members through that process — and I am talk-

[Mr. O'Connor.]
ing specifically about Tallaght — to look at nominating more local people. It is important to have a local perspective on all hospital boards, along with the required professional expertise. I have already made that point to the Tánaiste and I hope the Minister of State, Deputy Tim O'Malley, will take it on board. Hopefully, it will come to fruition.

We must support the health services in our respective regions. Normally, I would not make a Tallaght speech but it is important for me to talk about my constituency for a while.

Mr. Neville: I was there today.

Mr. F. McGrath: The Deputy should stay under the Whip.

Mr. Neville: Alan Dukes No. 2 — the Tallaght strategy.

Mr. O'Connor: I represent Dublin South-West which has approximately 35,000 houses and a population of about 70,000. It goes from Brittas to Tallaght, Firhouse, Templeogue and Greenhills.

Mr. Neville: He has a vote in every area.

Mr. O'Connor: During my period in public life, I have continued to campaign strongly with colleagues from all parties for proper facilities throughout that region and not only in our hospital. We all campaigned in Tallaght to ensure that the Adelaide, Meath and National Children's Hospitals came to Tallaght, which they did in June 1998. There are other facilities there also, however. I sometimes invite people to come to Tallaght and I would be happy to show colleagues around. Now that the Luas is there it is easy to access.

Mr. F. McGrath: The Deputy should not forget Beaumont.

Mr. O'Connor: Other facilities in the area include the brand new health centre in Jobstown, the new GP centre in Killinarden and similar facilities in Brookfield. The need for a refurbished and developed health centre in Millbrook Lawns remains an issue, although the Government has grant-aided that to the extent of €1 million so far. I wish to tell the Minister of State that we are knocking on the Tánaiste's door for further increased funding in that regard at a time when there is buoyancy in the economy through sound management of the economy by the Fianna Fáil-led Government with our good friends from the PDs.

Mr. F. McGrath: Ouch.

Mr. O'Connor: I apologise to the Minister of State because I should have linked those words

better. It is important that Tallaght gets its share, as should Limerick or other parts of Dublin.

Mr. F. McGrath: Or Beaumont or Clontarf.

Mr. O'Connor: Beaumont, indeed. The Deputy will understand that I do not go to Beaumont all that often, although I am happy to acknowledge the tremendous contribution that hospital has made to our health care services.

I want to make the case for Millbrook Lawns because it is currently going through the planning process and the site needs to be properly redeveloped. I hope to have the continued support of the Department and the Minister in seeking those facilities. There is a need to keep pace with requirements throughout my constituency and the region generally. Sick, vulnerable people who wish to access health services should be entitled to do so in proper facilities.

Where I came from in Crumlin, I remember looking at health centres that had not been upgraded for some years. The case for upgrading such facilities must be made when there is money in the economy to do so. I applaud the work of health board staff throughout the country and specifically in my own area in the Eastern Regional Health Authority which succeeded the Eastern Health Board. People make the point that there are too many staff but we should appreciate the great work they have done.

Like my colleagues in the House, I have had many dealings not only with hospital staff but also with those looking after medical card applications and the delivery of health services generally. I acknowledge the work they are doing and support them in their efforts.

Mr. Neville: But they cannot cope.

Mr. O'Connor: In the context of the developments taking place under the remit of the Bill, health staff should be properly briefed about what is going on. They should also have an opportunity to discuss their future. When I worked in an ordinary job, I went through phases when we did not know what was going on in companies but it is important to understand what is happening. Those of us who are privileged to represent constituencies here have a responsibility to continue to make that point. When I meet health workers in Tallaght, Millbrook Lawns, Brookfield, Killinarden and Jobstown I get the sense they would like to know what is going on and what the future of the structures will be. That is a fair point for them to make.

Not only am I a strong supporter of Tallaght Hospital, having been associated with the board from 1987 to 2002, but I have been a patient there also. I have queued for my blood test like everybody else. When I had a heart attack in 1999, the hospital was there to care for me. I recall driving back to Tallaght that night to make sure I got sick there, rather than anywhere else. That is where I wanted to be. I am happy to acknowledge the

great job that Tallaght Hospital does. The hospital's cardiac rehab team is responsible for looking after so many people. I am not being flip-pant about this matter. I am speaking seriously about my own illness and the manner in which I was assisted to recover. I would not be here but for the work of that cardiac team.

Mr. Neville: The Deputy is lucky to be here.

Mr. O'Connor: Like many people who become sick, sometimes one wonders if one wants to bother any more. Lots of Deputy Neville's colleagues told me to take up golf but I wanted to be a politician and here I am.

Mr. F. McGrath: A safe seat.

Mr. O'Connor: I do not have a safe seat. The Deputy need not worry. He probably has the safest seat in the House. I am working on what I am doing and I am always happy to acknowledge what my friends in Tallaght Hospital did for me and many others. While I do not want to single out one department ahead of another, I am always in awe of the work of the cardiac rehabilitation team, which does a tremendous job.

Tallaght Hospital is deserving of the support of all of us. Deputy Finian McGrath spoke about Beaumont Hospital. Like every other hospital, Tallaght Hospital gets picked on. A massive Sinn Féin protest took place outside the hospital last Saturday, involving, I understand, four protesters. Last week Deputy Twomey visited the hospital without me and addressed a meeting about health care. While in a democracy that may be fair enough, I am always more positive about such matters.

I take every opportunity to support my local hospital and if I lived close to Beaumont Hospital I would do the same as Deputy Finian McGrath. My local hospital has a catchment, which not only includes the third largest population centre in the country but also stretches as far as Carnew, almost 70 miles away. Many good people come to Tallaght Hospital for its services.

I am always happy to stress that Tallaght Hospital should not just be about cut fingers and illnesses, it also has a clear role to play in the development of our health services and can do a considerable amount in the area of health promotion. While I do not want to again talk about the cardiac area, those familiar with the building will know of the "heart walk" pathway right through the building. Many people especially on cold winter days have the opportunity to walk there. I am always happy to promote that as it is important that health promotion should get a considerable amount of our attention.

That is not to say that I do not share concerns about accident and emergency because I do. We need to continue to apply pressure in that regard and to support the staff in every way. I have often had the opportunity to talk to front line staff in the accident and emergency department in

Tallaght Hospital who have told me about their problems and difficulties. As I am known to some patients, when I go there I am sometimes asked if I have come to check. I do not go to check. When I go it is usually to visit neighbours and to support what the hospital does. I hope we will continue to do that in all our hospitals.

During the remainder of this debate, we will hear much discussion of the Bill, the services and what we are trying to achieve. I hope that we will not engage in silly political point making, although I have no problem in dealing with that and having such debates. I am particularly proud of what we have achieved in Tallaght Hospital and throughout the region with the development of health services. I will continue to be as strong as anybody and stronger than most in stressing to the Minister the need for resources, which is what the public is telling us.

As I go about my business people talk to me about health services with other issues. While this is certainly an issue, I will not wait the remaining 900 or so days until the next general election to go around Tallaght and the rest of my area listening to what people are saying. I do so on a daily basis and am always happy to do so. It is important that we continue to do that. We need to take those opportunities to listen to what people say, both negative and positive, and represent those comments in these debates.

The programme for last Sunday's Gilbert O'Sullivan concert contained a note suggesting, "Think negative, but always act positive". In terms of what we are trying to achieve in this debate, I hope we will always do that. I have no problem with colleagues listing the difficulties, as I have done. I am not afraid to make representations about the difficulties. Where there have been cases in Tallaght of people unable to get through the system and get a bed quickly enough or get the services they require, I have not been afraid to take on the bureaucracy.

We need to continue to strongly support the initiatives to reduce waiting lists. Not only in Tallaght but also throughout the country, people are concerned about waiting lists and the manner in which appointments are delayed. We must continue to voice those concerns while also making the point the hospital authorities often stress to me that people fail to show up for appointments for all sorts of reasons, which leaves others without appointments.

I thank the Minister of State for his attention and I wish him well.

Mr. F. McGrath: He was listening very carefully.

Mr. T. O'Malley: I listened to every word.

Mr. O'Connor: All Ministers listen to us humble Fianna Fáil backbenchers and we get a good response from them. The Minister of State has come to Tallaght on a number of occasions and has done very positive work. I am happy to wish

[Mr. O'Connor.]
him well and congratulate him. I look forward to supporting the Bill and to listening to other contributions.

Mr. Neville: I welcome the opportunity to contribute to the debate. I am pleased the Minister of State, Deputy Tim O'Malley, is present. I concur with the previous speaker's comments on health boards. The abolition of the health boards is unfortunate. I strongly support the notion of local representation and public representatives representing their constituents on key issues of concern to them. The Minister of State and I served on a health board and our experiences were positive. We made a contribution and held the Executive to account. I compliment the Minister of State on the work he did while a member of the Mid-Western Health Board during the many years he served there.

Deputy Noonan with others from all parties was on that board. We made our contribution in representing our people and in ensuring the executive and administrators were accountable and questioned them on issues of concern. While sometimes they were put under pressure, on all occasions they appreciated that they needed to account to the people of the mid-west region through their representatives in that forum. That forum has been removed and we now have a health executive whose accountability is very vague.

It is obvious that this is becoming the National Roads Authority of the health service. While we can get information on our national roads, all Members know how difficult it is to influence the decisions of such an authority in the interests of the people we represent. Even more significant and delicate is trying to influence an executive that makes decisions on one of the most basic issues that concerns everybody, the health of our people. While I am very dissatisfied with the response to representations at local level rather than at ministerial level, at least we had the opportunity to make those representations and to talk to people in the health boards. This area needs to be clarified.

Some people believe we should not make representations about issues of concern, such as people on waiting lists, people concerned at how they are dealt with in accident and emergency departments and similar issues. However, people with such concerns should have available to them the avenue of their public representatives to represent them. In a utopia that should not be necessary. Such complaints and difficulties should not exist and people should not need to contact us. People have concerns, however, and are sometimes upset about their dealings with the health services and we are the conduit to bring those concerns to the health board. Some people know how to go about these matters but there is a large number who do not know how to make contact or achieve access and who do not have the confi-

dence to do so. Even when we advise them to take a certain route independently, they are often reluctant to do so. This might be nothing more than contacting the consultant dealing with the family member. I am surprised by the number of people who approach me in difficulty about a family member, often a parent or child, who are reluctant to talk to a consultant.

We act as advisers and mediators for those people. Will these functions of ours disappear? Currently we can carry out these functions and if we are dissatisfied, we can go to the deputy chief executive officers or the chief executive officer or table a parliamentary question and get a reply. Will all that assistance, representation and mediation still be available when the new executive is established on 1 January? For those of us who see assisting such people as part of our role, this is important work and I would appreciate it if the Minister for Health and Children would clarify the position.

In general, I can only compliment the people in the various Departments who respond to our requests and assist in every way they can by informing us of issues of concern to our constituents. I find it difficult, however, to get the same level of response from the Mid-Western Health Board. Perhaps the Minister of State has experienced this or maybe it is a personal thing against me. I do not know and I have not discussed it with my colleagues. I have, however, discussed it with the chief executive officer of the health board.

A year ago, a person came to me in pain late at night. She asked me if I could obtain information about the results of a CAT scan for which she had been waiting for some time to assist in obtaining relief from the pain and advice on what was happening. She felt the delay in getting the results inhibited the treatment of her condition. I contacted the Mid-Western Health Board and was told it would be a breach of hospital confidentiality policy if it kept me informed at every stage of a patient's condition once she has been seen by the hospital consultant. I simply asked when the patient would be seen. The reply to my inquiry stated that this practice would be in breach of patient clinical confidentiality as well as being time-consuming, and the health board would not respond. It continued that recent representations bordered on malpractice and I was asked to cease immediately.

I tabled a parliamentary question on this which was responded to by the assistant chief executive officer who informed me that the consultant physician requested a CAT scan on 6 June, which was later discussed at a case conference with the radiologist where it was decided that it was not appropriate to have a CAT scan for this patient. However, a chest X-ray was carried out on 24 September 2003 and the results were made known to her, the consultant and her GP. That is the information I wanted on the first day but instead I was told that I was to stop making inquiries.

I have other examples of such behaviour. On 3 August I spoke with extreme concern about a distressed patient and said that there was a danger to the person's life. I was told by an officer of the Mid-Western Health Board that I was very rude to say that and I should not do so. I have a letter about another person on a waiting list that states that the patient will be informed of the prognosis and treatment and there is no need to continue to make representations because the person was in the system and the correct course of action would be decided by the medical team. This person had been on a waiting list for a long time and he just wanted to know when he would be called.

I expressed my concerns on this issue to the chief executive officer of the Mid-Western Health Board on 5 April. He said he would look into it but I am still awaiting a reply from him so I have given up. The Minister of State is from my area and I appreciate his professionalism but I am concerned about this because I have never experienced anything like it in any Department.

People take politicians into their confidence and in all my experience of public representatives, those confidences have always been respected. I cannot remember a person coming to me to express concern about a political colleague using information given in confidence. Every interview in a clinic is confidential and will only be dealt with by relevant people who can give the information to assist the person in their query. We do this work even though the perfectionists would say that we should not, that we should only legislate. I totally disagree. We have a role in legislation but we also have a role in representation and that role exists for politicians in all countries. In Britain, MPs who live in London spend more than 50% of their time dealing with queries from their constituents. I make no excuses for doing the same. We would like the Minister of State to respond to our concerns on representation.

Complaints may be made under the Bill if a patient feels he or she has not been treated in accordance with fair and sound administrative practice. We often, however, have queries about other areas, sometimes of a clinical nature. Will such complaints be excluded? Why should someone not complain about clinical aspects of his or her treatment?

In the area of mental health, especially, which the Minister of State deals with extensively, as I do because of my responsibilities as party spokesman, I am conscious that we may differ on certain aspects, because of our different roles. Deputy Tim O'Malley is a Minister of State and I am an Opposition spokesman. I am not being personal, but I deal with this area on an ongoing basis and I get many complaints. Last week there were two suicidal patients, one of whom would not go back to 5B in the regional hospital because of his clinical treatment there. I understand this complaint would not be allowed under the proposed legislation on the grounds that it is only an administra-

tive issue. It is not an administrative issue, but a clinical problem. Are clinicians eliminated from the Bill? As the Minister of State is well aware, the report on the death and suicide of Ms Anne O'Rahilly from Adare in 2002, certainly raised many clinical problems and queries about clinical issues and decisions which were vital to the quality and credibility of that excellent report. It queried the clinicians on several occasions. In this legislation, can such a report be compiled under the complaints procedure? If it is just a question of administration and the limitation of clinical queries, then it is extremely limited. It now seems that certain clinicians and clinical decisions are above questioning. Most people who query clinicians just want information or assurance and sometimes have definite complaints to make. Many of these can be satisfied locally through a complaints procedure, but if it is being asserted that any of these issues cannot be queried, the likelihood is that the Minister will end up in the courts. People in such circumstances do not want to go to court, they just need to have their complaints responded to under the system. The Minister of State is aware of the many issues that I raise in that area, and I will not repeat them on this occasion. However, this is an area that should be covered and to which the Minister for Health and Children, Deputy Harney, might respond when she comes to debate the Bill.

Under section 21, the CEO will be required to appear before the Oireachtas committees when requested by them to account for the performance of the executive. The Minister for Health and Children of the day is responsible to this House directly and we can hold him or her responsible. We cannot hold the CEO responsible. However, last March the Joint Committee on Health and Children wrote to the then Minister for Health and Children, Deputy Martin, and invited him to attend a meeting on three issues about which members were extremely concerned. He was due to meet us before the end of May, but could not make that meeting. He was due to meet us before the House rose for the summer recess and that did not happen. We were anticipating a Cabinet reshuffle and he did not want to come anyway. There was a change of Minister and we invited the new incumbent, who now tells us that she must read into her brief. That is perhaps fair enough, but I reckon that if a Minister attends the committee to respond to those queries, the process will have taken approximately 12 months. This is the Joint Oireachtas Committee on Health and Children, where the Minister is directly responsible to this House. What chance is there of getting a CEO to a meeting of the committee, who is not responsible to it, apart from section 21 specifying that he or she may appear before the Oireachtas? The Minister for Health and Children is directly responsible to the Oireachtas and it takes 12 months to get him or her to meet the committee to discuss issues of concern.

[Mr. Neville.]

Finally, I would like to deal with one of the Minister of State's own areas of responsibility, since he is in the House. We were extremely concerned that yesterday's Estimates showed that the contribution to the mental health services as a percentage of the overall budget has dropped again, to 6.15% from 6.69%. The relative contribution has dropped for every year since 1997 when the Fianna Fáil-Progressive Democrats Administration began. The Minister of State has spoken about €15 million being contributed. However, one of the key recommendations in the report is for a dedicated isolation service or a special care unit for people who are suicidal in 5B. The cost of that is €10 million and it is being promised as "imminent" in that report. However, there is only €15 million extra for the whole country, so where is the rest of the expenditure that is needed to come from? I was hoping and expecting a response for the needs of our own area, and we then see a total of just €15 million for all the areas of need, which are our responsibility as well. This puts the entire issue into context and the Minister of State will understand our concern. I believe he deserves a better response from the people who decide how the budget is allocated within the Department as regards mental health services.

Mr. McGuinness: I welcome the Bill. Before dealing with some of its aspects, like many other Members and indeed those in public life in general, I have been critical of the bureaucracy surrounding the health services and the manner in which replies are delivered to us, whether in the context of a parliamentary question or by way of correspondence to the CEOs of health boards. The previous speaker has outlined his experience in a way that ties in with the matter I want to address. A serious inadequacy exists in terms of the health boards and the information they give. Likewise, there is inadequacy in terms of the accountability of the health service to this House. In the course of this Bill, while public representation is mentioned as well as the public being represented in other fora, there is a strong need to ensure there is clear responsibility to the Members of this House in the context of the questions we ask of the service, or in individual cases, while recognising the confidentiality that must exist between the health service and its client. There is no excuse for the virtual non-accountability that exists at present.

I welcomed the abolition of the health boards as a step towards reducing the bureaucracy in the system. I also welcomed the appointment of Deputy Harney as Minister for Health and Children. I wish her well, because like many others, I believe she is the right person in the right place at this time to do the business in the context of delivering an efficient health service by removing vested interests from it and the top heavy bureaucracy we have seen. All one has to do is look at the increase in the number of employees

in the health service, when it is obvious that it is primarily accounted for by bureaucracy rather than people in the front line, with the administrative square footage substantially greater than the area reserved for centres of care.

I have tabled umpteen parliamentary questions and have got unsatisfactory answers. I have been critical of our local health board. We are at a point where the Bill is being introduced and the system is being radically modernised. There is a need for a common sense approach across parties, as mentioned by the Minister. There should almost be a Tallaght strategy because it is the health of the country we are talking about which involves a budget of €11 billion per year. To continue to haggle over the health policy would not be helpful. There is no sense to the Labour Party position on medical cards and its comments generally on the medical services. Some of the comments do not facilitate constructive debate. The terminology "yellow pack" used in regard to medical cards is a disgrace and the Labour Party should refrain from that type of language in the context of this debate. I appeal to all parties to work towards a political consensus, to urge constructive debate and to take the emotions and political positions out of the debate in order that we can come to some resolution on an overall package for the health service.

During the course of the debate leading up to the launch of the Bill, I saw St. Luke's Hospital in Kilkenny being transformed. I will use it as a model given that a number of backbenchers from all parties have visited the hospital. The Fine Gael spokesperson has visited it and I commend him for doing so as it is not part of his constituency. He is showing an overall national interest. I commend the Minister of State, Deputy Tim O'Malley, who also visited St. Luke's Hospital. During a visit to Kilkenny, the Minister, Deputy Harney, visited the hospital. I extend a personal invitation to her, without any political bells ringing, to come and walk through the hospital with the consultants and those who run and manage that hospital because it is a model for the rest of the country.

Thirty years ago Carlow hospital closed. There were beds in the corridors in every part of St. Luke's Hospital in Kilkenny. The consultants and the managers at the hospital, separate from the health boards, saw there was a crisis and that something had to be done, and worked together. Today there are no beds in the corridors. Some 17,000 in-patients and 40,000 out-patients are seen. For that service there are only five rooms and three cubicles, plasterboard separating them. It is not a modern facility.

There is no surgical waiting list. All of this has been achieved with 317 beds. It is possible to radically overhaul the service and deliver care directly to the patient where it is required. They have pioneered these initiatives. They have dealt with paediatrics and geriatrics. The hospital also has a stroke unit. The plan was supported by the investment of millions of euro in that hospital by

the former Minister for Health and Children, Deputy Martin. The hospital can act as a model for the rest of the country against the backdrop of the Mater and St. Vincent's hospitals, each of which has 14,000 in-patients beds. The figures are generally the same.

The Hanly report is condemned throughout the country and politically one should not speak about it. There is a sentence in it that refers to the general hospitals. I suggest the activities of St. Luke's, as of today, fit into its description of a general hospital. That service should proceed under the Hanly description of a general hospital and be funded and expanded accordingly. It does not take that much money. St. Luke's Hospital is considering an out-patients facility which would cost €3 million, which is in addition to the work it has done. The staff are excellent and one gets the best of care. If it succeeds in getting the out-patients facility it can use the building to improve the accident and emergency unit. It has moved from the provision of services, the whittling away of the waiting list, dealing with thousands of people across the services to endeavouring to improve the quality of service being delivered. The cost of that improved quality is €3 million. It is seeking a Dexascanning system to define how brittle or otherwise are the bones of the elderly and get them the appropriate treatment. It is seeking accommodation for step-down facilities. It has the initial facility for analysing patients on the way in. There are those who will vacate the acute beds and end up in the care facility before going home. That has all been achieved on a shoestring budget. It is the finest campus in the country staffed by the best people. I urge the Minister to look at not only what has been achieved but at its short shopping list to put the hospital at the cutting edge of the development of the health service without waiting lists or people being delayed for a considerable period in the accident and emergency unit. If system in that hospital is replicated we will have a system based on that model which will relieve hospitals throughout the country. There is a need for sensible debate and accountability.

As one who promoted the notion of abolishing the health boards and reducing bureaucracy, I say there is a need to speed up that process. I hope the Bill has a speedy passage through the House. I hope too that the debate is constructive, and if sensible amendments are proposed on Committee Stage they will be accepted.

I have no doubt, given the long political career of the Minister, Deputy Harney, we will have that type of approach in trying to reach agreement across parties to resolve the many problems in the health service. We can strive towards the working model where we do not have waiting lists and services are available immediately. I consider the health portfolio to be a work in progress. There will always be new problems, new services coming on stream and demands of one kind or another but we can deal with those.

An issue that annoys me greatly in St. Luke's Hospital is that the scanning system is not available out of hours, it is available from 9 a.m. to 5 p.m. Monday to Friday. When patients have to be scanned outside of those hours they have to be sent either to Waterford or Beaumont hospitals. There was a case some time ago where the proper care and attention was not given to a patient and the journey to Dublin was simply too much and the patient died. That was one death too many. We have to resolve the staffing issues in regard to that problem, ensure the mechanism for a resolution is found immediately and that the service is delivered not only to Kilkenny but to the region it serves.

Last but not least, care of the elderly must come first. A unit is being completed at St. Canice's Hospital in Kilkenny, which will make available a separate unit that the Minister of State has seen. I urge the Minister of State to ensure that unit is delivered on time and within budget and that the next phase is funded immediately in order that care can be extended to the elderly and pressure can be taken from the beds in Castlecomer and Thomastown.

Debate adjourned.

Adjournment Debate.

Hospital Services.

Dr. Cowley: I am very grateful for the opportunity to raise this important matter on the Adjournment. There is a limit on the recruitment of whole-time equivalents, WTEs, such that the health board is confined to a certain number of staff and not in a position to go above the ceiling that exists. This is arbitrary and unfair. It is very regrettable to have insufficient staff when the work to be done is a matter of life or death. I ask the Minister of State to consider this issue and lift the embargo.

The embargo has affected many parts of the health service in recent years. This is particularly the case in Mayo, where the failure to recruit four extra staff needed to have an extra shift in the Mayo dialysis unit means that seven people have to travel all the way to Galway to receive essential treatment that they should receive in their own county, even though there is a state-of-the-art dialysis unit in Mayo General Hospital. This problem can only be resolved by lifting the ban on employing nurses. This is a very important and simple resolution and I ask the Minister of State to take it on board. It is not a question of money.

The seven people who have to travel to Galway are all very ill. In explaining the rationale behind my request to lift the embargo, it is important to discuss the background. For many years the people of Mayo have worked very hard to have a dialysis unit in their county because the distance from parts of Mayo, such as Belmullet or Black-

[Dr. Cowley.]

sod, to Galway is almost the equivalent of that from Dublin to Galway. It is a long way to have to go for essential services. The campaign to have a dialysis unit in Mayo involved all sorts of activities and led to a state-of-the-art unit with a capacity of 24 patients. It currently has 26 patients and thus it is already exceeding its capacity. Although the number of patients in the unit has doubled in the past year, the number of nurses has remained the same.

Consider the operation of every other dialysis unit. In Beaumont Hospital's dialysis unit, there are four shifts and in that of University College Hospital, Galway, there are three. There are but two in the dialysis unit in Mayo and, therefore, the seven very ill people who need dialysis to stay alive are required to take a round trip to Galway, which, in some cases, amounts to 2,000 miles per week. It takes three and a half hours to get to Galway from one end of Mayo and the same to get back, amounting to seven hours of the day. This is in addition to four hours on a dialysis machine, resulting in a total of 11 hours per day. Elderly people have to make this lengthy trip. Only one third of people receiving dialysis are suitable for a kidney transplant and, therefore, the remaining two thirds must have dialysis for life. They are condemned to making the aforementioned journey, which takes 11 hours per day, three times per week, on Monday, Wednesday and Friday, for example. It takes 33 hours of a patient's week to travel to the dialysis unit and back and to receive treatment. That is horrific.

Despite the humanitarian aspect of requiring someone to make such a journey, the cost must also be considered, whether it be the cost to the health board of taxis or that of an ambulance if the patients are ill. One of the patients to which I refer is 74. He lives on the outskirts of Castlebar and is at present in hospital in Galway. He will be discharged tomorrow but will be required to travel from home to Galway three days per week although he is not fit to travel. He is condemned to death unless the Government removes the recruitment embargo and allows four nurses to be hired. I implore the Minister of State to do this.

Minister of State at the Department of Health and Children (Mr. T. O'Malley): There is no Government embargo on the recruitment of nurses. The chief executive officer of each individual health board has responsibility for the management of the workforce, including the appropriate staffing mix and the precise grades of staff employed within that board, in line with service plan priorities, subject to the overall employment levels remaining within the authorised ceiling.

The Health Service Employers Agency undertakes a quarterly national survey of nursing resources. The most recent survey reported that the recruitment of additional nurses continued to be a prominent feature of activity, with a net

increase nationally of 563 nurses in the system in the year ended 30 June 2004.

My Department wrote to the CEO of the Western Health Board on 21 September approving the provision of funding and authorising the following increases in the employment ceiling to allow for the commissioning of new units in the board's area: University College Hospital, Galway — an adjustment in the employment ceiling of 140 additional posts to allow for the transfer of orthopaedic trauma and the commissioning of intensive care beds; Mayo General Hospital — an adjustment in the employment ceiling of 95 additional posts to allow for the full commissioning of orthopaedics and a further adjustment of seven staff for the unit for the elderly; Portiuncula Hospital, Ballinasloe — an adjustment in the employment ceiling of ten additional staff to allow for the development of a stroke care unit and the commissioning of ICU beds; and Roscommon County Hospital — an adjustment in the employment ceiling of 40 additional staff to expand the emergency department and for a new medical assessment unit.

It is clear from these figures that the Government is committed to the continued development of services in the Western Health Board and that recruitment of nurses and other health service staff remains a priority.

Job Losses.

Mr. Connolly: I thank the Ceann Comhairle for choosing the issue of job losses at Barford Meats Limited in Carrickmacross for debate on the Adjournment. I met worker representatives and the union representing the factory workers, SIPTU, last week regarding the closure of the company, which is to result in the loss of 82 jobs. These losses include seven that took place earlier in the year, in the belief that the company would have an opportunity to restructure itself financially. It was believed that the seven workers would come back within a six month period to a company that had reshaped itself. Ten workers are due to lose their jobs this Friday and 65 workers lost their jobs last Friday week. While those who believed they would regain their jobs were waiting for the scene to improve, matters got worse and the company lost its contract to supply one of its major overseas purchasers, one of the big supermarket chains.

The workers in Carrickmacross have remained very loyal to the company and did without wages when it was going through tough times. Rumours started a month ago that the company was in difficulty and on Wednesday last week the staff demanded answers. They received answers they did not want to hear. The company had been a very good employer in the town for the previous 25 years and many workers had worked for it for in excess of 20 years. Effectively they are not qualified to do any other work and, therefore, will need retraining and support. A task force should be set up by the Minister to achieve this and to ensure the workers find other jobs.

Regrettably, the record of IDA Ireland in creating jobs during the past seven years is not good. Carrickmacross should be sold on the basis that it is accessible to Dublin. The bypass, which is being built ahead of schedule and was not due until next year, makes Carrickmacross accessible from Dublin and Belfast. As the town is situated between two airports, the area should attract new industries. The loss of these jobs will not only have a serious impact on families financially in terms of mortgages and so on, but it will represent a loss of approximately €30,000 per week to a small town like Carrickmacross.

Workers in these circumstances should have some protection, as should employers. If there are early warning systems in place and if companies are prepared to draw attention to problems at an early stage, Government mentoring programmes could be set up. Monaghan, in particular, has many small indigenous industries which have grown significantly, delivering services worldwide. Houses are delivered from County Monaghan to China and throughout the world. Bar furniture is delivered to capital cities throughout Europe and across the United States. These companies, which began on a small basis, are in competition with big companies throughout the world. If they get into trouble it can hit home very quickly. In some instances, these companies can become victims of their own success, and this can happen at an alarmingly fast rate. There should be a mechanism whereby people can indicate they are in trouble.

After 20 years' service, statutory redundancy is all the workers in the company are offered. This would cost the company €500,000 in total. If the workers received statutory redundancy, plus two weeks pay for each year they worked, it would not be an unreasonable demand for a company that has a sizeable amount of assets. Companies should be asked to sell their assets to ensure the workers who created the wealth are looked after? It is not an unreasonable demand that the workers should receive in excess of the statutory redundancy.

Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern): I thank Deputy Connolly for raising this matter on the Adjournment. I am aware that you, a Cheann Comhairle, have a personal interest in the matter, as has the Minister of State, Deputy Brendan Smith. I believe all the Deputies from Cavan-Monaghan have an interest in the matter. The company was formed in 1984 to produce fresh and frozen meat products. It encountered difficulties during the BSE crisis and the foot and mouth outbreak. The sterling exchange rate has recently exacerbated these problems and, as a result, the company ceased operations on 12 November 2004.

Enterprise Ireland has been working closely with the company over the past 18 months with a view to identifying outside investors who would bring much needed investment to the business.

At Enterprise Ireland's urging, a business mentor was appointed in May 2003 to review the financial situation and provide strategic guidance to the company. Resulting from this involvement, the company embarked on a restructuring exercise in September 2004. It was thought at the time that this would facilitate the survival of the business. Enterprise Ireland expects to meet shortly the owner of the company to discuss the future situation. Enterprise Ireland is of the opinion that there may be a number of potential investors interested in acquiring the assets and business of Barford Meats Limited. Enterprise Ireland would work with any new buyer and consider new proposals to develop the business.

I understand that a representative from the FÁS office in Dundalk, together with a representative of the local enterprise service, met unions and management at Barford Meats Limited. Approximately 34 members of the workforce were spoken to and provided with information. A list of the current job vacancies in the area was supplied together with appropriate registration forms. I understand that individual interviews are taking place in the offices of the Department of Social and Family Affairs in Carrickmacross.

Enterprise Ireland continues to work closely with its client companies in Monaghan and the local business community in the county to foster new business development. In 2003, Enterprise Ireland approved almost €3.5 million in support of projects for its client companies in the county and to date in 2004, Enterprise Ireland has approved over €1.7 million.

As part of its role in regional development, the Enterprise Ireland regional office in Dundalk works with other regional organisations and third level institutions to improve the business climate at regional level for clients and to influence the conditions in which growth in the north-east region is established and sustained. The development of community-based enterprise centres is a crucial part of the drive to create new regional enterprise through the provision of infrastructural facilities to support the establishment and expansion of micro-enterprises through local community participation. Enterprise Ireland has supported the development of five community enterprise centres in the county.

Enterprise Ireland is currently involved in a range of initiatives in the county, which include an INTERREG funded cross-Border project specifically for the furniture industry. A number of County Monaghan furniture companies have applied to be accepted on the project. This project will involve eight southern companies and eight Northern Ireland companies participating in a two year programme, looking primarily at the issue of design and innovation.

Enterprise Ireland is also working with the Armagh-Monaghan Digital Corridor Project Committee. The objective of this committee is to develop the Armagh and Monaghan areas into a cluster of information and communication technology related industries. IDA Ireland partici-

[Mr. M. Ahern.]
 pates in this initiative, which is geared at encouraging enterprises with a requirement for advanced telecommunications to locate on both sides of the Border where the telecommunications networks, both North and South, can be accessed. IDA Ireland is actively marketing County Monaghan on an ongoing basis as a location for foreign direct investment, through its network of overseas offices, to secure new investment and jobs for the area. IDA Ireland is working closely with local authorities and third level colleges to deliver the best solution. I assure the Deputy that the State agencies will continue to promote Monaghan for new investment and jobs.

Mr. McGinley: Go raibh maith agat, a Cheann Comhairle as deis a thabhairt dom an t-ábhar tábhachtach seo a thógáil ar an Athló. Gabhaim buíochas leis an Aire as ucht a bheith i láthair. Cuirim fáilte roimh an Aire ar ais go dtí an Dáil an tseachtain seo. Chuir sé isteach go mór orainn an timpist a bhí aige atá seachtain ó shin ach tá lúcháir orainn go éirigh leis éalú slán. Tá súil orm gur gairid go mbeidh sé i mbarr a shláinte arís.

Tá mé cinnte go bhfuil a fhios ag an Aire go maith an cás fá monarcha Nuvotem. Tá an mhonarcha suite i gCroithlí agus is minic a chuaigh an t-Aire thar doras ansin agus é ar a gcuairteanna rialta ar Thír Chonaill, agus go speisialta ar ghaeltachtaí an iar-thuaiscirt. Tá monarcha lonnaithe ansin le breis agus 100 bliain. Tá Nuvotem lonnaithe ansin le 23 bliain, ó 1980.

Buille mór an nuacht seo dos na hoibrithe, agus buille nach raibh siad ag súil leis. Ar 20 Meán Fómhair dúradh leo go riabh siad á ligint chun bealaigh, go sealadach mar a dúradh ag an am. Tá 11 seachtain imithe ó shin agus tá sé ag cur isteach go mór ar na hoibrithe cad é atá i ndán daoibh. Is beag cumarsáide agus is beag eolais atá le fáil ón gcomhlacht, comhlacht a d'oibrigh siad dó go dícheallach agus go dian ar a son le blianta anuas.

A lán des na hoibrithe seo, is iad na príomh daoine atá ag saothrú ina gcuid teaghlaigh féin agus tá costaisí agus freagrachtaí orthu maidir le morgáistí agus costais eile. Anois, tá an Nollaig buailte linn agus gan a fhios acu an mbeidh siad ag dul ar ais ag obair nó nach mbeidh. Sin an rud is mó atá ag cur isteach orthu, go bhfuil siad coinnithe ins an dorchadas agus nach bhfuil a fhios acu cad é atá i ndán daoibh. An mbeidh siad ag dul ar ais ag obair nó nach mbeidh?

Tógadh an cheist ag Údarás na Gaeltachta. Thóg mé féin an cheist sa Dáil agus thóg daoine eile í ag an gcomhairle condae. Ach is beag eolais atá faighte agus is beag dul chun cinn atá déanta agus trí mhí imithe.

Nuvotem Crolly is one of the longest established industries in the Donegal Gaeltacht, producing electrical coils and transformers since 1980. It came as a bombshell to the workers on 3 September last that 43 out of a total workforce of 56 were to be laid off until further notice. Many of these workers have given more than 20 years

of dedicated and loyal service to the company but have been in a virtual limbo during the past 11 weeks since the decision to have them temporarily laid off.

Since then, it has been almost impossible to get any response from the company. Communications between management and employees are non-existent. This is leading to frustration, anxiety and uncertainty among the workers. The company has two other production centres, one in the Czech Republic and one in India, where production costs are lower than here. However, the Crolly workers have built up tremendous skills and experience over the years and industrial relations in the factory were unblemished and second to none. The employees have foregone a number of wage increases in recent years. The burning question is whether the workers should hold out in the hope of getting their jobs back or seek new employment opportunities. At present they are in the dark.

We are now in the run-up to the Christmas season when there are huge financial demands on parents and families. These 43 workers, many of them the sole breadwinner in their family, are under severe pressure. They need to know what the future holds for them. I ask the Minister, in conjunction with Údarás na Gaeltachta and the management, to break the present impasse. It is intolerable that the situation should be allowed to drift.

Bheinn iontach buíoch don Aire fá aon rud a thig leis le dóchas a thabhairt do na daoine seo iad a chur ar ais ag obair nó malairt fostaíochta a fháil dóibh agus an Nollaig buailte linn.

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Gabhaim buíochas leis an Teachta Mac Fhionnlaioich as ucht na bhfocal deamhéin a bhí aige dom. Mar is eol don Teachta Mac Fhionnlaioich, tá Nuvotem Teo i mbun déantúsaíochta i gCroithlí ó 1979 agus tá an comhlacht ag tairgeadh transfhoirmitheoirí nó Toroidal Transformers don earnáil teileachumarsáide-leictreonaice.

Tá an comhlacht seo, maron le dhá chomhlacht eile, ceann i bPoblacht na Seice agus ceann eile san Ind, agus oifig dhíolacháin sa Ghearmáin, mar chuid den ghrúpa idirnáisiúnta Talema. Is fochuideachta 100% de chuid Nuvotem é an comhlacht i bPoblacht na Seice agus tá mionscairshealbhaíocht 1% ag Nuvotem san Ind. Tá an gnó sa tSeic agus san Ind á bhainistiú ag Nuvotem.

Chuir Nuvotem fostaíocht mhaith ar fáil i nGaeltacht Dhún na nGall, i gceantar Ghaioth Dobhair agus na Rosa, ón am ar bunaíodh é go dtí le gairid. Ní i bhfad tar éis an comhlacht a bhunú bhí an leibhéal fostaíochta os cionn 70 agus d'fhan sé ag an leibhéal sin ar feadh scór bliain, ag sroicheadh buaicphointe de 114 post i lár na nóchaidí.

D'íoc Údarás na Gaeltachta €1.531 milliún i ndeontais leis an gcuideachta thar an thréimhse 1979 go dtí 1995. Níor íocadh aon deontas ó shin. Rinne an tÚdarás infheistíocht €780,889 i scaire-

anna tosaíochta sa chuideachta freisin Caithfidh mé a threisiú gur scaireanna tosaíochta iad seo gan aon cheart vótála, rud a chiallaíonn nach bhfuil aon chearta ag an Údarás ó thaobh bhainistiú nó riaradh na cuideachta ó lá go lá. Is ag gnáthscairshéalbhóirí na cuideachta amháin atá na cearta sin. Rinne an infheistíocht deireanach i scaireanna tosaíochta sa chomhlacht i 1998.

Ag breithniú ar an bhfostaíocht mhaith a cuir-eadh ar fáil thar na blianta, níl aon amhras ann ach go bhfuarthas luach maith ar infheistíocht an Stáit sa chomhlacht seo.

Maidir leis an staid reatha, ar an gcéad dul síos caithfear a aithint go bhfuil an chuideachta ag feidhmiú in earnáil atá thar a bheith leochaileach sa tír seo i láthair na huair mar gheall ar an gcoimhlint ghéar ó thairgeoirí atá ag feidhmiú i dtíortha le costais táirgíochta i bhfad níos ísle. Ní amháin go bhfuil an margadh dá tháirge ag laghdú le roinnt blianta anuas ach tá an brabús ag laghdú chomh maith.

Tá 58 fostaithe san iomlán i gcomhlacht Nuvo-tem faoi láthair idir 15 fostaithe go lánaimseartha ag cur seirbhísí teicniúla, díolacháin agus riaracháin ar fáil don ghrúpa agus 43 fostaithe in obair táirgíochta i gCroithlí. Tá an 15 phost seo mar chuid thábhachtach de riaradh agus bhainistiú an ghrúpa agus is postanna tábhachtacha iad seo don cheantar freisin.

Maidir leis an bhfoireann táirgíochta, áfach, tuigim go bhfuil na daoine seo leagtha as a gcuid oibre le deich seachtaine anuas agus tá cúrsaí fostaíochta ag brath ar orduithe a bheith ar fáil don aonad táirgíochta i nDún na nGall. Tuigim chomh maith go bhfuil an chuideachta tar éis glacadh le hiarratas le gairid ó ochtar den fhoireann táirgíochta i leith íocaíochtaí reachtúla iomarcaíochta.

Mar is eol don Teachta, tá coimhlint ghéar in earnáil na déantúsaíochta le roinnt blianta anuas agus tá poist á gcailliúint ar fud na tíre seo dá réir, na ceantair Ghaeltachta san áireamh. Cé nach bhfuil aon smacht ag Údarás na Gaeltachta ar riaradh na cuideachta seo, mar atá soiléirithe agam níos tuise, bíonn caidreamh rialta ag feidhmeannas an Údaráis le bainistíocht Nuvo-tem chun scrúdú a dhéanamh ar na féidearthachtaí atá ann maidir le hinmharthanacht an chomhlachta a chinntiú.

Tá curtha in iúl ag bainistíocht an chomhlachta don Údarás go bhfuil tréan-iarrachtaí ar siúl ag Nuvo-tem chun orduithe a aimsiú a chuirfidh ar a gcumas táirgeadh a athbhunú sa mhonarcha i gCroithlí. Deir an bhainistíocht chomh maith go bhfuiltear dóchasach orduithe a chuirfidh ar a gcumas é seo a dhéanamh a aimsiú san earrach seo chugainn.

Tugadh figiúirí dom a thaispeáint na difríochtaí idir na scálaí pá sa tSeic agus sa tír seo. Is fadhb í seo agus ní bheadh éinne sa tír seo sásta agus ní bheadh sé dleathach oibre ar an gcineál pá atá i gceist. A fhad is go bhfuil iomaíocht mar sin ar bun, beidh fadhbanna ag an gcineál seo déantúsaíochta. Tá súil agam go bhfaighfear tairgí breise ach caithfidh tuiscint nach bhfuil mórán go díre-

ach gur féidir leis an Údarás a dhéanamh ach leanúint ar aghaidh bheith ag plé leis an mbainistíocht agus iarracht a dhéanamh dul i malairt threo go ginearálta sa nGaeltacht agus fostaíochta níos buaine nua aimseartha a aimsiú.

Food Safety Standards.

Mr. O'Dowd: I thank the Chair for selecting this matter for discussion. When I realised what time this would be dealt with I thought that perhaps I would be live on "Oireachtas Report". I do not know whether that is the case, but if it is I say "hello" to all the people watching.

This is a very serious issue. It was the subject of a story in the *Drogheda Independent* recently on foot of a court case which is proceeding in Dublin. It was also covered in *The Sunday Tribune* as a lead story last Sunday week and also last Sunday. I understand that there are legal proceedings in train and that the Minister cannot comment on those.

Let me make it clear that I am not asking him to comment. However, I would like him to reassure the public that everything is in order. I have spoken to the Assistant Secretary General of the Department of Agriculture and food, Mr. Tom Moran. I have also met the chief veterinary officer of the Food Safety Authority of Ireland and a senior Inspector in the Department of Agriculture and Food. I am satisfied that they are making every effort to clarify the position. There is one final step that must be taken and that is that the Minister for Agriculture and Food must commission an independent report into all of the allegations that have been made. It should be an independent assessment and it should be done as quickly as possible. If that is done it will clarify the issue for everybody concerned.

I thank the Department of Agriculture and Food for meeting me and explaining the intricacies of the situation. My concern and that of the public, notwithstanding everything we have been told, is to have an independent risk assessment of the situation. I urge the Minister to have that carried out immediately.

Minister of State at the Department of Agriculture and Food (Mr. B. Smith):

My Department and two other defendants are currently being sued in the High Court by a company in Drogheda which had been contracted by one of the defendants, but not by my Department, to store tallow derived from specified risk material. The plaintiff alleges that it was unaware of the nature of the tallow put into storage at its premises. The specific allegation to which the Deputy referred is based on a statement made in the course of the case by a former employee of the company. My Department does not accept this allegation. I will not comment on the specifics of the case, other than to state that my Department and the other two defendants are vigorously defending their position in court. I will, however, make some general

[Mr. B. Smith.]

comments on tallow and any health risks that might or might not be associated with it.

Tallow is a bi-product of the meat slaughter industry. Rendering of animal bi-products, including tallow, takes place in nine rendering plants in the State, which are all approved by my Department under European Union legislation. The standards applied are set in line with best EU practice, which itself is based on the latest scientific knowledge. The overarching EU BSE controls, including the rendering process criteria and the approved disposal methods for animal bi-products are regularly reviewed by the EU scientific steering committee. This committee, which is the main advisory body to the EU Commission on BSE, regularly reports to the Community institutions on developments in this area. The EU Food and Veterinary Office also audits, on an ongoing basis, the implementation of EU legislation by member states.

The rendering process prescribed in EU legislation is essentially a series of moisture and fat reduction steps that transform the bi-products into meat, bonemeal and tallow. Meat and bonemeal is a solid dry substance whereas tallow is oil. My Department in line with EU legislation regulates storage, handling, transport and export for destruction of these products.

The role of meat and bonemeal in the development of BSE in animals is well established. It is accepted that the vast majority of BSE cases have been caused by the consumption by cattle of con-

taminated animal feed. It has never been demonstrated that tallow is a cause of BSE. Any risk that might arise with tallow relates to the presence of protein in that product. From February 1997, Ireland, as part of its national BSE control measures, introduced arrangements for removal and destruction of specified risk materials. Part of this system was the designation of a specific rendering plant to process this material. The resultant SRM meat, bonemeal and tallow could only be sent out of the country for incineration.

Risk assessments carried out on SRM tallow have demonstrated that there is negligible risk associated with it in the event of its being consumed by cattle. In the case of consumption by humans, due primarily to the species barrier any risk potential would be further significantly reduced. Any health risks associated with animal bi-products, including tallow, are the subject of regular consultation between my Department and the Food Safety Authority of Ireland. I stress that these products do not go into the human or animal food chain and are disposed of by incineration or co-incineration.

Numerous inaccurate statements have been made recently in regard to BSE. The best approach to dealing with a subject such as BSE is to concentrate on what is known to be sound and agreed scientific fact. I have set out the facts on this and hope what I have said puts the Deputy's mind at ease.

The Dáil adjourned at 11.05 p.m. until 10.30 a.m. on Wednesday, 24 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 8, inclusive, answered orally.

Questions Nos. 9 to 57, inclusive, resubmitted.

Questions Nos. 58 to 66, inclusive, answered orally.

Tax Yield.

67. **Mr. Gogarty** asked the Minister for Finance his views on the recent slowdown in corporation tax returns; and if he will make a statement on the matter. [29979/04]

Minister for Finance (Mr. Cowen): It is not possible to be definitive on corporation tax receipts at this stage as almost one third of the 2004 yield is currently due in. As of end-October, we were just under 2% behind target but this could be due to timing effects rather than a conclusive indication of any particular underlying shortfall. We will be better able to assess the true position shortly.

Tax Code

68. **Mr. Sherlock** asked the Minister for Finance his views on the recent call made by the Consumers Association of Ireland and the Irish Bankers' Federation for the abolition of stamp duty on laser, credit and ATM cards; and if he will make a statement on the matter. [29871/04]

Minister for Finance (Mr. Cowen): Stamp duty exists on various financial cards in order to provide Exchequer revenue. The stamp duty on cheques, bills of exchange and promissory notes has existed for many years and when electronic means of money transfers such as credit cards, ATM cards and laser cards were subsequently introduced, stamp duty was gradually extended to those products to ensure that the stamp duty from cheques etc. was not eroded.

In 2003, the stamp duty yield from all financial cards was some €85 million. The yield from credit and charge cards was almost €52 million, whereas the yield from cash cards was almost €33 million. Stamp duties on credit cards and cash cards are a contributor to the Exchequer's tax revenues, which help fund public services such as health and education, thereby facilitating continued economic success, which is of benefit to all taxpayers. The growth in the numbers of such cards and their usage suggests that the existence of a stamp duty does not discourage their use.

As Deputies are aware, it is not the practice to comment in the lead up to the annual budget and Finance Bill on the intention or otherwise to make changes in taxation.

Decentralisation Programme.

69. **Mr. Stanton** asked the Minister for Finance the progress that has been made regarding the decentralisation of public service jobs to Youghal in County Cork; the number who have opted to transfer to Youghal; the office space that has been identified or acquired; the timescale for completion of the move; and if he will make a statement on the matter. [29990/04]

Minister for Finance (Mr. Cowen): As part of the overall decentralisation programme it is intended that 100 staff of the Valuation Office and 100 staff of the Public Appointments Service will be decentralised to Youghal, County Cork. Planning for the move is ongoing in both offices and in the Office of Public Works, which is dealing with accommodation procurement issues. Both organisations have published outline implementation plans in accordance with the recommendations of the decentralisation implementation group chaired by Mr. Phil Flynn.

The data from the central applications facility, CAF, published in September showed that a total of 28 persons have applied for decentralisation with the Valuation Office and 88 persons have applied for decentralisation with the Public Appointments Service. The OPW has identified a number of potential sites in Youghal for new offices. The evaluation process is at an advanced stage and it is expected that negotiations will open shortly.

The next stage of the decentralisation process is the selection of organisations for inclusion in the first phase of moves and the sequencing and timing of such moves. An analysis of the figures emerging from the CAF and any relevant property and business aspects is being undertaken by the decentralisation implementation group. Pending completion of this work it is not possible to give an estimated time for completion of the programme to Youghal.

Drug Seizures.

70. **Mr. Timmins** asked the Minister for Finance the value of illegal drugs seized in the years 2000, 2001, 2002 and 2003 that involved the assistance of the Naval Service. [28755/04]

Minister for Finance (Mr. Cowen): The customs service of the Revenue Commissioners has primary responsibility for the prevention, detection, interception and seizure of controlled drugs intended to be smuggled or illegally imported into the State under the memorandum of understanding signed by the Garda Commissioner and the chairman of the Revenue Commissioners on 12 January 1996. On drug smuggling by sea, the Naval Service assists the customs service in discharging its enforcement functions. The Naval Service also participates with customs and the Garda Síochána in a joint task force where this is convened to deal with specific intelligence-driven maritime drug enforcement operations. This relationship has been further developed by the

[Mr. Cowen.] provisions of the Criminal Justice (Illicit Traffic by Sea) Act 2003.

During the years 2000 to 2004, the customs service has had considerable success in seizing controlled drugs with a street value estimated at some €125 million. While the Naval Service was not directly involved in these seizures, it has during these years provided invaluable support to the customs service and regularly assisted in surveillance and the monitoring of shipping movements.

The Naval Service has also participated in a number of international joint customs operations, JCOs, which have resulted in significant seizures of drugs in the participating states. A number of these operations are conducted each year by the Customs Services of the member states of the EU in collaboration with other partner administrations. In 2003, an operation resulted in the seizure of 7,270 kilos of cannabis resin, 732 kilos of cocaine and 4.4 kilos of amphetamines. In 2002, an operation resulted in the seizure of 16,489 kilos of cannabis resin and three kilos of cocaine and in 2000, an operation resulted in the seizure of 5,313 kilos of cannabis resin.

The vast bulk of these seizures were not made in Ireland but in the participating member states and other partner countries. However, these huge volumes of drugs were prevented from being placed on the European market and the Naval Service assisted the customs service and the State in discharging our obligations as active participants in the fight against international drug trafficking.

In addition to this, the Naval Service and the Air Corps has assisted customs on other important law enforcement operations most notably on the case of the *MV Anto*, a ship that was detected in the attempt to smuggle 70 million cigarettes into the State in 2001.

Decentralisation Programme.

71. **Mr. Deenihan** asked the Minister for Finance the position regarding the decentralisation of a section of the Revenue Commissioners to Listowel, County Kerry; and if he will make a statement on the matter. [29650/04]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that under the decentralisation programme 50 posts are to be decentralised to Listowel and the decision on timing and sequencing will be made following the recommendations of the Government's decentralisation implementation group. The Office of Public Works is examining a number of proposals in relation to a suitable site in Listowel.

72. **Mr. P. Breen** asked the Minister for Finance if he has satisfied himself with numbers of persons from within the State agencies who have indicated a willingness to decentralise with their agencies; and his views on the assessments from some of the agencies of the risk of damage to delivery of services. [29895/04]

Minister for Finance (Mr. Cowen): I would accept that the number of applications to the central applications facility, CAF, from the Civil Service are much better than those from the State agencies. Unlike the State agencies the Civil Service has considerable previous experience of decentralisation and has a long tradition of inter-departmental transfers.

The decentralisation implementation group, DIG, asked that all organisations participating in the programme should prepare detailed implementation plans including risk mitigation plans. These plans were prepared and submitted to the group. Most included risk mitigation strategies. In its July report the DIG has recommended, at paragraph 9.3, that in preparing the next version of their implementation plan each organisation should ensure that a risk mitigation strategy is included. I am satisfied that this approach represents a realistic approach to risk identification and mitigation.

Tax Collection.

73. **Mr. Broughan** asked the Minister for Finance the total amount taken in by the Revenue Commissioners, as printed in *Iris Oifigiúil*, in respect of settlements made with tax defaulters under subsection (2) of section 1068 of the Taxes Consolidation Act 1997, in respect of each of the past five years; the total amount taken in respect of settlements for each year of less than €12,700 which are not published in *Iris Oifigiúil*: if he has satisfied himself that sufficient steps are being taken to combat tax evasion in view of the continuing high level of settlements; and if he will make a statement on the matter. [29844/04]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that the total number of audited settlements made with tax defaulters and published under subsection 2 of section 1068 of the Taxes Consolidation Act 1997 in respect of each of the years 1999 to 2003 and in 2004 to date is as follows: In 1999, 194 cases were published totalling €12.32 million; for 2000, 258 cases were published totalling €19.05 million; for 2001, 295 cases were published totalling €25.44 million; for 2002, 272 cases were published totalling €35.41 million; for 2003, 1,257 were published totalling €133.92 million; and for 2004, 501 were published to date totalling €84.93 million.

I am informed by the Revenue Commissioners that separate records have not been maintained for years prior to 2003 of settlements for less than €12,700, which are not published. In 2003 the figure was 12,531 cases with a yield of €39.16 million. I am, however, in a position to inform the House of the overall total number of audited settlements made with tax defaulters in each of the years in question. These are as follows: For 1999, settlements totalled 16,938 with a yield of €136.87 million; in 2000, the number was 16,000 and the yield was €355.90 million; in 2001, the number was 16,022 and the yield was €202 mill-

ion; in 2002, the number was 15,951 and the yield was €265.46 million; in 2003, the number was 15,658 and the yield was €423.04 million; and in 2004, the number was 6,686 up to 30 June 2004 and yield was €224.63 million.

Significant steps have been taken by Revenue to increase their effectiveness in combating evasion over recent years. Key to these developments has been the use of the information powers granted to Revenue in the Finance Act 1999. Revenue has used these powers to great effect, as evidenced in the bogus non-resident account campaign, and this has undoubtedly also influenced the significant voluntary disclosure take-up in Revenue's current offshore account investigation.

Special Savings Incentive Scheme.

74. **Mr. Wall** asked the Minister for Finance if he has plans to offer guidance and advice to investors in the SSIA's when the accounts mature in 2006; and if he will make a statement on the matter. [29868/04]

Minister for Finance (Mr. Cowen): The SSIA scheme opened on 1 May 2001 and entry to it closed on 30 April 2002. The accounts are due to mature between May 2006 and April 2007 at the end of the five year period. A total of 1.17 million accounts were opened during the period outlined.

The specific goal of the SSIA scheme was to encourage people to save over a period of at least five years. Its effect has been to stimulate such savings over varying income ranges which is evident in the extensive take-up by many low income earners. The scheme has been a success in those terms. The scheme has a specific duration.

The use to which the moneys arising on maturity of the SSIA's is put is ultimately a matter for the individual account holder.

Endowment Mortgages.

75. **Mr. McCormack** asked the Minister for Finance if he is satisfied with the response from financial institutions to the shortfall on endowment mortgages compared to the projections at the time of sale. [29882/04]

Minister for Finance (Mr. Cowen): Recent publicity in relation to endowment mortgages has focused on the possibility that a significant number of holders of such mortgages will have a shortfall of funds when the mortgage reaches the end of its normal term. These products inherently require customers to take some risk; they are exposed to market fluctuations, just like any market-based life assurance investments. The fact that a person does not gain as much as expected is not in itself an indication of any inappropriate practices on the part of the bank or insurance company concerned.

There is a substantial volume of legislation in place in relation to these products. For example, the Consumer Credit Act 1995 requires that all endowment loan application forms must contain

a prominent notice to the effect that there is no guarantee that the proceeds of the insurance policy will be sufficient to repay the loan in full when it becomes due. The Act also obliges the provision of ongoing information in relation to the performance of the policy, as do the Life Assurance (Provision of Information) Regulations 2001. The Central Bank and Financial Services Authority of Ireland Acts 2003 and 2004 established the Irish Financial Services Regulatory Authority, or IFSRA, and considerably strengthened the regulatory environment, including an enhanced structure for dealing with consumers' complaints about financial institutions.

IFSRA is already studying the situation, having commenced a survey earlier this year, to determine whether and to what extent there will be difficulties for customers. It would be premature at this stage to second-guess the outcome of the survey. I will continue to review the adequacy of the legislative framework as the information developed by IFSRA becomes available.

Tax Code.

76. **Mr. Stagg** asked the Minister for Finance if an estimate is available of the amount of capital gains taxes to be paid by shareholders in a company (details supplied); the number of shareholders subject to tax; the number of shareholders likely to be able to avail of relief as a result of capital losses incurred on investments in Eircom; and if he will make a statement on the matter. [29874/04]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that the total number of shareholders nominally subject to tax was estimated at 132,000. However, since the circumstances of individual shareholders are not known, for example whether they have other reckonable gains or losses, it is not possible for the Revenue Commissioners to give a reliable estimate of the amount of capital gains tax to be paid by the shareholders involved.

The Revenue Commissioners have also informed me that capital gains tax of in excess of €34 million has been received to date in respect of these disposals. This figure is based on payments received in the Collector-General's office where the name of the company in which the shares were held was specified. It does not include payments received in local Revenue offices or where the name of the company was not identified or where the payment included capital gains tax for gains on the sale of other assets.

I am also advised by the Revenue Commissioners that it is not possible to provide details of the number of these shareholders likely to be able to avail of relief as a result of capital losses incurred on investments in Eircom. Persons who incur capital losses on the disposal of shares are only required to provide details of the quantum of those losses on their annual tax return of gains and losses for the year in which the loss arose.

[Mr. Cowen.]

Similarly, when they offset the losses against subsequent gains it is the amount of the losses being offset that is required. Details of the company in which the shares were held are not sought.

Tax Collection.

77. **Dr. Twomey** asked the Minister for Finance if the Revenue Commissioners has conducted investigations into the degree of complicity of financial institutions in some of the cases of tax evasion currently being unearthed; and if any cases are pending in respect of such practices. [29922/04]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that its recent investigations have had, as its initial and principal focus, the recovery of unpaid taxes for the Exchequer. The steps taken by its officers, including applications to the High Court for orders to access information in financial institutions in relation to taxpayers who have made false returns and as a result failed to pay their proper taxes, have resulted in the recovery of more than €1.6 billion in undisclosed taxes together with interest and penalties. Some €223 million of this sum, including tax, interest and penalties, was actually recovered from financial institutions who had failed in their obligations to remit the proper amount of deposit interest retention tax. It has been suggested that in some instances the defaulting taxpayers have been assisted in their actions by the financial institutions or by their officials.

Revenue has, within the range of offences provided for in the tax code, sought to identify cases where evidence amounting to the commission of an offence on the part of a financial institution or its officials could be assembled. I understand from it that the only relevant offence within the tax code, that of “aiding and abetting”, is extremely difficult to prove and seems to require that the bank official needs to be directly advising the taxpayer in relation to the completion of the false return. Revenue has not come across any case to date where the involvement of the official can be proved to amount to knowingly “aiding and abetting” the taxpayer to make a false return.

Tribunals of Inquiry.

78. **Ms B. Moynihan-Cronin** asked the Minister for Finance if agreement has been reached with each of the tribunals of inquiry regarding a proposed new schedule of fees; when the new fees will come into operation in each case; and if he will make a statement on the matter. [29856/04]

Minister for Finance (Mr. Cowen): My predecessor announced on 19 July last that the Government had decided that, with effect from 1 September 2004, the cost of all legal representation, including that of third parties, at newly-established tribunals or other forms of inquiry will be

paid by way of a set fee payable for the entirety of the tribunal.

The calculation of daily rates will be based on this fee. These rates are as follows: senior counsel, €213,098 p.a. or €969 per day; junior counsel, €142,065 p.a. or €646 per day — 2/3 of SC rate; and solicitor, €176,000 p.a. or €800 per daily appearance or €100 per hour for work undertaken other than appearing at the tribunal.

It was also decided at that time that the new fee structure should apply to existing tribunals and inquiries with effect from such dates as may be determined by the Government following consultation between the Attorney General and the chairperson of each tribunal-inquiry. Arising from the above-mentioned consultations the Government have agreed the dates on which the new schedule of fees would be applied to existing tribunals and inquiries. These are as follows:

The Murphy Inquiry into child sexual abuse in Ferns: 1 December 2004

The Clarke Inquiry into events at Lourdes Hospital, Drogheda: 31 March 2005

The Dunne (Post Mortem) Inquiry: 31 March 2005

The Barr Tribunal, investigating the shooting dead of John Carty at Abbeylara: 1 June 2005

The Moriarty Tribunal, investigating payments to Mr. Haughey and Mr. Lowry: 11 January 2006

The Morris Tribunal investigating activities by gardaí in Donegal: 30 September 2006

The Mahon Tribunal, investigating certain planning matters and payments: End March 2007

The Ryan Commission on the Investigation of Child Abuse: May 2008.

The Government decided to set different dates in relation to different tribunals and inquiries having regard to the individual circumstances of each tribunal or inquiry and after communication with each of their chairpersons. The Government determined not to set dates which were unrealistically early, as to do so might have involved extensive disruption of the tribunals and inquiries by reason of changes in legal personnel involved. The delays and costs which such changes would have entailed could have added to, rather than reduced, the costs of the tribunals and inquiries.

Capital Expenditure.

79. **Mr. Penrose** asked the Minister for Finance if he will make a statement on the progress of the capital programme under the national development plan; and if he intends to provide for increased capital spending in 2005 in view of the significant reduction in the level of capital spending in the first nine months of 2004. [29861/04]

Minister for Finance (Mr. Cowen): Capital investment under the National Development Plan 2000-2006 is mainly delivered through the economic and social infrastructure operational programme, ESIOP. Total spending to date under the ESIOP is close to target, and the Exchequer contribution is well above target; by mid-2004, the Exchequer had provided €1.8 billion more to

the ESIOP than was originally planned. ESIOP investment is delivering major improvements to the economic and social infrastructure throughout the country in the areas of roads, public transport, environmental infrastructure, housing and health.

On the broader matter of capital spending across all Votes, the end October figures show that the amount spent in the first ten months of the year was below the amount that Departments had profiled to spend over that period. However, in line with usual trends, Departments expect their rate of spending to increase over the remainder of the year. Also, I would remind the Deputy that Departments can now carry over unspent capital allocations from one year into the next, up to a limit of 10% of the voted capital estimate. This new facility is part of the arrangements associated with the five-year, multi-annual capital envelopes announced in the 2004 budget and allows Departments more flexibility to plan and manage their capital expenditure programmes.

The forecast outturn figures published in the 2005 Abridged Estimates show that there will be a capital carryover of some €250 million from 2004 to 2005. When that carryover is added to my pre-budget provision for capital spending in 2005, the total cash amount available for the year will be over €5,970 million. This is an increase of 14% over the 2004 projected outturn.

Price Inflation.

80. **Mr. Naughten** asked the Minister for Finance if he has issued guidelines to Ministers on the inflationary impact of increases in charges and prices. [29911/04]

220. **Mr. R. Bruton** asked the Minister for Finance if he has issued guidelines to Ministers on the inflationary impact of increases in charges and prices. [30130/04]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 80 and 220 together.

I am satisfied that all my colleagues are aware of the need to confine increases in charges and prices administered by Departments to the minimum consistent with ensuring that fees recover an appropriate contribution to particular services.

Special Savings Incentive Scheme.

81. **Mr. Neville** asked the Minister for Finance if he has commissioned any study on the impact of the release of funds under the SSIA scheme; and if he will make a statement on the matter. [29883/04]

Minister for Finance (Mr. Cowen): The SSIA scheme opened on 1 May 2001 and entry to it closed on 30 April 2002. The accounts are due to mature between May 2006 and April 2007 at the end of the five year period. A total of 1.17 million accounts were opened during the period outlined; around 400,000 accounts existed at 31 December 2001.

As previously advised to the Deputy in a reply to a parliamentary question on 14 October 2004, the impact of such maturing funds on consumer demand in 2006 and 2007 is difficult to estimate and will depend on how the accumulated SSIA savings are spent or saved, how that portion of an individual's income that was previously saved in SSIA's is used, and the extent to which savings are rolled over into other investment products. To date, two reports have been done regarding the impact of the SSIA's, one by Goodbody Stockbrokers and one by Lansdowne Market Research. However, there is no consensus in these reports as to how these funds may be used with both reaching differing conclusions regarding the division between consumption and saving. The ESRI, in its autumn bulletin, did not hypothesise about the likely impact on the economy of the release of SSIA funds because they believe that there are too many uncertainties around the likely behaviour of fund recipients.

I have not commissioned any specific study on the impact of the release of the funds. My Department is keeping the issue under review in the context of the normal assessment of the economic and budgetary position going forward. However, it is important to emphasise that, as the scheme will not commence to mature for another one and a half years, there are many uncertainties regarding the maturity of the SSIA's, which makes the task of analysing the impact particularly difficult.

Stability and Growth Pact.

82. **Mr. Coveney** asked the Minister for Finance when the terms of the Stability and Growth Pact are likely to be revised; and if he will make a statement on the pact. [29900/04]

136. **Mr. M. Higgins** asked the Minister for Finance his views on the need for reform of the Stability and Growth Pact; and if he will make a statement on the matter. [29858/04]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 82 and 136 together.

The European Commission presented a formal communication on 3 September 2004 outlining its proposals for strengthening economic governance and clarifying the implementation of the Stability and Growth Pact.

The process of discussion of the Commission's proposals is now under way. At the recent ECOFIN Council of 16 November, Ministers had a useful exchange of views on the subject. The Council requested officials to continue work on the issues involved and to report back, with a view to enabling the Council to conclude the review early in 2005.

Ireland is engaging fully with the ongoing discussions to encourage sensible reforms which are in line with Ireland's economic priorities. For example, Ireland has long argued that low debt countries should have some flexibility in allocating resources towards their investment needs. The Commission proposals include a move in this

[Mr. Cowen.]
direction. I look forward to further productive discussions with my EU colleagues on this and other points in the coming months.

Tax Evasion.

83. **Mr. Costello** asked the Minister for Finance the number of court prosecutions initiated as a result of tax evasion in respect of each year since 1997; the number of cases in which convictions

Year	Number of Convictions	Fines imposed	Custodial sentence (suspended in brackets)	Details of Custodial sentence
1997	1	€635	Nil	
1998	6	€42,854	2 (2)	(a) 6 months (suspended) (b) 2 years (suspended)
1999	1	€19,046	Nil	
2000	3	€952	2 (1)	(a) 2 years (18 months on appeal) (b) 12 months (suspended)
2001	4	€ 14,284	4 (2)	(a) 12 months (b) 6 months (suspended), (c) 6 months (suspended), (d) 3 months
2002	3	€5,540	1 (1)	6 months (suspended)
2003	6	€29,365	Nil	
2004 to 17 Nov.	1	€5,000. Fines imposed in relation to 3 charges and sentence adjourned on one charge.		

The Revenue Commissioners has a very clear policy of prosecuting cases of serious tax evasion. The investigations and prosecutions division of the Office of the Revenue Commissioners is responsible for this and the objective is to increase the number of prosecutions. Recent figures indicate that this approach is proving successful. There are currently 41 cases under investigation for potential prosecution, the DPP is considering seven cases and has given directions to prosecute in another eight. Bench warrants have been issued in two cases for failure to attend court and five cases are in the courts process.

Public Private Partnerships.

84. **Ms O. Mitchell** asked the Minister for Finance if he has satisfied himself with the performance of PPP projects to date; and his expectation for expenditure funded in this way in 2005. [29893/04]

101. **Ms O. Mitchell** asked the Minister for Finance if, in view of the lack of involvement by the private sector in PPPs, including public transport projects, he intends to introduce reforms to make PPPs increase private sector involvement in such schemes; and if he will make a statement on the matter. [27008/04]

149. **Mr. Gormley** asked the Minister for Finance his views on the use of public private partnership finance initiatives; and if he will make a statement on the matter. [29982/04]

were secured; the number of cases in which prison sentences were imposed; the sentence in each case; if he has satisfied himself with the level of court cases taken having regard to the high level of evasion; and if he will make a statement on the matter. [29845/04]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that the following table provides information on court prosecutions initiated for tax evasion:

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 84, 101 and 149 together.

The Government first approved a programme of pilot PPP projects in 1999. Substantial progress has been made since then. We are still learning and continue to keep our processes and procedures under review. PPPs are acknowledged to be complex, involving, as they do, a long-term financial commitment for both the private and public sector partners for a period of anything up to 30 years.

The pilot projects which have been completed are the bundle of five secondary schools in Ballincollig, Clones, Dunmanway, Shannon and Tubbercurry, and the second Westlink bridge. Both of these involved private financing. Both were completed in time. A number of additional projects are in progress across a range of sectors including education, roads, and environmental services. Not all PPP projects involve private financing. There are differing PPP structures, including design build operate, which is the predominant type of PPP in the environment sector in regard to water and wastewater services.

Lessons gained from the initial pilot phase have been incorporated into our processes, structures and procedures, including the establishment of the National Development Finance Agency, NDFFA. On foot of the learnings in the pilot phase, my Department prepared and issued guidelines for Departments and agencies in regard to the assessment, approval, audit and procurement of PPP projects. More guidance is in progress.

The Comptroller and Auditor General recently completed a value for money report on the bundled schools, which I have noted. This report provides a useful contribution to the development of the PPP process in Ireland. As noted in the report, a number of the issues which were highlighted had already been identified and had been incorporated into guidance issued by my Department.

The multi-annual investment framework, which was first announced in budget 2004, included estimates for PPP-NDFA investment. Based on the latest information available from Departments in respect of PPPs, there will be a shortfall in PPP projects funded by unitary payments at construction stage in 2005, relative to the Estimates announced in 2004 in relation to such PPPs. I will be reviewing the position between now and the budget and I will be announcing a new multi-annual capital envelope for the period 2005 to 2009 on budget day. The new capital envelope will take account of the PPP shortfall in 2005, overall investment priorities and the wider expenditure and budgetary position.

The PPP procurement option should be available to Departments and State authorities for application to appropriate projects where there is the right scale, risk and operational profile to harness the benefits of this new approach. That is not to say that it should replace traditional methods where these are considered more suited to the individual project or projects under consideration. The ongoing challenge for my Department is to have in place balanced and proportionate procedures for the appraisal, assessment and evaluation of proposals, which would facilitate the selection of PPP projects offering quality public services, value for money and timely delivery.

My Department is continuing to keep under review how the resources and skills required to manage the process can most effectively be marshalled and applied and how the procedures used in this form of procurement can help drive value for money outcomes.

National Pensions Reserve Fund.

85. **Ms Shortall** asked the Minister for Finance the amount in the funds of the national pensions reserve fund at the latest date for which figures are available; the amount invested outside of Ireland; the amount held in cash balances; and if he will make a statement on the matter. [29875/04]

Minister for Finance (Mr. Cowen): The 2003 annual report of the National Pensions Reserve Fund Commission shows that at 31 December 2003 the marked to market value of the national pensions reserve fund was €9,561 million. This included cash deposits of €1,283 million, net current assets of €36 million, unrealised gains on foreign derivative contracts of €70 million and equities and bonds worth €8,172 million. Of this

€8,172 million, €8,099 million was invested in non-Irish equities and bonds.

The commission also publishes quarterly performance statements setting out a summary of the fund's performance in the year to date as a means of improving the timeliness of information on the fund. The most recent of these performance statements, for the quarter to end-September 2004, was published on October 15 last. It shows the total net assets of the fund were €10,778 million at 30 September 2004. Of this amount, €1,448 million was held in cash and other net current assets, including derivatives, and a total of €9,330 million was held in equities and bonds. The statement does not distinguish between Irish and non-Irish investments.

The commission's annual report is required to include information on the investment strategy followed by the fund, a report on the investment return achieved and a valuation of the net assets of the fund at year-end. These requirements are designed to ensure that detailed information concerning the fund is made available to the Minister and the public at the appropriate time.

As the Deputy will be aware, the National Pensions Reserve Fund Commission which manages the fund is independent of Government. It controls and manages the fund with discretionary authority to determine and implement the fund's investment strategy. This investment strategy is based on a commercial investment mandate with the objective of securing the optimal return over the long term, having regard to the purpose of the fund as set out in section 18(1) of the National Pensions Reserve Fund Act 2000 and the payment requirements of the fund as provided for under section 20 of the Act, provided the level of risk to the moneys held or invested is acceptable to the commission.

Price Inflation.

86. **Mr. Durkan** asked the Minister for Finance the action he can take to address the issue of rising costs in respect of goods and services, contributory factors to which are not reflected in the CPI; and if he will make a statement on the matter. [29988/04]

Minister for Finance (Mr. Cowen): The Director General of the Central Statistics Office, CSO, has sole responsibility for and is independent in deciding the statistical methodology and professional standards to be used in compiling the consumer price index, CPI. The latest CPI release shows inflation in October was 2.7%. Inflation has averaged just 2.1% in the first ten months of this year, compared to an average of 3.8% in the same period last year.

My Department's forecast for CPI inflation in 2004, which was published in the Economic Review and Outlook in August, is 2.2%. This compares to an annual inflation rate of 3.5% in 2003. This moderation in the rate of inflation is welcome.

[Mr. Cowen.]

Maintaining a moderate rate of inflation remains a key priority of economic policy because of its importance in restoring competitiveness. In this regard, only limited changes to indirect taxes were made in budget 2004 because the goal of keeping inflation low took precedence on that occasion.

Decentralisation Programme.

87. **Mr. Deasy** asked the Minister for Finance if he envisages making any special provision for promotion and for new recruitment in the context of the decentralisation programme; and if he will make a statement on the matter. [29886/04]

Minister for Finance (Mr. Cowen): Promotion and recruitment are key elements of the Government's decentralisation programme. In the implementation phase, they are important in supporting the efficient movement of Departments and offices to their new locations. In a decentralised service, acceptance of a post, whether as a result of promotion or open recruitment, will have to be conditional on agreement to work in a particular location.

The need for new procedures in these areas has been clearly identified as a priority by the decentralisation implementation group. In accordance with the group's recommendations, the Department of Finance has begun detailed discussions with the staff unions on the procedures which must be put in place to support the programme and to develop arrangements for a fully decentralised service. It is essential that these procedures be discussed and agreed in partnership between management and staff.

To support the implementation phase, Departments and offices are making promotion appointments to posts, which it is planned will be decentralised, conditional on appointees undertaking to relocate to a particular decentralised location. Open recruitment to posts which it is planned will be decentralised are also being made conditional on appointees undertaking to relocate to a particular decentralised location.

Revenue Powers Group.

88. **Mr. Howlin** asked the Minister for Finance the progress made by his Department and the Revenue Commissioners in their consideration of the recommendations of the Revenue Powers Group; and if he will make a statement on the matter. [29850/04]

Minister for Finance (Mr. Cowen): As the Deputy will know, my predecessor established the Revenue Powers Group, under the chairmanship of Mr. Justice Frank Murphy, to examine Revenue's main statutory powers and report on changes needed. The group's report was published on 4 February 2004 and the Minister indicated at that time that he wished to allow a period for debate and public reflection on the many and

varied issues dealt with in the report and its recommendations.

Interested parties have contacted my Department and a small number of submissions have been made in this regard. I also understand the Law Reform Commission's final report on the question of a fiscal prosecutor and Revenue court is due shortly and is likely to treat of many of the issues. My Department is also discussing relevant issues with other Departments. The group's recommendations and all the views received on them to date are under examination.

Currency Fluctuations.

89. **Mr. Boyle** asked the Minister for Finance the threats the weakening in value of the US dollar poses to the economy here; the measures he intends to put in place to counteract these threats; and if he will make a statement on the matter. [29975/04]

Minister for Finance (Mr. Cowen): Any sharp appreciation of the euro *vis-à-vis* the dollar is always a challenge to the economy. This arises because a strong euro reduces the competitiveness of the exporting sector. Indeed, Ireland is more affected than most within the euro area, given our deeper trade exposure to the US than many of our European partners. In this regard, it is important that businesses take necessary measures to cope with currency fluctuations, such as hedging against these risks as well as enhancing their flexibility to cope with currency movements.

The experience of sharp currency fluctuations in the past also highlights the importance of regaining cost competitiveness. Keeping pay increases in line with the terms of the current national wage agreement, Sustaining Progress, is important in this regard.

I also note that a depreciation of the dollar has some potentially positive benefits, most notably the fact that oil prices are denominated in dollars, and so the euro price per barrel of oil will be lower.

Tax Amnesty.

90. **Ms Lynch** asked the Minister for Finance the number of breaches detected of the Waiver of Certain Tax, Interest and Penalties Act 1993 in respect of each year since 1994; the number of prosecutions initiated and convictions secured arising from such detections; if it is adopted in the manner intended by the Houses of the Oireachtas; and if he will make a statement on the matter. [29851/04]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that there are two ways in which a taxpayer may have been in breach of the amnesty, first, in making a false declaration or, second, in not making a declaration. I am informed that Revenue does not have figures for the number of detected breaches of the amnesty. Because of the confidentiality

conditions built into the 1993 amnesty legislation, such breaches are difficult to identify and prove.

No individual has been successfully prosecuted to date for failure to comply with the obligatory provisions of the Waiver of Certain Tax, Interest and Penalties Act, 1993.

Individuals and companies have been successfully prosecuted in recent years as a result of Revenue investigations, and although these investigations have in some instances involved consideration of possible amnesty breaches, it was not possible in any of them to obtain the evidence necessary to meet the required standards of “beyond reasonable doubt” from an amnesty perspective. Revenue’s criminal investigation programmes have been refocused recently with the establishment of an investigations and prosecutions division, one of whose functions is to increase the number of prosecutions for serious tax evasion. Where in the course of investigations amnesty offences are identified, they are considered for investigation with a view to taking a criminal prosecution. Many of the cases currently under investigation relate to tax offences committed in recent years and do not therefore involve consideration of amnesty issues. In view of this, I am satisfied that the Revenue Commissioners is making every effort to ensure the law is applied in the manner intended by the legislation as passed by the Houses of the Oireachtas.

Departmental Expenditure.

91. **Mr. Hogan** asked the Minister for Finance if he has satisfied himself that the extra tax collected in the past seven years is delivering value for money through the spending increases which they were used to finance. [29887/04]

Minister for Finance (Mr. Cowen): The Government has more than doubled total spending on public services between 1997 and 2004 to over €41 billion. As provided for in the Abridged Estimates Volume published last week, the Government will be adding a further €2.5 billion to this in 2005 on a pre-budget basis to fund day-to-day spending on public services. Priority has been given to expenditure on social welfare, health, education and investment. Gross spending on health has increased by 176% to €9.6 billion in 2004, spending on social welfare has increased by 97% to €11.3 billion while expenditure on education has increased by 103% to €6.1 billion. Capital spending to address the country’s infrastructural deficit has increased by 178%. The general Government debt ratio has decreased from 65% of GDP in 1997 to an expected ratio of less than 32% by the end of this year. In addition, nearly €10.5 billion has been set aside for long term pension and social security costs by investing in the national pensions reserve fund.

This level of spending has been achieved in tandem with the preservation of a stable budgetary position and major reductions in personal taxation. In my view it has resulted in significant improvements in public services across the board

but issues in relation to individual programmes and-or projects should be raised by the Deputy with the relevant Minister.

State Laboratory.

92. **Mr. Rabbitte** asked the Minister for Finance the position with regard to the transfer of the State Laboratory from its present location at Abbotstown to its new location at Backweston; the reason for the delay in completing the transfer; if all staff have agreed to the proposed relocation; the estimated final cost of the transfer; the steps being taken at the new location to ensure that delays in the completion of tests are ended, especially in view of serious concerns expressed by coroners at the delays in inquests; and if he will make a statement on the matter. [29866/04]

Minister for Finance (Mr. Cowen): I am informed by the State Chemist that the new laboratory in Backweston will be ready for occupation by the end of November, so no transfer could take place earlier. The project team will have the new location and equipment ready for each of the nine sections of the laboratory, which will move in turn over a period of two to three months. Disruption to testing and other laboratory procedures will be kept to a minimum by moving each section over a different weekend. Particular care will be taken in this regard in the case of the toxicology section which handles reports for the coroners. All of the staff of the laboratory are co-operating fully in the preparations for the relocation, although the staff unions have not yet completed the conciliation and arbitration process. Consequently, it is unlikely that the move will commence until December.

The overall final cost of the facility at Backweston is estimated to be €87.5 million, including €9 million provided in 2004 for equipment.

I am conscious of the importance of the service provided to the coroners by the State Laboratory and the impact it inevitably has on relatives of people whose deaths are the subject of inquests at a time of great distress. I know the management of the laboratory share that sensitivity and constantly monitor the service by reviewing available resources, outsourcing possibilities and the complexity of analyses.

Additional resources have been allocated to the toxicology section and there has been a substantial increase in the number of analyses completed. However, there is still a backlog of cases, due to an increase of 50% in the past two years in the number of cases referred, and a general increase in the complexity of the analyses required.

A range of measures are being taken at present to reduce the turnaround time of samples sent to the laboratory and processed by its toxicology section. Additional priority is to be given to the coroners cases over other work of the section.

[Mr. Cowen.]

Laboratory management are also reviewing the procedures and processes in the toxicology area with a view to automating as much as possible.

I am told by the management of the laboratory that the completion of the relocation to Backweston will enable the enhancement of the quality of service provided to all its clients, including the Coroner Service.

Departmental Programmes.

93. **Mr. Allen** asked the Minister for Finance the reason for the delay in publishing the public capital programme. [29898/04]

Minister for Finance (Mr. Cowen): There has been no delay in publishing the summary public capital programme, PCP. In accordance with normal practice, the 2005 summary PCP was published as part of the Abridged Estimates Volume, AEV, and presented to the Dáil on 18 November. As I indicated when publishing the AEV and summary PCP, I will be announcing a revised multi-annual capital envelope for 2005-09 on budget day.

The full public capital programme will as normal be published as a separate document along with the Revised Estimates Volume in February of next year.

Capital Projects.

94. **Mr. McGinley** asked the Minister for Finance if he has satisfied himself with the effectiveness of the process whereby different funding options are being assessed for capital projects; and if he will make a statement on the matter. [29903/04]

Minister for Finance (Mr. Cowen): Capital projects are procured primarily by the traditional means of Exchequer capital or by public private partnership, PPP. In both cases, projects are subject to appraisal for value for money in accordance with the relevant guidelines laid down by my Department. It is a matter for the sponsoring Department or agency, with the approval of the relevant sanctioning Department, to determine which project option represents best value for money.

Under the general conditions of sanction for the multi-annual capital envelopes introduced in budget 2004, Departments are required to comply in all cases with my Department's guidelines for the appraisal and management of capital projects. My Department is in the process of revising these guidelines in consultation with Departments. New guidelines will be published later this year.

To assist State authorities in determining the optimal means of financing public investment projects, the Government established the National Development Finance Agency, NDFA, on 1 January 2003. The NDFA's role includes advising on the financing and risk evaluation of Ireland's public private partnership procurement projects and raising or arranging finance for

national development plan projects. In this respect it provides a centralised expert service to Departments and certain other State authorities.

The PPP procurement option should be available to Departments and State authorities for application to appropriate projects where there is the right scale, risk and operational profile to harness the benefits of this new approach.

Discussions will commence soon with sectoral interests on planned changes in the area of public sector contracts for construction and construction related services. The changes will involve the amendment and introduction of new standard forms of construction projects which will transfer appropriate risks to contractors where they are best placed to manage them. These initiatives seek to address the issues of improved project management and to reduce the potential for project cost overruns.

Departmental Investigations.

95. **Ms McManus** asked the Minister for Finance the progress in regard to any action taken by his Department and the Revenue Commissioners arising from the report of the High Court inspectors on a bank (details supplied) which was published on 30 July 2004; and if he will make a statement on the matter. [29853/04]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that they had commenced an investigation in January 1998 when information indicating serious tax evasion on the part of customers of the financial institution in question had been made known to them. As a result of the subsequent investigation they had become aware of the magnitude of the investments made by individuals through the financial institution.

The investigation is largely complete and settlements made to date with individuals amount to €48.12 million in respect of tax, interest and penalties, with a further €4.7 million received as payments on account of the individuals' final liability. The investigations into the tax liability of the remaining cases are continuing.

As indicated, much of the information in the report of the High Court inspectors was known but some additional matters concerning the activities of the institution itself came to light and have been the subject of further consideration by Revenue in the context of establishing whether there is evidence that criminal offences under the Taxes Consolidation Act 1997 have been committed and, if so, whether admissible evidence can be obtained. In particular the "aiding and abetting" offence under section 1078 of the Taxes Consolidation Act is being considered but, as indicated by Revenue in other situations, it is very difficult to prove.

Apart from the tax matters, the behaviours outlined in the report may suggest weaknesses or failings in relation to compliance with certain other regulatory and legislative requirements, such as those relating to money laundering,

exchange controls and notification of fees and charges. The findings in the report and the bank's response are being examined in detail by the Irish Financial Services Regulatory Authority, IFSRA, which has already stated that any actions or measures that are required will be taken. In light of this and other widely reported issues, IFSRA is engaged in an industry-wide exercise focusing on appropriate systems and controls to ensure that all credit institutions are fully in compliance with all relevant laws and requirements. IFSRA is also making sure that there is proper monitoring of the fee and interest reimbursement programme, which has been commenced by the bank.

The role of the Minister for Finance in relation to financial regulation is to bring forward legislative proposals whereby a duly empowered financial regulator can regulate and supervise the financial sector in accordance with those powers. The necessary legislative framework has been put in place and day to day responsibility for the supervision of credit institutions is a matter for IFSRA. IFSRA is independent in the exercise of its supervisory functions and my Department does not get involved in its day to day activities. I should point out that the regulatory structures governing financial institutions have changed enormously in recent years, taking into account many of the lessons already learnt from this case and others. However, if further examination by IFSRA or my Department indicates that additional powers are required to prevent a recurrence of similar practices, I will address that as a matter of priority. In any event, the proposed consolidation and simplification of financial services legislation will provide an opportunity to carry out any necessary strengthening or rationalisation of the regulatory framework in this regard.

The exchange control implications of this case were first raised in early 1998 and, as the House has previously been informed, were investigated by the Central Bank at the request of the then Minister for Finance. The bank's interim report to the Minister for Finance in May 1998 was not conclusive and the bank indicated that it would defer concluding its consideration of exchange control matters pending the finding of other investigations. Legal advice at the time was that the report was not sufficient to warrant its referral to the DPP. It should be noted that exchange controls were phased out progressively, especially from 1988, and were finally abolished on 31 December 1992. My Department has written to the Governor of the Central Bank asking him to arrange for a review of the situation having regard to both the recent High Court inspectors' report and the 1998 report of the authorised officer.

I should point out that the report has been referred to the DPP, and criminal charges might therefore follow. While it would not be a matter for me, the behaviours reported in this case are of a type that could also have potential implications for individuals both from a company law and a financial services regulatory point of view.

Tax Yield.

96. **Mr. Connaughton** asked the Minister for Finance the aggregate amount of revenue expected to be raised in 2004 in taxation from the purchase, registration and use of motor vehicles, distinguishing the total in VAT, in excises, in VRT, in motor tax and so on. [29904/04]

243. **Mr. Durkan** asked the Minister for Finance the anticipated outturn in terms of receipts of all taxation derived from the motor industry; and if he will make a statement on the matter. [30282/04]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 96 and 243 together.

I am not in a position to provide figures of the anticipated outturn for 2004 of taxation specifically derived from the motor industry. The latest estimated figures for 2004 to end October 2004, as advised by the Revenue Commissioners, in respect of the yield from VAT, excise and VRT for various commodities associated with motor- ing, are shown in the following tables:

VAT Yield	2004 to October
	€ million
Petrol	252.81
Auto Diesel	28.46
Motor Oil & LPG	1.98
Cars	367.51
Motor Cycles	4.78
Car Repairs	28.14
Car Accessories	23.28
Car Hire	10.68
Driving Instruction	2.67
Haulage	25.71
Total	746.02

Excise Duty	2004 to October
	€ million
Petrol	838.00
Auto Diesel	750.40
Auto LPG	0.08
Total	1,588.5

VRT	2004 to October
	€ million
Cars	890.62
Motor Cycles	2.95
Car Derived Vans	9.61
Commercial Vehicles	2.42
Total	905.60

[Mr. Cowen.]

It is not possible to quantify income tax and corporation tax data separately for the motor industry.

In respect of annual motor tax, I am informed by the Department of the Environment, Heritage and Local Government that the forecast for motor tax receipts in 2004 is €724 million. The provisional yield for the year to end October is €640 million.

In respect of toll roads, I am informed by the Department of Transport that the annual fee to the Exchequer is estimated to be approximately €9 million for 2004. It is estimated that VAT receipts for the first six months of the year are €4 million.

Tax Code.

97. **Ms Burton** asked the Minister for Finance the steps he is taking to carry out an assessment of various tax reliefs, especially property-based reliefs, to establish whether they are making a significant contribution to the economic life of the country or simply allowing high earners to reduce or eliminate their tax liability; and if he will make a statement on the matter. [29841/04]

Minister for Finance (Mr. Cowen): All major tax incentives-expenditures are kept under review by this Government, especially in the context of the annual budget and Finance Bill process. It is widely acknowledged that there are legitimate and reasonable reasons for tax reliefs as a general principle and few would argue that these tax relief provisions have not made a significant contribution to the economic life of the country. Successive Governments have introduced them for a range of purposes such as regenerating inner cities, improving tourism prospects in areas where the potential was not being realised, developing industries such as the film industry and providing seed capital for small businesses. I would add that the economic aspect is only part of the picture one must look at when assessing tax reliefs: societal, cultural and environmental effects are also important and should not be discounted or ignored.

Our estimates of the costs of the ten highest costing reliefs show these to include pension contributions, stamp duty and capital gains tax exemptions on one's home, mortgage interest relief, non-taxation of child benefit, medical insurance relief and the special savings accounts. These cannot be characterised as tax shelters for high earners.

There are many reasons a person would have a nil liability. This can arise from the cumulation of tax relief for pension contributions, trading losses carried forward, capital allowances and various tax reliefs. It must be accepted that tax reliefs, even where they can be justified for good public policy purposes, will reduce the tax bills of those in the higher income bracket.

I am conscious of the need to ensure equity in the tax system. Since 1998, this Government has made 29 separate and effective moves to limit reliefs, re-focus allowances, close off loopholes and ensure that a proper balance is struck between the provision of particular incentives for good public policy reasons and the availability of opportunities for higher earners to reduce their tax exposure. I will continue this policy. To that end, all reliefs and incentives will be kept under review to ensure that they are fulfilling the purpose for which they were intended.

As I have recently informed the House, the Revenue Commissioners are introducing a number of changes to certain tax forms which will yield additional information regarding the cost of reliefs. This is part of ongoing commitments to improve the quality of information available on the costs of tax expenditures generally. Provisions were included in the Finance Act 2004 to underpin these changes. This will provide better data in this area and enable fuller estimates of the tax foregone to be made over time.

National Minimum Wage.

98. **Mr. G. Mitchell** asked the Minister for Finance the cost of removing the minimum wage entirely from the scope of income taxes in 2005. [29897/04]

118. **Mr. Gilmore** asked the Minister for Finance the progress made to date with regard to the commitment given in An Agreed Programme for Government to remove all persons on the national minimum wage from the tax net; the steps he intends to take to ensure that this commitment is honoured; and if he will make a statement on the matter. [29847/04]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 98 and 118 together.

I am informed by the Revenue Commissioners that the full year cost of removing the minimum wage entirely from the scope of income tax in 2005 would be €350 million, if achieved through an increase in the employee PAYE credit. It would be €525 million in a full year if the necessary increase was applied solely to the personal credit. If the required increase was applied equally between the personal and employee credits, the full year cost would be €440 million.

When the statutory minimum wage came into effect in 2000, less than 64% of the annualised figure of €11,330, or £8,923, was exempt from taxation. In budget 2002, 90% of the minimum wage became exempt from tax and in budgets 2003 and 2004, this position has been maintained even though the minimum wage was increased in October 2002 and February 2004. The wage currently stands at €7 per hour, having been increased from €6.35 per hour on 1 February 2004. The annualised equivalent of the minimum wage is €14,196 and 90% of this figure is free of tax for the single PAYE person.

There is a commitment in the Government programme, An Agreed Programme for Government, which states that “over the next five years our priorities will be to achieve a position where all those on the minimum wage are removed from the tax net”. The five year period mentioned commenced two years ago when the Government were elected to office. I should also point out that the commitment to exempt the minimum wage from tax is given in the context of a broader economic and budgetary strategy which provides, among other things, that the public finances will be kept in a healthy condition and that personal and business taxes will be kept down in order to strengthen and maintain the competitive position of the Irish economy.

The current national partnership agreement, Sustaining Progress, contains a commitment in generally similar terms. Accordingly, exemption from tax of those on the minimum wage will be a matter for consideration in the context of the annual budgets over the next number of years consistent with the Government’s overall economic and budgetary strategy and with the Government’s commitments already mentioned. However, there should be no doubt about our commitment in this regard.

Housing Market.

99. **Mr. Noonan** asked the Minister for Finance his views on the exposure of the economy to reversals in the housing market; and if he will make a statement on the matter. [29909/04]

Minister for Finance (Mr. Cowen): Recent years have seen a rapid increase in output in the residential construction sector. In 2003, housing construction accounted for just over 10% of GNP. While I would expect a normal easing back of housing output in the coming years construction sector demand should be assisted by a continuation of a strong public capital programme and a pick up in other investment. Most commentators believe the Irish housing market is underpinned by sound economic fundamentals and favourable demographics which must also be taken into account.

Tax Code.

100. **Mr. Gormley** asked the Minister for Finance if he intends to introduce measures to prevent high earners from achieving zero tax liability; and if he will make a statement on the matter. [29981/04]

109. **Mr. Perry** asked the Minister for Finance whether additional caps should be introduced in respect of certain tax reliefs in order that they not be used to eliminate the tax liability of high earning persons. [29920/04]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 100 and 109 together.

There are many reasons a person would have a nil liability. This can arise from the cumulation

of tax relief for pension contributions, trading losses carried forward, capital allowances and various tax incentives. It must be accepted that, of their nature, tax reliefs, even where they can be justified for good public policy purposes, will reduce the tax bills of those in the higher income bracket.

I am conscious of the need to ensure equity in the tax system. This Government has reduced the tax burden for all taxpayers, particularly the lower paid, on an unprecedented scale. Since 1998, we have also taken effective measures to limit and refocus tax reliefs to ensure a proper balance is struck between the provision of particular incentives for good public policy reasons and the availability of opportunities for higher earners to reduce their tax exposure. I will continue this policy. To that end, all reliefs and incentives will be kept under review to ensure that they are fulfilling the purpose for which they were intended.

With regard to the steps I may take or measures I may be considering, I refer the Deputies to the long-standing practice of Ministers for Finance not to comment on what may or may not be contained in upcoming budgets. I do not intend to depart from that approach.

Question No. 101 answered with Question No. 84.

Ansbacher Accounts.

102. **Ms B. Moynihan-Cronin** asked the Minister for Finance the number of persons, companies and trusts being investigated by the Revenue Commissioners arising from accounts (details supplied) at the latest date for which figures are available; the number of cases in which settlements have been agreed; the total amount paid to date; the number of cases still outstanding; if additional action has been taken by the Revenue Commissioners arising from the report of the inspectors; and if he will make a statement on the matter. [29855/04]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that their Ansbacher review team has inquired into 289 cases to date and 92 of these cases have concluded settlements with Revenue. The 289 cases, taking account of spouses and connected companies, consist of 300 names. The 289 cases are made up of 179 cases listed on the High Court inspectors’ report and 110 similar cases discovered by Revenue or listed on the authorised officer’s report.

A total of 211 cases have been under active investigation. The remaining cases consist of 62 non-resident persons, including 17 former Irish residents, 12 individuals who claimed the 1993 amnesty provisions and four cases with insufficient identity information.

The investigation includes examining the tax position of disclosed entities and accumulating and assembling information on other connected

[Mr. Cowen.] entities. The number of connected entities in relation to cases under investigation is now nearly 700.

Revenue continues to make use of its legislative powers to seek books, records, documents and information in the cases being investigated. Where appropriate, prosecutions will be considered but these will depend on the level of evidence available.

Revenue has made five successful applications to the High Court for the production by financial

	Cases	€ million
Cases involving Ansbacher or Ansbacher type arrangements	76 Cases	35.31
Other cases involving offshore funds or deposits	16 Cases	8.70
Total	92 Cases	44.01

The 92 cases which have concluded settlements with Revenue as referred to in the opening paragraph consist of 54 cases with final settlements of €32.47 million; 25 non-resident cases covered by the provisions of double taxation agreements; 11 with no additional liability; and two covered by the 1993 amnesty provisions.

Revenue made an application under section 11 of the Companies Act 1990 for a copy of the High Court inspectors' report, which was made available to Revenue on 6 July 2002. The information in this report has been carefully considered as regards the tax liabilities of the persons concerned. In addition, Revenue has made a further application to the High Court for access to the supporting papers to the High Court inspectors' report. Judgment was delivered by the President of the High Court on 25 May 2004 to allow access to the supporting papers in relation to clients of Ansbacher named in the High Court inspectors' report and those persons and companies, including members of the board, found by the High Court inspectors to have failed to co-operate with their inquiry. The judgment also allows for the Revenue Commissioners to make application and grounding affidavit for the obtaining of information and documents relating to any other individual or company. Access to documents is subject to the direction of the High Court. The High Court orders in the matter were granted in June 2004. Revenue has informed me that the investigations are time-consuming and complex and are likely to continue for some time to come.

Departmental Expenditure.

103. **Mr. Ring** asked the Minister for Finance if he has received any report from the Office of the Comptroller and Auditor General or the Committee of Public Accounts on proposed changes in spending arrangements; and if he will make a statement on the matter. [29912/04]

Minister for Finance (Mr. Cowen): I have received no report from the Office of the Comptroller and Auditor General or the Com-

mittee of Public Accounts specifically on proposed changes in spending arrangements. If there is a particular report the Deputy has in mind, I am happy to consider this matter further on the basis of more detailed information.

Tax Code.

104. **Mr. Kenny** asked the Minister for Finance if he has examined the take up of tax relief for pension contributions across different income categories; and if he will make a statement on the matter. [29915/04]

Minister for Finance (Mr. Cowen): It is not possible to examine the take up of tax relief for all pension contributions across different income categories. This is because the relevant information is not available to the Revenue Commissioners as the tax relief for pension contributions for employees is normally given at source, that is, the taxable income is the income net of pension contributions by employees.

Claims Against the State.

105. **Mr. Sherlock** asked the Minister for Finance the number of cases for compensation lodged against the State for alleged exposure to toxic mould in Government-owned buildings; the steps being taken to eliminate any threat posed by toxic mould; and if he will make a statement on the matter. [29872/04]

Minister for Finance (Mr. Cowen): The State Claims Agency is handling two cases of alleging personal injury following exposure to a toxic mould. The State Claims Agency, as part of its risk management programme, commissioned a survey of a number of Government-owned buildings located countrywide to ascertain the situation in relation to toxic mould. The buildings selected were of varying age and building types.

The report did not reveal any prevalent toxic mould problem. The State Claims Agency is in discussions with the Office of Public Works to ensure that the necessary mechanisms are in

place to permit the identification and removal of toxic mould where discovered. The State Claims Agency will provide guidelines to the Office of Public Works and State authorities early in the new year, based on the report's findings.

Decentralisation Programme.

106. **Caoimhghín Ó Caoláin** asked the Minister for Finance if he will report on progress to date on the decentralisation programme; and if he will make a statement on the matter. [29973/04]

Minister for Finance (Mr. Cowen): The two reports of the decentralisation implementation group, DIG, dated 31 March 2004 and 30 July 2004, provide detailed accounts of the progress made in implementing the decentralisation programme announced last December. An analysis of the applications registered with the central applications facility by 7 September 2004 has also been published. I refer the Deputy also to the presentations made to the Oireachtas Joint Committee on Finance and the Public Service on 6 October 2004 by the chair of the implementation group, the CEO of the Public Appointments Service, PAS, and the Department of Finance. I am very pleased with the progress which has already been made in driving forward the implementation of the programme.

In addition, I have received for consideration from the DIG a report containing proposals on those organisations which, in the group's view, should be included in the first phase of moves and I expect to be making an announcement in this regard shortly.

Tax Code.

107. **Mr. Kehoe** asked the Minister for Finance if he has satisfied himself with the equity of the stamp duty code. [29891/04]

Minister for Finance (Mr. Cowen): As previously advised to the Deputy in a reply to a parliamentary question on 14 October 2004, stamp duty is a tax on property and property rights. As ownership of property is positively correlated with income, the incidence of this tax will tend to fall more on those on higher incomes. The equity of this depends on ones viewpoint but such a tax is generally regarded as progressive from the point of view of equity.

As for equity between different classes of purchasers of property, the following points are of relevance: stamp duty does not arise in the case of transfers on death; stamp duty does not arise in the case of transfers between spouses; half the normal rate applies in the case of transfers between other close relatives; no stamp duty applies in the vast majority of purchases of new houses by first-time buyers or other owner occupiers, whereas investors pay the normal rates on the purchase of new houses; and in the case of the purchase of a second-hand house by a first-time buyer, stamp duty only applies if the value exceeds €190,500.

It is always difficult to achieve complete equity in taxation but this issue is borne in mind where relevant in the case of stamp duty.

108. **Mr. Wall** asked the Minister for Finance his views on the recent suggestion made by Dublin City Council for the introduction of a sales tax and hotel bed tax to fund local councils; and if he will make a statement on the matter. [29870/04]

Minister for Finance (Mr. Cowen): It is my understanding that this question relates to a detailed submission by Dublin City Council to a major independent review of local government financing in Ireland which is being carried out. The Minister for the Environment, Heritage and Local Government has set up a steering group to oversee this review, which is expected to be completed in spring 2005. At this juncture it would be premature of me to offer any comment on the possible recommendations or measures which may arise from the review process.

Question No. 109 answered with Question No. 100.

Decentralisation Programme.

110. **Mr. Rabbitte** asked the Minister for Finance the total estimated cost of acquiring sites, new buildings, equipping new offices and other ancillary costs likely to arise from the decentralisation proposals; and if he will make a statement on the matter. [29865/04]

127. **Mr. Boyle** asked the Minister for Finance the costings which are being provided, in view of the fact that it is accepted that it will cost over €1 billion to provide accommodation for office relocation throughout the country for Departments and agencies, in terms of logistics and ancillary costs; and if he will make a statement on the matter. [29976/04]

Minister of State at the Department of Finance (Mr. Parlon): I propose to take Questions Nos. 110 and 127 together.

The Budget Statement 2003 set out a major new programme of public service decentralisation involving the relocation of 10,300 civil and public service jobs to 53 centres in 25 counties. Further announcements since then increased the scope of the programme to over 10,500 jobs in more than 56 locations.

My office has been tasked with procurement of development sites in the designated locations and the procurement of accommodation solutions to the office and facility requirements of the Departments and agencies involved. Following the requests for property proposals, the Office of Public Works received in excess of 700 proposed property solutions in relation to the decentralisation programme scheduled for the various locations around the country. Detailed evaluation of these proposals has been undertaken and the Office of Public Works has made significant pro-

[Mr. Parlon.]
gress in sourcing possible sites at the locations concerned.

The evaluation process involves the following three-strand approach: an architectural assessment by OPW architects; a valuation process undertaken by both OPW and private sector valuers; and an assessment by reference to the business needs and staff requirements of each decentralising Department or agency.

To date, eight property solutions have been agreed in principle and a further 20 are at an advanced stage in the acquisition process. The balance of the sites will be pursued over the coming months.

A broad range of factors will influence the selection of sites and these include: proximity of the site to commercial, leisure and educational facilities; proximity to public transport; access to and from a good quality road network; and zoning for development. The prevailing property market conditions in each geographical area will also have a significant bearing on the acquisition of sites. In the circumstances and taking into account that the acquisition process is still in progress, it is not possible at this stage to provide a precise estimate of the cost of the site acquisition programme. However, for working purposes only, an indicative figure of €75 to €100 million is being used by the OPW.

The next stage in the decentralisation process will focus on the construction of office accommodation on the sites being procured by OPW. The decentralisation implementation group recommended a public private partnership approach, where appropriate, to the procurement of the office accommodation. Consequently, my office has been developing a comprehensive risk-adjusted costing of project elements to measure the value for money of future PPP bids, in addition to examining the appropriateness of using traditional procurement methods. It is expected that the scale and locational profile of some decentralisation projects will not fit within a PPP procured model. Accordingly the cost profile of such projects may vary from the PPP model.

It is anticipated that, in the vast majority of cases, the accommodation facilities will be provided by the construction of new office buildings and cost estimation can be approached on that basis. However, in advance of actual market testing of any procurement methodology, it is possible, at this time, only to assign the most general measurements of cost to such a large-scale, diverse and complex programme.

It is estimated that approximately 210,000 sq. m, or 2.26m sq. ft, of office space will be required to accommodate the total numbers included in the programme. Current industry cost norms in respect of commercial offices would indicate an average build cost to fit-out standard, in the range of €1,450 per square metre to €2,000 per square metre. Such figures exclude VAT, professional

fees and inflation. In addition, the cost of equipping the accommodation to standard office equipment levels could be estimated at c.€4,000 per person. This would exclude the cost of information and communication technology and specialised equipment requirements.

Such general measurements of cost do not include specialised facility and equipment requirements and other variables which would arise from the spread of possible procurement methodologies. In addition, general cost indicators of this type show a snapshot in time. The chairman of the decentralisation implementation group laid out a sequencing approach to members of the Joint Committee on Finance and the Public Service on 6 October. The group's views on sequencing and timing are to be submitted to the Cabinet sub-committee on decentralisation for its consideration. The outcome of these deliberations will clearly have an impact on how we can more closely assess programme costs going forward.

It is self-evident that a firmer scale of costs for the decentralisation programme will only emerge on foot of actual cost proposals being received from the market. Nevertheless we can clearly anticipate that, generally-speaking, the cost of providing accommodation infrastructure in provincial locations compared to central Dublin locations should yield considerable cost savings to the State over time in terms of site costs, capital build costs and maintenance costs.

In relation to non-property costs, my Department, at the request of the Decentralisation Implementation Group engaged consultants to identify the areas in which non-property related costs and savings would arise in both the transition phases and in the longer term. I understand that this report has been received and further information concerning these issues will be made available shortly.

Aer Rianta.

111. **Mr. R. Bruton** asked the Minister for Finance if he is satisfied with the payments made to terminate the employment of the chief executive of Aer Rianta; and the papers which were presented to him in this respect before he issued his approval. [29879/04]

Minister for Finance (Mr. Cowen): I refer the Deputy to my previous reply of 14 October. The previous Minister, as shareholder, indicated his consent to arrangements, outlined to him by the chairman of Aer Rianta on 24 September last, concerning the package the board proposed to make to the deputy chief executive who was leaving the company. I understand that the proposed package included a lump sum of two and a half times salary, a contribution to pension fund, payment of a bonus and retention of company car.

Banking Sector.

112. **Ms Burton** asked the Minister for Finance

if he has plans to require the main banks to make a greater contribution to the Exchequer through taxation or other appropriate mechanism, especially in view of the recent report from a company (details supplied) showing that the two main banks here are among the most profitable in Europe; and if he will make a statement on the matter. [29842/04]

Minister for Finance (Mr. Cowen): As the Deputy is no doubt aware, companies are liable to corporation tax on their profits at the relevant tax rate. Since 1 January a new standard rate of corporation tax of 12.5% has applied across the board to the trading profits of companies. If a particular company's net trading profits for tax purposes increase, then it will pay more corporation tax. The Finance Act 2003 provided for a special levy on financial institutions calculated by reference to the amount of tax payable by them in 2001 on deposit interest. The levy applies at €100 million per annum for each of the years 2003, 2004 and 2005. As Deputies will be aware, it is not the practice in the lead up to the budget to comment on any possible changes in taxation.

Tax Code.

113. **Ms Enright** asked the Minister for Finance if he is satisfied with the equity of the tax treatment of the housing sector. [29906/04]

Minister for Finance (Mr. Cowen): A range of tax incentives exist in the housing market in the case of first-time and other owner occupiers, investors and tenants. For owner-occupiers, mortgage interest relief at the standard rate is granted in respect of interest paid up to a ceiling on loans used for the purchase or improvement of a person's sole or main residence. Preferential arrangements exist for first-time buyers over other owner occupiers. The existing higher ceilings for first-time buyers on allowable interest were increased in budget 2003. The period for which these increased ceilings will apply was extended from five years to seven years.

All owner-occupiers, including first-time buyers, are generally exempt from stamp duty on new houses where the property is 125 square metres or less. In addition, there is more favourable stamp duty treatment for first-time buyers of second hand houses up to €381,000 as compared to other purchasers. Owner-occupiers also are not subject to capital gains tax on the gain from the disposal of their main residence.

In relation to investors, in budget 2002, against a background of increasing rents and a shortage of rental stock, mortgage interest relief was reintroduced in respect of borrowings for use in the rented residential sector. For tenants, tax relief at the standard rate is available to individuals in respect of rent paid on their accommodation up to a certain ceiling.

The years 2002 and 2003 were the eight and ninth successive years of record housing output with 57,695 and 68,819 completions, respectively.

This positive trend in supply has continued into 2004, with statistics for the six months to June showing that overall house completions at 35,957 were up 21.4% on the same period last year.

The housing market is a complex and dynamic one and demands continuous monitoring and adjustment to address changing circumstances. In such examinations tax equity is always a consideration. As the Deputy will appreciate, it is not the practice to comment on the possibility or otherwise of tax policy changes in the lead up to the annual budget.

Decentralisation Programme.

114. **Mr. Penrose** asked the Minister for Finance the supports, financial or otherwise, which will be made available to civil and public servants transferring to new locations outside of Dublin under the proposed decentralisation programme; and if he will make a statement on the matter. [29864/04]

Minister for Finance (Mr. Cowen): The decentralisation implementation group in its second report published in July 2004, recognised that a professional and comprehensive range of support services should be provided to assist decentralising staff with the myriad of issues likely to arise. The number of moves of staff and their families provides a significant market opportunity for providers of professional and other services. If it is possible for providers to offer services on a centralised or co-ordinated basis, there would also be significant benefits for staff.

The group recommended that the Department of Finance approach the market seeking expressions of interest for the supply of services covering auctioneering, legal, relocation and other appropriate services to support and assist staff relocating to any of the centres under the public service decentralisation programme. Depending on the expressions of interest received, the Department may pass on information about the services being offered to staff.

The Department advertised in the national press on Monday, 8 November for expressions of interest for the supply of services. The request for expressions of interest made it clear that no subsidy from public funds would be provided for any of the services offered or provided to staff. What services are provided and what the costs might be are issues which will have to be agreed between the provider and those members of staff who are considering using the services offered. The programme of decentralisation will be implemented through the transfer of staff on a voluntary basis. There will be no redundancies and, as on previous occasions, the payment of removal or relocation expenses will not arise. However, discussions will be held with the public service unions at every stage to ensure the necessary support is in place for all staff affected by the programme.

Flood Relief.

115. **Mr. O'Dowd** asked the Minister for Finance the financial assistance he can offer to businesses and householders in view of the recent disastrous flooding in many parts of the country. [27535/04]

133. **Mr. Hayes** asked the Minister for Finance the steps he intends to take to alleviate the hardship felt by many residents and business people throughout the country who have been adversely affected by recent flooding; if he has satisfied himself with the flood prevention programmes in place in towns and cities; and if he will make a statement on the matter. [27703/04]

Minister of State at the Department of Finance (Mr. Parlon): I propose to take Questions Nos. 115 and 133 together.

At its meeting on 2 November 2004 the Government approved the establishment of a humanitarian aid scheme to relieve hardship arising from the flooding of people's homes as a result of severe rainfall over several days during the last week of October 2004. The Irish Red Cross has been appointed to administer the scheme on the ground. My officials in the Office of Public Works met on 3 November 2004 with the IRC to finalise arrangements for the scheme and advertising of the scheme in both the national and local media commenced on 7 November 2004. The closing date for receipt of applications for aid is the 24 November 2004.

The scheme applies to homes. It does not apply to businesses. It is emphasised that the scheme is humanitarian and is designed to relieve hardship. It is not compensation for losses and is not a substitute for insurance. Eligibility criteria for assistance will be in line with previous aid schemes, namely death, serious injury, damage to home or extreme hardship. The scheme applies countrywide.

In regard to flood prevention programmes in towns and cities, the OPW is committed to the implementation of a national priority programme of drainage schemes to alleviate localised flooding problems. This priority programme was drawn up following the severe flooding of 1994-95 and the passing of the Arterial Drainage (Amendment) Act 1995 which gave the Commissioners of Public Works powers to undertake drainage schemes to alleviate localised flooding. The first localised flood relief scheme carried out by the OPW on behalf of the Government under the Arterial Drainage (Amendment) Act 1995 began in 1996. Other areas have been added to the list in the intervening years. To date, 12 schemes have been completed and the major scheme currently under construction in Kilkenny city will also be substantially completed before the end of this year. The estimated capital cost of projects currently in the OPW's flood relief programme is in the order of €400 million.

The Government is committed to a strategic flood management policy. In that context I

remind the Deputies that the Government at its meeting on 21 September last approved the recommendations of the flood policy review group. This confirms the role of the OPW in taking a strategic approach to flood management in the future and working in co-operation with the relevant local authorities. The programme of flood relief schemes on hand will be implemented as resources permit in the context of an integrated, long-term strategy on flood management measures, for example, flood warning systems, flood mapping, guidelines on development and formulation of catchment flood risk management plans to foster a catchment-based approach to flood management. Account will be taken of the need to prioritise expenditure in the areas of greatest need and to be mindful of the implications of climate change. I am glad to be able to report that the OPW has already commenced work on the development of flood warning systems and flood hazard mapping as the first steps in this new approach. I am satisfied that a coherent, sustainable, long-term strategy on flood management is now in place consistent with the recommendations of the flood policy review group and combining structural and non-structural measures.

Tax Code.

116. **Dr. Upton** asked the Minister for Finance if he has considered the taxation implications of receipt of decoupled payments by farmers, which might occur within one financial year; and if he will make a statement on the matter. [29347/04]

Minister for Finance (Mr. Cowen): I am aware of the taxation implications for farmers arising from the decision to fully decouple certain direct payment schemes from production levels with effect from 2005. In effect all FEOGA premia payments will from 2005 be replaced by a single payment to all eligible farmers. The Department of Agriculture and Food is committed to making the first annual payment under the new arrangement to farmers in December 2005. This payment will be in respect of entitlements established for the calendar year 2005. However, under the current regime FEOGA premia payments are generally made in two instalments, with an advance paid in the year to which the payment relates and the balance in the following year. The timing of the changeover from the current system to the single farm payment scheme will result in certain farmers having additional taxable income in the form of additional direct payments in the calendar year 2005. While farmers who have opted for the income averaging system can spread this additional income for taxation purposes over three years this facility is not available to part-time farmers or farmers where the spouse has off farm income. The Deputy will appreciate that in line with normal practice in the run up to the annual budget and Finance Bill I do not wish to comment further on the intention or otherwise to make changes in taxation.

American Tax Amnesty.

117. **Mr. S. Ryan** asked the Minister for Finance if he has carried out an assessment of the likely economic impact here of the corporate tax amnesty signed into law by the US President, Mr. George Bush, which may mean that profits generated here by US firms may now be returned to the US; and if he will make a statement on the matter. [29869/04]

Minister for Finance (Mr. Cowen): The American Jobs Creation Act 2004 gives US multinationals a one-off chance to repatriate to the US accumulated profits held outside the US by availing of a special effective corporate tax rate of 5.25%. Non-US profits repatriated to the US are normally taxed at between 35% and 40%. This reduced rate of corporation tax will only be available for a 12 month period.

President Bush recently signed the legislation into law and full details of how it will be interpreted in practice are not yet available. Consequently, it is not yet possible to assess fully the likely economic impact.

I draw the attention of the Deputy to what my colleague, the Minister of State, Deputy Killeen, said in the Dáil on 16 November, namely, that IDA Ireland is not overly concerned that this one-off opportunity to repatriate accumulated profit to the US will affect the level of ongoing US investment in Ireland. However, IDA Ireland and Forfás will undertake a joint review of the legislation.

Question No. 118 answered with Question No. 98.

Capital Expenditure.

119. **Mr. Sargent** asked the Minister for Finance the amount of the capital expenditure programme allocation for 2004 which has been spent to date; and if he will make a statement on the matter. [29986/04]

Minister for Finance (Mr. Cowen): Net voted capital spending to the end of October 2004 amounted to €3.051 billion. Under the rolling multi-annual capital envelopes announced in budget 2004, Departments are allowed to carry over to the following year up to 10% of voted capital savings in the current year. Latest assessments from Departments of the full year outturn, as set out in the recently published Abridged Estimates Volume, AEV, indicate savings of €80 million net of an estimated €248 million carryover of capital savings from 2004 into 2005. A saving of €80 million would be equivalent to 1.5% of the voted capital provision in the 2004 Revised Estimates Volume, REV. On the question of costs, however, the Deputy will be aware that my Department has been working closely with the Revenue Commissioners to investigate information and data capture issues with a view to improving data quality and transparency without overburdening compliant taxpayers. On foot of

this work, the Revenue Commissioners is introducing a number of changes to the forms which will yield additional information regarding the cost of certain important tax reliefs, especially the property-based incentive reliefs, and I can supply the Deputy with a list of these. Provisions were included in Finance Act 2004 to underpin these changes. This will provide better data in this area and enable fuller estimates of the tax foregone to be made over time.

Property based incentives on which information is being sought in tax forms: urban renewal; town renewal; seaside resort; rural renewal; multi-storey car parks; living over the shop; enterprise areas; park and ride; hotels; holiday cottages; nursing homes — associated housing for elderly or infirm — and convalescent homes; student accommodation; qualifying private hospitals, including qualifying sports injury clinics; and buildings used for certain child care purposes.

EU Cohesion Policy.

120. **Mr. O'Shea** asked the Minister for Finance the efforts he is making to implement EU cohesion policy, specifically towards development of the regions with regard to EU cohesion policy; and if he will make a statement on the matter. [27987/04]

Minister for Finance (Mr. Cowen): The central aim of EU cohesion policy is to reduce the economic and social disparities of the Union. The member states, their regions and the Commission are supported in their policy efforts mainly by the use of the Structural and Cohesion Funds. In Ireland's case, these funds, valued at around €3.7 billion over the period 2000 to 2006, are delivered through the community support framework, CSF. The CSF represents an agreement between Ireland and the European Commission for the support of a range of interventions in support of cohesion policy. The key objectives of the CSF 2000-06 are continuing sustainable economic and employment growth; consolidating and improving our international competitiveness; fostering balanced regional development; and promoting social inclusion.

In pursuit of the objective of balanced regional development, the strategy is delivered through three national operational programmes, OPs: economic and social infrastructure OP; productive sector OP; the employment and human resource development OP; and two regional OPs. The national OPs have specific funding envelopes for the BMW and south and east regions. They support investment in infrastructure, public transport, research and development, education and training. The regional programmes support local infrastructure, local enterprise, agricultural and rural development, child care and community development in the BMW and south and east regions. The regional assemblies, with members drawn from the regional authorities, are the managing authorities for the regional programmes.

[Mr. Cowen.]

Ireland, and both of its regions, has made considerable progress in achieving convergence with other member states of the Union. In terms of progress on economic development and employment, we now exceed the average EU levels for the key cohesion indicators of GDP per capita, employment rate, and the rate of unemployment.

Tax Yield.

121. **Mr. M. Higgins** asked the Minister for Finance if he will make a statement on the anticipated end of year Exchequer returns for 2004. [29860/04]

Minister for Finance (Mr. Cowen): At the Abridged Estimates Volume (AEV) Conference last week, I stated that, as of then, my Department was anticipating an Exchequer borrowing requirement of about €0.7 billion compared to a Budget Day forecast of €2.8 billion for 2004. The difference was mainly due to about €2 billion extra in tax receipts and some savings on expenditure. There is still a lot of tax to come in so such estimates are always subject to change and updating.

Tax Harmonisation.

122. **Mr. Cuffe** asked the Minister for Finance his views on whether there are areas of tax convergence which can and will happen within the European Union; and if he will make a statement on the matter. [29978/04]

Minister for Finance (Mr. Cowen): It is not clear what the Deputy has in mind by the reference to “tax convergence”. However, if by tax convergence the Deputy means the Commission’s proposals for a common consolidated tax base or the harmonisation of rates, then Ireland is opposed to such developments. It is Ireland’s position that each member state must be in a position to decide for itself the appropriate structure of its own tax system, bearing in mind the need to ensure that member states do not introduce unfair tax practices.

However, Ireland is happy to address tax matters at the EU level once the actions are appropriate, are targeted at clearly identified barriers to the workings of the Internal Market and are agreed by unanimity when they come before Council for decision.

In this regard, work is ongoing on a number of tax dossiers in both the direct and indirect tax area at EU level. For example, there is a proposal to amend the mergers directive to aid business to operate more effectively cross border and I understand that this is well advanced. Likewise, the recently agreed interest and royalties directive and the proposal to amend the parent and subsidiary directive are designed to facilitate the improvement of the internal market.

In relation to indirect taxation and VAT, the EU sixth VAT directive provides a Union framework for the harmonisation of the VAT laws of

member states to provide for a uniform basis of assessment for VAT. Work in this area is ongoing in the context of the European Commission VAT modernisation strategy. The strategy is designed to meet the needs of the Internal Market and of the changing environment within which the VAT system operates. Examples of this changing environment include the increase in cross-border trade, the emergence of e-commerce and the substantial growth in the supply of services across the Internet to businesses and private consumers.

The EU VAT directive provides for the application by member states of a standard rate of VAT, which may not be less than 15%, and a common band for reduced VAT rates between 5% and 15%, applying to specified categories of goods and services.

In the area of excise taxation, Council directives provide for a community framework for the taxation of energy products and electricity, tobacco products, alcohol and alcoholic beverages.

These directives set down common definitions and classifications for the various product groups, the rules for calculating the tax, and the criteria under which relief from tax may be granted. Minimum rates of taxation for the products are also stipulated. The minimum rates are reviewed in Council from time to time.

Tax Code.

123. **Mr. Murphy** asked the Minister for Finance if he has plans to introduce greater transparency in tax expenditures in budget 2005. [29889/04]

Minister for Finance (Mr. Cowen): As I previously told the House, tax expenditures are regularly reviewed and are invariably looked at in the context of the annual budget and Finance Bill process to ensure they continue to meet the purpose or purposes for which they were introduced. Where tax changes are announced in the budget, they are set out in the summary of budget measures together with an estimated cost or yield, where possible. This will continue to be the position. This may often involve making a range of behavioural assumptions that may or may not prove valid and, in some cases, data to allow costing may not be available.

On the question of costs, the Deputy will be aware that my Department has been working closely with the Revenue Commissioners to investigate information and data to capture issues with a view to improving data quality and transparency without overburdening compliant taxpayers. On foot of this work, the Revenue Commissioners are introducing a number of changes to the forms which will yield additional information regarding the cost of some tax reliefs. Provisions were included in Finance Act 2004 to underpin these changes.

Changes were made in this area previously. The Finance Act 2003 stipulated that returns of income must henceforth be made for stallion stud fees and commercially managed woodlands. This

will provide better data in this area and enable estimates of the tax foregone to be made.

In addition the use of electronic filing of tax returns by means of the Revenue on-line system, ROS, has been increasing and will continue to be encouraged. Returns filed using ROS can more readily accommodate information data capture. Additional cost information will assist in the regular review of these reliefs.

Special Savings Incentive Scheme.

124. **Mr. S. Ryan** asked the Minister for Finance the number of special savings investment accounts opened at the latest date for which figures are available; the average amount of savings per investor per month; on the basis of such figures, the definitive figure for the likely cost to the Exchequer of the scheme; and if he will make a statement on the matter. [29867/04]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that, based on the analysis of the 2003 returns furnished by all qualifying savings managers, the total number of active accounts at 31 December 2003 was 1,113,880 and the average monthly subscription at that date was €165.

As indicated in replies to previous questions, it is not possible to give a definitive answer as to the eventual cost of the scheme as it is subject to a number of variables such as participants dying, withdrawing from the scheme or varying their monthly contributions. The cost of the scheme in 2003 was €531.9 million. If the current average monthly payment for the first ten months of 2004 continues for a full year, the annual cost in 2004 would be approximately €545 million. This, however, is not a conclusive figure, and the final figure may be different if account holders change their monthly contributions. The total gross cost over the period of the scheme will be reduced by the exit tax to be received at the end.

Tax Code.

125. **Mr. Eamon Ryan** asked the Minister for Finance if he has considered the views of the chambers of commerce here on the suitability of a site value tax; and if he will make a statement on the matter. [29984/04]

Minister for Finance (Mr. Cowen): I understand that the Chambers of Commerce of Ireland has made this proposal in the context of local government financing, which is currently the subject of an independent review commissioned by the Minister for the Environment, Heritage and Local Government. This review is expected to be completed in spring 2005. At this stage, it would be premature of me to offer any comment on the possible recommendations or measures which may arise from the review process.

Decentralisation Programme.

126. **Mr. Quinn** asked the Minister for Finance

the latest information available from the central applications facility in respect of applications from civil servants and other public servants currently located in Dublin who wish to transfer to new locations outside of Dublin under the decentralisation programme; the way in which this compares with the target of 10,300; his views on the potential loss of skills and expertise for specialist State agencies should they be decentralised with so few persons willing to transfer; and if he will make a statement on the matter. [29862/04]

Minister for Finance (Mr. Cowen): The latest figures from the central applications facility show there is very substantial interest in the programme. The figures for the Civil Service are much better than those for the State agencies. Unlike the State agencies, the Civil Service has considerable previous experience of decentralisation and has a long tradition of interdepartmental transfers. I see no reason in principle State agencies should always have to remain in Dublin. Clearly, there are particular issues that arise in dealing with the State agencies. This was always going to be the case. The correct approach is to tease out the issues and develop good long-term solutions in consultation with all of the parties involved. This is the approach being adopted by the Flynn group.

Question No. 127 answered with Question No. 110.

Tax Code.

128. **Dr. Upton** asked the Minister for Finance whether there is an anomaly in treatment of farmers who might qualify for agricultural relief on capital acquisitions tax in comparison with business relief for business persons; and if he will make a statement on the matter. [29350/04]

Minister for Finance (Mr. Cowen): Agricultural relief and business relief are two separate and distinct reliefs. Where agricultural relief has been granted in respect of any property, business relief will not apply to that property.

Relief from capital acquisitions tax for gifts and inheritances in respect of agricultural property was introduced in 1976. The relief now amounts to a reduction of 90% in respect of the market value of the agricultural property in question.

In relation to business property, capital acquisitions tax relief for all gifts and inheritances of relevant business property was introduced in the Finance Act 1994, amounting to a reduction of 50%. Business relief now amounts to a reduction of 90% in respect of the taxable value of relevant business property taken by the beneficiary, which is similar to agricultural relief. Each of these reliefs are subject to certain criteria.

Agricultural relief applies only where the property is taken by a "farmer", who is defined in the legislation as an individual who is domiciled and ordinarily resident in the State and 80% of whose gross property consists of agricultural property, as

[Mr. Cowen.] defined, after taking the gift or inheritance. This condition was introduced to exclude individuals with substantial non-agricultural assets from qualifying for the relief, and this test does not apply in order to qualify for business relief.

There are certain conditions that must be met to avail of business relief, which do not apply to agricultural relief. Examples of these are a minimum share holding requirement in the case of shares in a company acquired by gift-inheritance, a minimum period of ownership requirement by the disposer, and a requirement that the business continues to trade for a minimum period after being acquired by gift-inheritance. For the above reasons, I do not consider that there is an anomaly between the two reliefs, as suggested by the Deputy.

Public Sector Remuneration.

129. **Mr. O'Shea** asked the Minister for Finance the amount paid out to date under the performance-related bonus scheme for senior civil servants, gardaí and members of the Defence Forces; the average amount paid; the largest amount paid out; the number of such persons who applied for the bonus and who were refused; the way in which and the person by whom decisions are made in regard to whether such persons should receive the bonus; if he is satisfied that nominations for payments are subjected to sufficient scrutiny; and if he will make a statement on the matter. [29857/04]

Minister for Finance (Mr. Cowen): Following the recommendations of the review body on higher remuneration in the public sector in its report dated 25 September 2000, the Government decided to replace the then existing scheme in the Civil Service with a new scheme of performance-related awards and to introduce the new scheme in the Garda Síochána and the Defence Forces.

The new scheme applies to Civil Service posts at the levels of Assistant Secretary and Deputy Secretary, Deputy Commissioners and Assistant Commissioners in the Garda Síochána and Major General and Brigadier General in the Defence Forces. The scheme applied in the Civil Service with effect from 1 January 2002 and with effect from 1 May 2002 in the other areas. The funding of awards is based on 10% of the payroll for the posts covered by the scheme. Within this overall limit, payments of up to 20% can be made to individuals.

In accordance with the recommendations of the review body, a Committee for Performance Awards was established to oversee the operation of the scheme of performance-related awards. The members of the committee are Eddie Sullivan, chairperson, Secretary General, public service management and development, Department of Finance; Dermot McCarthy, Secretary General to the Government; Ann Fitzgerald, Secretary General, Irish Association of Investment Managers; Maurice Keane, former Group Chief

Executive, Bank of Ireland Group; and Tony O'Brien, Chairman, C& C Group PLC.

Decisions on performance-related awards for individual posts are made by the committee based on recommendations from Secretaries General in the case of the Civil Service, the Garda Commissioner or the Chief of Staff of the Defence Forces. The recommendations made to the committee are based on assessments of performance against pre-set objectives.

The first awards under the scheme were made in 2003. The awards covered a 12 month period from 1 January 2002 in the case of the Civil Service grades and an eight month period from 1 May 2002 in the case of the other groups. The awards made in 2004 were in respect of the 12 month period from 1 January 2003 in all cases.

The cost of the awards approved by the Committee for Performance Awards amounted to approximately €2 million in 2003 and approximately €2.2 million in 2004. As already indicated, the awards in 2003 related to an eight month period only in the case of the ranks in the Garda Síochána and the Defence Forces. In the case of the Civil Service grades, where the awards related to a 12 month period, the average amount paid was in the region of €10,000. The highest award made in 2003 was approximately €20,500 and the lowest award was approximately €1,700. In 2004, the average amount paid in respect of all groups was in the region of €10,600, the highest award made was approximately €21,500 and the lowest award was approximately €2,000.

The numbers of people who participated in the scheme of performance-related awards were 213 in the case of the awards made in 2003 and 205 in the case of the awards made in 2004.

In 2003, some award was made to all persons who participated in the scheme. In 2004, one person who participated in the scheme did not receive an award. The scheme of performance-related awards and the guidelines approved by the Committee for Performance Awards allow discretion to give some award in situations where demanding targets have been narrowly missed.

I am satisfied procedures are in place to ensure that recommendations for awards are considered fully. As I have indicated, a Committee for Performance Awards has been established, as recommended by the review body on higher remuneration in the public sector, to oversee the awards scheme. The committee, which has a majority of members from the private sector, examines the recommendations of Secretaries General, the Garda Commissioner and the Chief of Staff of the Defence Forces and decides on the award for each person covered by the scheme.

I might mention that the information sought by the Deputy, as well as other information relating to the scheme of performance-related awards, is contained in the annual reports of the Committee for Performance Awards. The report for 2003, covering awards made in 2004, is available on the website of my Department at www.finance.gov.ie.

Tax Code.

130. **Mr. Broughan** asked the Minister for Finance the steps he is taking to establish the cost to the Exchequer in terms of tax foregone of 33 separate tax reliefs in respect of which no such information is available; and if he will make a statement on the matter. [29843/04]

Minister for Finance (Mr. Cowen): I presume the question refers to replies that I have given to previous Dáil questions about the costing of tax reliefs. Information on the cost of tax reliefs is usually sourced from the tax returns of individuals and companies claiming the reliefs. Specific information is not currently available on the costs of certain reliefs and there are more than 33 specific provisions, which serve to reduce the tax paid in certain circumstances, for which full cost information is not available. In part this is because the aggregate information on tax return forms does not always allow for a distinction between the reliefs claimed in respect of different schemes.

On the question of costs, however, the Deputy will be aware that my Department has been working closely with the Revenue Commissioners to investigate information and data capture issues with a view to improving data quality and transparency without overburdening compliant taxpayers. On foot of this work, the Revenue Commissioners are introducing a number of changes to the forms which will yield additional information regarding the cost of certain important tax reliefs, especially the property-based incentive reliefs, and I can supply the Deputy with a list of these. Provisions were included in the Finance Act 2004 to underpin these changes. This will provide better data in this area and enable fuller estimates of the tax foregone to be made over time.

Property based incentives on which information is being sought in tax forms: urban renewal; town renewal; seaside resort; rural renewal; multi-storey car parks; living over the shop; enterprise areas; park and ride; hotels; holiday cottages; nursing homes — associated housing for elderly or infirm — and convalescent homes; student accommodation; qualifying private hospitals, including qualifying sports injury clinics; and buildings used for certain child care purposes.

Non-Resident Accounts.

131. **Ms McManus** asked the Minister for Finance the number of High Court orders sought to date by the Revenue Commissioners under the Finance Act 1999 to require financial institutions to supply names, addresses and other relevant information regarding holders of bogus accounts at the latest date for which figures are available; the number of cases in which orders have been granted; the general progress made to date in identifying the holders of such accounts who did not avail of the recent voluntary disclosure

scheme; and if he will make a statement on the matter. [29854/04]

Minister for Finance (Mr. Cowen): Authorised Revenue officers are empowered to make an application to a judge of the High Court seeking an order requiring financial institutions to supply names, addresses and other relevant information concerning account holders who may have held bogus non-resident deposit accounts. Such applications are made under section 908 of the Taxes Consolidation Act 1997, as amended by the Finance Act 1999. Information supplied by the financial institutions under section 908 orders is the principal basis for identifying bogus non-resident account holders who did not avail of the voluntary disclosure scheme in 2001. This inquiry work commenced on 16 November 2001.

I am advised by the Revenue Commissioners that 18 applications for orders under section 908 have been made and granted. When one includes institutions which have been taken over or amalgamated with other institutions, these orders seek information in respect of accounts in 26 financial institutions. No further applications for such orders are pending in regard to the bogus non-resident account inquiries.

A large volume of information has been reported to Revenue under the High Court orders. Inquiry work in relation to the examination of the first batch of taxpayers commenced on 11 October 2002. Further general issues of inquiry letters were made in January, May, July, September and October 2003 and January 2004. These general inquiry letter issues relate to 91,000 non-resident accounts that had Irish addresses connected to them. A total of 177,000 inquiry letters have been issued to taxpayers in respect of these non-resident accounts. The final general inquiry letter issue took place in January 2004.

While it is clear that this is an extensive investigation programme the Revenue Commissioners have informed me that they are satisfied that significant progress has been made in this the final phase of the investigation. Since 15 November 2001 payments of €330 million have been made to Revenue by taxpayers who held bogus non-resident accounts.

Tax Code.

132. **Mr. Stagg** asked the Minister for Finance the annual cost to the Exchequer of tax foregone in respect of pension relief from 1997 to date; the number of persons receiving tax relief in respect of retirement annuity premiums of up to 30 years, from 30 to 40 years, from 40 to 50 years and 50 years and over, respectively; and the number who have invested the maximum earning capacity in each category; and if he will make a statement on the matter. [29873/04]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the relevant available information relates to the cost

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of tax relief on pension contributions by employers, employees and self employed and the exemption of income and gains in the pension funds together with the numbers of employees contributing to approved superannuation schemes and the numbers of claimants in respect

of retirement annuity contracts which are available to the self employed and to employees not in occupational pension schemes. The information is provided for the five income tax years 1997-98 to the short tax year 2001, the latest year for which it is available.

Following is the information available:

Income Tax relief relating to pension contributions Estimated Cost

Income Tax Relief	1997/98	1998/99	1999/00	2000/01	2001
Contributions by employers and employees and exemption of income and gains in the pension fund*	€1.5bn	€1.8bn	€2.2bn	€2.4bn	€1.8bn
Number of employees contributing to approved superannuation schemes**	n/a	n/a	569,220	629,800	670,500
'Retirement Annuity Contracts' available to the self-employed and to employees not in occupational pension schemes	€91.3m	€116.2m	€180.8m	€205m	€170m
Numbers of Claimants	72,200	92,900	104,500	109,300	109,300

*These are extremely tentative estimates.

**Calendar year figures sourced from annual reports of the Pensions Board.

It should be noted that as PAYE taxpayers were charged to tax on their earnings in the period from 6 April to 31 December 2001 and self-employed taxpayers were assessed to tax for the short year on 74% of the profits earned in a 12 month accounting period, the cost figures will not be directly comparable with those of earlier years.

Information on the number of persons receiving tax relief in respect of retirement annuity premiums by reference to age and maximum qualifying amount is not available.

Question No. 133 answered with Question No. 115.

134. **Mr. Crowe** asked the Minister for Finance if he intends introducing new tax breaks for cars fitted with additional safety features. [27212/04]

Minister for Finance (Mr. Cowen): I will consider all aspects of taxation in framing measures for the 2005 budget. However, it has been the practice of successive Ministers for Finance not to comment on what may, or may not, be contained in a forthcoming budget and I do not intend to depart from this approach.

Non-Resident Accounts.

135. **Mr. Gilmore** asked the Minister for Finance the response received to date by the Revenue Commissioners to the letters sent by ten top banks to around 120,000 customers warning them to regularise their tax affairs by the end of March 2004; the number of responses received; the amount collected to date; the number of such cases that have been finalised; and if he will make a statement on the matter. [29848/04]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that precise figures are not available as to the number of letters which issued from the financial institutions. It is understood to be in excess of 100,000. It is not known how many accounts or

individuals this represents because some individuals had accounts in different banks or in different branches of the same bank. In other instances there was more than one name on the account.

The Revenue Commissioners have advised that, following the issue of the letters by the financial institutions, written responses were received from approximately 25,000 persons. Of these, approximately 15,000 persons advised that they would submit a statement of disclosure. Approximately 10,000 persons who gave details of their offshore account were subsequently notified by Revenue that a statement of disclosure was not required. I am also advised that a further 5,000 persons, approximately, phoned the Revenue Commissioners and, on the basis of the information provided, were advised that a written response was not required.

To date the total amount collected by the Revenue Commissioners from this investigation is in excess of €705 million. The individual cases will be finalised by officers in the Revenue districts across the country when the preliminary work is complete.

Question No. 136 answered with Question No. 82.

Northern Ireland Issues.

137. **Caoimhghín Ó Caoláin** asked the Minister for Finance if he will report on progress in his efforts to secure a PEACE III programme; and if he will make a statement on the matter. [29974/04]

Minister for Finance (Mr. Cowen): The Government is very aware of the valuable role the PEACE II programme has played in building peace and reconciliation in Northern Ireland and the Border region and that there continues to be a need for such funding. Therefore, I welcome that an extension is being pursued on foot of the conclusions of the Heads of State meeting of June

2004 which, responding to a joint initiative by the two Prime Ministers concerned, invited the Commission to examine the possibility of extending the programme to 2006.

Officials in my Department are working closely with the UK Government, the Department of Finance and personnel in the North, the Special EU Programmes Body, SEUPB, the Commission and the Presidency on this matter. The SEUPB, which manages the programme, carried out extensive public consultation over the summer to find out how, if the extension is granted, the additional moneys should be focused. There was a very good response to this consultation — more than 70 written responses and a wide attendance at public meetings. This shows the high level of engagement with the PEACE II programme. Based on these consultations my Department, in conjunction with the Department of Finance and personnel in Northern Ireland, submitted proposals for an extension to the European Commission on 30 September last.

The proposals were adopted by the Commission on 13 October. The proposals require amendments to EC Regulation No. 1260/1999 on the PEACE programme and budgetary adjustments to secure funds for an extended programme. These require a Council decision and ratification by the European Parliament by the end of the year. I can assure the Deputy that my Department will continue to make every possible effort to get a positive decision so that Peace funding can be continued under an extended programme in 2005.

As the Deputy is aware, the proposed extension would bring the programme in line with other structural fund programmes which run to 2006. If extended, spending in the PEACE programme may occur until 2008.

Tax Code.

138. **Mr. Costello** asked the Minister for Finance if he intends to make changes to the legislative provisions regarding residency abroad for tax purposes, particularly in regard to the so-called Cinderella clause, whereby if a person has left the country by midnight, it does not count as a day of residence; and if he will make a statement on the matter. [29846/04]

Minister for Finance (Mr. Cowen): As the Deputies may be aware, the residence rules for tax purposes were last updated in the 1994 Finance Act by the then Government following a comprehensive review of the matter by the Revenue Commissioners and my Department. Prior to this the rules were based on a mixture of statutory provisions, old case law and Revenue administrative practice, which was an unsatisfactory situation. The new residence rules set out in the 1994 Finance Act both simplified and clarified the whole area and were generally welcomed. These rules provide *inter alia* that an individual is deemed to be present in the State for a day if the individual is present in the State at the end of the

day. This is in line with the Revenue administrative practice prior to the Finance Act 1994 which was based on the number of nights spent in the State.

As Deputies are aware, it is not the practice to comment in the lead up to the annual budget and Finance Bill on the intention or otherwise to make budget or legislative changes.

Asbestos Remediation Programme.

139. **Ms O'Sullivan** asked the Minister for Finance the cost to the State of the removal of asbestos from primary and secondary schools; the number of schools which remain to be cleared full of asbestos; and if he will make a statement on the matter. [26119/04]

Minister of State at the Department of Finance (Mr. Parlon): In the five years since the commencement of the asbestos management programme in schools, approximately €55 million has been spent on remedial works, including extensive reinstatement works following the removal of asbestos materials.

Approximately 2,700 schools have so far been surveyed and works identified as necessary have either been completed, are in hands or are programmed over the coming months. The remaining 1,300 or so schools will be surveyed during 2005 and arrangements for the management of any materials identified will be put in hands as soon as possible thereafter.

National Development Finance Agency.

140. **Ms Shortall** asked the Minister for Finance the projects that have been undertaken and partly or wholly funded by the National Development Finance Agency in respect of capital projects as indicated by him in launching the NDFA; the sums committed to each project; the Department or agency for which each project is being undertaken; the duration and likely completion date of each; and if he will make a statement on the matter. [29876/04]

Minister for Finance (Mr. Cowen): The National Development Finance Agency, NDFA, was established in 2003 under the National Development Finance Agency Act 2002.

The role of the National Development Finance Agency is to advise State authorities on the optimum means of financing public investment projects in order to achieve value for money. State authorities, who are the decision-making bodies in regards to projects undertaken or to be undertaken, are obliged to seek the advice of the National Development Finance Agency in relation to 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. In addition to its advisory role, the NDFA is empowered to advance moneys and to enter into other financial arrangements in respects of projects approved by any State authority. To date,

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the agency has not exercised the option of raising finance itself. However, it has arranged or endorsed third party private financing in a number of projects. Of those, financing has been provided from the following sources: private bank debt, European Investment Bank project loans and private equity. I am advised by the agency that since its establishment in 2003, more than 60 projects have been referred to it for advice.

Projects on which NDFA advice has been received, and in respect of which financial contracts have been closed, include: the Dundalk western bypass, the Kilcock-Kinnegad motorway and the Rathcormac-Fermoy bypass — all National Roads Authority projects — the Luas, Railway Procurement Agency, Fatima Mansions, Dublin City Council, the Metropolitan Area Broadband Network Management Company, the Department of Communications, Marine and Natural Resources, and a variety of projects for four local authorities, Cork City Council, Cork County Council, Kildare County Council and north Tipperary County Council.

Further details including duration, cost and likely completion dates of the various projects are a matter for the relevant State authorities responsible for procuring the projects.

Garda Stations.

141. **Mr. Deenihan** asked the Minister for Finance the reason for the delay in selecting a site for the new Garda station in Castleisland, County Kerry; and if he will make a statement on the matter. [29649/04]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works are continuing to negotiate for a suitable site for a Garda station in Castleisland. The commissioners identified a number of sites that were regarded as suitable by the Garda Síochána. However, to date, despite extensive negotiations and a number of firm offers, agreement has not been reached on an acceptable price. The prices quoted to date are significantly above the open market value in each case. The commissioners have now identified other sites in the area and have commenced preliminary investigations on their suitability in each case.

Tax Code.

142. **Mr. Eamon Ryan** asked the Minister for Finance if he will report on the use that has been made to date of research and development tax relief; and if he will make a statement on the matter. [29983/04]

Minister for Finance (Mr. Cowen): A 20% tax credit was introduced in the Finance Act 2004 for qualifying incremental expenditure by companies on research and development activity. A commencement order was made by my predecessor in July 2004 bringing the measure into effect for

qualifying research and development expenditure incurred on or after 1 January 2004.

As the measure was only introduced this year it is too early to assess the impact of the credit. However the Government is mindful of the need to assess its effectiveness and an assessment will be done by my Department over the next number of years in tandem with the Department of Enterprise, Trade and Employment and the relevant state agencies.

A special tax relief for research and development was introduced in the 1995 Finance Act. The tax relief provided, in addition to the normal deduction to companies in computing trading income for research and development expenditure, an additional treble deduction for incremental expenditure on research and development. The incentive applied on a group basis to the excess of annual group incremental expenditure over £25,000, €31,743.45. The research and development project was also required to be approved by Forbairt. The tax relief applied for a three year period provided the three year period did not commence on or after 1 June 1999. I am informed by the Revenue Commissioners that there are no statistics available to them on the take up of this relief, however the indications are that the relief was not widely availed of.

Flood Relief.

143. **Mr. Stanton** asked the Minister for Finance if his attention has been drawn to the flood damage caused in Youghal and Ballynacoda in east Cork; the funding available for flood relief; his plans to safeguard against flooding; and if he will make a statement on the matter. [27446/04]

Minister of State at the Department of Finance (Mr. Parlon): Preliminary reports from Cork County Council suggest that approximately 50 homes and 20 business premises were flooded in the Youghal and Ballynacoda areas in east Cork following the severe rainfall in the last days of October.

The Government has approved a humanitarian aid package to relieve hardship arising from the flooding of people's homes. The purpose of the scheme is solely to provide humanitarian assistance to relieve hardship and is not intended to provide compensation for losses. My officials have met with the Irish Red Cross Society, IRCS who will implement the scheme details of which have been agreed and published in the national and local press in the past two weeks. The closing date for receipt of applications under the scheme is 24 November 2004. The IRCS has considerable experience in this area having previously implemented a number of such schemes in the past for the OPW. I have every confidence that applications will be dealt with in a compassionate, impartial and as timely a manner as possible.

The funding available through the OPW for flood relief activities in 2004 is €20.559 million. The funding which will be available in 2005 is not confirmed yet, but I anticipate that the level of

funding will at least remain at current levels. Last month the Government approved the recommendations of the flood policy review group. This confirms the lead role of the OPW in taking a strategic approach to flood management in the future and working in co-operation with the relevant local authorities. Following the recent flooding, OPW will be seeking initial assessments of the situation in the city and county areas of Cork. These assessments will then be considered by OPW under new prioritisation criteria currently being developed by it for all flood relief works as recommended by the flood policy review group.

Tax Code.

144. **Mr. Gogarty** asked the Minister for Finance his views on the fact that tax relief and tax avoidance measures cost the State €8.4 billion in foregone taxes each year; and if he will make a statement on the matter. [29980/04]

Minister for Finance (Mr. Cowen): I assume the Deputy is referring to information on the estimated cost of certain major tax incentives-expenditures recently supplied to the Oireachtas Joint Committee on Finance and the Public Service by the Office of the Revenue Commissioners. It is not correct to characterise as tax avoidance the legitimate use of such provisions, most of which are well established and reflect accepted principles of taxation reliefs.

Among these major tax incentives-expenditures, some of the reliefs estimated to have substantial costs in terms of tax foregone include relief for superannuation contributions, the exemption of child benefit from income tax, the special savings investment accounts as well as stamp duty, capital gains tax and mortgage interest relief for owner occupiers. It is widely acknowledged that there are legitimate and reasonable reasons for tax reliefs as a general principle and few would argue that these tax relief provisions have not made a significant contribution to the economic life of the country.

I will, of course, continue to keep all reliefs and incentives under review to ensure that they are fulfilling the purpose for which they were intended.

Freedom of Information.

145. **Ms O'Sullivan** asked the Minister for Finance the number of applications he has received to date in 2004 under the Freedom of Information Act; the way in which this compares with the same periods in 2002 and 2003; if, in view of the huge decrease in the number of applications, he will review the restrictions imposed on the operation of the Freedom of Information Act 1997; and if he will make a statement on the matter. [29859/04]

Minister for Finance (Mr. Cowen): The information requested by the Deputy is as follows:

Number of FOI requests received at 19 November 2002	Number of FOI requests received at 19 November 2003	Number of FOI requests received at 19 November 2004
280	296	73

I have no plans to review amendments made to the Freedom of Information Act 1997.

Decentralisation Programme.

146. **Mr. Durkan** asked the Minister for Finance the extent to which the objectives set in the decentralisation proposals announced in budget 2004 have been achieved to date; and if he will make a statement on the matter. [29987/04]

Minister for Finance (Mr. Cowen): The two reports of the decentralisation implementation group, DIG, dated 31 March 2004 and 30 July 2004 provide detailed accounts of the progress made in implementing the decentralisation programme announced last December. An analysis of the applications registered with the central applications facility by 7 September 2004 has also been published. I also refer the Deputy to the presentations made to the Oireachtas Joint Committee on Finance and the Public Service on 6 October 2004 by the chairman of the implementation group, the CEO of the PAS and the Department of Finance. I am very pleased with the progress which has already been made in driving forward the implementation of the programme.

In addition, I have received for consideration from the DIG a report containing proposals on those organisations which, in the group's view, should be included in the first phase of moves and I expect to be making an announcement in this regard shortly.

Natural Heritage Areas.

147. **Mr. O'Dowd** asked the Minister for Finance the reasons behind the higher than expected cost of renovating the Palm House at the Botanic Gardens in north Dublin; and if he will make a statement on the matter. [27533/04]

Minister of State at the Department of Finance (Mr. Parlon): The OPW undertook the restoration of the Palm House at the Botanic Gardens on behalf of the Department of the Environment, Heritage and Local Government. I am glad to report that restoration of the Palm House was completed on time and well within budget.

The Department of Finance sanctioned a total project budget of €16.71 million, which included for the restoration works, contingency, professional fees, planning fees and 1% for art, for the project. The Commissioners of Public Works in Ireland placed a contract in the sum of €13,148,125 inclusive of VAT and bond with John Paul Construction Limited. As the works progressed it became apparent, when account had been taken of necessary extras and variations that

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there was going to be a significant saving, estimated at €0.25 million, on the total project budget of €16.71 million. Accordingly, the OPW recommended that the adjacent Camillia House be restored as part of the Palm House contract. The Department of the Environment, Heritage and Local Government endorsed the recommendation as it was considered to be the most cost effective method of dealing with it. In addition, that Department were of the view that this project would have had to be undertaken sooner or later. This represented good value for money as the existing contractor had developed the expertise and had the appropriate skills to carry out the restoration work. Moreover, if the restoration of the Camillia House was to be deferred, the existing glasshouse would have been very obvious and would have taken from the restoration of the Palm House itself.

Accordingly, the Department of the Environment, Heritage and Local Government asked OPW to proceed with the restoration of the Camillia House. They undertook to provide the additional funds estimated at €0.5 million to complete these restoration works. The Department also contributed to additional works to the paths, internal and external topsoiling. I am pleased to say that the Royal Institute of the Architects of Ireland awarded the project an Irish Architecture 2004 award in May 2004.

Tax Yield.

148. **Ms Lynch** asked the Minister for Finance the number of persons, companies and trusts being investigated by the Revenue Commissioners arising from an inquiry (details supplied) at the latest date for which figures are available; the number of cases in which settlements have been agreed; the total amount paid to date; the number of cases still outstanding; and if he will make a statement on the matter. [29852/04]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that arising from the Clerical Medical Insurance-NIB inquiry, 452 cases have been targeted for investigation.

To date, 295 cases have been settled on payment of tax, interest and penalties amounting to a total of €48.15 million. A further 115 cases have been finalised with no additional liability arising. The remaining 42 cases are the subject of ongoing investigation, in respect of which €5.30 million has been paid on account.

In the course of 2003, three cases were prosecuted in the courts with fines being imposed in two cases and a suspended sentence imposed in the other. The individuals concerned have also settled their tax affairs and paid the outstanding tax, together with interest and penalties. A further case is currently under investigation with a view to prosecution.

Aggregate results of the ongoing investigations have been published each year since 1998 in the

annual reports of the Revenue Commissioners. Individual details of settlements have also been published where the provisions of section 1086 of the Taxes Consolidation Act 1997 applied.

Question No. 149 answered with Question No. 84.

Decentralisation Programme.

150. **Mr. Quinn** asked the Minister for Finance if the year 2007 remains his target for completion of the decentralisation programme; the proposed date for the transfer of the first Department and the first State agency; the number of staff involved in each case; and if he will make a statement on the matter. [29863/04]

Minister for Finance (Mr. Cowen): It has always been the case that implementation of the Government's decentralisation programme would take a number of years. In the past year, the Decentralisation Implementation Group has undertaken work with Departments and State agencies on the implementation programme. I have now received for consideration from the implementation group a report containing proposals on those organisations which, in its view, should be included in the first phase of moves.

I expect to be make an announcement on this shortly.

Health Board Services.

151. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the excellent work of an organisation (details supplied) in County Donegal in providing a wide spectrum of domestic violence services in the locality; if her attention has further been drawn to the funding crisis facing the organisation and to the fact that the existing level of funding is estimated to cover only 25% of the projected cost of running the project in 2005 due to increased demand for its services; and if her Department, in co-operation with the North Western Health Board, will make the necessary funding available to ensure that the organisation can continue its work and fulfil its mandate. [30300/04]

Tánaiste and Minister for Health and Children (Ms Harney): My Department does not directly fund health and personal social services to victims of abuse. Moneys are made available each year to the health boards for the provision of services to women victims of domestic violence. Additional funding has been made available each year since the establishment of the national steering committee on violence so that now more than €12 million is provided annually to the health boards for the provision of such services.

Ministerial Appointments.

152. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children the number of times she has met the Northern Ireland

Department of Health, Social Services and Public Safety or with the British Minister for Health within the past 12 months; the matters discussed at these meetings; if further meetings are planned; and if she will make a statement on the matter. [29651/04]

Tánaiste and Minister for Health and Children (Ms Harney): Since taking up office in late September, I have not yet met either the Northern Ireland or the British Ministers for Health. However, I am pleased to inform the Deputy that I have arranged an introductory meeting with Ms Angela Smith, Minister for Health, Social Services and Public Safety, Northern Ireland. This meeting will take place on 9 December 2004.

Suicide Prevention.

153. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children the contacts she has had with the Northern Ireland Department of Health, Social Services and Public Safety or with the British Minister for Health since 30 September 2004 relating to all-Ireland co-operation on suicide prevention. [29652/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Since taking up office in late September, the Tánaiste and Minister for Health and Children has not yet had the opportunity to meet either the Northern Ireland or the British Ministers for Health.

However, in the area of suicide prevention, I am informed that the position in Northern Ireland and Britain has been taken into account in the formulation of the strategic action plan for suicide reduction which is currently being prepared. The strategic action plan, which involves the health boards executive, HeBe, in partnership with the National Suicide Review Group and supported by the Department of Health and Children, will be based on extensive national and international consultation and evidence based research. It will build on existing policy and on the recommendations in the report of the National Task Force on Suicide 1998. All measures aimed at reducing the number of deaths by suicide will be considered in the preparation of this strategy which will be completed in 2005.

154. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children the total cost associated with the national task force on suicide; the breakdown of the cost; its priorities for action for the coming 12 months; and the good practices which have been identified through its work. [29653/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Since the publication of the report of the National Task Force on Suicide in 1998, my Department has given special attention to resourcing suicide prevention initiatives. A cumulative total of more than €17.5 million has now been provided towards suicide prevention programmes and for research. This

funding supports the work of the various agencies involved in this area including the health boards, the National Suicide Review Group, The Irish Association of Suicidology and the National Suicide Research Foundation for its work in the development of a National Parasuicide Register. The annual report of the National Suicide Review Group, NSRG, meets the requirement of the Health (Miscellaneous Provisions) Act 2001, that the Minister for Health and Children will report annually on the measures taken by health boards to prevent suicides in the previous year. This report outlines the measures taken by the health boards and other agencies to help prevent suicide and reduce the impact of suicidal behaviour. The aim of the report is to facilitate sharing of information across the health boards and other sectors regarding suicide prevention projects and to provide accurate and current information on the patterns of death by suicide in Ireland.

As the Deputy may be aware, work is now well under way on the preparation of a strategic action plan for suicide reduction which involves the Health Boards Executive, HeBe, in partnership with the National Suicide Review Group and supported by the Department of Health and Children. This strategy which will be based on extensive national and international consultation and evidence based research will build on existing policy and on the recommendations contained in the report of the national task force. All measures aimed at reducing the number of deaths by suicide will be considered in the preparation of this strategy which will be completed in 2005.

Health Board Staff.

155. **Ms McManus** asked the Tánaiste and Minister for Health and Children the number of new posts advertised and filled by the new Health Service Executive; and if she will make a statement on the matter. [29654/04]

204. **Ms McManus** asked the Tánaiste and Minister for Health and Children the number of directors posts that are created in the health reform programme; the number of these posts that have been filled; the salary attached to the job; and if she will make a statement on the matter. [30226/04]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 155 and 204 together.

The interim Health Service Executive identified the requirement for nine national director posts during their analysis earlier this year. Eight of these posts have been advertised with interviews held and an announcement on the successful candidates is due shortly from the interim Executive. The approved remuneration level for the posts is as follows: director of national hospitals office — €152,000; director of primary continuing and community care directorate — €152,000; director of national shared services — €117,000; director of population health —

[Ms Harney.]
 €127,000; director of finance — €127,000; director of human resources — €127,000; director of information and communication technology — €117,000; director of change management and organisational development — €117,000. Work is continuing in the interim executive on the job specification for the director of corporate affairs post.

Medical Cards.

156. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the person who monitors the interests of medical card holders in relation to the indicative drug target savings schemes; if they are represented in this scheme; if only her Department and doctors are represented; and if she will make a statement on the matter. [29655/04]

208. **Ms Cooper-Flynn** asked the Tánaiste and Minister for Health and Children the accountability that exists on the operation of the indicative drug target saving scheme, to ensure that the savings under the scheme are being used to benefit the patients of general practitioner practices. [30238/04]

209. **Ms Cooper-Flynn** asked the Tánaiste and Minister for Health and Children if she will provide details on the indicative drug target savings scheme in regard to the savings since the scheme began in 1993; the breakdown in the savings on a county by county basis; and her views on the fact that this represents the best use of taxpayers money. [30239/04]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 156, 208 and 209 together.

The indicative drugs target savings scheme, IDTSS, was introduced from 1 January 1993 and was developed in line with health policy. The IDTSS is a negotiated agreement between the Irish Medical Organisation and the Department of Health and Children. The agreements provide that both parties are committed to the achievement of responsible and cost effective prescribing.

Under the terms of the IDTSS individual doctors can accrue savings which may be used to fund capital developments in their practices which provide additional or enhanced services impacting 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 evaluate and approve applications from participating GPs for the use of the savings made under the IDTSS.

The national distribution of payments under the scheme from the time of its commencement

to 31 August 2004 is set out on a county basis in the following tabular form:

County	Amount Paid from GP Savings
	€
Carlow	866,946
Cavan	1,191,695
Clare	2,439,633
Cork	9,566,826
Donegal	9,620,500
Dublin	18,867,368
Fermanagh	11,531
Galway	4,460,066
Kerry	3,274,138
Kildare	679,692
Kilkenny	1,271,250
Laois	677,511
Leitrim	2,232,230
Limerick	3,719,965
Longford	1,088,539
Louth	2,519,932
Mayo	6,002,893
Meath	2,450,963
Monaghan	737,643
Offaly	592,387
Roscommon	1,986,573
Sligo	2,558,230
Tipperary	1,923,209
Waterford	4,791,394
Westmeath	1,424,218
Wexford	3,067,881
Wicklow	2,133,409
TOTAL	90,156,620

In 1997 a review of the IDTSS was completed by Michael Murphy, Professor of Pharmacology at University College, Cork. The purpose of the review was to determine the effects of the IDTSS on the 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.

Health Board Staff.

157. **Ms McManus** asked the Tánaiste and Minister for Health and Children the number of senior management posts filled in the Eastern Regional Health Authority, in the three health boards in the Dublin area since 1999, and in each health board area nationally as agreed by her Department. [29656/04]

161. **Ms McManus** asked the Tánaiste and Minister for Health and Children the number and classification of senior management posts filled since March 2004 by the Midland Health Board;

and if she will make a statement on the matter. [29678/04]

176. **Ms McManus** asked the Tánaiste and Minister for Health and Children the number of senior management posts filled in the Eastern Regional Health Authority, in the three health boards in the Dublin area since 1999, and in each health board area nationally that did not require her approval; and if she will make a statement on the matter. [29790/04]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 157, 161 and 176 together.

Responsibility for human resource planning including in relation to senior management posts in each health board region rests with the chief executive officer, CEO, of each health board and the regional chief executive of the Eastern Regional Health Authority. Each CEO, in managing the workforce in his-her own region is responsible for determining the appropriate staffing mix and the precise grades of staff to be employed in line with service plan priorities, subject to overall employment levels remaining within the approved regional employment ceiling.

The Secretary General of my Department wrote to each CEO in March of this year instructing them, *inter alia*, to ensure that no vacancies at senior management level should be filled on a substantive-permanent basis except in exceptional circumstances where the formal approval of my Department had been secured in advance. A total of 22 such posts have been sanctioned since the issuing of the letter in March 2004 and the details of these posts are outlined in the following table. The posts approved are either key management posts for the delivery of patient services or concern important areas of health service operations. The filling of these posts is considered essential to maintaining the continuity and quality of service provision in the health services in the context of the transition to the new administrative structures.

As my Department does not maintain individual records in respect of the filling of senior management posts other than those directly related to the Secretary General's letter of March 2004, I have asked the CEO of each board and the regional chief executive of the ERHA to respond directly to the Deputy in respect of appointments in the period from 1999 to March 2004.

Health Board	Number of Posts	Title of post sanctioned
Eastern Regional Health Authority	1	Financial Controller
Mid-Western	1	Research and Development Officer
	1	General Manager Limerick Primary, Community and Continuing Care
Midland	1	Materials Manager
	1	Superintendent Registrar of Births, Deaths and Marriages
	1	General Manager Acute Hospital Services
	1	General Manager Community Care
North-Eastern	3	Regional Risk Advisors
North-Western	1	Regional Project Manager, EPR (Acute Services)
South-East	1	Travellers Health Officer
	1	Regional Births Deaths and Marriages
	1	General Manager Waterford Regional Hospital
	1	Head Office Finance Post
	1	Director of Finance (Temporary post-12 months)
Southern	1	Service Manager
	3	Superintendent Community Welfare Officer
	1	Medical Manpower Manager
Western	1	Superintendent Registrar of Births, Deaths and Marriages
Total	22	

158. **Ms McManus** asked the Tánaiste and Minister for Health and Children the role envisaged in the new health service for persons currently employed at the assistant chief executive officer grade in the health boards; and if she will make a statement on the matter. [29657/04]

Tánaiste and Minister for Health and Children (Ms Harney): The interim Health Service Executive together with my Department have been engaged in discussions with IMPACT since early this year regarding the implications of the reform for senior management personnel within the health boards. The interim Health Service Executive has repeatedly stated that all existing senior

[Ms Harney.] managers in the health boards will have important roles to play within the Health Service Executive. From 1 January, as part of the transition arrangements, which are designed to protect existing levels of service and reduce staff uncertainty, all existing senior managers in the health boards will continue in their current role. Instead of reporting to a health board chief executive officer, these senior managers will report to the appropriate national director in the HSE corporate headquarters in Naas. A document, which clearly sets out these reporting relationships is currently being finalised by the interim Health Service Executive.

During the course of 2005 the national directors will start the process of implementing the agreed design and this implementation will include ongoing discussion and negotiation with health staff and their representative groups.

159. **Ms McManus** asked the Tánaiste and Minister for Health and Children the undertakings which have been given to the 11 chief executive officers of health boards with regard to their employment; and if she will make a statement on the matter. [29658/04]

Tánaiste and Minister for Health and Children (Ms Harney): Discussions are continuing between my Department and the health board chief executive officers concerning personnel issues arising from the dissolution of the health boards from 1 January 2005.

The executive chairman of the interim Health Service Executive has asked the chief executive officers to continue to work within the health system for six months or so in 2005 to address important issues regarding governance arrangements, management of risk and addressing staff uncertainty during the early part of the transition phase. This is a key part of the risk management programme which is being put in place to ensure that services are maintained through the transition to the unitary system.

160. **Ms McManus** asked the Tánaiste and Minister for Health and Children the arrangements which have been made for a voluntary redundancy scheme in relation to the health reform arrangements; and if none is envisaged, the plans in place to redeploy existing health board staff; and if she will make a statement on the matter. [29659/04]

Tánaiste and Minister for Health and Children (Ms Harney): The Government has repeatedly stated there will be no involuntary redundancies as a result of the health reform programme. There are no plans to introduce a voluntary redundancy scheme for any health service employees, and no voluntary redundancy package has been sought from the Department of Finance.

From 1 January 2005 the current health board chief executive officers will cease in their current role, but all other staff will continue to work in

their current roles. During the course of 2005 the national directors of the Health Service Executive will work with health staff in their respective divisions to deploy the staff into newly designed health service. This system of deployment will be the subject of discussions with the relevant health unions.

Question No. 161 answered with Question No. 157.

Hospital Services.

162. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children further to Question No. 792 of 29 September 2004, when quarterly cervical smear clinics will be reinstated; and if she will make a statement on the matter. [29696/04]

Tánaiste and Minister for Health and Children (Ms Harney): The provision of health services for people living in County Roscommon is a matter for the Western Health Board. My Department has made inquiries of the board and I am advised that the board is currently preparing a reply in this matter which will issue directly to the Deputy.

163. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the action she will take with regard to patients on trolleys at Tallaght Hospital; and the reason all patients are facing the same way on the trolleys at the hospital. [29703/04]

Tánaiste and Minister for Health and Children (Ms Harney): Services at the Adelaide and Meath Hospital, incorporating the National Children's Hospital, Tallaght, are provided under an arrangement with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to examine this issue and to reply to the Deputy directly.

I have identified the delivery of accident and emergency, accident and emergency, services as a priority area for attention. Many of the difficulties and delays experienced in emergency medicine, accident and emergency, departments reflect system-wide issues. It is, therefore, necessary to take a whole-system approach, involving primary care, acute care, and sub-acute and community care in tackling the problems in emergency medicine Departments.

I have secured additional funding of €70 million in new current expenditure in 2005 to implement a number of initiatives to improve the delivery of emergency services. These include improvements in the following areas: patient flows through accident and emergency departments by developing and expanding minor injury units, chest pain clinics and respiratory clinics in hospitals; acute medical units for non-surgical patients; GP out-of-hours services; the physical environment for patients and staff including cleaning and security measures; direct access for GPs to diagnostic services; the availability of

acute beds for emergency patients by sourcing capacity in the private nursing home sector for those patients who have completed their acute phase of treatment and expanded home care packages to support older people at home.

I am confident the measures I have announced will have a significant impact on the delivery of accident and emergency services.

Health Board Staff.

164. **Mr. J. Higgins** asked the Tánaiste and Minister for Health and Children the reason the report of the project team for the transfer of FÁS community employment schemes to health boards set up by the Health Boards Executive in June 2002 has not yet been acted upon; and if she will make a statement on the matter. [29715/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): A Health Service Executive project team examined the cost of implementing the mainstreaming of FÁS community employment scheme workers engaged in the delivery of health-related services to permanent positions financed by the health boards. The implementation of the project team's report is being discussed by my Department with the Department of Finance in the context of the budget for 2005.

Hospital Waiting Lists.

165. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Mayo will be called to Galway to be seen by a urologist; if this person is on a waiting list; if so, when they were placed on it. [29730/04]

Tánaiste and Minister for Health and Children (Ms Harney): The provision of hospital services for people living in County Mayo is a matter for the Western Health Board. My Department has asked the chief executive officer of the board to investigate the position in relation to this case and to reply directly to the Deputy.

Ambulance Service.

166. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that Bunrana, the second largest town in Donegal, is without both an ambulance service and an appropriate out-of-hours doctors' service; and if the necessary funding for these essential health services will be provided sooner rather than later. [29738/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the provision of health services to persons residing in County Donegal rests with the North Western Health Board. My Department has, therefore, asked the chief executive officer of the board to investigate the matter raised by the Deputy and to reply to him directly.

Hospital Staff.

167. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children the action being taken as a matter of urgency to fill the vacant dental surgeon position at Portiuncula Hospital. [29739/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the provision of dental services in the Western Health Board area is a matter for the board in the first instance. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

Hospital Waiting Lists.

168. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if she will take action to shorten the waiting time for appointments with hospital consultants; and if she will make a statement on the matter. [29740/04]

169. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if she or the National Treatment Purchase Fund has collated statistics indicating the average waiting times for outpatient appointments with hospital consultants; and if so, if she will provide these statistics. [29741/04]

171. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children the average waiting time for pre-operative outpatient appointments with hospital consultants for patients requiring hip replacement operations. [29743/04]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 168, 169 and 171 together.

Responsibility for management and monitoring of outpatient waiting lists, including orthopaedic outpatient waiting lists, rests with individual hospitals and health boards. It is a matter for each hospital to prioritise its services based on patient need and use its 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 intend to raise with the National Treatment Purchase Fund, NTPF, 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 inpatients and day case treatments in acute hospitals. This is being particularly facilitated by the NTPF.

170. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children the average waiting times for hip replacement operations in each of the health board areas. [29742/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the collection

[Ms Harney.]
and reporting of waiting lists and waiting times now falls within the remit of the National Treatment Purchase Fund, NTPF.

My Department has asked the acting chief executive of the National Treatment Purchase Fund to reply directly to the Deputy on the matter raised.

Question No. 171 answered with Question No. 168.

Health Board Services.

172. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if a person (details supplied) will be transferred to a nursing home in County Monaghan. [29744/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy will be aware, the provision of health services in County Monaghan is, in the first instance, the responsibility of the North Eastern Health Board. My Department has, therefore, asked the chief executive officer of the board to investigate the issue raised by the Deputy and reply direct to him as a matter of urgency.

Services for People with Disabilities.

173. **Mr. Allen** asked the Tánaiste and Minister for Health and Children the grant aid available for the installation of lifts for the disabled in buildings that are used by the public, for example, community centres, churches and parish halls; and if there is no grant aid available, if he will consider introducing such a grant scheme. [29771/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The matter of access to public buildings and the provision of lifts which would facilitate access for people with disabilities is not a matter for the Department of Health and Children.

The National Disability Authority established under the aegis of the Department of Justice, Equality and Law Reform will have responsibility, under proposed measures in the Disability Bill 2004, for the development of a draft code of practice relating to the accessibility of public buildings to persons with disabilities for the purpose of giving guidance to public bodies.

The Department of the Environment, Heritage and Local Government has responsibility for monitoring the regulations governing access to public buildings including access for people with disabilities.

Medical Cards.

174. **Mr. Allen** asked the Tánaiste and Minister for Health and Children the reason for a decision by the Southern Health Board in the case of a person (details supplied) in County Cork. [29772/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the provision of

a medical card is, by legislation, a matter for the chief executive officer of the relevant health board-authority. My Department has, therefore, asked the chief executive officer of the Southern Health Board to investigate the matter raised by the Deputy and to reply to him directly.

Hospitals Building Programme.

175. **Mr. M. Moynihan** asked the Tánaiste and Minister for Health and Children the position in relation to the proposed extension for Kanturk Hospital; the reasons for the delay in proceeding with the work; and when work is expected to commence on the project. [29181/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy will be aware, the provision of health services in the Cork area is a matter for the Southern Health Board in the first instance. The board's policy document "Ageing with Confidence" has identified the need to develop additional long-stay beds for older people in the Southern Health Board area and as part of this programme the board is proposing to increase the number of long-stay beds at Kanturk Hospital. The proposal to develop additional beds at Kanturk Hospital is one of the capital projects which the board has submitted to my Department as part of its capital development programme. My Department will continue to liaise with the board to establish what new projects can be progressed, taking account of existing commitments and overall funding resources available to my Department. Regard will also be had to the significant additional revenue funding and staffing which will be required for these developments as well as the board's overall capital funding priorities.

Question No. 176 answered with Question No. 157.

Health Board Services.

177. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the services available for children with autism in an area (details supplied) of County Mayo; the services currently provided by the health board; and the services proposed by the health board for that area. [29791/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the provision of services for persons, including children, with intellectual disability and those with autism in the Mayo area is a matter, in the first instance, for the Western Health Board. My Department has asked the chief executive officer of the health board to investigate the matter raised by the Deputy and reply directly to him.

Hospitals Building Programme.

178. **Mr. Healy-Rae** asked the Tánaiste and Minister for Health and Children the position regarding the long-awaited new hospital for Dingle, County Kerry (details supplied); and if

she will make a statement on the matter. [29792/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy will be aware, the provision of health services in the Kerry area is a matter for the Southern Health Board, in the first instance. The board in consultation with my Department decided to build a new 72 bed community hospital in Dingle, County Kerry to replace the existing hospital. This new hospital will comprise a mix of beds for continuing care, rehabilitation-convalescent, respite, palliative care beds and beds which will be used for direct admissions by the local GP-primary care team. In addition, there will be a central module, a day care unit, a mental health day care unit and an ambulance base.

The next step in the progressing of the Dingle project to construction is to invite tenders for the construction of the project. Any decision in relation to progressing this project will be considered by my Department in the context of the significant additional revenue funding and staff which will be required by the board to operate the new hospital and having regard to the board's employment ceiling and funding available to my Department.

Health Board Services.

179. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children if consideration will be given to subsidising patients in the North Western Health Board area who have to go to Northern Ireland to avail of orthodontic services; and if she will make a statement on the matter. [29793/04]

Tánaiste and Minister for Health and Children (Ms Harney): The provision of orthodontic services is the statutory responsibility of the health boards in the first instance.

The chief executive officer of the North Western Health Board has informed my Department that due to staff shortages, the board is currently referring highest priority orthodontic patients to private practitioners in both the Republic of Ireland and Northern Ireland. The board has received additional funding from my Department to help meet the cost of such private referrals which are free of charge to the patients.

The chief executive officer has also informed my Department that the board has recently held interviews for a specialist orthodontist and expect to fill the post in the coming weeks.

Cancer Screening.

180. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children the data that is kept on the cancer register; if it includes the areas where a person grew up and the place at which they live; and if she will make a statement on the matter. [29807/04]

Tánaiste and Minister for Health and Children (Ms Harney): The National Cancer Registry has statutory responsibility for the collation and

analysis of data on incidence and prevalence of cancer in Ireland.

My Department has, therefore, asked the director of the National Cancer Registry to investigate the matter and reply directly to the Deputy.

181. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children the procedure a person can follow if they discover a cancer cluster in their area; the person they should contact to carry out an investigation; and if she will make a statement on the matter. [29808/04]

Tánaiste and Minister for Health and Children (Ms Harney): The health board or authority in the area in which the cancer cluster is suspected to exist is responsible for investigating the existence of such clusters. Statistical and epidemiological protocols have been devised to assist in the evaluation of small-area clusters. I understand this investigation would draw upon information sources such as the National Cancer Registry, HIPE data of local relevance, death certification and other sources which may be available locally. Anyone with concerns in relation to cancer clusters should bring the matter to the attention of the public health department of the health board-authority in their area who would consider the matter and initiate an investigation where appropriate.

Hospital Waiting Lists.

182. **Mr. Neville** asked the Tánaiste and Minister for Health and Children, further to Question No. 287 of 19 October 2004, when a pre-waiting list appointment will be made for a person (details supplied) in County Limerick for the Mid-West Orthopaedic Hospital, Croom. [29814/04]

Tánaiste and Minister for Health and Children (Ms Harney): I understand the Mid-Western Health Board has issued a response to the Deputy dated 22 November 2004.

Health Board Services.

183. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children if she has received an application from a person (details supplied) in County Wexford; and if she will make a statement on the matter. [29817/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy will be aware, the provision of health services in Enniscorthy is, in the first instance, the responsibility of the South Eastern Health Board. My Department has, therefore, asked the chief executive officer of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

Hospital Staff.

184. **Ms McManus** asked the Tánaiste and Minister for Health and Children her views on concerns expressed by the Medical Council in relation to non-resident cosmetic surgeons carry-

[Ms McManus.]
ing out work here; and if she will make a statement on the matter. [29949/04]

Tánaiste and Minister for Health and Children (Ms Harney): The Medical Council is the statutory body established to provide for the registration and control of persons engaged in the practice of medicine under the Medical Practitioners Act 1978. Doctors practising medicine should be registered with the Medical Council. Persons who avail of the services of doctors performing cosmetic procedures should endeavour to seek the services of reputable institutions. When invasive procedures are being arranged in cosmetic clinics, persons are strongly advised to check that the services are provided by a medical practitioner who is appropriately registered with the Medical Council in this country. In addition, before agreeing to undergo any procedure, persons should ascertain the level of follow-up medical support which will be available to them after the surgery has been completed.

Nursing Home Subventions.

185. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children the position in relation to the provision of nursing home care for persons who are over 70 years of age and who hold medical cards; if this will be provided free under the terms of the Health Act 1970, as amended; the steps she is taking to ensure that those who have paid for the service to date will be refunded their payments; and if she will make a statement on the matter. [29950/04]

Tánaiste and Minister for Health and Children (Ms Harney): Eligibility for health services in Ireland is primarily based on residency and means. Under the Health Act, 1970, determination of eligibility for medical cards is the responsibility of the chief executive officer of the appropriate health board other than for persons aged seventy years and over, who are automatically eligible for a medical card. Medical cards are issued to persons who, in the opinion of the chief executive officer, are unable to provide general practitioner medical and surgical services for themselves and their dependants without undue hardship. It is open to all persons to apply to the chief executive officer of the appropriate health board for health services if they are unable to provide these services for themselves or their dependants without hardship. However, central to our system of publicly funded long-term care is the principle that it is fair and reasonable that those who can afford to contribute to the cost of their long stay care should do so. The health strategy reinforces this point and states that:

It is recognised that quality care is expensive and that the bulk of the cost of providing a high standard of quality care should be borne by the exchequer. Nonetheless, it is fair that all those in receipt of publicly provided residential long-term care should make some payment towards accommodation and daily living costs, if they can afford to do so, just as they would if they were living in the community. This principle

supports the aim to provide as high quality a service as possible and to make the most equitable use of resources and thus to help maximise the availability of these services.

The current position reflects this approach.

Under the Health (Nursing Homes) Act, 1990 health boards may pay a subvention to assist a person in meeting the cost of private nursing home care. It was never envisaged that this subvention would cover the full cost of nursing home care. The Department of Health and Children has established a working group to review the operation and administration of the nursing home subvention scheme. The health strategy outlined in the document *Quality and Fairness; A Health System for You* acknowledges the need to clarify and simplify eligibility arrangements and sets down a commitment to introduce new legislation to provide for the introduction of clear statutory provisions on entitlement and eligibility.

A review of all existing legislation in this area has been carried out in my Department which will inform the approach to the drafting of new legislation in this area. As part of this exercise, my Department will attempt to resolve the current differences in approach in the consideration of the ability of individuals to pay under the various regulations in this area. Arising from concerns about the current practice of charging for long-stay care in health board institutions, the matter is being examined with regard to advice from the office of the Attorney General with a view to clarification of the situation at an early date.

Services for People with Disabilities.

186. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if a care plan will be put in place for a person (details supplied) in Dublin 9 with a disability particularly for January 2005; and if she will make a statement on the matter. [29951/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the provision of services, including care plans, 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 Eastern Regional Health Authority to investigate the matter raised by the Deputy and reply directly to him.

Hospital Services.

187. **Ms McManus** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the special deals or contracts being made by hospitals with certain pharmaceutical companies to use only a particular drug for certain conditions, for example a drug (details supplied) being prescribed by St. James's Hospital; her views on the cost of this drug compared to other generic drugs; and if she will make a statement on the matter. [29952/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the provision of

hospital services in the eastern region rests with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to examine the issue raised and to reply to the Deputy directly.

Mental Health Services.

188. **Ms McManus** asked the Tánaiste and Minister for Health and Children if she has received correspondence from a group (details supplied); the details of her response to it; and if she will make a statement on the matter. [29953/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Correspondence has been received from the group referred to by the Deputy on the relocation of the Central Mental Hospital. In responding to the group's concerns, it has been explained that proposals for the development of a new Central Mental Hospital are under consideration in my Department. The majority of admissions to the Central Mental Hospital come from within the prison service. Accordingly, ease of access between the main Dublin prisons and the hospital is of importance. I understand that the location of the hospital adjacent to a prison would have operational benefits for the prison service. On the other hand, it must be borne in mind that the Central Mental Hospital is a therapeutic, health care facility. I fully agree with families and carers who feel that it would not be desirable that the hospital be perceived as, or closely identified with, a prison complex.

I understand that the Minister for Justice, Equality and Law Reform has advanced proposals to develop a new prison complex replacing Mountjoy. I recognise the potential benefits of close co-operation between that project and the re-development of the Central Mental Hospital and have asked my officials to consider how the matter might be progressed to the mutual benefit of both services.

Social Insurance.

189. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals to exempt separated spouses, whose only income is the maintenance payments from the other separated spouse, from the 2% health levy; and if she will make a statement on the matter. [29954/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy is aware the issues of taxation, social insurance and levies are dealt with in the context of budget day announcements and as such are a matter for the Minister for Finance.

Cancer Screening Services.

190. **Mr. Coveney** asked the Tánaiste and Minister for Health and Children if she has plans to improve the inadequate level of breast care ser-

vices for women, especially in the Southern Health Board area. [29968/04]

Tánaiste and Minister for Health and Children (Ms Harney): Since 1997, there has been a cumulative additional investment of approximately €57 million in the development of appropriate treatment and care services in the Southern Health Board region for people with cancer. The investment has enabled the funding of ten additional consultant posts together with support staff in key areas such as medical oncology, haematology, radiation oncology and breast surgery. The funding has facilitated the appointment of 27 cancer care nurse specialists across the region. The roll out of the national screening programme to the remaining counties is a major priority in the development of cancer services. It will ensure that all women in the 50 to 64 age group in every county have access to breast screening and follow up treatment where required. A capital investment of approximately €20 million has been approved to construct and equip two static clinical units, one in Cork and the other in Galway. The investment will also ensure that mobile units are available to screen women in the relevant age group in the Southern Health Board area and throughout the country. Detailed planning for the units is progressing as a matter of priority and a design brief will be completed shortly. It is expected that a design team will be in place early next year. The design, construction and commissioning of the units will take approximately two and a half years.

The report entitled Development of Cancer Services for Symptomatic Breast Disease recommended the development of a limited number of specialist units. Considerable investment and progress has been made in implementing the recommendations with most of the units now operational or at an advanced stage of development. The symptomatic breast service units for the Southern Health Board is at South Infirmary-Victoria Hospital in Cork and at Cork University Hospital. Any woman irrespective of her age or residence who has immediate concerns or symptoms should contact her general practitioner who, where appropriate, will refer her to the symptomatic services in her region.

Health Board Services.

191. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the categories of persons that are being treated now for orthodontic treatment; the breakdown of the categories that are being treated; and the categories that are available for patients in respect of orthodontic treatment. [29997/04]

Tánaiste and Minister for Health and Children (Ms Harney): The provision of orthodontic services is the statutory responsibility of the health boards in the first instance. The aim of my Department is to develop the treatment capacity of orthodontics in a sustainable way over the longer term. Given the potential level of demand for orthodontic services, the provision of those services will continue to be based on prioritis-

[Ms Harney.]
 ation of cases based on treatment need as happens under the existing orthodontic guidelines. The guidelines were issued in 1985 and are intended to enable health boards to identify in a consistent way those in greatest need and to commence timely treatment for them. Patients in category A require immediate treatment and include those with congenital abnormalities of the jaw, 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 and are placed on the orthodontic treatment waiting list. Patients in category C have less severe problems than in category B.

The number of cases treated is dependent on the level of resources available in terms of qualified staff in an area. This is reflected in the treatment waiting list. The provision of orthodontic services is currently severely restricted due to the limited availability of trained specialist clinical staff to assess and treat patients. Consequently, a category C waiting list may not be maintained in some health boards.

Child Care Services.

192. **Mr. R. Bruton** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the circumstances surrounding a psychiatric unit (details supplied) which was designated to provide services to children from south and west Dublin; if this facility has remained idle for the past seven months and now faces closure; if the reasons for this delay emanate from the failure to provide funding to recruit a consultant child psychiatrist for this facility; and if she will make a statement on the matter. [30139/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I have been informed by the South Western Area Health Board that, despite the availability of funding and repeated and exhaustive efforts in Ireland and internationally, the board was unable to recruit adequate consultant cover for Courthall, the facility referred to by the Deputy. In the context of the overall strategic plans for the child and adolescent psychiatric services in the board's area, the use of its in-patient facilities was reviewed. In light of its review, health board management worked with staff to create a new service model which could address the need for a high quality, comprehensive in-patient service for young people with mental health problems. Without the requisite senior medical cover it was not possible to deliver such a service on the Courthall site. As a result, a consolidation of inpatient services is now taking place which will allow for a significant enhancement of services at Warrenstown House, another child and adolescent psychiatric in-patient facility operated by the South Western Area Health Board. The facility at Courthall is now being utilised by the South

Western Area Health Board's child care services where it provides valuable accommodation to the mainstream residential programme.

Accident and Emergency Services.

193. **Mr. R. Bruton** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to an increasing number of serious accidents caused by the use of a leisure facility, more commonly known as a bouncing castle; if, in her discussions with the accident and emergency departments of various acute hospitals and the ambulance and fire service, this matter has been raised; and if she will make a statement on the matter. [30140/04]

Tánaiste and Minister for Health and Children (Ms Harney): The number and extent of injuries associated with the use of the leisure facility as described by the Deputy did not feature in my discussions with the agencies I have met in the context of improving the delivery of emergency services.

Hospital Charges.

194. **Mr. M. Brady** asked the Tánaiste and Minister for Health and Children the number taken to court for non-payment of hospital bills for hospitals (details supplied); and the amount of unpaid accounts written off as bad debts for each hospital. [30182/04]

Tánaiste and Minister for Health and Children (Ms Harney): Information on the number of persons taken to court for non-payment of hospital bills and the amount of unpaid accounts written off as bad debts are monitored and under the direct responsibility of the relevant health board or authority. Accordingly, my Department has referred the Deputy's question to the chief executive officer of the Eastern Regional Health Authority and requested that he respond directly to the Deputy on the matter raised.

Health Board Services.

195. **Mr. M. Brady** asked the Tánaiste and Minister for Health and Children the action planned to eliminate waiting lists for children's orthodontic treatment. [30183/04]

Tánaiste and Minister for Health and Children (Ms Harney): The provision of orthodontic services is the statutory responsibility of the health boards and authority in the first instance. The aim of my Department is to develop the treatment capacity of orthodontics in a sustainable way over the longer term. I am pleased to advise the Deputy that a number of measures have been adopted to improve orthodontic services on a national basis. The grade of specialist in orthodontics has been created in the health board orthodontic service. In 2003, my Department and the health boards funded 19 dentists from various health boards for specialist in orthodontics qualifications at training programmes in Ireland and at three separate universities in the United

Kingdom. The 19 trainees for the public orthodontic service include six dentists who successfully completed their training in September 2004 and have taken up duties with the boards. These measures will complement the other structural changes being introduced into the orthodontic service, including the creation of an auxiliary grade of orthodontic therapist to work in the orthodontic area.

Furthermore, the commitment of the Department to training development is manifested in the funding provided to both the training of specialist clinical staff and the recruitment of a professor in orthodontics for the Cork Dental School. This appointment will facilitate the development of an approved training programme leading to specialist qualification in orthodontics. My Department has given approval in principle to a proposal to further substantially improve training facilities for orthodontics at the school, which will ultimately support an enhanced teaching and treatment service to the wider region under the leadership of the professor of orthodontics.

In June 2002, my Department provided additional funding of €5 million from the treatment purchase fund to health authorities specifically for the purchase of orthodontic treatment. This funding enables boards to provide additional sessions for existing staff and to purchase treatment from private specialist orthodontic practitioners. The chief executive officers of the health boards and authority have informed my Department that at the end of the September 2004 quarter, there were 22,168 patients receiving orthodontic treatment in the public orthodontic service. This means there are over twice as many patients getting orthodontic treatment as there are waiting to be treated and more than 6,000 extra patients are getting treatment from the health boards and authority since the end of the September 2001 quarter.

Services for People with Disabilities.

196. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children her policy in meeting the accommodation needs of persons with mental illness or intellectual disability; and if she will make a statement on the matter. [30184/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): It is the policy of my Department to transfer persons with an intellectual disability or autism from psychiatric hospitals and other inappropriate placements to more appropriate care settings. It is also policy to provide enhanced levels of service for persons with an intellectual disability and those with autism who are accommodated in psychiatric hospitals, those accommodated in de-designated units, which were formerly designated as psychiatric services and to others who moved some years ago from psychiatric hospitals to alternative accommodation which is now unsuitable for their needs. The national intellectual disability database report for 2003 identified a group of 307

individuals living in psychiatric hospitals in that year as requiring transfer from these locations to more appropriate accommodation. There is specific mention of this programme in the health strategy with a stated objective to complete the transfer of persons with intellectual disability from psychiatric hospitals as soon as possible and not later than 2006.

Between 1999 and 2003, additional revenue funding of €10.5 million and €28.4 million capital funding was allocated to the intellectual disabilities programme to provide more appropriate care settings for this group of clients. It is the intention to continue this programme in 2005 from within the additional funding of €40 million for new services for people with intellectual disabilities which was announced last week.

Legislative Programme.

197. **Ms McManus** asked the Tánaiste and Minister for Health and Children if she can give information relating to the introduction of a new human tissue Act that was promised as far back as 2000; and if she will make a statement on the matter. [30185/04]

Tánaiste and Minister for Health and Children (Ms Harney): An EU directive on standards of quality and safety of human tissues and cells was adopted on 31 March 2004. The directive sets minimum standards on the donation, procurement, testing, processing, storage and distribution of human tissues and cells for human applications. The directive must be transposed in member states by 6 April 2006. Transposition will give Ireland a framework on which to build the legislative base for all such activities. Work has commenced on the drafting of legislation to transpose the directive and identifying the other steps to be taken to ensure compliance with it.

The European Commission is considering the question of a directive on organ transplantation, including the issue of consent, and proposes to conduct a thorough scientific evaluation of the situation. It will present a report on its analysis to the Council of the European Union as soon as possible. It is hoped that this will provide the framework for the development of legislation in this area. In the meantime, it is intended to establish an expert group to review organ donation, procurement and utilisation policy in Ireland. The work of the group will inform Ireland's contribution to the discussions on the proposed directive on organs.

Mental Hospitals Report.

198. **Mr. Cuffe** asked the Tánaiste and Minister for Health and Children the action she is taking on foot of the recommendations in the most recent report of the Inspector of Mental Hospitals. [30204/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The report of the Inspector of Mental Hospitals for the year

[Mr. T. O'Malley.] ending 31 December 2003 was published on 8 September 2004. I welcome the publication of this report and acknowledge the important role the inspector has played for several years in providing an accurate and detailed account of services in the mental health sector throughout the country. In his 2003 report, the Inspector of Mental Hospitals notes the continuing decline in the number of patients in psychiatric inpatient facilities, from 3,966 at the end of 2002 to 3,701 at the end of 2003. Approximately 10%, or 2,349, of all admissions to psychiatric hospitals and units in 2003 were involuntary admissions. Ireland has a significantly higher rate of involuntary admission than other European countries. However, it is anticipated that the full implementation of the Mental Health Act 2001, with its more stringent procedures for involuntary detention, will significantly reduce the number of involuntary admissions, bringing practice in this country more into line with the rest of Europe.

In his report, the inspector refers to and welcomes the ongoing replacement of old institutional mental hospitals with acute psychiatric units attached to general hospitals. During 2003, two new acute psychiatric units opened at St. Luke's General Hospital, Kilkenny and at Mayo General Hospital, Castlebar. This year a new 50-bed acute psychiatric unit opened at the Midland Regional Hospital, Portlaoise. The inspector also noted some other developments which had taken place during 2003, especially, the establishment of the expert group on mental health policy in August 2003. The expert group is preparing a new national policy framework for the mental health services. The group has undertaken an extensive consultation process with interested parties and is expected to report in 2005.

I assure the Deputy that, while I am pleased with the scale of the progress being made in many of the services, I accept that much remains to be done in providing a service which will enhance the quality of care for those suffering from mental illness. It is my intention to facilitate the service providers in bringing about the improvements and developments identified by the inspector as quickly as possible. I am fully committed to endeavouring that the recommendations made in the inspector's report for 2003 are implemented as soon as possible. An additional €15 million is being made available for the further development of our mental health services in 2005.

Suicide Incidence.

199. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the vital work being done by organisations such as Living Links; the financial support or otherwise provided to the organisation over the past five years either nationally or to any north Tipperary branch of the organisation; the funding that has been provided to similar suicide bereavement and counselling organisations servicing north Tipperary; and if she will provide

additional financial and other resources to the work of Living Links in valuable bereavement support that they provide across the country. [30221/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I am aware of the work of the organisation referred to by the Deputy. I am informed that the Mid-Western Health Board provides support and funding for key bereavement support initiatives in North Tipperary. This includes the Living Links organisation and Suicide Understanding and Support, or SUAS, which provide support for those bereaved by suicide. The Mid-Western Health Board provided €5,000 to the Living Links organisation in 2003 and a further €10,000 was provided this year. Funding of €3,000 was provided to SUAS this year. The provision of additional funding and resources for these organisations is a matter for the Mid-Western Health Board.

Additional funding for the provision of support services for those bereaved by suicide will be considered in the context of the estimates process for 2005.

200. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to a letter (details supplied) sent to her office on 31 October 2004; if her attention has further been drawn to the crisis of youth suicide that is facing the country; her views on the fact that a co-ordinated effort based on the principal of early intervention involving her Department, the National Children's Office, the Department of Education and Science is needed to tackle this huge and sensitive issue facing young people; her proposals for dealing with the crisis of youth suicide that faces parents and young people today; and if she will make a statement on the matter. [30222/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I am aware of the correspondence referred to by the Deputy. It is acknowledged that the issue of suicide prevention, especially among young people, requires action in a number of different areas and across a broad range of services and Departments. The issue will be addressed in the context of the preparation of the strategic action plan for suicide reduction which is currently underway. The strategy, which involves the Health Boards Executive in partnership with the national suicide review group supported by the Department of Health and Children, will be based on extensive national and international consultation and evidence based research. It will build on existing policy and the recommendations contained in the 1998 report of the national task force on suicide. All measures aimed at reducing the number of deaths by suicide will be considered in the preparation of this strategy which will be completed in 2005.

Health Board Services.

201. **Mr. Ferris** asked the Tánaiste and Minister for Health and Children the number on the waiting list for orthodontic treatment in County Kerry; and the number of orthodontists that are assigned to the county. [30223/04]

Tánaiste and Minister for Health and Children (Ms Harney): The provision of orthodontic services in County Kerry is the statutory responsibility of the Southern Health Board in the first instance. Orthodontic information by county is not routinely collected by my Department. Therefore, the chief executive officer of the Southern Health Board has been requested to provide the information requested directly to the Deputy.

202. **Mr. Ferris** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Kerry, who has been on the waiting list for orthodontic treatment, can expect to receive that treatment. [30224/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy is aware, responsibility for the provision of orthodontic treatment to eligible persons in County Kerry rests with the Southern Health Board. My Department has asked the chief executive officer of the board to investigate the matter raised by the Deputy and to reply to him directly.

203. **Mr. Ferris** asked the Tánaiste and Minister for Health and Children if there is adequate funding or orthodontic care to cut the inordinate amount of time that people are forced to wait for treatment. [30225/04]

Tánaiste and Minister for Health and Children (Ms Harney): The provision of orthodontic services is the statutory responsibility of the health boards and health authority in the first instance. The aim of my Department is to develop the treatment capacity of orthodontics in a sustainable way over the longer term. I am pleased to advise the Deputy that a number of measures have been adopted to improve orthodontic services on a national basis. The grade of specialist in orthodontics has been created in the health board orthodontic service. In 2003, my Department and the health boards funded 19 dentists from various health boards for specialist in orthodontics qualifications at training programmes in Ireland and at three separate universities in the United Kingdom. The trainees for the public orthodontic service included six dentists who successfully completed their training in September 2004 and have taken up duties with the boards. These measures will complement the other structural changes being introduced into the orthodontic service, including the creation of an auxiliary grade of orthodontic therapist to work in the orthodontic area.

The commitment of the Department to training development is manifested in the funding pro-

vided to both the training of specialist clinical staff and the recruitment of a professor in orthodontics for the Cork Dental School. The appointment of a professor will facilitate the development of an approved training programme leading to specialist qualification in orthodontics. My Department has given approval in principle to a proposal to further substantially improve training facilities for orthodontics at the school which will ultimately support an enhanced teaching and treatment service to the wider region under the leadership of the professor of orthodontics.

In June 2002, my Department provided additional funding of €5 million from the treatment purchase fund to health boards and the authority specifically for the purchase of orthodontic treatment. The funding enables boards to provide additional sessions for existing staff and purchase treatment from private specialist orthodontic practitioners. The chief executive officers of the health boards and the authority have informed my Department that at the end of the September 2004 quarter, there were 22,168 patients receiving orthodontic treatment in the public orthodontic service. This means that there are more than twice as many patients getting orthodontic treatment as there are waiting to be treated and more than 6,000 extra patients are getting treatment from the health boards and authority since the end of the September 2001 quarter.

Question No. 204 answered with Question No. 155.

Hospital Services.

205. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Mayo will be given a bed in the University College Hospital in Galway. [30227/04]

Tánaiste and Minister for Health and Children (Ms Harney): The provision of hospital services for people living in County Mayo is a matter for the Western Health Board. My Department has asked the chief executive officer of the board to investigate this case and to reply directly to the Deputy.

Legislative Programme.

206. **Ms Cooper-Flynn** asked the Tánaiste and Minister for Health and Children when she intends to bring in new legislation to update and codify the legal framework for eligibility and entitlements in regard to the health services; and the title of the new legislation. [30236/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy is aware, my Department is committed to the preparation of new legislation to update and codify the entire legal framework for eligibility and entitlements in regard to health services. The health strategy, Quality and Fairness; A Health System for You,

[Ms Harney.] acknowledges the need to clarify and simplify eligibility arrangements and sets down a commitment to introduce new legislation to provide for the introduction of clear statutory provisions on entitlement and eligibility. A review of all existing legislation in this area has been carried out in my Department which will inform the approach to the drafting of new legislation in this area. As part of this exercise, my Department will be attempting to resolve the current differences in approach in the consideration of individuals' ability to pay under the various regulations in this area.

It should be noted that central to our system of publicly funded long-term care is the principle that it is fair and reasonable that those who can afford to contribute to the cost of their long stay care should do so. The health strategy reinforces this point and states that:

It is recognised that quality care is expensive and that the bulk of the cost of providing a high standard of quality care should be borne by the Exchequer. Nonetheless, it is fair that all those in receipt of publicly provided residential long-term care should make some payment towards accommodation and daily living costs, if they can afford to do so, just as they would if they were living in the community. This principle supports the aim to provide as high quality a service as possible and to make the most equitable use of resources and thus to help maximise the availability of these services.

Arising from concerns about the current practice of charging for long-stay care in health board institutions, this matter is being examined with regard to advice recently received from the office of the Attorney General with a view to early clarification. The issue will be given priority in the context of legislative changes on eligibility.

General Medical Services Scheme.

207. **Ms Cooper-Flynn** asked the Tánaiste and Minister for Health and Children the reason the Deloitte and Touche report into GMS was never published. [30237/04]

Tánaiste and Minister for Health and Children (Ms Harney): The Deloitte and Touche consultancy review of governance and accountability mechanisms in the general medical services schemes was received by my Department in February 2003. While the review was being considered by officials in my Department, the commission on financial management and control systems in the health service published the Brennan report and the audit of structures and functions in the health system resulted in the Prospectus report. Since the contents and recommendations of the latter reports are relevant to the subject matter of the general medical services review, my Department requested Deloitte and Touche to update its draft having regard to the latest financial data from the general medical ser-

vices (Payments) board. It remains my intention to bring the review to Government, after which its publication and implementation will be discussed.

Questions Nos. 208 and 209 answered with Question No. 156.

Long-Term Illness Scheme.

210. **Ms Cooper-Flynn** asked the Tánaiste and Minister for Health and Children the illnesses covered under the long-term illness scheme; the criteria for inclusion in the scheme; when the last illnesses were added to the scheme; and the names of these illnesses. [30240/04]

211. **Ms Cooper-Flynn** asked the Tánaiste and Minister for Health and Children the number of persons that benefit under the long-term illness scheme. [30241/04]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 210 and 211 together.

Under the Health Act 1970, a health board may arrange for the supply, without charge, of drugs, medicines and medical and surgical appliances to people with a specified condition, for the treatment of that condition under the long-term illness scheme. The conditions are mental handicap, mental illness for people under 16 only, phenylketonuria, cystic fibrosis, spina bifida, hydrocephalus, diabetes mellitus, diabetes insipidus, haemophilia, cerebral palsy, epilepsy, multiple sclerosis, muscular dystrophies, parkinsonism, conditions arising from thalidomide and acute leukaemia. Parkinsonism, acute leukaemia, muscular dystrophies and multiple sclerosis were added to the scheme in 1975. The average monthly number of claimants under the long-term illness scheme in the year ending 31 December 2003 was 32,720.

The scheme was designed to protect patients with a specified condition from excessive drug bills for the treatment of that condition. Following the establishment of the general medical services scheme in 1971 to provide free treatment for those who could not without undue hardship arrange to provide it for themselves and their dependants, various co-payment schemes have been introduced to provide assistance towards the cost of approved drugs and medicines for people with significant ongoing medical expenses, without restriction to the treatment of a particular condition. Since 1999, non-medical card holders and people with conditions not covered under the long-term illness scheme have been able to use the drugs payment scheme. Under this scheme, no individual or family unit pays more than €78 per calendar month towards the cost of approved prescribed medicines. The monthly threshold is due to increase to €85 from 1 January 2005.

In light of the protection provided from excessive drug costs by the general medical services and drugs payment schemes, there are no plans to

amend the list of eligible conditions under the long-term illness scheme.

Medical Cards.

212. **Ms Cooper-Flynn** asked the Tánaiste and Minister for Health and Children if general practitioners were paid a retainer per medical card for customers who were deceased but remained on the health board list for many years. [30242/04]

Tánaiste and Minister for Health and Children (Ms Harney): In 2001, following the decision to provide medical cards to all people aged 70 years and over, potential inaccuracies in general medical service scheme lists came to light. Health boards were requested to undertake reviews of their GMS registers. A group was established under the auspices of the Health Boards Executive to oversee these reviews. Following the reviews and as of July 2004, approximately 104,000 records have been removed from the GMS register. Health boards have advised that they consider most of these to be normal deletions due to death, change in eligibility status or persons moving from one board area to another.

The Health Boards Executive-led group identified an amount of overpayment of capitation fees arising from the removal of these entries of approximately €8.4 million. My Department is fully committed to recouping the overpayments identified in line with the commitment given to the Committee of Public Accounts.

Water Quality.

213. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if the SEHB has conducted an analysis of the quality of the drinking water at Clough and Moneenroe, County Kilkenny; if so, if the reports will be publicised; and if she will make a statement on the matter. [30250/04]

Tánaiste and Minister for Health and Children (Ms Harney): The Department of Health and Children is not the Department responsible for the analysis of the quality of drinking water. The Minister for the Environment and Local Government made regulations in 2000 through SI 439 to give effect to the terms of the European Communities (Drinking Water) Regulations 2000. Under these regulations it is the duty of the sanitary authority to take the necessary steps to ensure that water intended for human consumption is wholesome and clean and meets the requirements of the regulations. A sanitary authority is defined under the regulations as a sanitary authority for the purposes of the Local Government (Sanitary Services) Acts 1878 to 1964. I trust this clarifies the position for the Deputy.

Health Board Services.

214. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the numbers on the

waiting list for arthritis treatment in the Western Health Board area for each of the past three years; the year of referral from which patients are being allocated routine appointments and the year of referral for urgent waiting lists; the numbers that have been treated under the national treatment purchase fund; and if she will make a statement on the matter. [30256/04]

Tánaiste and Minister for Health and Children (Ms Harney): The provision of arthritis treatment is a matter for the Western Health Board. My Department has asked the chief executive officer of the board to investigate the issues raised and to reply directly to the Deputy.

Cross-Border Projects.

215. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if she will report on her meeting of 17 November 2004 with officials from the Northern Ireland Department of Health, Social Services and Public Safety in relation to the establishment of a North-South child protection forum. [30260/04]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): Following an invitation, an official from my Department met with officials from the Northern Ireland Department of Health, Social Services and Public Safety on 17 November. The meeting, which was extremely positive, was used to exchange information and documents and to explore any advantages to having further meetings. A further meeting has been tentatively arranged early in 2005.

Health Board Staff.

216. **Ms McManus** asked the Tánaiste and Minister for Health and Children the number of vacancies by health board area, of nursing, therapy and allied medical professional posts; and if she will make a statement on the matter. [30315/04]

Tánaiste and Minister for Health and Children (Ms Harney): Information on vacancy levels in the health service is not collected by my Department as a matter of routine. The Deputy may wish to note, however, that the Health Service Employers Agency undertakes quarterly surveys of nursing vacancies, the latest of which is for the period ending 30 June 2004. Employers reported in this survey that 771 vacancies existed, a decrease of 23% from 1,007 vacancies recorded a year previously in June 2003. A copy of the survey, which contains a breakdown by hospital, health board and voluntary agency, will be forwarded directly to the Deputy by my Department.

Responsibility for the management of the workforce, recruitment and the filling of vacancies in each region rests with the relevant health board or authority. My Department has therefore requested the chief executive officer of each

[Ms Harney.] health board and the regional chief executive of the Eastern Regional Health Authority to investigate the matter raised by the Deputy on vacancies in therapy and allied health professional grades and to respond to her directly.

Hospital Waiting Lists.

217. **Mr. Crawford** asked the Tánaiste and Minister for Health and Children her views on whether it is reasonable or realistic for a person (details supplied) in County Cavan to be advised on a number of occasions that the appointment for a pre-assessment has been cancelled in Our Lady's Hospital, Navan; her further views on whether it is further proof that the waiting list is not relevant simply due to the fact that people cannot obtain assessments in order to secure a place on the waiting lists; and if she will make a statement on the matter. [30316/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the provision of services at Our Lady's Hospital in Navan rests with the North Eastern Health Board. My Department has, therefore, asked the chief executive officer of the board to investigate the issue raised and to reply directly to the Deputy.

Appointments to State Boards.

218. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children the identity of the members of the working group on home supports and personal assistance services; when the group was established; when she expects to receive its report; and if she will make a statement on the matter. [30317/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The working group on home supports and personal assistants first met in January 2002. The membership of the working group is as follows: Allen Dunne, Disability Federation of Ireland; Anne Winslow, Irish Wheelchair Association; David Fennell, Cheshire Foundation; Margaret Gillard, Rehab Group; Michael Corbett, Disability Federation of Ireland; Joan Bradley, Post Polio Support Group; Mo Flynn, Eastern Regional Health Authority; Pat Dolan, North Western Health Board; Anne Marie Kilkenny, Department of Health and Children; and Frank Tracy, Department of Health and Children.

The report of the working group will be incorporated into the strategic review of health and personal social services which is being undertaken by my Department. This will involve an in-depth examination of the needs of people who require home support and personal assistant services. I expect to receive the report early in 2005.

Asylum Support Services.

219. **Mr. Kehoe** asked the Minister for Finance

the initial purchase cost to the State of a centre (details supplied) in County Carlow; the breakdown of the ongoing costs since then; and if he will make a statement on the matter. [29832/04]

Minister of State at the Department of Finance (Mr. Parlon): Ionaid Folain, Myshall, was purchased by the Office of Public Works on behalf of the Reception and Integration Agency of the Department of Justice for the sum of €1,333,225.00. The total for security and other costs incurred on the property from its acquisition until its transfer to the Department of Health and Children in August 2002 was €176,509.98.

Question No. 220 answered with Question No. 80.

Budget Submissions.

221. **Caoimhghín Ó Caoláin** asked the Minister for Finance if he has received a pre-budget 2005 submission from the End Child Poverty Coalition; and if he will make a statement on the matter. [30295/04]

Minister for Finance (Mr. Cowen): I confirm that I have received a pre-budget 2005 submission from the End Child Poverty Coalition. Its contents will be considered by me in the context of the forthcoming budget.

Natural Heritage Areas.

222. **Mr. P. Breen** asked the Minister for Finance if the OPW will continue to employ guides on Scattery Island, Kilrush, County Clare, for the 2005 season; when it expects to recruit same; the plans the OPW has to further develop this important tourism amenity; and if he will make a statement on the matter. [29693/04]

Minister of State at the Department of Finance (Mr. Parlon): Guide and information officers will be deployed by the heritage services of the Office of Public Works at Scattery Island in 2005 at a level that is necessary and appropriate to protect the monuments on the island and to interpret them for visitors. The guides will be deployed from the guides staff complement located at Ennis Friary.

Tax Code.

223. **Dr. Upton** asked the Minister for Finance if he will consider any possible tax relief measures to encourage better farm management; and if he will make a statement on the matter. [29349/04]

Minister for Finance (Mr. Cowen): It is understood that the Deputy is referring to the proposals made by the Irish Farmers Association and the Irish Creamery Milk Suppliers Association in their pre-budget submissions for specific tax measures to encourage land consolidation. The Deputy will appreciate that in line with normal practice in the run-up to the annual budget and

Finance Bill, I do not wish to comment on the intention or otherwise to make changes in taxation.

224. **Ms O. Mitchell** asked the Minister for Finance the categories and nature of disability which qualify for tax relief under section 92. [29727/04]

225. **Ms O. Mitchell** asked the Minister for Finance if he intends to include persons confined to a wheelchair following a stroke in the category of those qualifying for tax relief under section 92. [29728/04]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 224 and 225 together.

I assume the Deputy is referring to the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994 made under section 92 of the Finance Act 1989. The disabled drivers and disabled passengers tax concessions scheme is open to people with disabilities who meet the specified criteria and have obtained a primary medical certificate to that effect. The senior area medical officer attached to the relevant health board is responsible for both the medical assessment and the issue of the medical certificate.

The medical criteria for the purposes of the tax concessions under this scheme are set out in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994. A total of six categories of disabled person are listed under the regulations and a qualifying person must satisfy one or more of them. They are persons who are wholly or almost wholly without the use of both legs; persons who are wholly without the use of one leg and almost wholly without the use of the other leg such that the applicant is severely restricted as to movement of the lower limbs; persons without both hands or without both arms; persons without one or both legs; persons wholly or almost wholly without the use of both hands or arms and wholly or almost wholly without the use of one leg; and persons having the medical condition of dwarfism and who have serious difficulties of movement of the lower limbs. An individual who qualifies under the medical criteria as set out above is issued with a primary medical certificate.

Possession of a primary medical certificate qualifies the holder for remission or repayment of vehicle registration tax, a repayment of value added tax on the purchase of the vehicle and a repayment of VAT on the cost of adaptation of the vehicle. Repayment of the excise duty on fuel used in the motor vehicle and exemption from annual road tax to Local Authorities are also allowed.

An interdepartmental review group was established to review the disabled drivers' and disabled passengers' tax concessions scheme. The group examined all aspects of the scheme including the qualifying medical criteria. The report was pub-

lished on my Department's website in early July and copies have been placed in the Oireachtas Library. As agreed by Government in June, I will consider the report on an ongoing basis in the overall budgetary context having regard to the existing and prospective cost of the scheme.

226. **Mr. Cuffe** asked the Minister for Finance if a golf club (details supplied) in County Dublin is exempt from capital gains tax; if changes were made in the 2002 budget that altered the club's tax status; and if he will make a statement on the matter. [29745/04]

Minister for Finance (Mr. Cowen): It has not been the practice to comment on the tax affairs of individuals or persons unless a Deputy is clearly asking a question on their behalf. However, I understand from the Revenue Commissioners that the golf club in question is included on a list published on the Revenue website of bodies which have been granted a tax exemption under section 235 of the Taxes Consolidation Act 1997.

The general position is that income, including capital gains, of those bodies established for the sole purpose of the promotion of athletic or amateur games or sports is exempt from tax where it can be shown to the satisfaction of the Revenue Commissioners that such income is applied solely for those purposes. This method of tax treatment is of long standing, originating in the Finance Act 1928 and extended in 1963 and 2003. There were no changes in the 2002 budget relating to this matter.

Decentralisation Programme.

227. **Mr. M. Moynihan** asked the Minister for Finance the progress on the acquisition of a site for the proposed OPW office in Kanturk, County Cork; the number of sites being considered; and when a decision is expected to be taken in respect of making an offer for one of these premises. [29180/04]

Minister of State at the Department of Finance (Mr. Parlon): The evaluation of property solutions to fulfil the accommodation brief for staff decentralising to Kanturk is at an advanced stage. Preliminary negotiations have commenced with the respective owners of a number of sites. On completion of negotiations, a formal offer to purchase will be made for the site deemed most suitable.

Flood Relief.

228. **Mr. Gregory** asked the Minister for Finance further to his reply of 28 October 2004, the assistance he can give to a person (details supplied) in Dublin 3 who has been refused insurance flood cover and who cannot sell their house as a result; and if he will make a statement on the matter. [29806/04]

Minister of State at the Department of Finance (Mr. Parlon): The Office of Public Works has no responsibility for the availability of insurance against flood risk. I regret, therefore, that I am not in a position to assist with this matter.

Garda Stations.

229. **Mr. Penrose** asked the Minister for Finance if, in view of the recent correspondence to him, he will consider a proposal to erect a new Garda station at a location (details supplied) in County Westmeath; and if he will make a statement on the matter. [29945/04]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works acquire sites and erect new Garda stations in accordance with priorities established by the Department of Justice, Equality and Law Reform. There are no current plans to replace Castlepollard Garda station. Any such proposal would require the agreement of the Department of Justice, Equality and Law Reform and the Garda authorities.

Financial Services Regulation.

230. **Ms Harkin** asked the Minister for Finance if the Irish Financial Services Regulatory Authority and the relevant insurance companies will establish a compensation fund, similar to that in the UK, through which holders of mortgage linked endowment insurance policies with short-falls can be enabled to deal with their mortgage obligations. [29946/04]

Minister for Finance (Mr. Cowen): The Irish Financial Services Regulatory Authority, IFSRA, is studying the matter of endowment loan short-falls having commenced a survey earlier this year to determine whether and to what extent there will be difficulties for customers. It would be inappropriate to reach any conclusions in advance of IFSRA's consideration of the outcome of the survey. I will continue to review the adequacy of the relevant legislative framework as information from IFSRA becomes available.

No reliable data exists on the overall numbers of cases where there may be a shortfall. However, endowment loan approvals in the last five years represent just 3% of the overall mortgage market, although it has been considerably higher in the past. Since 1989, a total of 90,000 endowment loans were approved, roughly 10% of total loan approvals since 1989. These types of mortgages operate on the basis that instead of making capital payments on a mortgage, the client pays only the interest. Therefore, the capital amount owed does not decrease. However, the client also makes an investment with a life assurance company the aim of which is to cover the mortgage and, possibly, provide some additional benefit beyond that. The products provided additional benefits, for example, in the form of higher tax

relief, which were attractive to borrowers. These products inherently require customers to take some risk whereby they are exposed to market fluctuations as with any market based life assurance investment. The fact that a person does not gain as much as expected is not in itself an indication of any inappropriate practices on the part of the bank or insurance company concerned.

The consumer director of IFSRA, Mary O'Dea, has encouraged people to come forward if they are worried about the possibility of having been misled an endowment mortgage. They should complain in the first instance to the company from whom they bought the policy. The UK did not establish a compensation fund for the payment of compensation to holders of mortgage linked endowment insurance policies with short-falls. The financial services compensation scheme in the UK is a statutory fund of last resort to administer and pay compensation to eligible investors when a firm falling under its ambit is unable to fulfil its financial commitments to its clients. As regards endowment mortgages, our understanding is that the relevant UK authorities have set down guidance for financial institutions in relation to dealing with policyholders where mis-selling may have occurred. This guidance was based on the findings in cases brought before the courts and ombudsman schemes and given in accordance with long standing powers available to regulators in that jurisdiction.

There is already a substantial volume of legislation in place to address these products. For example, the Consumer Credit Act 1995 requires that all endowment loan application forms must contain a prominent notice to the effect that there is no guarantee that the proceeds of the insurance policy will be sufficient to repay the loan in full when it becomes due. The Act also obliges the provision of ongoing information on the performance of the policy, as do the Life Assurance (Provision of Information) Regulations 2001. The Central Bank and Financial Services Authority of Ireland Acts 2003 and 2004 established the IFSRA and considerably strengthened the regulatory environment. The Acts include an enhanced structure for dealing with consumer complaints about financial institutions.

Tax Code.

231. **Mr. Sherlock** asked the Minister for Finance if there is a proposal to amend an order (details supplied) in view of the fact that it is having a detrimental effect on the delivery of inshore rescue and recovery services. [29947/04]

Minister for Finance (Mr. Cowen): This matter has been raised on a number of occasions. The Value Added Tax (Refund of Tax) (No.18) Order 1985, referred to by the Deputy, provides for the repayment of VAT costs incurred in respect of equipment for use only in respect of rescue or assistance at sea. The order does not

extend to equipment used in rescue craft operational on bodies of fresh water. Practical difficulties in distinguishing the intended use of such equipment in the context of craft on fresh water bodies and the potential costs to the Exchequer are the main considerations in this regard. Charities and non-profit groups are exempt from VAT under the EU's sixth VAT directive. This means they do not charge VAT on their services and cannot recover VAT incurred on goods and services that they purchase.

Only VAT registered businesses which charge VAT are able to recover VAT. However, the Deputy may be aware that the Finance Act 1973 provided for the zero-rating of "life saving services provided by the Royal National Lifeboat Institution, including the organisation and maintenance of the lifeboat service". This means that while the RNLI does not charge VAT on the services it provides, it is entitled to reclaim VAT incurred on the goods and services which it purchases in delivering its services. In addition, the Irish Coast Guard, under the aegis of the Department of Communications, Marine and Natural Resources, administers the community of inland and inshore rescue services grant scheme. The community of inshore rescue services and the inland rescue service may apply for grants under the scheme in respect of both current and, more recently, capital expenditures. Guidelines on the scheme in terms of eligibility criteria and grant levels are available from the Irish Coast Guard.

Water and Sewerage Schemes.

232. **Mr. McGuinness** asked the Minister for Finance further to Parliamentary Question No. 158 of 10 November 2004, when the survey will be completed; and if it will be costed. [29948/04]

Minister of State at the Department of Finance (Mr. Parlon): The survey referred to in my reply to Parliamentary Question No. 158 of 10 November 2004 is an ongoing staff operation. When engineering staff visit heritage sites on other business the opportunity is taken to review existing waste water and sewerage systems. As such there is no additional cost attached to this survey.

Flood Relief.

233. **Mr. Boyle** asked the Minister for Finance the flood alleviation measures being taken on islands that are his area of responsibility. [28019/04]

Minister of State at the Department of Finance (Mr. Parlon): The Office of Public Works has not received any information on flooding on any island arising from the recent heavy rainfall. It is highly likely that any flooding on the islands resulted solely from tidal flooding, which is the responsibility of the Department of Communications, Marine and Natural Resources. In accordance with the recommendations contained

in the report of the flood policy review group approved by the Government last month, the Department of Communications, Marine and Natural Resources will continue its current role in relation to coastal erosion and coastal flooding.

Tax Code.

234. **Mr. Ring** asked the Minister for Finance if he will consider raising the guidelines at which persons have to register for VAT; the last time this was reviewed or changed; and if he has plans to raise that level upwards from €51,000. [29996/04]

Minister for Finance (Mr. Cowen): Traders making supplies in the State are obliged to register for VAT where certain turnover thresholds are exceeded or are likely to be exceeded in any continuous period of 12 months. The current thresholds, which were introduced in the Finance Act 1994 with effect from 1 July 1994 are €25,500 in the case of a person supplying services and €51,000 for persons supplying goods. The first threshold also applies to persons supplying a combination of goods and services or goods chargeable at the 13.5% or 21% VAT rates which are produced from zero-rated materials.

Businesses with a turnover below these thresholds can, of course, register for VAT. Those businesses in the service sector in particular frequently choose to do so for commercial reasons. It is not customary for me to comment on any possible changes to thresholds which may, or may not, arise in the context of the forthcoming budget.

235. **Ms Burton** asked the Minister for Finance the number of small, self-administered pension funds and schemes; and the amount of tax relief claimed in respect of such schemes. [30112/04]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that there are approximately 2,500 small self-administered pension schemes in existence. Employer contributions to small self-administered pension schemes are treated as a trading expense of the employer for tax purposes. Employee contributions to such schemes are netted off as deductions from an individual's income before arriving at the definition of income for tax purposes. Figures for pension contributions by employers and employees are not captured in such a way as to provide a dedicated basis for compiling estimates of cost to the Exchequer. Accordingly, the specific information requested by the Deputy is not readily available.

Grant Payments.

236. **Mr. Ring** asked the Minister for Finance if he has received a request for €1.685 million by a working group (details supplied) in County Mayo; the position regarding same; if consider-

[Mr. Ring.]
ation will be given to this package; and when the necessary funding will be supplied. [30143/04]

Minister of State at the Department of Finance (Mr. Parlon): The Office of Public Works has not received a request for €1.685 million from the group but has received a copy of the report of the group dated October 2004. The Office of Public Works does not have any statutory responsibility for the works now proposed by the working group.

Departmental Estimates.

237. **Ms Burton** asked the Minister for Finance the net voted expenditure for each Department in the first ten months of 2004, with a breakdown of current and capital spending; his latest forecast

Vote Group — Net	Spending to end-October 2004			2004 Forecast Outturn		
	Current	Capital	Total	Current	Capital	Total
Finance group	639	146	785	865	263	1,128
Taoiseach's group	103	0	103	142	1	144
Justice group	1,408	68	1,477	1,748	107	1,854
Environment	580	860	1,440	685	1,624	2,310
Education	4,840	238	5,078	5,876	509	6,385
Marine	116	62	178	154	104	258
Agriculture	553	61	614	724	96	819
Transport	299	994	1,293	411	1,571	1,982
Health	6,915	297	7,212	8,095	510	8,604
Enterprise, Trade & Employment	658	171	829	766	339	1,105
Arts, Sport & Tourism	237	70	307	302	131	433
Defence	632	14	646	826	24	850
Foreign Affairs	423	7	430	550	13	563
Social & Family Affairs	4,892	0	4,892	5,972	8	5,980
Community group	131	63	194	181	98	279
Total	22,426	3,052	25,478	27,295	5,398	32,693

The end-October Exchequer returns showed that net voted spending by Departments and offices is some €1.35 billion below profile, of which €466 million is in respect of current spending and €885 million is for capital spending. The 2005 Abridged Estimates Volume included forecast outturn information as summarised above. Overall, there is a forecast saving of €150 million on gross spending of which €70 million is a saving on day-to-day spending. There is an €80 million saving on capital net of €248 million capital carry-over from 2004 to 2005 under the multi-annual capital envelopes announced in the 2004 budget. There are higher receipts of €100 million across some Departments which will result in a net total forecast saving of €250 million between current and capital, net of the capital carryover. Notwithstanding the significant underspend to date, overall savings, net of capital carryover, are forecast at 0.75% of the 2004 Revised Estimates Volume provision.

for final expenditure outcomes at year end; and if he will make a statement on the matter. [30177/04]

241. **Mr. Durkan** asked the Minister for Finance if he has examined the circumstances whereby a number of Government Departments have underspent in terms of their budgets in the past year; and if he will make a statement on the matter. [30280/04]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 237 and 241 together.

Net voted expenditure for each ministerial Vote group to end-October 2004, with a breakdown of current and capital spending, is set out below. The forecast outturn information is based on the latest estimates received from Departments and offices in connection with the recently published 2005 Abridged Estimates Volume.

Tax Code.

238. **Mr. Cuffe** asked the Minister for Finance the amount of tax forgone to the exchequer due to the tax relief afforded to creative artists; the number of persons who availed of this exemption; and the amount of relief granted to each person. [30205/04]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the most recent relevant information available on the exemption of certain earnings of writers, composers and artists relates to the short income tax year 2001, in respect of which some 1,323 claims for exemption were allowed at an estimated cost to the Exchequer of €23.5 million. It should be noted that as PAYE taxpayers were charged to tax on their earnings in the period from 6 April to 31 December 2001 and self-employed taxpayers were assessed to tax for the short year on 74% of the profits earned in a 12-month accounting period, data provided may not be directly

comparable with those of earlier or later years. However, the Revenue Commissioners estimated that the full year cost to the Exchequer of the artists relief for the tax year 2000-01 was €36.8 million.

The specific information requested by the Deputy on relief granted to each person is not readily available. However, a breakdown of the number of claimants by reference to ranges of the income which was tax exempted is set out in the following table. A married couple who has elected or has been deemed to have elected for joint assessment is counted as one tax unit.

Numbers of persons claiming the artists exemption and the income subject to the exemption in the short tax year 2001:

Range of Income	Number of Claimants	Income Subject to Exemption
€		€
5,000 or less	446	916,555
5,001-10,000	248	1,796,686
10,001-50,000	456	9,867,796
50,001-100,000	75	5,411,767
100,001-200,000	39	5,298,712
200,001-500,000	31	10,092,434
500,001-10,000,000	28	46,631,246
Total	1,323	80,015,197

Budget Submissions.

239. **Mr. R. Bruton** asked the Minister for Finance if he has received a submission from a company (details supplied) regarding a staggered excise rate; and if he has assessed the feasibility of this proposal. [30220/04]

Minister for Finance (Mr. Cowen): A pre-budget submission from the persons in question has been received. This submission, as with all other pre-budget submissions, is being considered in the context of preparations for the forthcoming budget and Finance Bill.

Decentralisation Programme.

240. **Mr. Timmins** asked the Minister for Finance, further to Question No. 214 of 17 November 2004, if he will provide a reply to same. [30243/04]

Minister for Finance (Mr. Cowen): In my reply to Question No. 214 on 17 November 2004 I set out the range of factors that were taken into account and measured against each other in selecting locations for all the new decentralised offices. The then Minister for Finance first announced the Government's intention to embark on a new decentralisation programme in the 2000 budget. Following that announcement, the Department of Finance received representations, submissions and inquiries on behalf of more than 130 centres throughout the country, including Wicklow, seeking to be included in the programme. In addition there were meetings at

official level between the Department of Finance and other Departments and with each of the Civil Service unions.

The strategic management initiative implementation group of Secretaries General provided advice, at the request of the Government. Heads of relevant Departments provided views, at the request of the Government, on the experience of their respective Departments with the previous programme of decentralisation. In addition, one major public service union provided advice, in response to an invitation from the then Minister, on the development of criteria for the programme.

All of the material, together with the factors set out in reply to Question No. 214 of 17 November 2004, were taken into account prior to the announcement of the new programme in December 2004.

Question No. 241 answered with Question No. 237.

Price Inflation.

242. **Mr. Durkan** asked the Minister for Finance the cost increases deemed most likely to militate against consumer confidence in the economy here with particular reference to the need to maintain Ireland as an attractive investment location; and if he will make a statement on the matter. [30281/04]

Minister for Finance (Mr. Cowen): I am conscious of the need to maintain and improve Ireland's competitive position to ensure the continuation of strong output and employment growth in the future. Ireland is a highly open economy, and we must remain competitive to continue to attract investment and to allow continued export growth. On an EU harmonised basis, Irish inflation fell below the euro area average earlier this year and remains close to, but just slightly above the euro area average. The Government's anti-inflation strategy has contributed to this and the Government will remain focused, through the partnership process, on securing low inflation and responsible wage growth in the economy, thereby helping to secure Ireland's competitiveness and future prosperity.

For the year as a whole, my Department, in its annual economic review and outlook published in August, projected that inflation as measured by annual changes in the consumer price index would average 2.2% this year. This would be the lowest rate of increase since 1999. I note that the IIB-ESRI consumer sentiment index has improved steadily over the course of this year and is now at its highest level since mid-2001.

Question No. 243 answered with Question No. 96.

National Development Plan.

244. **Mr. Durkan** asked the Minister for Finance which Departments are on target in respect of spending in the context of the national

[Mr. Durkan.] development plan; those that are not; and if he will make a statement on the matter. [30283/04]

Minister for Finance (Mr. Cowen): The national development plan consists of seven operational programmes, three national economic and social infrastructure operational programmes, productive sector operational programmes, and the employment and human resource development operational programmes, two regional operational programmes, a joint programme with Northern Ireland, PEACE II operational programme and a technical assistance operational programme. In total, over 270 distinct measures are implemented by Departments and agencies. With the exception of the Departments of the Taoiseach, Foreign Affairs and Defence, all Departments are engaged to varying degrees in the implementation of specific measures of the national development plan.

Monitoring of progress of operational programmes and measure level is undertaken primarily by programme monitoring committees which meet twice yearly for each operational programme. Implementation of the national development plan is not monitored by monitoring committees at Department level, given the range of measures a Department or its agencies are delivering. Progress reports relating to the first half of 2004 have recently been reviewed by the monitoring committees. These reports show that spending for 2004 at operational programme level is broadly on target at mid-year.

It is estimated that around €31 billion or some 87% of the profiled expenditure for the period of the national development plan from January 2000 to June 2004 has been incurred. The regional breakdown of this expenditure is €8.3 billion for the BMW region and €22.8 billion for the southern and eastern regions, representing 75% and 92% of profiled expenditure for each region respectively. With respect to the operational programmes, the economic and social Infrastructure operational programme is performing well with expenditure ahead of target at mid-year. Expenditure on the employment and human resource development operational programme has achieved 92% of profiled expenditure by mid-year and is on course to meet its full year target.

Due to changes in the nature of the interventions supported by the productive sector operational programmes, performance over the period of the national development plan appears disappointing at just over 46% of profiled expenditure. However, the level of expenditure profiled for this operational programme at the beginning of the national development plan proved to be unrealistically high given the nature of industrial development in recent years.

Both regional programmes have begun to perform well with evidence of catch-up occurring across a range of measures. Difficulties still exist in the tourism and agricultural sectors where demand for grant support has been less than anticipated. The performance at the end of June 2004 for the non-national roads, microenterprise

and child care measures are ahead of projections. The PEACE and technical assistance operational programmes are on track to meet their targets by the end of the year.

Disabled Drivers.

245. **Mr. Durkan** asked the Minister for Finance if an evaluation has been done with a view to a determination of the precise number of disabled passengers and disabled drivers likely to benefit from a liberalisation of the regulation of the disabled drivers and disabled passengers regulations 1994; when he will initiate improvements in this area; and if he will make a statement on the matter. [30284/04]

Minister for Finance (Mr. Cowen): In the report of the interdepartmental review group, established to examine the operation of the disabled drivers and disabled passengers (tax concessions) scheme, reference was made to a move away from qualification for the scheme being determined by specified medical criteria in favour of an approach addressing mobility difficulties. However, the report also stated that on the basis of figures received from reports from representative organisations who made submissions to the review group there could be as many as 92,000 people who consider that they should be admitted to the scheme either in its present form or in a revised format. The Government has agreed that I will consider the report on an ongoing basis in the overall budgetary context having regard to the existing and prospective cost of the scheme.

Tax Code.

246. **Mr. Durkan** asked the Minister for Finance if he will consider a reduction in stamp duty with a view to alleviating part of the financial burden for first-time house buyers; and if he will make a statement on the matter. [30285/04]

Minister for Finance (Mr. Cowen): Stamp duty is a significant contributor to the Exchequer which helps to fund Government spending on public services such as health and education. Stamp duty receipts also allow for a broader tax base than would otherwise be possible. All owner-occupiers are generally exempt from stamp duty on new houses where the property is 125 sq. m. or less. First-time buyers are also exempt from stamp duty on second hand houses up to the value of €190,500 and benefit, thereafter, from reduced rates on second hand properties up to €381,000 when compared to other purchasers. It is not the practice to comment in the lead up to the annual budget and Finance Bill on the intention, or otherwise, to make changes in taxation.

Flood Relief.

247. **Mr. Durkan** asked the Minister for Finance the extent to which requests for funding for the alleviation of flooding at various locations throughout the country has been complied with;

and if he will make a statement on the matter. [30286/04]

Minister of State at the Department of Finance (Mr. Parlon): The Government is committed to a strategic flood management policy. In October, the Government approved the recommendations of the flood policy review group. This confirms the lead role of the Office of Public Works in taking a strategic approach to flood management in the future and working in co-operation with the relevant local authorities. The programme of flood relief schemes will be implemented as resources permit in the context of an integrated, long-term strategy on flood management. The strategy calls for considerable emphasis on non-structural flood management measures such as flood warning systems, flood mapping, guidelines on development and formulation of catchment flood risk management plans to foster a catchment-based approach to flood management. Account will be taken of the need to prioritise expenditure in the areas of greatest need and to be mindful of the implications of climate change.

While work has continued on the River Nore in County Kilkenny and River Tolka schemes, the Office of Public Works has conducted feasibility studies to assess flood risk and to develop flood alleviation schemes in several areas throughout the country prone to flooding. These studies have been undertaken either by the Office of Public Works engineering services or through external consultants and include such areas as Clonmel, County Tipperary, Mallow and Fermoy, County Cork, Waterford city, Carlow town, Mornington, County Meath, and Ennis County Clare. Other areas include Enniscorthy, County Wexford, Templemore, County Tipperary, Arklow, County Wicklow, Piltown, County Kilkenny and Tullow, County Carlow. Feasibility and pre-feasibility studies will be completed for these areas.

The Office of Public Works continues to work closely with local authorities in the development and implementation of flood relief schemes. In the likelihood that further requests for flood relief studies will be made from various local authorities following the recent floods, they will be considered by the Office of Public Works under new prioritisation criteria being developed for all flood relief works, as recommended by the flood policy review group.

Garda Stations.

248. **Mr. Durkan** asked the Minister for Finance the position in regard to the provision of the promised new Garda station at Leixlip, County Kildare; the progress made in this regard on an annual basis since 1996; the remaining obstacles

to the provision of this facility; and if he will make a statement on the matter. [30287/04]

Minister of State at the Department of Finance (Mr. Parlon): A revised brief was received from the Department of Justice, Equality and Law Reform which has increased the scale of the Garda station. Negotiations are nearing completion with Kildare County Council for the acquisition by the Commissioners of Public Works of an additional portion of land required for the development. On completion of these negotiations a revised sketch scheme will be issued to the Department of Justice, Equality and Law Reform for approval.

Price Inflation.

249. **Mr. Durkan** asked the Minister for Finance if he has identified the most likely causes of price increases in respect of goods or services which are most likely to impact negatively on the economy but which are not reflected in the consumer price index; and if he will make a statement on the matter. [30288/04]

Minister for Finance (Mr. Cowen): The director general of the Central Statistics Office has sole responsibility for and is independent in deciding the statistical methodology and professional standards to be used in compiling the consumer price index. The latest consumer price index release shows that the annual rate of inflation in October was 2.7%. As a result, inflation has averaged just 2.1% in the first ten months of this year, compared to an average of 3.8% in the same period last year. My Department's forecast for consumer price index inflation in 2004, published in the economic review and outlook in August, is 2.2%. This represents a significant moderation from the 3.5% rate of increase in 2003. This moderation in the rate of inflation is welcome.

Social Insurance.

250. **Mr. Stanton** asked the Minister for Finance, further to Question No. 200 of 17 November 2004, the reason the annual surplus on the social insurance fund fell from €631 million in 2001 to €422 million in 2002 and to €255 million in 2003; and if he will make a statement on the matter. [30318/04]

Minister for Finance (Mr. Cowen): The extent to which the annual income of the social insurance fund is not required to meet benefit payments and administration costs in that year represents the annual surplus of the fund. The annual income and expenditure on the social insurance fund in the period from 2001 to 2003 is set out in the following table.

Surplus	SIF Income — M	% Increase on previous year	SIF expenditure — M	% increase on previous year	Annual Surplus — M
2001	4307		3676		631
2002	4,798	11.4	4,376	19.1	422
2003	5,088	6.1	4,833	10.5	255

[Mr. Cowen.]

Over the period, the annual increases in expenditure exceeded the increase in income, hence the decline in the level of the annual surplus. Several factors gave rise to this situation.

Apart from changes in the level of insurable employment and earnings, several alterations in the rates and structure of PRSI occurred over this period. In December 2000, there was a 0.7% reduction in the employer rate of PRSI. In April 2001, employee PRSI rates were reduced by 0.5%. The employer and self-employed contribution ceiling were also abolished that year. In March 2002, there was a further reduction of 1.25% in the highest employer PRSI rate. All these changes, given the timing of their implementation, would have a part-year impact in their first year and a full year impact in subsequent years on the fund's income.

The cost of the annual social welfare budget packages gave rise to year on year increases in expenditure. As with income above, there will also be relevant timing factors. The 2002 and 2003 budget increases were applied with effect from January and accordingly, the full year impact is set out in those years. However, the 2001 budget increases came into effect in April of that year and accordingly, the 2001 financial year contained only a part year cost of those increases. The full year cost of the 2001 budget rates increases were not fully reflected until the following 2002 financial year. In addition, there was an increase in the number of people claiming benefits over the period. For example, those recipients claiming unemployment benefit increased over the period in question from around 59,900 in 2001 to 70,100 in 2003, and there was also an increasing number of people entitled to a contributory social welfare pension, invalidity pension and disability benefit.

Fishing Industry Development.

251. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources his proposals for a buy-out for drift and draft net fishermen; his proposals for a set-a-side; his proposals to compensate these persons for the loss of their quota; and if he will make a statement on the matter. [29732/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Government has consistently ruled out buy-out as an effective means of achieving the restoration of salmon stocks and instead promoted the application of quotas on commercial fishing and bag limits on angling to achieve catch reductions as the best instrument available to achieve this objective. No convincing case has been advanced as to the public good that would be acquired by the State in the context of a publicly funded buy-out nor why stakeholders, benefiting from increased numbers of salmon entering the rivers, should not contribute in whole or in part towards achieving that increase.

As a result, I have no plans to introduce proposals to purchase commercial salmon fishing

licences. I am prepared, however, to keep the matter under review and am open to any relevant proposals whereby stakeholders benefiting from any reduction in commercial catch might fund in whole or in part any compensation arising. In recent years the Department has supported a number of catchment-based set-aside schemes with matching funds through the regional fisheries boards. The Department is prepared to continue to support such proposals, subject to available Exchequer funding. The only context for set-aside schemes will still be through an agreed local scheme involving commercial fishermen and all other stakeholders who stand to benefit from increased spawning escapement. Should a regional fisheries board bring forward developed proposals for a local catchment-based set-aside scheme, the Department is prepared to consider such a proposal provided that any matching funds required would come from within the existing allocations to the fisheries boards.

Post Office Network.

252. **Mr. N. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources if measures will be put in place to computerise rural post offices. [29967/04]

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 strongly 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 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 Post Point 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. Up to 1,000 automated offices transact 95% of counter business while 475 non-automated offices undertake 5% of business. This 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 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 Post Point network.

Fishing Industry Development.

253. **Mr. M. Brady** asked the Minister for Communications, Marine and Natural Resources the financial assistance available to fishermen for setting up local fishing co-operative societies. [30166/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): No financial assistance is available for the setting up of local fishermen's co-operative societies. However, support is available for existing co-operative societies from Bord Iascaigh Mhara, under such measures as the supporting measure programme, the market investment programme and fish handling grants. I will arrange for further information to be forwarded to the Deputy in respect of these measures. Information is also available on the Bord Iascaigh Mhara website.

Fisheries Protection.

254. **Mr. M. Brady** asked the Minister for Communications, Marine and Natural Resources if it is illegal to kill pike taken from lakes and rivers; and if so, the number of prosecutions. [30167/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Under the Fisheries Acts, it is not illegal to kill pike taken from lakes and rivers. The conservation of pike by-law No. 667 of 1990 however prohibits the taking or killing by any person of more than one pike on any day and the taking or killing by any person of any pike exceeding 3 kg. This by-law also prohibits a person having in his or her possession more than one dead whole pike or, alternatively, more than 1.5 kg in weight of pike flesh or parts. Separate by-laws, Nos. 466 and 467 of 1949, in the Shannon region, permit nets to be used for the capture of coarse fish, including pike, in Lough Ree and certain other lakes of the Shannon system during a limited period each year.

Under the Fisheries Acts, primary responsibility for the conservation and protection of inland fisheries stocks rests with the central and regional fisheries boards. It has not been possible to collate from the boards the information sought on the number of prosecutions initiated by the boards under these by-laws. I have however asked the chief executive officer of the central fisheries board to gather this information and to forward it directly to the Deputy.

Communications Masts.

255. **Mr. M. Brady** asked the Minister for Communications, Marine and Natural Resources

if there is medical evidence that mobile telephone masts are injurious to health. [30168/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): There is no scientific medical evidence that mobile telephone masts are injurious to health.

In recent years, more than 25,000 peer-reviewed studies into possible health effects of non-ionising radiation and the class of electromagnetic emissions associated with mobile phone technology have been published. No definite causal link has been proven between the emissions and any adverse health effect.

Notwithstanding the overwhelmingly clean bill of health given to these technologies compared to other environmental risks which our society willingly accepts, many countries, including Ireland, have adopted a precautionary approach. Absence of proof of harm is not proof of absence of harm. By consensus among many countries, guidelines are established for safe levels of exposure to various kinds of electromagnetic emissions. These guidelines are set at levels which are many times less than the experimental levels at which no adverse effects have been established. Ireland has adopted the guidelines established by the international commission on non-ionising radiation protection, and participates in the work of the international committee on electromagnetic safety, which sets standards in this area.

All licensed telecommunications operators in Ireland are required by the terms of their licences to observe the international commission on non-ionising radiation protection guidelines for limiting exposure of the public to electromagnetic emissions from their facilities. ComReg conducts audit measurements to verify compliance with these limits. Ireland maintains relevant activity to ensure that public authorities have access to the most up-to-date and relevant information in this area, and steps have been taken to ensure that these masts operate within limits which respected international bodies have deemed to provide protection for the public.

Energy Resources.

256. **Mr. Cuffe** asked the Minister for Communications, Marine and Natural Resources if he has an estimate of the total peat resources remaining in the State; and if he will make a statement on the matter. [30202/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Under the Turf Development Acts, Bord na Móna plc is charged with the management, development and working of the bogs and other lands vested in the company. Bord na Móna plc owns approximately 7% of the total peatland in Ireland. The estimated reserves of peat for energy in the ownership of the company is calculated at 45 million tonnes. Neither my Department nor Bord na Móna plc is in a position to provide estimates of peat reserves in areas not in Bord na Móna ownership.

Telecommunications Services.

257. **Mr. Wall** asked the Minister for Communications, Marine and Natural Resources the reason a person (details supplied) in County Laois cannot be connected to broadband; and if he will make a statement on the matter. [30254/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of broadband is a matter for the private sector companies operating in a fully liberalised market, regulated by ComReg. Several companies are marketing broadband services in the Athy area. Broadband can be delivered by a number of technologies, including DSL, fibre optic cable, coaxial cable, fixed wireless links and satellite. My Department's website, *www.broadband.gov.ie*, lists nine companies offering DSL services and five companies offering satellite broadband services in Athy.

Electricity Generation.

258. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his policy in regard to the wind generated electricity; if he has issued directives to the energy regulator or received communications therefrom in this regard; and if he will make a statement on the matter. [30276/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The promotion of renewable energy, of which wind energy is the predominant technology, is a key priority of the Government. The 1999 Green Paper on sustainable energy established a target to add 500 MW of new renewable energy based electricity generating plant to the electricity network by 2005. This target has since increased to 718 MW.

The wind resource is random and cannot increase or decrease the electricity generated in immediate response to consumer demand. The current support target for wind powered projects does not raise serious technical issues for system stability. However planning for future programmes at increased penetration levels of wind powered electricity generating plant does raise significant technical issues which must be addressed in order to maintain system security for electricity consumers. The Commission for Energy Regulation, which is independent in the discharge of its functions, is examining issues of immediate relevance regarding the grid code for wind powered generators. In May 2004, a renewable energy development group, chaired by my Department, was established. The group, which includes CER participation, will advise on future options on policies, targets, programmes and support measures to develop the increased use of renewable energy in the electricity market to 2010 and beyond.

A major portion of the group's work is to resolve the challenges arising from future increased connection of intermittent wind pow-

ered generating capacity to the electricity network. The group's report, due before the end of 2004, will form the basis of my future policy decisions in this area.

Telecommunications Services.

259. **Mr. English** asked the Minister for Communications, Marine and Natural Resources when a person (details supplied) in County Meath will receive a telephone connection; the reason it is taking so long; and if he will make a statement on the matter. [30314/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no statutory function in this matter. It is an operational issue for the service provider concerned. Responsibility for the regulation of the telecommunication service providers rests with the Commission for Communications Regulation which is an independent statutory body.

Human Rights Issues.

260. **Mr. Kenny** asked the Minister for Foreign Affairs if his attention has been drawn to the concern surrounding the detention of a person (details supplied) in Cuba; if he has raised this matter with the Cuban authorities; if the matter has been discussed at European Union level; and if he will make a statement on the matter. [29689/04]

Minister for Foreign Affairs (Mr. D. Ahern): Mr. Adolfo Fernandez Sainz, a journalist, is one of 75 members of the peaceful opposition in Cuba, including other journalists, writers and doctors arrested in March and April 2003 and sentenced to prison terms of up to 28 years after a summary legal process that did not meet internationally accepted standards. Mr. Sainz was sentenced to 15 years and remains in custody, although seven of the original 75 prisoners have since been released on health grounds. I am aware of serious concerns regarding the conditions in which he and other prisoners of conscience are detained and family visits.

The Government's concern regarding the detention and sentencing of these dissidents, including Mr. Sainz, was conveyed at the time to the Cuban chargé d'affaires at a meeting in the Department of Foreign Affairs. On 5 June 2003, Ireland and its partners in the European Union decided to respond to the grave violation of international human rights standards involved by a range of measures including limiting bilateral high level governmental visits to Cuba and inviting dissidents to national day receptions offered by those EU member states with resident embassies in Havana. These measures remain in force and the position of the dissident prisoners has been discussed on a regular basis in the Council framework. On 14 June 2004, during the Irish Presidency of the EU, the General Affairs and External Relations Council again called on the Cuban Government to release immediately all those, like Mr. Sainz, who have been detained for

political reasons. The General Affairs and External Relations Council also reiterated that constructive engagement remains the basis of the EU's policy towards Cuba.

I hope that the Cuban authorities will now move to release Mr. Sainz and all other prisoners of conscience in Cuba. Such a move, which is imperative on human rights grounds, would also make a significant contribution to the resumption of a full dialogue between the EU and Cuba.

State Visits.

261. **Mr. Cuffe** asked the Minister for Foreign Affairs if his attention has been drawn to the fact that according to the Irish Falun Dafa Association, a person (details supplied) due to make an official visit here in November 2004, took part in the persecution of Falun Dafa practitioners in China; and if he will make a statement on the matter. [29710/04]

262. **Mr. Cuffe** asked the Minister for Foreign Affairs if he will be raising the persecution of persons (details supplied) with the Chinese Vice-Premier when he comes here in November 2004; and if he will make a statement on the matter. [29711/04]

263. **Mr. Cuffe** asked the Minister for Foreign Affairs if he will be raising human rights violations in China with the Chinese Vice-Premier during his upcoming visit here; and if he will make a statement on the matter. [29712/04]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 261 to 263, inclusive, together.

The Tánaiste and I held official talks with the Chinese Vice-Premier, Mr. Huang Ju, in Dublin Castle, on 16 November 2004. During our discussion on EU-China relations, I raised our concerns over human rights with the vice-premier. I also recalled that a number of specific issues were being addressed through the EU-China human rights dialogue and that the Government looked forward to continued progress in this regard.

The Chinese Vice-Premier informed me of the measures his Government is taking in the field of human rights, which included the addition of an express provision on human rights to China's constitution earlier this year. He stated that China wished to continue the regular EU-China human rights dialogues and confirmed that China would attend the next session of that dialogue, due to be held in February 2005. China has recently upgraded its presence in the EU-China human rights dialogue to director-general level.

The EU-China human rights dialogue, established in 1996, is the agreed formal framework through which the EU raises its concerns about individual human rights cases, including those of Falun Dafa practitioners, and more general issues, such as the protection of freedom of religion and expression, which have a particular impact on practitioners of Falun Dafa. Ireland, together with our EU partners, will continue to encourage the Chinese authorities to respect fully

the human rights of all citizens. There will be further discussion of these matters during the EU-China summit, scheduled to take place in The Hague on 8 December 2004. I am aware of the claims made by the Irish Falun Dafa Association to which the Deputy refers.

Asylum Applications.

264. **Mr. M. Higgins** asked the Minister for Foreign Affairs if he has discussed with the Department of Justice, Equality and Law Reform, the advice given by the UN High Commissioner for Refugees regarding the way in which protection is to be provided to Iraqi asylum seekers including those who have been rejected. [29784/04]

Minister for Foreign Affairs (Mr. D. Ahern): I am aware of the advice of the UN High Commissioner for Refugees on the return of Iraqi asylum seekers. Asylum applications are assessed within an independent statutory framework. The advice of the UN High Commissioner for Refugees on returns forms an important part of the assessment of cases. In the circumstances, I have not felt it necessary to discuss this matter with the Minister for Justice, Equality and Law Reform.

Arms Trade.

265. **Mr. P. McGrath** asked the Minister for Foreign Affairs his views on the embargo on the sale of arms by the EU to other countries; and the countries to which this embargo applies. [30178/04]

267. **Mr. P. McGrath** asked the Minister for Foreign Affairs the future proposals for the lifting of the embargo on the sale of arms by the EU; the criteria that he would promote in assessing if this embargo should be lifted for particular countries; and if he will make a statement on the matter. [30180/04]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 265 and 267 together.

Sanctions or restrictive measures, including arms embargoes, are used by the European Union as a policy instrument, either as autonomous EU sanctions or in implementing certain resolutions of the UN Security Council. As a coercive non-military instrument, sanctions are generally employed to react to violations of international law, violations of human rights and policies that do not respect the rule of law and democratic principles.

EU arms embargoes are in place against Bosnia and Herzegovina, Burma-Myanmar, China, the Democratic Republic of Congo, formerly Zaire, Iraq, Liberia, Sierra Leone, Somalia, Sudan and Zimbabwe. This list is publicly available on the EU's official website. The EU revises its list of sanctions and other restrictive measures against third countries, including arms embargoes, on a case by case basis, when it judges it appropriate to do so. In such cases, the EU takes into consideration all developments in a particu-

[Mr. D. Ahern.]

lar country since the arms embargo was imposed and decides whether these would warrant the lifting of sanctions against that country.

For example, the General Affairs and External Relations Council, on 11 October 2004, took the decision to lift the EU arms embargo against Libya, which had been in place since 1986. In that context, the Council took into particular consideration Libya's announcement on 19 December 2003 that it would dismantle weapons of mass destruction programmes and the settlement reached in Tripoli on 3 September 2004 on compensation for dependants of victims of the 1986 Berlin discothèque attack. The Council saw these developments as further proof of Libya's readiness to change its past policies and of its commitment to responsible government. The question of whether to lift the EU arms embargo against China is under consideration within the EU. In this regard, I draw the Deputy's attention to my written reply of 19 October to Question No. 211.

266. **Mr. P. McGrath** asked the Minister for Foreign Affairs if the EU Council of Ministers and the European Commission discussed the embargo on the sale of arms to Libya; if it was agreed to lift this embargo; the date this decision came into effect; and the position adopted by him on this important issue. [30179/04]

Minister for Foreign Affairs (Mr. D. Ahern): The General Affairs and External Relations Council discussed the issue of the EU embargo on arms sales to Libya at its meeting on 11 October, and decided to lift the embargo. Ireland agreed with our partners that it was important to recognise Libya's decision to dismantle its weapons of mass destruction programmes and its agreement to compensate victims of a number of terrorist attacks in which Libya had been implicated. The EU arms embargo came to an end on 14 October. Arms sales to Libya continue to be covered by the EU code of practice on arms sales.

Question No. 267 answered with Question No. 265.

Foreign Conflicts.

268. **Mr. Gormley** asked the Minister for Foreign Affairs if he will make representations to the US Government regarding the killing of an unarmed Iraqi in Falluja by an American soldier which was broadcast by American networks and was in total contravention of the Geneva Convention; and if he will make a statement on the matter. [30181/04]

Minister for Foreign Affairs (Mr. D. Ahern): The US authorities have already announced an investigation into the circumstances of the incident in question, and the soldier involved has been withdrawn from the area. In these circumstances, it is not necessary to make represen-

tations to that effect. I expect the US authorities to ensure that its forces operate at all times in conformity with international law.

269. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if he has carried out any form of review of his decision to allow Shannon Airport to be used as a staging post by US military forces for the war in Iraq; if not, if he will consider initiating a review particularly in view of the refusal of these same US forces to allow emergency humanitarian aid into the devastated city of Falluja to relieve the civilian population. [30308/04]

Minister for Foreign Affairs (Mr. D. Ahern): The use of Shannon airport by the US military is a long-standing practice which has been in place for several decades. On 20 March 2003, following an extensive debate, the Government decision to maintain the availability of these facilities was approved by Dáil Éireann. The US forces serving in Iraq are part of the multinational force operating at the request of the interim Iraqi Government. The presence of the multinational force in Iraq was authorised by the UN Security Council in Resolution 1511 of 16 October 2003. This authorisation has been reaffirmed in Resolution 1546 of 8 June 2004. I expect the multinational force and the interim Iraqi Government operating in Falluja to do whatever is possible to allow the humanitarian needs of the people of Falluja to be addressed.

EU Funding.

270. **Mr. Ferris** asked the Minister for Arts, Sport and Tourism if Tourism Ireland has received funding from the EU; and if so, the way in which it was spent. [29930/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Tourism Ireland has not received funding from the EU.

Arts Funding.

271. **Mr. Cuffe** asked the Minister for Arts, Sport and Tourism if he has plans to provide multi-annual funding for the arts. [30209/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The allocation of funding on a multi-annual basis is not compatible with the existing Estimates system, which operates on an annual cycle. It is, therefore, not possible to provide funding on the basis suggested by the Deputy.

Film Industry Development.

272. **Mr. Wall** asked the Minister for Arts, Sport and Tourism the number of meetings he has had with Screen Producers Ireland about film production, television production and television advertising of an international or national nature; the results of such meetings; and if he will make a statement on the matter. [30245/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Television production and advertising fall outside of my remit. With regard to film production, I and my officials maintain contact with the industry at a number of levels, of which formal meetings are only a small part. I formally met Screen Producers Ireland, formerly known as Film Makers Ireland, on two occasions and am scheduled to meet with it again in January 2005. I and my officials meet individual practitioners from the industry on an ongoing basis, both formally and informally. These meetings serve to keep me and my officials abreast of the issues that concern the industry, of their perspectives on policy matters, and of their views on the most appropriate way forward.

Anti-Competitive Practices.

273. **Mr. M. Brady** asked the Minister for Enterprise, Trade and Employment the steps being taken to tackle car price fixing in cases in which dealers are operating a cartel. [30151/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Competition Act 2002 prohibits anti-competitive practices such as price fixing and the abuse of a dominant position. The Competition Authority, an independent body, is responsible for the enforcement of competition law in the State. Accordingly, anyone with information regarding anti-competitive practices should refer the matter directly to the authority for investigation. The authority is investigating the car retail industry and recent media reports indicate that it has raided various dealers in that regard.

Job Creation.

274. **Mr. M. Moynihan** asked the Minister for Enterprise, Trade and Employment if he has plans to target industry and enterprise to rural Ireland and smaller towns by offering financial incentives to do so. [29178/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): Support for job creation and investment on a regional or local basis is a day-to-day operational matter for the industrial development agencies. The agencies are actively promoting all areas for new investment and jobs on an ongoing basis. IDA Ireland is actively marketing individual areas as a location for additional foreign direct investment through its network of local and overseas offices. Enterprise Ireland is concentrating on the development of indigenous industries, with the 35 city and county enterprise boards having primary responsibility for the regional promotion of indigenous industry in the microenterprise sector. Shannon Development promotes the development of the indigenous industry sector in the Shannon region on behalf of Enterprise Ireland and foreign direct investment in the Shannon Free Zone. All agencies are also working with existing clients with a view to helping them expand their activities.

In tandem with the Government's national spatial strategy, with its associated gateways and hubs, all the development agencies are working with State agencies and others to enhance the attractiveness of individual regions. The strategy provides an important framework for the achievement of this objective through the prioritisation of infrastructural development in the gateway and hub locations and the development of magnets of attraction for investment.

The county enterprise boards are actively co-operating with the south and east and Border midlands and west regional authorities in developing indigenous microenterprises throughout the regions. A particular advantage of the county enterprise board system is that it delivers dispersed economic development throughout the State. Over 30,000 jobs have been created in indigenous companies supported by the boards since their establishment in 1993. Enterprise Ireland offers a wide range of supports to indigenous industry, both financial and non-financial. These contain higher aid levels for enterprises in the regions.

275. **Mr. McGinley** asked the Minister for Enterprise, Trade and Employment the number of IDA supported jobs that were created in Donegal in 2001, 2002, 2003 and to date in 2004, respectively; the locations in which they were created; and if he will make a statement on the matter. [29829/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment to Ireland, including its regions and areas. There were 673 new IDA Ireland supported jobs created in Donegal in the period 2001 to 2003, of which 353 were created in 2001, 179 were created in 2002 and 141 were created in 2003. This data is compiled from the annual Forfás employment survey. County data for 2004 will not be available until mid 2005. These new jobs were created in County Donegal in the Letterkenny, Laghey, Bunrana and Donegal Town areas.

These results were achieved against a background of new challenges brought about by a combination of the recent global economic down, which resulted in less companies investing overseas and fewer visiting Ireland. Other factors included greatly increased pressures on high technology companies to cut costs and find the most competitive location for specific products, services and functions; the emergence of new alternative low cost locations for producing goods and services in eastern Europe, China, and India. I am confident that the strategies and policies being pursued by IDA Ireland in County Donegal, together with the ongoing commitment of Government to regional development will continue to bear fruit in terms of delivering the maximum possible level of additional jobs for the county.

Unemployment Levels.

276. **Mr. McGinley** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the serious unemployment crisis in County Donegal; the reason the unemployment rate in the county is four times the national unemployment average; the measures he proposes to adopt to replace the thousands of jobs that have been lost there during the past number of years; and if he will make a statement on the matter. [29830/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): I am conscious of the unemployment situation in County Donegal, particularly following the closure announcements by Unifi Ireland and Fruit of the Loom of their manufacturing plants there. Finding alternative employment for the workers affected is a priority for me and the State development agencies under the auspices of my Department.

IDA Ireland is committed to the development of the north-west region and continues to strive to secure new investment for Donegal. Both IDA Ireland and Enterprise Ireland work closely with their existing base of companies in the region. In its efforts to secure investment, IDA Ireland is working with Invest Northern Ireland, on a virtual cross-Border park which will involve joint marketing efforts and planned improved telecommunications infrastructure on a cross-border basis. Construction of the Letterkenny business park has been completed and construction by Donegal County Council to extend Letterkenny ring road to this park is well advanced. Work has now been completed on the provision of a second 25,000 sq.ft. advance factory at the park and planning permission has been granted for a third advance facility. Planning permission has been obtained for a new facility at Ballyshannon and IDA has undertaken a significant amount of development work recently on the site. In addition to this, further land has been purchased in Bunrana and planning permission has been obtained for a 20,000 sq.ft. factory. IDA is working with a local private developer in the provision of advance space within this development.

Enterprise Ireland works with companies in County Donegal and in the north west to assist them grow their sales and exports and improve innovation in order that they can compete on world markets. Enterprise Ireland is encouraging these companies to adopt new technologies and to move up the value chain. Its range of supports includes strategy development, production and operations, marketing, human resources development, finance and research and development. In conjunction with the ongoing work of these agencies, other issues need also to be addressed to promote employment creation in the north west. These include the development of infrastructure in the area, in particular roads, water, electricity and gas supply, air access and broadband communications. Recent developments include the provision of funding for the Letterkenny water supply scheme, the approval of a feasibility study grant for the extension of the natural gas pipeline from Derry to Letterkenny and a

number of major road improvements. The Government, along with the State development agencies, is committed to balanced regional development, particularly through the implementation of the national spatial strategy and the Government's decentralisation programme. The State development agencies will continue to work together to promote County Donegal, to attract investment and to foster job creation there.

Company Closures.

277. **Mr. Connolly** asked the Minister for Enterprise, Trade and Employment his views on the closure of a company (details supplied) in County Monaghan with the loss of a total of 82 jobs; his proposals to replace these jobs; and if he will make a statement on the matter. [29938/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): Enterprise Ireland has been working closely with Barford Meats Limited over the past 18 months, with a view to identifying outside investors who would bring much needed investment to the business. At Enterprise Ireland's urging, a business mentor was appointed in May 2003 to review the financial situation and provide strategic guidance to the company. Resulting from this involvement, the company embarked on a restructuring exercise in September 2004, whereby the various investors including Enterprise Ireland were bought out by the main promoter, Mr. Gene McGinn. This ensured the company was fully owned by Mr. McGinn. It was thought at the time that the restructured balance sheet would facilitate the survival of the business. Enterprise Ireland expects to meet with Mr. McGinn shortly to discuss the future situation regarding the company.

Enterprise Ireland believes there may be some potential investors interested in acquiring the assets and business of Barford Meats Limited. Enterprise Ireland will work with any new buyer and consider any new proposals to develop the business. Enterprise Ireland activity in job creation is focused on the retention and creation of new jobs in existing companies, and on the creation of new jobs by supporting entrepreneurs to set up high potential start-up companies. IDA Ireland is actively marketing County Monaghan on an ongoing basis as a location for foreign direct investment, through its network of overseas offices, in order to secure new investment and jobs for the area. Regional locations can suffer badly from the loss of one industry and substantial work is required to enhance such locations to make them more attractive and competitive. IDA Ireland is working closely with local authorities and third level colleges to deliver the best solution.

A representative from the FÁS office in Dundalk, together with a representative of the local enterprise service, met with the local shop steward and a member of the management of Barford Meats Limited. Approximately 34 members of the workforce were spoken to, and advised of the procedures to follow. A list of the current job vacancies in the area was supplied together with appropriate registration forms. Individual inter-

views are due to take place on 22, 23 and 29 November 2004, in the offices of the Department of Social and Family Affairs, Ardee Road, Carrickmacross, County Monaghan.

The live register figure for County Monaghan published by the Central Statistics Office for October 2004 is 2,271, a decrease of 276 from October 2003. The live register, though not an accurate measure for unemployment as it includes others in receipt of social welfare payments, is nonetheless a useful indicator of the economic situation in an area. The State agencies continue to make their best efforts to bring new investment, and jobs to County Monaghan.

Industrial Development.

278. **Ms Enright** asked the Minister for Enterprise, Trade and Employment if he has carried out an evaluation of the employment opportunities in the electronic engineering and microelectronics sector; if there has been a decline in employment in these sectors; and if he will make a statement on the matter. [29939/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): Electronics and microelectronics is a sub-sector of the information communications technology sector, which was reviewed as part of the Forfás technology foresight report in 1999. Employment in Enterprise Ireland-supported companies classified as being sub-sectors of electronics and including microelectronics, fell by 5% to 12,600 between 2002 and 2003 and is expected to remain at this number for the remainder of 2004.

Employment and wealth creating opportunities for indigenous clients in electronics are under continuous review at Enterprise Ireland. To maximise the potential of companies in the electronics and microelectronics sector, Enterprise Ireland is focused on supporting activities, including the development of the export revenue stream of client companies, by structured direct engagements with the Enterprise Ireland network of overseas offices. Other activities include accelerating the competitiveness and technology development of key client companies; increasing the number of sub-supply companies with international reach and overseas presence, especially in Europe and the CEE; driving the development of proprietary products in sub-supply companies using the various Enterprise Ireland, research and development support and incentive programmes; driving the development of the photonics industry in Ireland in line with the agreed initiatives as set out in the Enterprise Ireland strategy for 2002-07.

This strategy includes supporting research and development from basic research through to commercialisation; encouraging the start up of photonics-based companies; exploitation of the technology in existing companies; facilitating collaboration across the sector; and branding Ireland as a centre of excellence in photonics. In Ireland, the photonics industry is still in its infancy, with approximately 12 indigenous pure play photonics companies, all Enterprise Ireland client companies, with a combined turnover of

approximately €35 million in 2003. The strategy also aims to progress the implementation of the strategy and plan for the electronics sector, agreed by the Enterprise Ireland board in 2001. The strategy encompasses export development, scale, competitiveness, technology development, new business sectors such as photonics, regional development, infrastructure and funding.

IDA Ireland, through its information communications technology division, and network of overseas offices, is working to secure additional investment in Ireland from both new target companies, and its exiting client base, with a view to creating new employment opportunities within the sector. Employment in IDA supported overseas companies within the information communications technology sector over the last five years was 45,651 in 1999, 52,624 in 2000, 46,513 in 2001, 43,660 in 2002 and 41,459 in 2003. The recent global economic downturn impacted heavily on corporate information technology spending, and resulted in significant global job losses across the information communications technology sector. Job losses in Ireland's information communications technology sector were disproportionately lower than those experienced in other countries.

FÁS has not carried out a study of these sectors in recent times. The fourth report of the expert group on future skill needs, published in autumn 2003, included chapters on information communications technology skills and engineering skills. Information communications technology skills relate to both the hardware and software parts of the information communications technology sector including electronic engineering and microelectronics. The information communications technology sector has been a key focus of the expert group on future skills needs, over recent years. The Government has responded positively to the reports of the group by increasing significantly the provision of computer and engineering courses within the third level sector, as well as a variety of activities in primary and second level schools through the information communications technology investment fund.

The expert group's 2003 report estimated that employment in the information communications technology sector would grow by 11% across the sector from 2004 to 2010. Microelectronics design is an area of high growth potential, and as a significant source of potential demand for degree graduates in electronic engineering. Significant growth is expected in the international delivery of services over the Internet and mobile networks. Mixed trends are expected in electronic hardware and systems, with lower value added activities likely to continue to migrate out of Ireland. However, some areas of high-end manufacturing are expected to grow along with a variety of back-up, support and research and development activities. While employment in the information communications technology sector has fallen in recent years, Ireland has performed better than most in terms of restricting the impact of the global downturn on employment levels here.

Local Employment Service.

279. **Ms O'Sullivan** asked the Minister for Enterprise, Trade and Employment when he expects the Clare local employment service to recommence operations; and if he will make a statement on the matter. [30171/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): A review of the labour market needs of the Clare region, undertaken by FÁS in the context of the closure of Clare local employment service, recommended the establishment of a new service. In the light of this recommendation discussions took place between FÁS regional management in the mid west and the board of management of Eirí Corca Baiscinn, an ADM funded group. The FÁS regional director for the area is reviewing a proposal received from Eirí Corca Baiscinn and discussions are ongoing between FÁS regional management and Eirí Corca Baiscinn regarding the details of the proposal.

Job Losses.

280. **Mr. O'Shea** asked the Minister for Enterprise, Trade and Employment if, in view of recent job losses in the manufacturing sector in the Waterford constituency, he will set up a task force for the Waterford constituency to assess the situation in manufacturing industry to make recommendations for the creation of new jobs and the preservation of existing jobs; and if he will make a statement on the matter. [30172/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): While job losses have occurred in County Waterford in the indigenous manufacturing sector over the past year, such as Nypro and Waterford Crystal, employment in the indigenous sector has remained strong overall. In 2003 there were 5,907 people employed in Enterprise Ireland client companies. Over 90% of this figure are engaged in manufacturing activities, showing an increase of 4.8% in employment over the previous five years. This represents a strong position compared to the national trend in manufacturing industry. In this regard, I refer the Deputy to the Forfás employment survey 2003.

In terms of job creation, Enterprise Ireland activity is focused on the creation of new jobs through supporting entrepreneurs setting up new high potential start-up companies, the retention and creation of new jobs in existing companies and in enhancing the innovation capability of Ireland at a national and regional level through support of research in companies and third level institutions.

Since January 2003 Enterprise Ireland has approved over €7.5 million in direct support to companies in Waterford and paid over €6.5 million. These supports are designed to sustain existing businesses and support companies in developing their businesses. Enterprise Ireland also works with companies on competitiveness issues and under the Enterprise Ireland competi-

tiveness fund 2003, which had a fund of €10 million, nine companies in Waterford were approved a total of approximately €1.3 million in support of projects.

As part of its regional development role, Enterprise Ireland works with other agencies in the county to develop the business infrastructure. Enterprise Ireland also works closely with the institutes of technology to encourage industry and third level partnerships in the regions in order to increase the level of technology used by Irish companies, helping them to add value to their products and services. Under this initiative Enterprise Ireland has approved over €1.4 million from the beginning of 2003 to date for such projects. Enterprise Ireland infrastructural projects include the community enterprise centres and incubation facilities in the colleges.

The development of community-based enterprise centres is a crucial part of the drive to create new regional enterprise through the provision of infrastructural facilities to support the establishment and expansion of microenterprises through local community participation. Enterprise Ireland provided over €1 million in funding in support of the development of community enterprise centres in County Waterford located in Waterford city, Dunhill, Cappoquin, Lismore and Portlaw. All the centres are now fully constructed, apart from the Portlaw centre, which is to be reviewed by a new local committee.

Enterprise Ireland has formed close links with Waterford Institute of Technology and other colleges in the region, such as the Institute of Technology Carlow and the Tipperary institute, in developing programmes that are likely to boost enterprise and business growth. Enterprise Ireland funds eligible participants to enable them to spend one year in developing their businesses with expertise from the colleges. Recruitment is now complete for the 2004-05 programme, for which 25 candidates have been selected, a number of whom are eligible for Enterprise Ireland support. Enterprise Ireland is a partner with Waterford Institute of Technology and the five rural county enterprise boards of the south east in the EnAct programme. EnAct is an innovative programme developed by the Waterford Institute of Technology through European funding provided under the innovative actions programme that aims to develop the management capabilities of microenterprises in the south east. Some 18 companies are participating on the programme and it will be completed by the end of December 2004.

There are no plans at present for the establishment of a task force for County Waterford. However, all of the key players, which might be involved in such a task force, meet on a regular basis as members of the city and county development boards and of the economic working groups of each board. Enterprise Ireland and IDA Ireland are available and willing to participate in any new initiative for the county. Net employment in IDA Ireland supported companies grew

by 972 people in the period 2000 to 2003, which represented a 20.69% increase over that period. The main increase in employment came from companies such as AOL, IS, Sun Life, FS, Genzyme Pharmaceutical and Guhring Engineering and Construction. County Waterford is also increasing its proportion of employment in comparison to other counties in the south-east region and now accounts for 52% of all employment arising from overseas investment in the region.

As the gateway location for the south-east region, IDA Ireland is seeking to develop Waterford city as a first class location for overseas investment with the necessary infrastructure, skills availability and support services capable of attracting investment into County Waterford and the entire region. A key part of IDA Ireland strategy is to work with existing clients to continue to re-invest in their sites in the county. In addition, IDA Ireland is continuing to actively market its new business and technology park on 70 acres on the Cork Road through its network of overseas offices. Some 25,000 sq. ft. of high quality office space is available in the advance office building on the park. Private and IDA Ireland owned manufacturing space in the main industrial estate is also actively marketed as it becomes available. The State agencies are making every effort to bring new investment and employment opportunities to County Waterford.

Job Creation.

281. **Mr. Lowry** asked the Minister for Enterprise, Trade and Employment his views on whether there is an employment crisis in the mid-west region and in north County Tipperary in particular; his proposals for dealing with this crisis and for encouraging foreign and indigenous investment to promote job creation in north Tipperary; and if he will make a statement on the matter. [30217/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): IDA Ireland has statutory responsibility for the attraction of foreign direct investment to the mid-west region, except for the Shannon Free Zone, which falls within the remit of Shannon Development. Shannon Development is also responsible for supporting indigenous enterprises in the mid-west region. The six city and county enterprise boards located in the region also help develop indigenous enterprise potential and stimulate economic activity at local level.

The total number of jobs in IDA Ireland and Shannon Development client companies for the three years 2001, 2002 and 2003 was 35,096, 31,848 and 30,805 respectively. While this shows a decline in overall employment, the agencies assisted in the creation of 2,468 new jobs in the region in 2001, 1,899 in 2002 and 1,719 in 2003. This performance must be seen against a background of a difficult external economic environment. The recent decision by Guidant Corporation to significantly expand its operation in

Clonmel will have a positive benefit for the entire county.

Responsibility for the provision of industrial property solutions within the mid-west region lies with Shannon Development. IDA Ireland works closely with Shannon Development in the promotion and marketing of these tailored property solutions, throughout the mid-west. These include the National Technology Park in Limerick and the Tipperary technology park in Thurles, which is part of the Shannon development knowledge network. Five companies operate out of the Thurles technology park, four of which are based in the incubator InnovationWorks. These companies are involved in e-commerce, digital cinema, software development and health and safety. The customer services division of Cantrell and Cochrane also recently moved into a 5,000 sq. ft. unit, retaining 26 jobs in Thurles. Shannon Development has also initiated the establishment of a Thurles marketing group with representatives of Thurles Town Council, the Tipperary institute, Leader, the county enterprise board and Thurles Chamber of Commerce to promote the attractiveness of Thurles as an investment location.

The further development of the Tipperary technology park by Shannon Development will provide the focus for IDA Ireland's marketing effort in north County Tipperary. Through its strategic competitiveness programme, IDA Ireland is working with the existing base of companies in the mid-west region with a view to supporting them in broadening their activities in Ireland at a functional level. The objective is to deepen each company's embeddedness in Ireland through research and development, increased technology and by securing an European, Middle East and African or global mandate.

Although the primary focus on attracting foreign direct investment into the mid-west is on service related activity, manufacturing can still play an important role in the region as is evidenced by Taro Pharmaceutical's decision to locate in Roscrea. Shannon Development has acquired a 29 acre site in Roscrea to develop a business park. It is envisaged that the park will be attractive, because of its location adjacent to the N7 and to office, logistics and industrial enterprises. The main strategy behind the park is to capitalise on Roscrea's excellent central Ireland location for both foreign direct investment and indigenous industry or for companies that might wish to relocate to the less congested Shannon region. Planning permission has been received and external infrastructure works are in the process of being provided.

Shannon Development, in association with local authorities in the Shannon region, including north County Tipperary, is also spearheading the drive to bring high speed Internet access to towns in the region. Thurles, Nenagh, and Roscrea are scheduled as priority towns for phase two of the advanced broadband roll-out programme which should convey significant advantage on those

[Mr. Martin.] towns, in terms of attracting foreign direct investment and indigenous industry.

282. **Mr. Kehoe** asked the Minister for Enterprise, Trade and Employment the number of visits which IDA Ireland and Enterprise Ireland have made to a factory (details supplied) in County Wexford since it was built. [30253/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): IDA Ireland which is the agency with statutory responsibility for the attraction of foreign direct investment, and Enterprise Ireland which is concentrating on indigenous industry, that they are actively marketing the factory to potential investors. A profile of the facility has been circulated to IDA Ireland's overseas offices informing them of its competitive rental rate in comparison to locations like County Dublin. There have been two site visits from potential overseas investors since completion of the advance factory facility two years ago. Enterprise Ireland has reported that the demand for factory space in the south east has been very slow over the past three years. The agency has brought three groups to view the facility over the past two years. Ultimately decisions regarding where to locate a project, including what areas to visit are taken by the investors.

283. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment the Department which provides funding to FÁS whether directly or indirectly; if the said Department will provide sufficient funds to that body to facilitate the restoration of various schemes discontinued due to inadequacy of funding; and if he will make a statement on the matter. [30278/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): There are three related employment schemes operated by FÁS to combat unemployment, namely the social economy programme, job initiative and community employment schemes. These programmes are funded by Exchequer and national training fund allocations provided by my Department. The allocation to all FÁS employment schemes in 2004 was €366 million of which €351 million was earmarked to provide 25,000 places on the three related programmes for the unemployed. This means there has been no reduction in the level of participation as compared with 2003.

The 2005 allocation for FÁS employment schemes is €382 million, an increase of 4.3% over 2004. Funding will be adequate to allow FÁS maintain existing levels of service on the three programmes at 25,000 places. The breakdown of funding between the various programmes will be an operational matter for FÁS. Decisions on the funding of individual projects within these programmes will also be taken by FÁS as part of its day-to-day operational responsibilities. In doing so it will observe the changes to the schemes I announced on 10 November and outlined in

answer to Question No. 70 on Tuesday, 16 November 2004.

Proposed Legislation.

284. **Mr. Crowe** asked the Minister for Enterprise, Trade and Employment if a decision has been made on the trade union legislation being considered in his office; and the cause of the delay in bringing the proposed legislation to the Houses of the Oireachtas. [30306/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): At present, there are no legislative proposals in my Department relating to trade unions.

Unemployment Levels.

285. **Mr. Crowe** asked the Minister for Enterprise, Trade and Employment if he accepts that employment figures for a number of housing estates in the Tallaght area where the clusters of long-term unemployed are unacceptable; and if he has any new initiatives to overcome unemployment in those areas. [30307/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): Sustainable reductions in unemployment are a key priority in the Government's national employment action plan. My efforts, and those of the state agencies under the aegis of my Department, are directed towards this end. FÁS, through its three employment service offices, provides a vocational guidance and referral service to all jobseekers in the Tallaght area. To date, this year, 1,192 unemployed people have been referred to FÁS under this initiative.

In the case of the five high unemployment areas of Tallaght, Fettercairn, Brookfield, Jobstown and Kilmarden, FÁS is devoting concentrated resources to clients in these areas by placing them on top of the training course waiting lists. They are also given preference under the high supports process. FÁS has indicated that 16 clients a week from the five areas are interviewed and offered support. At present 64 clients are undergoing training or career guidance. As a further measure early school leavers in the seven schools in the area are contacted by FÁS and invited to attend a guidance interview to discuss training and employment opportunities.

Social Welfare Appeals.

286. **Mr. O'Dowd** asked the Minister for Social and Family Affairs the number and category of appeals made to the superintendent community welfare officer in each county in the North Eastern Health Board area in the past five years; the numbers granted and refused and subsequently appealed to the chief appeals officer in the North Eastern Health Board; and if he will make a statement on the matter. [29737/04]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme is administered by health boards on behalf of my Department. Within each board, the

scheme is administered by a superintendent and community welfare officers. The role of the superintendent community welfare officer relates to the determination and review of claims and to the supervision of community welfare officers. Superintendent community welfare officers have no formal role in a health board's appeals process for this scheme. In instances where a person is dissatisfied with the outcome of his or her application for supplementary welfare allowance, he or she has the right to appeal the decision to the health board's appeals officer, usually a senior manager within the health board. With the exception of decisions relating to exceptional needs payments, which are issued at the discretion of each health board, a further appeal may be made

to the chief appeals officer of the social welfare appeals office if the appellant is not satisfied with the outcome of their appeal to the health board's appeals office.

Statistics are not available in any health board area on the number or type of cases referred to individual superintendent community welfare officers for guidance and decision. Details of the number of supplementary welfare allowance appeals dealt with by the appeals officer in the North Eastern Health Board from 1999 to the end of September 2004 are set out in the following tables. Supplementary Welfare Allowance appeals in North Eastern Health Board 1999 to end September 2004. Breakdown by category is not available in respect of 1999 and 2000.

	Granted	Refused	Total
1999	11	62	73
2000	9	90	99

Supplementary welfare appeals in North Eastern Health Board 2001.

	Granted	Refused	Total
Back to School Clothing and Footwear Allowance	0	38	38
Rent Supplement	3	18	21
Mortgage Interest Supplement	0	14	14
Basic SWA	2	11	13
Exceptional / urgent needs payments	3	21	24
Diet Supplement	1	2	3
Total	9	104	113

Supplementary welfare appeals in North Eastern Health Board 2002.

	Granted	Refused	Total
Back to School Clothing and Footwear Allowance	7	29	36
Rent Supplement	2	18	20
Mortgage Interest Supplement	0	7	7
Basic SWA	1	5	6
Exceptional / urgent needs payments	1	15	16
Diet Supplement	1	3	4
Total	12	82	94

Supplementary welfare appeals in North Eastern Health Board 2003.

	Granted	Refused	Total
Back to School Clothing and Footwear Allowance	8	33	41
Rent Supplement	4	29	33
Mortgage Interest Supplement	1	4	5
Basic SWA	0	17	17
Exceptional / urgent needs payments	1	7	8
Diet Supplement	0	1	1
Total	14	91	105

Social Welfare Benefits.

287. **Mr. R. Bruton** asked the Minister for Social and Family Affairs the estimated cost of extending the free schemes from age 66 to age 65; and if such a move has been assessed as a policy option by him. [29679/04]

Minister for Social and Family Affairs (Mr. Brennan): The household benefits package, which comprises the electricity-gas allowance, telephone allowance and television licence schemes, is generally available to people living permanently in the State, aged 66 years or over, who are in receipt of a social welfare type payment or who fulfil a means test.

The package is also available to carers and people with disabilities under the age of 66 who are in receipt of certain welfare-type payments. People aged over 70 years of age can qualify regardless of their income or household composition. Widows and widowers aged from 60 to 65 whose late spouses had been in receipt of the household benefit package retain that entitlement to ensure that households do not suffer a loss of entitlements following the death of a spouse. In the time available it has not been possible to cost the Deputy's proposal. This estimate will be communicated to him as soon as possible. A range of proposals has been made to extend the free schemes to other groups. These are kept under review in the context of the objectives of the scheme and budgetary resources.

288. **Mr. F. McGrath** asked the Minister for Social and Family Affairs if he will take action regarding the threshold on household income for retention of secondary benefits on back to work schemes; and if he will make a statement on the matter. [29720/04]

Minister for Social and Family Affairs (Mr. Brennan): The back to work allowance scheme, which was introduced in September 1993, is part of my Department's programme of initiatives designed to assist long term unemployed people, lone parents and other social welfare recipients to return to the active labour force. There are two strands to the scheme, the back to work allowance for employees, and the back to work enterprise allowance for self employment. Participants retain a tapered rate of their qualifying payment over three years, or four years if taking up self employment. They also retain any secondary benefits they were in receipt of prior to participation, subject to, in some instances, the gross household income level remaining under €317.43 per week. Gross household income includes spouse-partner's income but allows for PRSI and reasonable travel expenses. From 6 April 2000, back to work allowance payment and family income supplement are disregarded for the purposes of the €317.43 gross weekly household income limit. Participants on the back to work allowance scheme retain secondary benefits such

as Christmas bonus and medical card regardless of earnings.

Fuel allowance, back to school clothing and footwear allowance and diet supplement, are subject to the €317.43 income limit. Rent or mortgage interest supplement is also subject to the limit, and is paid over a four year period with tapered rate of 75% in year one, 50% in year two, and 25% in years three and four. However, participants may opt to be assessed under the standard rules if it is financially more favourable.

I will continue to monitor the scheme to ensure that it continues to assist those furthest from the labour market to gain a foothold into sustainable employment or self employment. Any further changes to the above initiatives would have to be considered in the light of competing priorities and available resources.

289. **Mr. Howlin** asked the Minister for Social and Family Affairs if current rules enable the award of rent subsidy to an elderly Irish citizen, currently residing in the UK, who is in poor health and has very limited means, if he or she returns here and secures private rented accommodation; and if he will make a statement on the matter. [29754/04]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, which is administered by health boards on behalf of my Department, provides for the payment of a weekly or monthly supplement in respect of rent to eligible people. Entitlement to rent supplement depends on a number of factors: (a) that applicants are habitually resident in the State; (b) they have a genuine housing need which cannot be provided from another source, and (c) they satisfy a means test. A person in the circumstances described by the Deputy would not be precluded from receiving rent supplement. The habitual residence condition introduced in May 2004 and the new rent supplement eligibility rules introduced in January 2004 do not make such a person ineligible for rent supplement. However, it is not possible to give a definitive position on entitlement until the person concerned applies for rent supplement in Ireland and a detailed assessment of his or her situation is made by the relevant health board.

290. **Mr. M. Moynihan** asked the Minister for Social and Family Affairs the details of the arrangement of his Department in treating parents differently to non-parents in assessing income from casual unemployment assistance claims whereby the current arrangement allows a disregard of €12.70 per day for non-parents, but none for parents; and the basis for such an application; and his plans to address this anomaly. [29182/04]

Minister for Social and Family Affairs (Mr. Brennan): Legislation provides that where a person works for up to three days a week either on a casual or part-time basis, earnings are assessed

at 60% for unemployment assistance purposes. In addition, persons without children are allowed a €12.70 disregard for each day worked, with the balance of earnings assessed at 60%. The current arrangements for assessment of casual and part-time means came into force in November 1996. Prior to this, payment was only made in respect of days in the week on which a person was unemployed, with one sixth of the weekly means assessment being deducted from each daily UA payment. No payment was made in respect of any day of employment, irrespective of the level of daily earnings. This practice could prove to be a considerable disincentive to taking up part-time or casual employment.

While many people who were in receipt of UA and working casually or part-time stood to gain significantly under the new system, those without qualified child dependants would have lost a large part of their weekly UA payment. For this reason, a special daily disregard of €12.70 — £10 at the time — was introduced to protect their payments.

With the introduction of the new assessments in 1996, it was envisaged that some 10,500 casual-part-time workers would benefit financially. Also, these simplified arrangements made it easier for people to see for themselves the advantages of taking up part-time or casual employment, as opposed to remaining fully unemployed. The question of changes in the assessment of means from casual or part-time earnings would be a matter for consideration in a budgetary context and in the context of priorities generally.

291. **Mr. Perry** asked the Minister for Social and Family Affairs if a person who is entitled to the deserted wife allowance is allowed to enter employment; when the legislation was changed to assess earnings from income; and if he will make a statement on the matter. [29787/04]

Minister for Social and Family Affairs (Mr. Brennan): Deserted wife's allowance is a means-tested payment made to women who have no dependent children, who were deserted by their husband and who do not satisfy the contribution conditions for deserted wife's benefit. Deserted wife's allowance was closed to new applications with effect from 2 January 1997 when the one-parent family payment was introduced. In assessing means for the purposes of the allowance, account is taken of income from savings, investments, property and employment. Deserted wife's benefit is a social insurance payment made to a woman deserted by her husband. Entitlement to payment is conditional on satisfying contribution conditions based on the social insurance record of either the wife or her husband. An earnings limit was introduced for deserted wife's benefit as and from 31 August 1992. The limit, which applied only to new claims after that date, is currently €12,697.38 a year, gross earnings. Where earnings are in excess of €12,697.38 a year, there may be entitlement to a reduced rate of

payment of deserted wife's benefit, provided earnings do not exceed €17,776.33 a year.

The scheme was closed to new applications with effect from 2 January 1997 on the introduction of the one parent family payment scheme under which an eligible parent with dependent children is entitled to payment irrespective of gender or the circumstances that gave rise to the lone parenthood. Lone parents are encouraged under the scheme to maximise their income from different sources by availing of the exemption of earnings and maintenance payments in assessing means.

Lone parents may earn up to €146.50 per week without affecting their payment. Earnings above this limit are assessed at 50%, up to a maximum of €293.00 per week. Lone parents are also eligible to avail of the full range of employment support schemes operated by my Department.

The schemes for deserted wives under social insurance have been retained to the extent that existing entitlements already acquired in August 1992, when the earnings limit was introduced for new claimants, and in 1997, when the one parent family payment scheme was introduced, have been preserved. All new claimants, irrespective of gender, who seek income support as lone parents, are treated equally.

Social Welfare Appeals.

292. **Mr. Ring** asked the Minister for Social and Family Affairs when an appeal for carers allowance will be finalised for a person (details supplied) in County Mayo. [29796/04]

Minister for Social and Family Affairs (Mr. Brennan): The person's application for carer's allowance was disallowed by a deciding officer on the grounds that full-time care and attention was not being provided by the person concerned. The person concerned appealed against this decision to the social welfare appeals office. Following her letter of appeal, the case was referred back to my department for further investigation. When investigations are complete, the matter will receive further consideration by my Department.

Under social welfare legislation decisions in relation to claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

Social Welfare Benefits.

293. **Ms Lynch** asked the Minister for Social and Family Affairs the amount of his Department's Estimates which has been overpaid to recipients of the one parent family payment allowance who have returned to employment in the years 2001, 2002 and 2003; his views on whether his Department should improve its notification or early warning system to persons in this category to ensure that overpayments do not occur; and if he will make a statement on the matter. [29827/04]

Minister for Social and Family Affairs (Mr. Brennan): The total amount of overpayments raised to date in respect of one parent family payment cases for the tax years 2001, 2002 and 2003 is €23.2 million. A breakdown for individual tax years is not available. Recipients of one parent family payments are obliged to notify my Department when there is a change in their circumstances, for example, when their earnings increase. Overpayments may arise where beneficiaries have failed to notify my Department of an increase in their weekly earnings. Applicants are advised of this requirement when their payment is initially awarded. The notice is also included on payable order books.

Lone parent customers who are paid electronically are notified each year of the budget increases and included in the notification is the list of conditions for the continued receipt of the payment.

In addition, my Department takes other opportunities to inform customers of the need to notify it of any changes in circumstances, for example in the recently published customer charter. The charter is on display in public offices and is available on my Department's website.

294. **Mr. Cregan** asked the Minister for Social and Family Affairs the situation with respect to persons on rent allowance; if it is reduced on a gradual basis, if a person or adult children can take up full or part-time work; and if the situation changes when responsibility for a recipient of this allowance transfers to the local authority under the 18-month rule. [30131/04]

Minister for Social and Family Affairs (Mr. Brennan): Rent supplements are available through the supplementary welfare allowance scheme which is administered by the health boards on behalf of my Department. Supplementary welfare allowance is not normally payable to people who are engaged in full-time employment. For these purposes, employment for 30 hours or more per week is regarded as full-time.

Arrangements which have been in place for a number of years allow a person to retain a portion of his or her rent supplement where he or she takes up employment through approved schemes, such as the back to work scheme or community employment. These arrangements are particularly beneficial to people who take up full-time employment, as they would not otherwise be entitled to rent supplement.

Subject to certain conditions, including a weekly household income limit of €317.43, rent supplement may be retained on a tapered basis for up to four years, that is, 75% in year one, 50% in year two, and 25% in years three and four. Back to work allowance and family income supplement, in cases where one or both of these are in payment, are disregarded in the assessment of the €317.43 weekly income limit. PRSI and reasonable travelling expenses are also disregarded in the means test.

In addition to those on approved schemes, anyone who has been unemployed for 12 months or more and who moves from a welfare payment to full-time open market employment may retain rent supplement on the tapered retention basis outlined above.

Participants in the back to work scheme and community employment can opt to be assessed under either standard supplementary welfare allowance rules or the retention arrangements outlined above and will be entitled to receive payment under the more favourable option in their case. Under standard assessment rules rent supplements are calculated to ensure that an eligible person, after the payment of rent, has an income equal to the rate of basic supplementary welfare allowance appropriate to his or her family circumstances, less a minimum contribution, currently €13, which each recipient is required to pay from his or her own resources. Up to €50 in respect of additional income from part-time employment is disregarded in the means test thus ensuring that a person is better off as a result of taking up such an opportunity. Any amount of family income supplement in payment is also disregarded.

A new initiative was announced by Government in July of this year whereby local authorities will progressively assume responsibility for meeting long-term housing needs including those of people dependent on rent supplement for 18 months or longer. These new rental accommodation arrangements will see local authorities put solutions in place for people with long-term housing needs, while the existing rent supplement scheme will continue to provide income support for up to 18 months where necessary. The local authority approach will be accommodation-based. People accommodated under these arrangements will make a contribution towards their housing costs on the same basis as people on the existing local authority differential rent scheme.

Question No. 295 withdrawn.

Family Support Services.

296. **Mr. Cuffe** asked the Minister for Social and Family Affairs if he will reinstate the crèche supplement as it provides vital childcare support to children and families in disadvantaged communities in the absence of the required funding supports. [30208/04]

Minister for Social and Family Affairs (Mr. Brennan): It is estimated that there are over 3,000 crèches and pre-schools in the country, the majority of which are privately operated. The remainder are community-based and operate on a not for profit basis. Some are grant-aided by health boards while others receive funding through the equal opportunities child care programme of the Department of Justice, Equality and Law Reform. In addition, the Early Start pre-school programme, operated by the Department

of Education and Science, targets children in the three to four age bracket in areas of disadvantage.

The child care facilities which are grant-aided by health boards generally cater for children who are referred by a public health nurse or other health professional where the child's needs, or those of the parent, are of a medical or personal social services nature. The objective of the supplementary welfare allowance scheme is to meet immediate, short-term income maintenance needs. The practice of paying crèche supplements, as they came to be known, through the scheme evolved in certain health board areas with the original intention of providing short-term support to parents to enable them to avail of services such as counselling or addiction treatment programmes, or to facilitate children with special needs to benefit from interaction with other children.

In many cases however, supplements remained in payment for long durations and in circumstances which were outside the scope of the scheme. In effect, the supplements had become a long-term child care support rather than a short-term social welfare intervention. This was the reason that steps were taken this year to curtail these payments. The other specific crèche and playschool support programmes remain in place. I consider that child care and child welfare supports are best provided by consolidating and improving these programmes. I am in discussions with my colleagues in that regard.

Driving Tests.

297. **Mr. Crawford** asked the Minister for Transport the position regarding the availability of driving testers in County Monaghan; if testing is now only taking place on a bi-weekly basis; the waiting time for having a test; his views on whether this is causing further stress and costs on many persons who have to pay high insurance as provisional drivers; and if he will make a statement on the matter. [29660/04]

Minister for Transport (Mr. Cullen): The current average waiting time for a driving test at the Monaghan test centre is 33 weeks. By the end of this year driving tests equivalent to 55 weeks' work will have been carried out at the test centre during 2004. At least one driver tester is assigned to carry out tests at the centre for each of the remaining weeks of this year. My Department will seek to arrange an early test for candidates who provide documentary evidence of the need for an urgent test.

298. **Mr. O'Dowd** asked the Minister for Transport if there are guidelines by which a driving licence can be granted to a person (details supplied) in County Louth in view of special circumstances; and if he will make a statement on the matter. [29746/04]

Minister for Transport (Mr. Cullen): Regulations governing the issue of driving licences by licensing authorities have for many years provided that an application to renew a lapsed driving licence may be submitted without a certificate of competency to drive if a person makes such application within a period of ten years from the date of expiry of the previous driving licence. After ten years has elapsed, a person must first pass the driver theory test, apply for a provisional licence and undergo the driving test to obtain a driving licence.

299. **Mr. Perry** asked the Minister for Transport if an application for a driving licence from a person (details supplied) in County Sligo has been received; and if he will make a statement on the matter. [29788/04]

Minister for Transport (Mr. Cullen): Under the Road Traffic Act 1961 and the Road Traffic (Licensing of Drivers) Regulations 1999 to 2004, it is a matter for the appropriate licensing authority, in this case Sligo County Council, to determine the eligibility of a person for a driving licence, and to issue licences.

300. **Mr. Hogan** asked the Minister for Transport when a person (details supplied) in County Kilkenny will be notified of their driving test; and if he will make a statement on the matter. [30173/04]

Minister for Transport (Mr. Cullen): The applicant has been placed on a cancellation list for a driving test at the Kilkenny driving test centre and a test appointment will be arranged as soon as possible.

Road Network.

301. **Mr. J. Breen** asked the Minister for Transport if he will revisit the decision taken in 1999 not to allow the NRA to build motorways between Dublin and regional cities; and if he will make a statement on the matter. [30190/04]

Minister for Transport (Mr. Cullen): The national development plan, NDP, provides for a substantial investment in national roads over the period 2000 to 2006. A significant priority within the national roads programme is to upgrade the five main inter-urban routes, linking Waterford, Cork, Limerick, Galway and the Dundalk Border with Dublin, to motorway-high quality dual carriageway standard, involving a substantial public private partnership, PPP, component based on user tolls and bringing significant improvements to other key routes.

The current position in relation to the upgrading of the five major inter-urban routes is that the M1 is expected to be fully complete by the end of 2006. Work is complete on major projects on the N7 Monasterevin bypass, on the N8 Cashel bypass. The N4-N6 Kilcock-Kinnegad project continues under construction. Work started this year on the Dundalk western bypass and Dun-

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 talk to Newry on the M1, on the Fermoy bypass, N8, and Naas road widening, N7. Completion of these projects will eliminate many of the major bottlenecks on these routes. In addition it is expected that compulsory purchase orders and environmental impact statements for the remaining projects in planning on these routes will either be approved by, or be before, An Bord Pleanála by end 2004.

Driving Tests.

302. **Mr. Perry** asked the Minister for Transport if he will address the concerns raised with regard to registered driving instructor status; the position regarding the validity of the RDI status of a person (details supplied) in County Sligo within the DTSA; his plans to pass this decision over to the board of the DTSA; and if he will make a statement on the matter. [29687/04]

303. **Mr. Crowe** asked the Minister for Transport if he will investigate the case of a person (details supplied) in County Tipperary; and if he intends to pass the decision regarding this person's status over to the board of the DTSA. [29688/04]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 302 and 303 together.

Proposals being developed by my Department for the regulation and quality assurance of driving instruction will involve a test of the competence of individual instructors. A working group comprising representatives of my Department and of instruction interests has formulated the design of the standards that a driving instructor must meet. I am considering what arrangements will be put in place to oversee implementation of the standard in the context of the establishment of the Driver Testing and Standards Authority. The Driver Testing and Standards Authority Bill 2004, which provides for the establishment of the authority was published on 6 July 2004 and the Second Stage debate commenced on the 14 October 2004. Regulations will be required to give effect to the proposals for introducing regulation of driving instruction and the position of existing driving instructors will be considered in the context of drafting of the regulations.

Public Transport.

304. **Mr. J. Higgins** asked the Minister for Transport if consideration has been given to bringing the Luas from Benburb Street, through Stoneybatter, the Navan Road and up to Blanchardstown and Clonee and beyond, with park and ride facilities being available for motorists in Clonee to facilitate commuters living in this significant catchment area. [29716/04]

Minister for Transport (Mr. Cullen): Responsibility for the development of specific proposals for the expansion of Luas services lies with the Railway Procurement Agency, RPA. However,

provision of further transport services in the greater Dublin area is being pursued within the broad policy framework established by the Dublin Transportation Office's A Platform for Change. This framework does not envisage an extension of the Luas network to Clonee in the period to 2016. At present, Iarnród Éireann is planning to expand services on the Maynooth line later this year and is also looking into the feasibility of the development of a spur from the Maynooth line to Dunboyne. This would have the effect of improving rail services to the city centre from the Clonee catchment area.

Driving Tests.

305. **Ms O. Mitchell** asked the Minister for Transport the number of candidates presenting for the driving test at test centres, who are on their second, third or subsequent attempt to secure a full driving licence; and if he will make a statement on the matter. [29774/04]

Minister for Transport (Mr. Cullen): There are 118,074 applicants awaiting a driving test at present. Details of those applicants who are taking their driving test for the second or subsequent occasion are not recorded at application stage.

306. **Mr. Ring** asked the Minister for Transport the arrangements in place for Civil Service staff within the driver testing section at Ballina, County Mayo, who do not wish to transfer to the Driver Testing and Standards Authority. [29797/04]

Minister for Transport (Mr. Cullen): The Driver Testing and Standards Authority Bill currently before the House provides that "Any person who immediately before the establishment day was a member of the staff of the Department of Transport and who is designated by the Minister for employment in the Authority shall on the appointed day be transferred to and become a member of the staff of the Authority." Negotiation and consultation with staff and their representative organisations to determine the detailed arrangements for the establishment of the Driver Testing and Standards Authority are continuing.

Road Safety.

307. **Ms O. Mitchell** asked the Minister for Transport the amount that has been spent on implementing the national road safety strategy annually from 1997 to 2004, inclusive; and if he will make a statement on the matter. [29811/04]

308. **Ms O. Mitchell** asked the Minister for Transport the amount that has been spent by his Department on implementing the national road safety strategy annually from 2002 to 2004, inclusive; the amount it is envisaged will be spent annually on the Road Safety Strategy 2004 to 2006; and if he will make a statement on the matter. [29812/04]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 307 and 308 together.

Funding made available to the road safety agencies under the aegis of my Department in 1997 amounted to approximately €10.65 million. The following table sets out the funding to the road safety agencies under the aegis of my Department on an annual basis, since 1998, the

State Body	1998	1999	2000	2001	2002	2003	2004
	€m	€m	€m	€m	€m	€m	€m
National Safety Council	1.148	1.290	1.202	2.484	2.941	2.758	2.886
Medical Bureau of Road Safety	0.794	1.380	1.565	1.771	1.728	2.067	2.337
National Roads Authority	9.430	10.506	10.819	11.906	7.953	9.708	17.265
Total	11.372	13.176	13.586	16.161	12.622	14.533	22.488

The overall Exchequer provision for road improvement and maintenance works, which have a significant impact on road safety, in 2004 on the national road network is €1.280 billion. This compares with an expenditure outturn of €1.223 billion in 2003. Local authorities receive funding for road improvements and remedial measures on non-national roads, which is not included in these figures. In addition, the funding made available for Garda operations supports the enforcement of road traffic law. That is a matter for the Minister for Justice, Equality and Law Reform.

The 2005 Estimates include increased provisions for all of the road safety agencies. The specific allocation to safety-related aspects of the NRA's activities in 2005 and 2006 has not yet been finally determined. Funding for 2006 in respect of the National Safety Council and the Medical Bureau of Road Safety will be determined in the context of the 2006 Estimates process.

The success of implementing road safety policy as set out in the road safety strategy is critically dependent on major investment in resources by various Departments and their agencies. The Government remains committed to ongoing support for the pursuit of road safety policies.

In addition, my Department is chairing a steering group overseeing a cross-departmental review of road safety expenditure which will examine expenditure incurred over the lifetime of the road safety strategy. This will seek to evaluate the effectiveness of all public spending on road safety and, if necessary, recommend an adjustment in spending on particular policies and measures based on their effectiveness. The review will also seek to establish the impact of road safety performance on other areas, such as health and emergency services. The steering committee consists of representatives from the Departments of Transport, Justice, Equality and Law Reform, Health and Children, Finance and Environment, Heritage and Local Government. A consultant has been engaged to carry out an analysis of road

first full year of the operation of the Government Road Safety Strategy 1998 — 2002. Between 1998 and 2004, there has been significant and sustained increases in the funding made available to the road safety agencies under the aegis of my Department. Overall funding has grown from a total of €11.372 million in 1998 to €22.488 million in 2004, a rise of 97.7%.

safety expenditure and is expected to report to the steering committee shortly.

Public Transport.

309. **Mr. P. McGrath** asked the Minister for Transport if Iarnród Éireann will purchase all, or part of the lands for sale at St. Joseph's Hospital, Clonsilla, Dublin 15 with a view to providing a park and ride facility at Clonsilla train station; and if he will make a statement on the matter. [29839/04]

Minister for Transport (Mr. Cullen): The issue of the purchase or disposal of lands is an operational matter for Iarnród Éireann to consider in the light of its requirements. Iarnród Éireann is exploring options with Fingal County Council to improve access to Clonsilla station which may also yield some parking benefits. It would also encourage private sector involvement in car parking schemes.

Road Network.

310. **Ms O. Mitchell** asked the Minister for Transport the amount of the €1.27 billion target included in the NDP for private financing of the national roads programme which has been secured to date; if this target has not been reached, the amount of funding which has been secured to date; if he will report on the difficulties in reaching the target of €1.27 billion; and if he will make a statement on the matter. [29966/04]

Minister for Transport (Mr. Cullen): The national development plan, NDP, included a private finance target of €1.27 billion. This target is the cumulative contribution expected from the private finance sector towards the capital investment in the national roads programme for the period 2000 to 2006. The National Roads Authority, NRA, announced in mid-2000 a programme of nine PPP projects. This PPP programme was further augmented in 2004 with the announcement of an additional PPP project, namely the M50 upgrade PPP. To date, four PPP contracts have been awarded namely the second Westlink bridge completed in 2003 and the following pro-

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jects under construction; N4-N6 Kilcock-Kinnegad motorway, M1 Dundalk western bypass and the N8 Rathcormac-Fermoy bypass. The total amount of private finance put in place for these projects amounts to €567 million inclusive of standby facilities on the debt and equity funding to cover any additional costs incurred by the PPP companies. If one excludes these standby facilities, the amount of private finance placed into PPP contracts to date amounts to €480 million.

Other PPP projects are at various stages of procurement including the N25 Waterford bypass, N3 Clonee-Kells motorway, Limerick tunnel and M50 upgrade. All these contracts are planned to be awarded either in 2005 or 2006, and assuming that no delays affect these targets, an estimated further €1.1 billion of private finance will have been committed to national roads investment amounting to €1.58 billion in total by end 2006, a sum well in excess of the €1.27 billion target. In addition, the remaining two PPP projects will be advertised in 2005, namely, the Portlaoise PPP motorway and the Galway-Ballinasloe scheme, both of which will be substantially funded by private finance.

Airport Services.

311. **Mr. Gogarty** asked the Minister for Transport the body which is responsible for monitoring noise emissions from aeroplanes at Weston Aerodrome; if his attention has been drawn to the fact that South Dublin County Council says this is not its responsibility; if his attention has been further drawn to the fact that the Irish Aviation Authority has stated in a written response that this is not within its statutory remit; and if he will make a statement on the matter. [30001/04]

Minister for Transport (Mr. Cullen): There is no statutory requirement for the monitoring of noise emissions from aeroplanes at Weston Aerodrome. My Department has responsibility for implementing European legislation relating to noise emissions from civil subsonic jet aeroplanes, which are large commercial jet aircraft. These regulations-directives apply to civil airports that have more than 50,000 movements of civil subsonic jet aeroplanes per year. As the aircraft using Weston, a privately owned aerodrome, are smaller aircraft mostly engaged in training, leisure or general aviation, this aerodrome does not come within the scope of this European legislation.

The Irish Aviation Authority, IAA, is responsible for the safety regulation of the Irish aviation industry. Weston Aerodrome has been operating as an aerodrome since 1938. In recent years, the development of Lucan has pushed large residential areas quite close to Weston Aerodrome. With a view to limiting the noise impact on residential areas, Weston Aerodrome introduced procedures for pilots in relation to the flight paths and altitudes. I understand that in response to a similar question put to the Department for the Envir-

onment, Heritage and Local Government, the Minister outlined the roles of local authorities with regard to this matter.

State Airports.

312. **Mr. F. McGrath** asked the Minister for Transport if a jet (details supplied) has ever landed at Shannon Airport; if prisoners were ever transported through that airport; and if he will make a statement on the matter. [30003/04]

Minister for Transport (Mr. Cullen): In accordance with the 1944 Chicago Convention on International Civil Aviation, aircraft may come into Ireland for technical stops such as for refuelling purposes, as this aircraft has done, without notifying the Department of Transport, and no notification about this aircraft was received by my Department.

My Department has been informed by Shannon Airport management that this particular aircraft, registration N8068V, has used Shannon Airport three times in 2004, and has not used Shannon Airport on any date prior to 2004. Each landing was a technical stop, that is, for refuelling or other technical reasons. On no occasion did any passengers join or leave the flight at Shannon.

Furthermore, I understand that the US authorities have confirmed to the Department of Foreign Affairs that the US has not used Irish airports for the transit of prisoners to or from the detention centre at Guantanamo or elsewhere. I also understand that the US side has confirmed that they would not transit Irish airspace or use Irish airports for this purpose without seeking the authorisation of the Irish authorities.

Public Transport.

313. **Mr. Crowe** asked the Minister for Transport if he has proposals for supplying public transport to run between Churchill and Letterkenny. [30147/04]

Minister for Transport (Mr. Cullen): The provision of public bus services on specific routes is a commercial and operational matter for bus operators. It is open to any private bus operator who may be interested to apply to my Department for an annual passenger licence under the Road Transport Act 1932 to operate a regular bus service on the route mentioned in the Deputy's question and my Department would look favourably on any such application. Bus Éireann may initiate new services subject to compliance with the necessary regulatory requirement of giving advance notice to my Department and to compliance with the provisions of section 25 of the Transport Act 1958 concerning competition with licensed private operators.

Driving Tests.

314. **Mr. Crowe** asked the Minister for Transport if his attention has been drawn to the fact

that a person licensed to drive a bus and a taxi has to take additional lessons and a test in order to be allowed to drive a taxi with a trailer. [30148/04]

Minister for Transport (Mr. Cullen): Regulations on driver licensing set out the various categories of driving licence in accordance with harmonised EU requirements. A category B driving licence gives entitlement to drive vehicles, other than motorcycles, mopeds, work vehicles or land tractors, having a design gross vehicle weight not exceeding 3,500 kg and having passenger accommodation for not more than eight persons. The design gross vehicle weight of the trailer may not be greater than 750 kg or, alternatively, the design gross vehicle weight of the trailer may not exceed the unladen weight of the drawing vehicle and the total design gross vehicle weight of the combination does not exceed 3,500 kg.

A category EB driving licence gives entitlement to drive combinations of vehicles where the drawing vehicle is in category B and where the design gross vehicle weight of the trailer is greater than 750 kg. A category D driving licence gives entitlement to drive vehicles having passenger accommodation for more than eight persons. The design gross vehicle weight of the trailer may not be greater than 750 kg. A category ED driving licence gives entitlement to drive combinations of vehicles where the drawing vehicle is in category D and where the design gross vehicle weight of the trailer is greater than 750 kg. Persons with a category B or a category D licence who wish to have entitlement to drive such vehicles in combination with trailers with a design gross vehicle weight greater than that granted by the licence must pass a specific driving test in the EB or ED category, respectively, to demonstrate that they have the necessary skills for towing larger trailers.

Road Network.

315. **Ms O. Mitchell** asked the Minister for Transport if all public private partnerships planned, initiated or completed to date as part of the road building programme under the NDP were subjected to a cost benefit analysis; the details of such analyses; if such PPP projects already completed were finished within the timescale and budget envisaged; and if he will make a statement on the matter. [30149/04]

Minister for Transport (Mr. Cullen): The national development plan provides for significant private sector investment in the national roads development programme. In line with this policy, a number of major road upgrade projects are being implemented by the National Roads Authority, NRA, by means of public private partnerships, with the private sector being remunerated in part by user tolls.

The assessment and evaluation of all individual national road projects, including cost benefit analysis, is undertaken by the NRA as an integral part of the planning of projects in accordance

with Department of Finance guidelines on the appraisal and management of capital projects and working rules for cost-benefit analysis. In addition, the development and implementation of toll based public private partnership projects also take account of Department of Finance interim guidelines on the assessment, approval and procurement of PPP projects. Furthermore, the implementation of the national roads programme overall has been evaluated as part of the evaluation process applicable to such programmes under the national development plan and community support framework.

The NRA is making good progress in the implementation of a programme of toll-based public private partnership projects as part of the national roads programme, with the M50 second Westlink bridge completed on time, construction under way on the N4 Kinnegad-Enfield, N8 Fermoy bypass and the M1 Dundalk western bypass. PPP concessions are well advanced for the N3 Clonee to south of Virginia bypass, N6 Ballinasloe bypass, N7 Limerick southern ring road, phase two, N8 Portlaoise to Cullahill to Castle-town, N25 Waterford bypass and the M50 upgrade.

National Car Test.

316. **Mr. M. Brady** asked the Minister for Transport when the review of the national car testing service will be carried out; and the reason vehicles have failed for not having Baile Átha Cliath on number plates. [30150/04]

Minister of State at the Department of Transport (Mr. Callely): The car testing contract provides for a review of the service by the Minister after the mid-point of the contract which will occur in January 2005. The review will commence early in the new year. The format, dimensions and technical specifications of registration plates for display on motor vehicles are currently provided for in the Vehicle Registration and Taxation (Amendment) Regulations 1999, which were made by the Revenue Commissioners. The regulations provide, *inter alia*, that a registration plate shall exhibit the index mark, for example, "D", and place name, for example, "Baile Átha Cliath", of the relevant licensing authority. The regulations specify the place name to be used for each of the 29 licensing authorities, which is the Irish version of the county concerned. The requirements with regard to index marks and place names are long-standing and date back to the Road Vehicles (Registration and Licensing) (Amendment) Regulations 1990. A registration plate that does not meet the specifications constitutes a reason for refusal of an NCT test certificate. I understand this position has been strongly endorsed by the Garda authorities.

Rail Services.

317. **Mr. Penrose** asked the Minister for Transport if, in the context of the recent reply to a

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parliamentary question seeking the re-opening of Killucan station, County Westmeath, and the accepted need for this development, he would help to part fund an independent feasibility study on a euro for euro basis with the local community council which would examine the need and possible usage of such a service in the catchment area; and if he will make a statement on the matter. [30231/04]

Minister for Transport (Mr. Cullen): The statutory responsibility for the provision of railway services rests with Iarnród Éireann. As I have stated in previous responses to similar questions about Killucan, the company is involved in discussions with the local authorities in the area to establish whether a suitable catchment area for any proposed station can be established. This is normal practice in circumstances such as these. The provision of funding for any necessary studies is a matter for Irish Rail or in conjunction with the local authority.

Road Traffic Accidents.

318. **Mr. Lowry** asked the Minister for Trans-

Year	1997	1998	1999	2000	2001	2002
Number of Road Deaths in Ireland	472	458	413	415	411	376
Number of Pedestrian road deaths in Ireland	130	114	92	85	89	86
Number of Road Deaths in North Tipperary	9	12	7	13	7	5

Provisional figures for the number of persons killed in road traffic collisions in 2003 show there were 336 fatalities for that year. Statistics relating to the number of traffic accidents in north Tipperary during 2003 are not yet fully analysed and authenticated. They will be set out in Road Accident Facts 2003, which will be published by the National Roads Authority. Provisional figures for 2004 indicate that at 22 November 2004, 332 people had lost their lives on the roads in Ireland.

It is generally accepted that road safety issues such as the wearing of high visibility jackets are best promoted by way of educational and publicity campaigns, such as those undertaken by the National Safety Council. The National Safety Council has developed school resource packs relating to road safety for both primary and secondary schools in order to promote safe behaviour. The rules of the road includes a strong recommendation supporting the use at night by pedestrians outside of urban areas of light coloured clothing and reflective armbands.

Rail Services.

319. **Mr. O'Connor** asked the Minister for Transport if he will seek action and a report from the RPA in respect of the outstanding concerns of the Kingswood Heights residents association, Tallaght; if his attention has been drawn to the concern of the community that the RPA commit-

port the number of road fatalities recorded from 1997 to 2004; the number of road fatalities recorded in north Tipperary in each year from 1997 to 2004; the number of these fatalities which were pedestrian fatalities; and if he will start an initiative, particularly among school children, to encourage the use of high visibility jackets by pedestrians and others at night in order to reduce the number of pedestrian fatalities annually. [30232/04]

Minister for Transport (Mr. Cullen): 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 is available in the Oireachtas Library along with reports relating to previous years. The table below sets out the number of fatalities in Ireland from 1997 to 2002, the number of pedestrian fatalities in Ireland from 1997 to 2002 and the number of fatalities in north Tipperary for each of those years. The reports do not give details of pedestrian fatalities broken down by county.

ments be delivered; and if he will make a statement on the matter. [30244/04]

Minister for Transport (Mr. Cullen): The issue raised by the Deputy is the day-to-day responsibility of the Railway Procurement Agency and I have brought the concerns raised to its attention.

Driving Tests.

320. **Mr. Kehoe** asked the Minister for Transport the name of the company which was granted the contract for the theory test; the location of the company; the original location of the company; when the contract expires; and if he will make a statement on the matter. [30246/04]

Minister for Transport (Mr. Cullen): The contract for the delivery of the driver theory testing service was awarded to Prometric Thomson Learning, a company based in Manchester which is part of Thomson Learning, a division of the Thomson Corporation, a major conglomerate headquartered in the United States of America. The company operates a call centre in Manchester through which test applications are processed. A separate company, Prometric Ireland Limited, has been established here to operate the service. The contract is for a period of seven years. Driver theory testing commenced on 11 June 2001. The service may be contacted at LoCall number 1890 606106. Correspondence may be addressed to the customer service manager at PO Box 144, Drogheda, County Louth.

Parking Regulations.

321. **Mr. O'Shea** asked the Minister for Transport, further to Question No. 319 of 17 November 2004, his proposals to amend the Road Traffic (Traffic and Parking) Regulations 1997 for persons (details supplied); and if he will make a statement on the matter. [30261/04]

Minister for Transport (Mr. Cullen): As indicated in reply to Question No. 319 on 17 November 2004, the Road Traffic (Traffic and Parking) Regulations 1997 empower local authorities, the Irish Wheelchair Association and the Disabled Drivers Association to grant a disabled person's parking permit when they are satisfied that the applicant is suffering from a disability that prevents him or her from walking or causes undue hardship to the person in walking. The qualifying criterion is, therefore, that of impaired mobility as stated above and no specific medical condition that gives rise to such impairment is stipulated.

Driving Tests.

322. **Mr. Durkan** asked the Minister for Transport if it is normal to expect a motor car to fail a national car test if a decorative toy is suspended from the rear view mirror; and if he will make a statement on the matter. [30289/04]

Minister of State at the Department of Transport (Mr. Callely): The items to be tested, the method of testing and the reasons for refusal of a NCT certificate are set out in the national car test manual 2004, which is published by my Department. The NCT includes a check to ensure there is an adequate view from the driving seat and that it is not interfered with by objects or stickers on or in the vicinity of the windscreen. The presence of an object or sticker in the direct line of vision of the driver which would prevent the driver having an adequate view would constitute a reason for refusal of an NCT test certificate.

A person dissatisfied with the outcome of a NCT may appeal the decision under the complaints and appeals procedure operated by the National Car Testing Service Limited, NCTS. It is also open to a car owner to appeal a decision of NCTS to refuse a test certificate to the District Court.

State Airports.

323. **Aengus Ó Snodaigh** asked the Minister for Transport if the decision to waive fees for the hundreds of US military flights that have used Shannon Airport has cost to Irish taxpayer nearly €6 million. [30309/04]

Minister for Transport (Mr. Cullen): The Irish Aviation Authority, IAA, provides air traffic control and communications services to aircraft which pass through sovereign and international airspace it administers on the north Atlantic.

Only a small proportion of military flights through Irish administered airspace pass through Irish sovereign airspace. Irish administered airspace covers 135,000 square miles of which 32,000 square miles is sovereign airspace.

Under a Eurocontrol — European Organisation for the Safety of Air Navigation — multilateral agreement to which Ireland is a party, various categories of flights — flights under visual flight rules, flights performed by small aircraft, flights performed for the transport of Heads of State and search and rescue flights — are exempt from paying *en route* charges. In the case of other categories — military flights, training flights, flights performed to test air navigation equipment and circular flights — states have the option to exempt such flights from payment of the *en route* charge. In common with most Eurocontrol member states, Ireland exempts all such flights, including military flights of member states of Eurocontrol, the United States and Canada, from payment of the *en route* charge. This arrangement has applied since Ireland joined the Eurocontrol *en route* charging scheme in the early 1970s. For this reason, arrangement the IAA costs with regard to military flights are met from my Department's Vote.

Ireland also exempts military aircraft flights from payment of the communications charge and the IAA costs in relation to those charges are also met from my Department's Vote. Efforts to collect this charge in the early 1990s were unsuccessful and, following advice from the Attorney General, debts then outstanding were written off with the agreement of the Department of Finance and a decision taken to cease charging the communications fee to military aircraft.

A total of €6.1 million, not including VAT, was paid to the IAA between January 2003 and September 2004. US military flights account for approximately 90% of the total amounting to €5.5 million. Foreign military aircraft using State airports pay the appropriate airport charge to each airport authority.

Road Safety.

324. **Mr. Crowe** asked the Minister for Transport if his attention has been drawn to the anomaly that many school buses have no belts in view of widespread concern surrounding the non-use of seat belts; and if he intends to introduce legislation to cover this in the near future. [30310/04]

Minister of State at the Department of Transport (Mr. Callely): At present, buses having a design gross weight not exceeding 3,500 kg, that is, minibuses, first registered since 1 January 1992 are the only buses which require to be fitted with seat belts, in which case seat belts are required for the driver and each forward facing front seat passenger. Persons occupying these seats are required to use the seat belts.

[Mr. Callely.]

In June 2003 the European Commission published proposals to amend a number of directives relating to the type approval requirements for safety belts and restraint systems, anchorages for safety belts, and seats, their anchorages and head restraints. These proposals provide, *inter alia*, for the mandatory fitment of seatbelts in buses and coaches, other than those used on staged stop urban services, at manufacturing stage for the purpose of obtaining motor vehicle type approval. Under the proposals it would be a requirement for the registration, sale and entry into service of new buses and coaches from 1 January 2006, and that their safety belts and restraint systems, anchorages for safety belts and seats, and anchorages and head restraints would conform to the technical requirements specified in the proposed amending directives.

In anticipation of the aforementioned proposals, Directive 2003/30/EC has been adopted which provides, *inter alia*, for the compulsory wearing of seat belts by all occupants of vehicles, including buses, where seat belts are fitted. Member states are required to transpose this directive into national law by 9 May 2006. It is my intention to make the necessary regulations to provide for the compulsory wearing of seat belts where fitted in vehicles as soon as the type approval standards for related safety systems, including standards relating to the mandatory fitment of seat belts, have been agreed at European level.

Public Transport.

325. **Mr. Stanton** asked the Minister for Transport the plans he has for the implementation of the action plan on accessibility under the Disability Bill 2004; and if he will make a statement on the matter. [30319/04]

Minister for Transport (Mr. Cullen): The outline sectoral plan under the Disability Bill 2004, published recently by my Department, is a draft consultation document. The plan outlines my Department's proposals with regard to the ongoing development of accessible public transport services for people with mobility and sensory impairments. My Department will shortly commence an extensive consultation process on the plan and every submission received will be taken fully into consideration in finalising the plan in 2005.

Inland Waterways.

326. **Mr. Ferris** asked the Minister for Community, Rural and Gaeltacht Affairs if he will make a statement on his strategy in regard to the development of the Ulster Canal. [29928/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The Deputy will be aware that one of the functions of Waterways

Ireland, one of the six North-South implementation bodies established under the British-Irish Agreement Act 1999, is to examine the possible restoration of the Ulster Canal. At this time, no decision has been taken to proceed with the restoration of the Ulster Canal.

A study was commissioned which estimated the cost of the restoration of the full canal at approximately sterling £90 million based on year 2000 costs. The issues arising in regard to the Ulster Canal, including the question of whether a phased or partial approach to the matter might be feasible, are being considered by my Department and the Department of Culture, Arts and Leisure in the North.

327. **Mr. Ferris** asked the Minister for Community, Rural and Gaeltacht Affairs if he will make a statement on the future strategy of Waterways Ireland for the development of water based amenities. [29929/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Waterways Ireland is one of the six North-South implementation bodies established by the British-Irish Agreement Act. The body's remit is the management, maintenance, development and restoration of the inland navigable waterway system, principally for recreational purposes.

Waterways Ireland advises me that it has a programme in place to promote and market the waterways under its remit as part of its marketing and promotion strategy launched earlier this year. It also continues to develop jetties, harbours and moorings along the waterways. In 2005, for example, it intends to complete two harbours at Portrunny, County Roscommon, and Garrykenedy, County Tipperary. In addition, it will provide more than 600 metres of additional moorings at various locations throughout the waterways system North and South.

Dormant Accounts.

328. **Mr. Naughten** asked the Minister for Community, Rural and Gaeltacht Affairs the timescale in processing an application under the dormant accounts fund by ADM Limited; the timescale for deciding on an application (details supplied); and if he will make a statement on the matter. [29692/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): Decisions on the disbursement of funds from dormant accounts moneys are a matter for the Dormant Accounts Fund Disbursements Board, an independent body established under the Dormant Accounts Acts. The board has engaged Area Development Management Limited, ADM, to administer the initial round of funding on its behalf which involves the disbursement of up to €60 million from the fund.

Following an invitation earlier in the year to groups and organisations to make applications for funding, more than 1,600 applications were received by ADM. The process of assessing and approving these applications is ongoing. In this regard, the board has to date approved 318 projects for funding totalling approximately €30 million. Over the coming months, further allocations will be made by the board up to a total figure of €60 million.

I understand an application from the group concerned was received by ADM on 5 March 2004. This application is being evaluated against the criteria set out in the published guidelines. Following this evaluation process, a recommendation will be made to the Dormant Accounts Fund Disbursements Board for decision. The group concerned will be advised of the board's decision in due course.

Grant Payments.

329. **Mr. F. McGrath** asked the Minister for Community, Rural and Gaeltacht Affairs the reason a centre (details supplied) in Dublin 5 did not receive a grant under his Department's programme of grants for locally based community and voluntary organisations; and if the maximum support and assistance will be given to this centre. [29719/04]

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. It is open to the group in question to apply for funding under that programme.

Departmental Correspondence.

330. **Mr. Perry** asked the Minister for Community, Rural and Gaeltacht Affairs if he has received correspondence from an agency (details supplied) in County Donegal; if he will address the concerns raised; and if he will make a statement on the matter. [29779/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): My Department has received correspondence from the agency referred to by the Deputy and has responded stating that no application for additional funding has been received from any of the successful tenderers. The contracts with the six successful tenderers state that no funding

additional to that set out in the contract will be paid.

Community Development.

331. **Mr. Gilmore** asked the Minister for Community, Rural and Gaeltacht Affairs the reason funding is not being made available under the YPFSS for activities being organised for children aged under ten years; if he will widen the remit of the YPFSS to include persons under ten years; his views on whether organised activities for persons under ten years are particularly important in some neighbourhoods; and if he will make a statement on the matter. [29931/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):

As the Deputy is aware, the young people's facilities and services fund, YPFSS, was established in 1998 to assist in the development of facilities, including sport and recreational facilities, and services in disadvantaged areas where a significant drug problem exists or has the potential to develop. The fund is aimed at young people in the ten to 21 age bracket as this is considered the age group potentially most at risk of drug misuse and, in particular, opiate misuse. In addition, it should be noted that the youth initiatives funded under the YPFSS are guided by the Youth Work Act 1997 and, more recently, the Youth Work Act 2001, which states that youth services should have particular regard to the youth work requirements of persons who are aged between ten and 21 years and are socially or economically disadvantaged.

To date, more than €75 million has been allocated under the fund to support in the region of 450 facility and services projects. This includes the €13 million worth of allocations I announced earlier this year for more than 100 proposals under the second round of the fund. Through the new funding being allocated, a number of new youth and community centres will be built and a wide and diverse variety of youth work projects across the 14 local drugs task force areas are being supported. Substantial funding is also being made available towards the staffing and operational costs of a number of larger community-youth centres built under the first round of the fund.

While the primary focus of all YPFSS funded facilities is on the ten to 21 age bracket, the Deputy should note that their use by the wider community, including by children younger than ten years old, is also accommodated. There are no plans at present to broaden the remit of the YPFSS.

Cailliúint Postanna.

332. **D'fhiafraigh Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cén uair dheireanach a bhuaíl Údarás na Gaeltachta le bord bainistíochta an chomhlachta Nuvotem atá

[Aengus Ó Snodaigh.]
lonnaithe i gCroithlí, Contae Thír Chonaill; ar pléadh scaoileadh chun bóthair a dhéanamh go sealadach ar oibrithe sa chomhlacht; an raibh an t-Údarás ar an eolas ag an am go raibh orduithe do tháirgí Nuvotem á seoladh chuig an chomhlacht i bPoblacht na Seice; agus an bhfuil aon eolas eile ag an Údarás a d'féadfadh cuidiú chun an staid fostaíochta a réiteach do na hoibrithe atá thíos leis i dTír Chonaill. [30233/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): De réir an eolais atá curtha ar fáil ag Údarás na Gaeltachta, tá an comhlacht atá luaite ag an Teachta i gcoimhlint le comhlachtaí i dtíortha le costais íseal táirgíochta. Mar is eol don Teachta, tá coimhlint ghéar in earnáil na déantúsaíochta le roinnt blianta agus tá poist á gcailliúint sa tír seo dá réir, na ceantair Ghaeltachta san áireamh.

Tuigim go mbíonn caidreamh rialta ag feidhmeannas Údarás na Gaeltachta leis an gcomhlacht seo chun scrúdú a dhéanamh ar na féidearthachtaí atá ann maidir lena innmharthacht a chinntiú. Ina thaobh sin de, rinneadh tuilleadh plé ar thodhchaí an chomhlachta ag cruinniú ar 18 Samhain 2004. Tuigim ón Údarás go bhfuil an comhlacht fós ag lorg orduithe a chuirfidh ar a chumas táirgíocht a athbhunú sa tír seo ach ní mór, ar ndóigh, an choimhlint ghéar atá san earnáil déantúsaíochta seo i láthair na huaire a choimeád san áireamh.

Designated Areas.

333. **Mr. Kehoe** asked the Minister for Community, Rural and Gaeltacht Affairs the counties and towns which have been designated under the RAPID programme; the amount spent in each area since such designation; the amount of budget shortfall in each designated centre; the total spent on the RAPID programme to date; and the amount of the proposed budget when announced. [30255/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Strand one of the RAPID programme targets 25 urban areas and strand two targets 20 provincial towns. These areas are listed in the table which follows. While no specific budget was allocated to the RAPID programme, it was stated at the time that:

Under the National Development Plan up to €15 billion has been earmarked for social inclusion measures, to be spent on development measures over the next five years. The RAPID programme will prioritise the 25 identified areas and frontload a significant share of this money to them over the next three years.

My Department, supported by Area Development Management Limited, co-ordinates the implementation of the programme. While I can provide details of allocations made by my Department to RAPID areas, it is neither practi-

cable nor possible to quantify total spend on RAPID across all Departments. For this reason and because no specific budget was allocated to RAPID, it is not possible to provide the remainder of the information requested.

Tables:

Strand I RAPID Areas	Strand II RAPID Areas
Blanchardstown	Athlone
Bray	Athy
Clondalkin	Ballinasloe
Cork — Blackpool / The Glen / Mayfield	Carlow
Cork — Fairhill / Gurranebraher / Farranree	Carrick-on-Suir
Cork — Knocknaheaney / Churchfield	Cavan
Cork — Togher / Mahon	Clonmel
Dublin — Ballymun	Ennis
Dublin — Finglas	Galway
Dublin — North East Inner City	Kilkenny
Dublin — North West Inner City	Longford
Dublin — Northside	Mallow
Dublin — South East Inner City	Navan
Dublin — South Inner City	New Ross
Dublin — South West Inner City	Sligo
Dún Laoghaire / Rathdown	Tipperary
Limerick — Kings Island	Tralee
Limerick — Northside	Tuam
Limerick — Southside	Wexford
Drogheda	Youghal
Dundalk	
Tallaght — Jobstown	
Tallaght — Killinarden	
Tallaght — Fettercairn	
Waterford	

Forestry Protection.

334. **Mr. Sargent** asked the Minister for Agriculture and Food if she has satisfied herself with the adequacy of tree protection legislation; and if there are plans to review and update the provisions. [29805/04]

Minister for Agriculture and Food (Mary Coughlan): The main instrument for the protection of trees in Ireland is the Forestry Act 1946, which lays down provisions in relation to felling, uprooting and injury of trees. Additional protection is provided for under the Planning and Development Act 2000 which empowers local authorities to place tree preservation orders on trees. I intend to review the body of forestry legislation next year. This will incorporate a full examination of the adequacy of the provisions providing for tree protection, including review of the administration of the felling licensing system. A legislative review group has already carried out some work on this matter.

Grant Payments.

335. **Mr. Ring** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Mayo still has not received the special beef premium payment. [29682/04]

Minister for Agriculture and Food (Mary Coughlan): Further to my reply to Question No. 213 of 3 November 2004 in which I indicated that payment would issue shortly to the person named, I am pleased to confirm that the 60% advance payment in the amount of €3,870 issued to the person named on 12 November 2004.

Mayo Landslides.

336. **Mr. Ring** asked the Minister for Agriculture and Food if the compensation payment to a person (details supplied) in County Mayo will be reviewed and reassessed in order that the payment can be increased. [29683/04]

Minister for Agriculture and Food (Mary Coughlan): The person named is an applicant under the Pullathomas landslide damage relief scheme. Payments were issued by my Department to all eligible farmers on 15 October 2004. My Department has carried out a review of this case and has not found any grounds for an increase in the level of compensation paid to the applicant.

337. **Mr. Ring** asked the Minister for Agriculture and Food the position regarding the review of a compensation payment received by a person (details supplied) in County Mayo; and if the amount to this person has been increased. [29684/04]

Minister for Agriculture and Food (Mary Coughlan): The person named is an applicant under the Pullathomas landslide damage relief scheme. My Department has carried out a review of the case concerned and is satisfied that the assessment of the damage is reasonable and in accordance with the terms of the scheme. However, during the course of the review an error in calculation was discovered as a result of which a further sum of €45 is due to the applicant. Arrangements are being made for the payment of this amount to the applicant and a cheque will issue shortly.

Veterinary Medicines.

338. **Mr. Naughten** asked the Minister for Agriculture and Food, further to Question No. 262 of 29 September 2004, her plans for intramammary medicines; and if she will make a statement on the matter. [29695/04]

Minister for Agriculture and Food (Mary Coughlan): Following a review by my Department of the existing regime governing the distribution and sale of veterinary medicines, it was concluded earlier this year that a number of changes to the regime would be appropriate to give effect to the Irish Medicines Board report on

intramammarys and take account of developments since the original legislation was enacted. Since that time, my Department has had a number of meetings with stakeholders and received a number of submissions which have been under consideration. The next formal stage in the process is to consult the animal remedies consultative committee. I have recently reactivated this committee so that this consultation can take place in the near future. Following completion of this process, it is my intention that the necessary legislative amendments will be finalised and brought into effect as soon as possible.

Grant Payments.

339. **Mr. Timmins** asked the Minister for Agriculture and Food the position with regard to a suckler cow payment 2003 for a person (details supplied) in County Wicklow; if this can be made as a matter of urgency; and if she will make a statement on the matter. [29748/04]

Minister for Agriculture and Food (Mary Coughlan): The person named is the husband of the registered herd owner. The registered herd owner applied on 20 animals under the 2003 suckler cow premium scheme on 14 February 2003 and has been paid her full entitlement under this scheme. The 80% advance payment, amounting to €3,586.40, issued to her on 20 October 2003 and the 20% balance payment of €896.60 issued to her on 1 April 2004.

The registered herd owner applied on 20 animals under the 2004 suckler cow premium scheme on 12 March 2004. Following an inspection of the herd on 9 July 2004 the application was cross-checked against the cattle movement monitoring system database where it was found that one of the animals applied on, tag number FBA799023, moved out of the herd on 5 May 2004. Paragraph 21 of the terms and conditions governing the 2004 suckler cow premium scheme provides that animals may be classified as acceptable replacements provided that replacement takes place within 20 days. In this instance, the replacement animal, tag number PWCD0086E, moved into the herd on 9 June 2004. My Department wrote to the registered herd owner on 17 November 2004 advising that animal tag number FBA799023 was rejected from her application as it had not been replaced within the required 20 day period and that the premium due on her remaining eligible animals would be subject to a reduction penalty to be calculated at the end of the scheme year. She was also advised that she could seek a review of this decision by writing to my Department within seven days and supplying any information that she believed would help her case. Processing of her 2004 suckler cow premium scheme application will be finalised on receipt of her response.

Bovine Disease Controls.

340. **Mr. Timmins** asked the Minister for Agri-

[Mr. Timmins.]
culture and Food the position with regard to a person who wishes to apply for a herd number; the criteria which must be fulfilled and the procedures which must be followed; and if she will make a statement on the matter. [29749/04]

Minister for Agriculture and Food (Mary Coughlan): The herd number system is an administrative arrangement under the bovine disease eradication schemes. A herd number is issued to the keeper of bovine animals, being a person, for the purposes of and solely in the interests of disease control for bovine animals. The same system, however, is used to identify applicants for various schemes operated by my Department. I emphasise that a herd number does not confer ownership of animals or lands tested under a herd number on any particular person acting as the keeper.

The main criteria taken into account in the allocation of a herd number are the herd is managed at all times as a separate unit without intermixing with other herds, for example, separate farm equipment, housing and fodder; adequate handling facilities are available to enable satisfactory testing to be carried out on each holding; and the herd has a distinct owner-manager, known as keeper, who can be legally responsible for breaches of the animal health regulations.

The general details in regard to applying for a herd number are outlined in the application form ER1, a copy of which I am arranging to send to the Deputy. Applications for a herd number must be submitted to the applicant's local district veterinary office. The local DVO will advise the person wishing to apply for a herd number should further details be required.

Grant Payments.

341. **Mr. S. Ryan** asked the Minister for Agriculture and Food the reason beef premium and suckler payments were not made to a person (details supplied) in County Tipperary for the years 2002, 2003 and 2004. [29764/04]

342. **Mr. S. Ryan** asked the Minister for Agriculture and Food the reason an area based payment was not granted to a person (details supplied) in County Tipperary. [29765/04]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 341 and 342 together.

I understand there are legal proceedings between members of the family involved in this case. As a result my Department is not in a position to identify the person entitled to payment of grants and accordingly payment must be withheld until the dispute is resolved.

343. **Mr. P. Breen** asked the Minister for Agriculture and Food when a person (details supplied) in County Clare will receive headage payment; and if she will make a statement on the matter. [29766/04]

Minister for Agriculture and Food (Mary Coughlan): The person named has advised my Department of the death of her late husband, with whom she was registered as joint herdowner. My Department has asked that she provide a letter from her solicitor confirming that she is entitled to full ownership of the lands and stock. As soon as this information is received her applications for 2004 area-based compensatory allowance and 2004 suckler cow premium will be processed for payment.

344. **Mr. Perry** asked the Minister for Agriculture and Food if she will again review the *force majeure* application of a person (details supplied) in County Sligo; and if she will make a statement on the matter. [29767/04]

Minister for Agriculture and Food (Mary Coughlan): The person named, having been notified that the circumstances outlined by him did not satisfy the criteria for *force majeure*-exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003, submitted an appeal to the independent single payment appeals committee. Following a full examination of the circumstances outlined in the appeal, the independent single payment appeals committee made a recommendation and a letter issued to the person named on 24 August 2004. The appeals committee found that the original decision taken by my Department should be upheld.

My Department has re-examined the circumstances of this case, taking account of the additional medical evidence submitted and has decided that the single farm payment entitlements for the person named will be based on the 1997-1999 reference period. A statement of provisional entitlements reflecting this position will issue shortly to the person named.

345. **Mr. Perry** asked the Minister for Agriculture and Food if she will rescind the decision made on the *force majeure* of a person (details supplied); and if she will make a statement on the matter. [29768/04]

Minister for Agriculture and Food (Mary Coughlan): The person named, having been notified that the circumstances outlined by him did not satisfy the criteria for *force majeure*-exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003, submitted an appeal to the independent single payment appeals committee. Following a full examination of the circumstances outlined in the appeal, the independent single payment appeals committee made a recommendation and a letter issued to the person named on 29 September 2004. The appeals committee found that the original decision taken by my Department should be upheld.

My Department has re-examined the circumstances of this case, taking account of the additional medical evidence submitted and has decided that the reference year 2000 will be

excluded from the calculation of the single farm payment entitlements for the person named and the entitlements will be based on the reference years 2001 and 2002 only. A statement of provisional entitlements reflecting this position will issue shortly to the person named.

346. **Mr. Perry** asked the Minister for Agriculture and Food if a decision will be expedited on forestry payment for a person (details supplied); and if she will make a statement on the matter. [29769/04]

Minister for Agriculture and Food (Mary Coughlan): The forest service of my Department has been in contact with the person in question and awaits documentation from him.

347. **Mr. P. Breen** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Clare did not qualify for forestry premium; and if she will make a statement on the matter. [29831/04]

Minister for Agriculture and Food (Mary Coughlan): The person named was an applicant under the 1989 EEC scheme of compensatory allowances in respect of forestry paragraph 3(a) of the terms and conditions of the scheme: provided that the scheme will apply only to individual natural persons permanently engaged in agriculture who were in receipt of 1986, 1987 and 1988 grants under the sheep headage scheme or cattle and equine headage scheme or beef cow scheme in the disadvantaged areas.

As the person named did not receive grants under the disadvantaged areas schemes in 1986, 1987 and 1988, he was deemed ineligible and was notified of the decision in writing by my Department on 13 March 1990.

Decentralisation Programme.

348. **Mr. Sargent** asked the Minister for Agriculture and Food the location to which the national council for forest research and develop-

ment, COFORD, is to be decentralised. [30160/04]

Minister for Agriculture and Food (Mary Coughlan): The national council for forest research and development is a non-statutory agency under the aegis of my Department with a contract staff of five persons. It is located in Dublin, separate from the Department. No decision has been taken about its decentralisation.

Pension Provision.

349. **Mr. Sargent** asked the Minister for Agriculture and Food the pension arrangements in respect of the personnel in the work of the national council for forest research and development. [30161/04]

Minister for Agriculture and Food (Mary Coughlan): Three staff of the national council for forest research and development are members of the non-contributory pension scheme for non-established State employees and also of the spouses and children's contributory scheme for non-established State employees. A further member of staff is on secondment from Coillte and is a member of the Coillte pension scheme. The remaining staff member is employed through an agency and the pension arrangements in this case are not a matter for this Department.

Departmental Expenditure.

350. **Mr. Sargent** asked the Minister for Agriculture and Food if she will provide a breakdown of expenditure and estimated cost of expenditure outstanding by her Department on recently published books (details supplied); and if any of the expenditure is recoverable from the European Union or any other party. [30162/04]

Minister for Agriculture and Food (Mary Coughlan): The expenditure and projected income associated with the two recently published the national council for forest research and development books *Trees Forests and the Law in Ireland* and *Irish Forestry — A Concise History* are set out below.

Trees, Forests and the Law in Ireland

Income		Expenditure	
	€		€
Sales *	1,660.00	Authors	5,209.40
		Printing	3,233.00
Projected Additional Sales:	6,980.00	<i>Launch:</i>	
		Venue	1,615.50
		Invites	235.95
		Photographer	428.00
		Posters	50.00
Total:	8,640.00	Total:	10,771.85

*Postage and packaging is charged at cost.

Irish Forestry — A Concise History

Income		Expenditure	
	€		€
Sales *	390.00	Legal review	200.00
		Printing	3,127.00
Projected Additional Sales:	8,600.00	<i>Launch:</i>	
		Venue	562.79
		Invites	235.95
		Copyright	235.00
Total:	8,990.00	Total:	4,360.74

* Postage and packaging is charged at cost.

There is no expenditure outstanding on these publications. The expenditure is not recoverable from the European Union or any other party.

351. **Mr. Sargent** asked the Minister for Agriculture and Food if she will provide a breakdown (details supplied) of expenditure by or on behalf of the national council for forest research and development during the past 12-month period available; and if she will also provide an estimate of the cost of depreciation of any significant assets in use during the period and of services rendered to the national council for forest research and development by other units within her Department and other Departments or State agencies. [30163/04]

Minister for Agriculture and Food (Mary Coughlan): The breakdown of the national council for forest research and development costs for the calendar year 2003, by category requested, is set out below. There was no depreciation of any significant assets in use in 2003 and the national council for forest research and development did not avail of any services from its parent Department at that time, the Department of Marine, Communications and Natural Resources, or any other Department. A copy of the national council for forest research and development annual report for 2003 was made available to all Deputies.

Cost category	€
Advertising	13,630.01
Conferences/Seminars	18,535.87
Printing/Stationery	109,728.40
Projects	1,201,888.18
Rent/Phones	8,765.37
Researcher Training	7,659.16
Running Costs	185,073.08
Salaries	147,607.00
Travel & Subsistence	52,648.06
Total	1,745,535.13

EU Funding.

352. **Mr. Sargent** asked the Minister for Agriculture and Food the reason the European Com-

mission propose to disallow EU funds of circa €800,000 from the final claim under the forestry operational programme for agriculture and rural development 1994-1999; and the outcome of the proposal. [30164/04]

Minister for Agriculture and Food (Mary Coughlan): The European Commission has indicated that certain expenditure relating to staff costs for research and development under the forestry heading of the operational programme for agriculture and rural development, 1994-99, is ineligible for co-funding. Such expenditure had, however, been deemed eligible under the previous operational programme.

This matter has been in dispute for some time. It was agreed to exclude the expenditure in question from the formal closure of accounts procedure in 2003, on a 'without prejudice' basis. My Department, which now has responsibility for this matter, hopes to bring this matter to a conclusion very shortly.

Tuberculosis Incidence.

353. **Cecilia Keaveney** asked the Minister for Agriculture and Food, further to Question Nos. 97 of 8 October 2003 and 180 of 9 December 2003, the progress which has been made since to rectify tuberculosis problems that a number of herd owners are experiencing at a location (details supplied) in County Donegal; and if she will make a statement on the matter. [30165/04]

Minister for Agriculture and Food (Mary Coughlan): As stated in reply to Parliamentary Question No. 180 of 9 December 2003, a survey and sampling of badgers was conducted under licence in mid November 2003. A substantial proportion of the badgers were removed and these were sent for post mortem examination. A high rate of TB lesions was disclosed indicating a link with infection in the bovine herd from the local badger population. The disease situation in the area has improved since last year, with four herds restricted compared to six in September 2003. Epidemiological studies indicate that all of these cases are related to the original breakdown.

Milk Quota.

354. **Mr. Wall** asked the Minister for Agri-

culture and Food the payments due to persons (details supplied) in County Kildare; further to previous parliamentary questions, the position regarding decoupling and the problems that they have now in regard to leasing and milk quotas; and if she will make a statement on the matter. [30201/04]

Minister for Agriculture and Food (Mary Coughlan): Having checked the Department's database using the details supplied, there is no evidence that any payments are due to the persons named. As indicated in previous replies in respect of the decoupled dairy premium, where a lease of lands and milk quota expires during the milk quota year, that part of the milk quota utilised by the lessee will be available to that person for the purpose of establishing the decoupled premium in 2005. The remainder of the leased quota will be transferred to the lessor, if the lease is not renewed. The lessor will be entitled to the decoupled dairy premium on the transferred quota if he or she is a milk producer during the 2004-05 milk quota year or commences milk production in his or her own right prior to May 2005.

Farm Management.

355. **Mr. McGuinness** asked the Minister for Agriculture and Food further to a previous parliamentary question, the action she intends to take in the case of a person (details supplied) in County Kilkenny; the reason the farming agencies subject to her Department are not proactively searching for a solution to the problem or actively engaging with the person; if there is an aid package the person can avail of to ease the hardship caused by the exceptional circumstances of their case; if she and her senior officials will visit the farm; and if she will make a statement on the matter. [30210/04]

Minister for Agriculture and Food (Mary Coughlan): Following concerns expressed by a few farmers about animal production on individual farms in County Kilkenny, and in accordance with an established protocol, investigations involving several relevant agencies are under way. Staff from my Department have visited the farm concerned on several occasions. Likewise, Teagasc staff have been to the farm. Two inter-agency meetings have already been held about this matter involving my Department, Teagasc, the local authorities and the Environmental Protection Agency.

Grant Payments.

356. **Ms Cooper-Flynn** asked the Minister for Agriculture and Food the grants that are available through her Department for marts; the number of such applications that have been made; the location of same; and the level of grant assistance sought. [30234/04]

Minister for Agriculture and Food (Mary Coughlan): Under my Department's capital

investment scheme for the marketing and processing of certain agricultural products, up to 40% grant aid may be awarded for capital projects intended to improve the marketing and processing of products in the horticulture, potatoes, grain, egg packing and livestock, including marts, sectors. Awards are made following evaluation and taking account of the funding available. In the case of marts, grant assistance is geared towards the improvement of marketing facilities, with grant aid being prioritised towards rationalisation and relocation of existing enterprises.

Under the current call for proposals eight applications, seeking grant aid in the region of €6 million, have been received in respect of the following livestock marts: Castlerea Co-Op, Castlerea, County Roscommon; Connacht Gold Co-Op, Balla, County Mayo; Cork Co-Op, Cahir, County Tipperary; Cork Co-Op, Dungarvan, County Waterford; Cork Co-Op, Macroom, County Cork; Inishowen Co-Op, County Donegal; Kilkenny Co-Op Livestock Market Limited; Listowel Livestock Mart, Listowel, County Kerry. These applications are being evaluated and decisions will be made in the coming weeks in respect of those applications where all the necessary planning approvals have been obtained.

As the problem on the farm is a complex one, the approach has been to investigate as many factors as possible in a methodical, scientific way so that the most appropriate course of action can be pursued to try to identify the underlying cause. This work is ongoing and is being progressed as quickly as possible. The farmer concerned has been very much involved in all aspects of this investigation and has been kept fully informed at all times. My Department does not operate any scheme to alleviate hardship in circumstances such as are being encountered in this case. I am satisfied that this matter is being examined by those persons, within and outside my Department best qualified to carry out this work and I look forward to the result of that examination.

357. **Mr. Kehoe** asked the Minister for Agriculture and Food if an application for the suckler cow premium by a person (details supplied) in County Wexford will be accepted. [30249/04]

Minister for Agriculture and Food (Mary Coughlan): The application period for the 2004 suckler cow premium scheme ran from 2 January 2004 to 30 June 2004. Applications received after 30 June but before the 26 July 2004 could be accepted subject to the application of a late penalty. No premium is payable on applications received on or after 26 July 2004.

The person named submitted his application under the 2004 suckler cow premium scheme on 9 November 2004. As the application was lodged after the closing dates outlined above, my Department advised him that his application could not be accepted. He was also advised that he could seek a review of this decision by writing

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to my Department and supplying any information that he felt would help his case.

To date, my Department has not received any request for review. If the person named wishes to seek a review on medical grounds he will need to provide a medical certificate covering the nature and dates of his illness.

358. **Mr. P. Breen** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Clare has not received area aid payment; and if she will make a statement on the matter. [30257/04]

Minister for Agriculture and Food (Mary Coughlan): The person named was selected for a good farming practice inspection in 2004. At inspection a discrepancy in the area of the holding was found. Pending resolution of the query payment of the 2004 area-based compensatory allowance could not be made. The problem has now been resolved and payment of the full amount due will be made to the person named shortly.

Human Rights Issues.

359. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that non-nationals who were granted permission to remain here on the basis of their having Irish citizen children are facing discrimination by employers who wrongly believe that a decision (details supplied) retroactively stripped them of their employment rights; the way in which he intends to combat this problem; and if he will make a statement on the matter. [29993/04]

360. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that non-nationals who were granted permission to remain here on the basis of their having Irish citizen children are facing discrimination in accessing rental accommodation through landlords who wrongly believe that a decision (details supplied) retroactively stripped them of their residency rights; the way in which he intends to combat this problem; and if he will make a statement on the matter. [29994/04]

383. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that non-nationals who were granted permission to remain here on the basis of their having Irish citizen children are facing discrimination by landlords and employers who wrongly believe that a decision (details supplied) retroactively stripped them of their residency and employment rights; the way in which he intends to combat this problem; and if he will make a statement on the matter. [29998/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 359, 360 and 383.

The Employment Equality Acts 1998 to 2004 prohibit discrimination in the context of employment on nine grounds and the Equal Status Acts 2000 to 2004 prohibit discrimination regarding the provision of goods and services, including accommodation on the same nine grounds. Both sets of Acts prohibit discrimination on the basis of race, which includes nationality.

There are two independent bodies with statutory roles, the Equality Authority and the Equality Tribunal. The authority provides information and advice on any of the grounds, whether in an employment or non-employment area. A person may seek redress through the Equality Tribunal which has the power to refer a case for mediation or investigation. If the director of the tribunal finds in favour of the complainant, he or she may make an order for award of compensation and/or order a specific course of action to be taken.

Arising from commitments given by the Government at the 2001 UN Conference Against Racism in Durban and reaffirmed in Sustaining Progress, I will shortly launch the national action plan against racism. The plan will provide strategic direction to combat racism and to develop a more inclusive, intercultural society in Ireland. It will form the cornerstone of the Government's anti-racism policy. The labour inspectorate of the Department of Enterprise, Trade and Employment is responsible for monitoring certain employment conditions for all categories of workers in Ireland, including immigrant workers. It is open to inspectors to pursue allegations of worker mistreatment, to seek redress for the individuals concerned, and to refer matters to the appropriate legal officers for a decision on possible prosecution.

Drug Treatment Services.

361. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the position regarding compulsory drugs testing of prisoners; and if he will make a statement on the matter. [29663/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As envisaged in the programme for Government, the introduction of mandatory drug testing will be central to supporting future policy on drug supply and demand reduction in prisons. Already prisoners accommodated in the open centres at Shelton Abbey and Loughan House and in the designated drug-free areas of the training unit in the Mountjoy complex, St. Patrick's institution and Wheatfield Prison are required to undergo frequent drug tests to confirm their drug-free status.

Mandatory drug testing will, however, operate across the prison system. Crucially, it will, for the first time, provide firm information on the prevalence and nature of drug abuse in the prison

system. It will disclose trends in drug misuse, enable identification and referral of drug abusers to treatment programmes, enable enhanced focusing of resources and act as a deterrent to drug misuse. Without this basic information, planning for treatment can never be as focused as it should be and resources can never be effectively targeted. The introduction of mandatory drug testing will allow the Irish Prison Service to deploy its resources in the most rational and productive manner. The new prison rules, which are at an advanced stage of preparation, will include specific provision for mandatory drug testing.

Sentencing Policy.

362. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the progress made to date on legislation laying down uniform guidelines and principles in relation to the punishment of offenders; and if he will make a statement on the matter. [29665/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The traditional approach to sentencing is for the Oireachtas to lay down the maximum penalty and for a court having considered all the circumstances of the case to impose an appropriate penalty up to that maximum. This approach reflects the doctrine of the separation of powers. The Executive lays down the possible punishment range but it is for the courts to decide the punishment to be applied to the offender taking account of the seriousness of the crime and all the circumstances of the case and of the offender.

With regard to drug offences, part II of the Criminal Justice Act 1999, which came into effect on 26 May 1999 provides in section 4 for the creation of a new offence related to the possession of drugs with a value of IR£10,000 or €13,000 or more for the purpose of sale or supply, which is punishable by up to life imprisonment. It also provides in section 5 that the court shall, in imposing sentence, specify a minimum period of imprisonment to be served of not less than ten years upon conviction for the offence.

Section 5 also provides, however, that a court is entitled to depart from the imposition of the minimum sentence where there are exceptional and specific circumstances relating to the offence or the person convicted of the offence which would make it unjust in all the circumstances to impose the minimum ten year sentence. Factors to which the court may have regard in this respect include whether the person pleaded guilty, and if so, the stage at which the person indicated the intention to plead guilty and the circumstances in which the indication was given, and whether the person materially assisted the investigation of the offence. I am considering bringing forward a number of amendments to strengthen these provisions by way of amendments to the Criminal Justice Bill 2004, which is before the House. I am also considering bringing forward several pro-

posals for the creation of mandatory minimum sentences for certain firearm offences.

There are no plans to lay down uniform guidelines and principles on sentencing. The courts are in the best position to see just what is the proper sentence. They alone can take all the circumstances in a particular case into account and seek to ensure that the scales of justice are being properly balanced.

Judicial Conduct.

363. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the reason for the delay in fulfilling the promise made in the programme for Government regarding legislation for judicial conduct; and if he will make a statement on the matter. [29666/04]

364. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the details of the general scheme of the proposed legislation for judicial conduct; if the heads of the Bill will be published; and if he will make a statement on the matter. [29667/04]

365. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the anticipated date of publication of the legislation for judicial conduct; and if he will make a statement on the matter. [29668/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 363 to 365, inclusive, together.

The programme for Government promised legislation to provide effective remedies for complaints about judicial misbehaviour. The preparation of heads of a judicial council Bill is at an advanced stage in my Department, and I expect to be in a position shortly to bring the heads to Government for approval, with a view to publishing the Bill in the first half of 2005. The legislation will provide, among other things, a process for the investigation of complaints about judicial misbehaviour, including lay participation in such investigations.

It is my intention, as previously stated in answer to a question from the Deputy last July, to bring the heads of the Bill before the Oireachtas Joint Committee on Justice, Equality, Defence and Women’s Rights when they have reached a suitable stage so that members of both Houses can have a pre-emptive look at how the legislation is developing. I am confident that the promised legislation will be enacted during the term of office of the present Government; so the question of a delay in fulfilling the promise made in An Agreed Programme for Government does not arise.

Departmental Funding.

366. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform how much money was made available to the Judicial Studies

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Institute in each of the past four years; and if he will make a statement on the matter. [29669/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The sums of money made available to the Judicial Studies Institute in each of the past four years are as follows:.

Year	€
2001	317,435
2002	368,000
2003	400,000
2004	400,000

Garda Stations.

367. **Mr. Crawford** asked the Minister for Justice, Equality and Law Reform if he intends to downgrade the status of the Garda headquarters in Monaghan town; if not, if Monaghan station will be upgraded in view of the failure to decentralise any worthwhile project to Monaghan town or the north Monaghan region; and if he will make a statement on the matter. [29681/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There are no plans to alter the status of Monaghan Garda station.

The Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with the agreed programme for Government commitment in this regard. This is a key commitment in the programme for Government, and its implementation will significantly strengthen the operational capacity of the force. The Commissioner will draw up plans on how best to distribute and manage these resources. The additional resources will be aimed at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies particular areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities as well, such as the need significantly to increase the number of gardaí allocated to traffic duties. The additional gardaí will not be put on administrative duties. They will be put directly into frontline, operational, high-visibility policing. They will have a real impact.

Prisoner Transfers.

368. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform, further to Question No. 290 of 12 October 2004, his views on the fact that the person has been moved to a prison in the north of England; and the position regarding efforts to transfer this person to a prison here. [29702/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As I recently informed the Deputy, my Department has received the High Court warrant which allows for the transfer of

this individual into this country and the continued enforcement of his prison sentence under the transfer of sentenced persons legislation.

However, Irish prison officers are required to provide the escort for prisoners transferring into this country under the legislation. Due to necessary cutbacks in overtime levels in the Irish Prison Service, as well as for operational reasons, it has been necessary for the Irish Prison Service to restrict such prison transfers into Ireland to one per month. Several prisoners are on the list for transfer. However, I have been assured that this transfer will be effected as soon as is practically possible.

National Drugs Strategy.

369. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform the progress being made in developing a co-ordinated framework on drug policy within each Garda district; and if he will make a statement on the matter. [29733/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that, since March 2004, the Garda structures for delivering local drugs strategies have been enhanced by the establishment of a specific co-ordinating framework for delivering the organisation’s overall drug strategy. This co-ordinating framework involves the nomination of individuals at the following levels within the organisation: national, assistant commissioner; national support services; regional, detective superintendent; divisional, inspector; and district, sergeant. Part of the role of the nominated individuals is the compilation of divisional drug policing plans which reflect local priorities in terms of reduction of supply and demand for drugs.

370. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform the progress to date in establishing community policing fora; and if he will make a statement on the matter. [29734/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Two community policing fora have been established in the context of the national drugs strategy. These are operating on a pilot basis under the aegis of the north inner city and Finglas — Cabra local drugs task forces, respectively.

Also, the Garda Commissioner has established a community policing forum in Dublin’s “A” Garda district on a pilot basis following extensive consultations between the gardaí and community interests. The establishment of community policing fora, in general, needs to be delivered in the context of an appropriate policy framework for what will be relatively new partnership structures involving the gardaí, local authorities and local communities to deal with a range of issues of mutual concern. Such a framework will ensure that community policing fora are developed in an appropriate, consistent and properly planned manner.

Work is well under way on the development of such a policy framework. The Garda Síochána Bill 2004 represents the most significant legislative reform of Garda structures since the foundation of the State. Included in its draft provisions are mechanisms for enhanced co-operation between the gardaí and local authorities through the establishment, on a statutory basis, of policing committees. It is intended that such committees will act as fora where matters relating to all aspects of policing can be discussed and where strategies and recommendations for dealing with issues arising locally can be decided. It is also intended that these policing committees will facilitate the establishment of local policing fora to address specific issues in local areas.

Drugs in Prison.

371. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform when he expects work on the prison drugs policy to be completed; when the policy will be put in place; and if he will make a statement on the matter. [29735/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Preparation of a drugs policy for the Irish Prison Service is at an advanced stage and I expect to publish it early next year. The new policy will facilitate consistent regulation and operational structure in pursuing both supply and demand reduction.

Proposed Legislation.

372. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform when he expects the drug offenders Bill to be published and brought before the Houses of the Oireachtas; and if he will make a statement on the matter. [29736/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The purpose of the drug offenders Bill as set out in the Government legislative programme, is to provide for the registration of convicted drug dealers with the gardaí and to provide for stiffer penalties for persons involved in the supply of drugs to a prisoner in accordance with the commitments in An Agreed Programme for Government. Work on preparation of the Bill is at a preliminary stage of examination and I am not yet in a position to indicate a timeframe for its publication. However, I am examining proposals on the creation of an offence of supplying controlled drugs to a prison or place of detention with a view to bringing forward appropriate amendments for inclusion in the Criminal Justice Bill 2004 which is currently before the House.

373. **Mr. Connolly** asked the Minister for Justice, Equality and Law Reform his views on the increase in drugs and alcohol abuse in the north-east region; the strategies that are in place to deal with it; and if he will make a statement on the matter. [29752/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Department of Community, Rural and Gaeltacht Affairs is the lead Department in tackling the problem of drug abuse as it co-ordinates the implementation of the National Drug Strategy across the four pillars of supply reduction, treatment, education-prevention and research. My Department and its associated agencies are mainly concerned with supply reduction. In that context, I am informed by the Garda authorities that there has been no noticeable increase in the incidence of abuse of controlled drugs in the north-eastern region. That does not imply any complacency in the matter. Drug law enforcement is a high priority in the region and a number of successful operations targeting known suppliers of illicit drugs have been conducted this year.

To ensure that a more co-ordinated response is in place to tackle the problem of drug misuse across the country, the National Drugs Strategy 2001-2008 provides for the establishment of ten regional drug task forces, or RDTFs. I understand from my colleague, the Minister of State at the Department of Community, Rural and Gaeltacht Affairs, that all of these task forces, including the north-eastern RDTF, are currently mapping out the nature and extent of drug misuse in their areas with a view to better co-ordination and addressing gaps in overall service provision.

In this context, €500,000 has been provided by the Department of Community, Rural and Gaeltacht Affairs in the current year for administrative and technical assistance costs incurred by the ten RDTFs in the preparation of their regional action plans. These plans will be completed by early 2005 and recommendations on the funding of the plans will then be brought to the Cabinet committee on social inclusion for approval.

The Department of Health and Children has primary responsibility for tackling the problem of alcohol abuse. The Minister for Health and Children established a strategic task force on alcohol in January 2002. The terms of reference requested the task force to review international research in order to identify evidence-based measures effective in preventing alcohol related harm. It was also requested to recommend specific, evidence-based measures to Government to prevent and reduce alcohol related harm in Ireland. The task force has published two reports which contain approximately 100 recommendations. These recommendations provide a blueprint for tackling alcohol problems in Ireland. The second report is due to go to Government in the near future. As is the case with drug abuse, the gardaí in the north-eastern region are proactive when it comes to law enforcement in the area of alcohol abuse.

374. **Mr. Connolly** asked the Minister for Justice, Equality and Law Reform if he has formulated proposals to address this increasing problem of driving under the influence of drugs;

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and if he will make a statement on the matter.
[29753/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Road traffic legislation is the responsibility of the Minister for Transport. The influence of drugs on driving behaviour is an issue of increasing concern. However, identification of the presence of drugs is more complex than for alcohol. It is illegal in Ireland to drive while under the influence of drugs to such an extent as to be incapable of having proper control of the vehicle. Section 49 of the Road Traffic Act 1961, as inserted by section 10 of the Road Traffic Act 1994, prohibits the driving of a mechanically propelled vehicle by a person while under the influence of an intoxicant. An intoxicant includes alcohol and drugs and any combination of drugs and alcohol. Enforcement of the law on drug driving is a matter for the gardaí. When a Garda suspects that a motorist is driving under the influence of any intoxicant, he or she may arrest the suspect under section 49 of the Road Traffic Act 1961.

The Medical Bureau of Road Safety continues to analyse specimens for the presence of drugs. Since 1 January 2002 all samples found under the legal limit for alcohol are automatically tested for the presence of a drug or drugs as well as cases where the gardaí request that a test for drugs take place. In order to advance research on drugs and driving in Ireland, additional funding was made available to the Medical Bureau of Road Safety for a two-year programme of drug analysis of blood and urine specimens, the results of which were published in June 2004. A total of 2,000 specimens were selected for drug analysis, 1,000 with results under the limit for alcohol and 1,000 over the limit. Of those samples with essentially zero levels of alcohol, 68% were positive for one or more drugs. The recently published Road Safety Strategy 2004-2006 proposes that the MBRS together with the department of forensic medicine at University College Dublin will put in place an education programme in drug recognition techniques for gardaí and doctors in order to further facilitate the operation of drug testing.

Citizenship Applications.

375. **Mr. Gogarty** asked the Minister for Justice, Equality and Law Reform when a decision will be made on the application for Irish citizenship by a person (details supplied) in County Dublin; and if he will make a statement on the matter. [29760/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by officials in the citizenship section of my Department that the processing of the application for naturalisation from the person concerned has now been completed and that it is due to be forwarded to me for a decision in the coming weeks. I will inform the Deputy and the person con-

cerned as soon as I have reached a decision in this case.

Refugee Status.

376. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform the reason the application by a person (details supplied) for refugee status was rejected. [29775/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It is not the practice to comment in detail on individual asylum applications. Applications are processed in accordance with the provisions of the Refugee Act 1996, as amended and in particular having due regard to the definition of a “refugee” in section 2 of that Act which states that a refugee is a person who, owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence, is unable or, owing to such fear, is unwilling to return to it.

In considering an asylum claim, consideration is given to the subjective and objective elements of the application. The subjective element of an asylum application concerns the applicant’s individual circumstances as they are perceived and described by him or her. The objective element of the application concerns the relevant country of origin information which comes from a wide variety of sources including information from organisations such as the UNHCR, Amnesty International, the US State Department, Canadian Boards of Immigration and other EU member states as well as media and internet sources. In addition to these periodically updated sources, the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal have access to up to date news reports regarding events and developments in the countries concerned.

Asylum Applications.

377. **Mr. M. Higgins** asked the Minister for Justice, Equality and Law Reform the details of his response to the advice given by the UNHCR regarding the treatment of Iraqi asylum seekers, including those who have been rejected. [29783/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy will be aware, processing of asylum applications in Ireland is carried out within an independent statutory framework as set out in the Refugee Act 1996, as amended. This Act provides for an investigation at first instance by the independent Office of the Refugee Applications Commissioner, ORAC, and any subsequent appeals by the independent Refugee Appeals Tribunal, RAT. The granting of

refugee status in Ireland is considered in accordance with the definition of refugee contained in section 2 of the Refugee Act 1996, as amended.

In March 2003, UNHCR advised countries to suspend all forced returns to Iraq, and further requested the suspension of individual processing of asylum requests. The ORAC and RAT subsequently took a decision to suspend processing of applications for asylum from Iraqi nationals in light of this advice and as the rapidly evolving situation in Iraq had made meaningful analysis of applications unfeasible. Throughout 2003, ORAC and RAT liaised with UNHCR regarding their position on Iraq and the processing of Iraqi nationals.

ORAC re-commenced processing of Iraqi applicants in March 2004. Interviews were conducted with all Iraqi applicants on hands and these cases have since been determined at first stage. Given the length of time which has elapsed since their initial application, applicants were given the opportunity to submit any additional information which they wished to have taken into account in the determination of their case. In considering such applications and determining whether to grant refugee status, account was taken of the UNHCR advice to states on the possibility of persecution emanating from non-state agents currently active in Iraq and to the potential relevance of past persecution in determining whether to grant refugee status. Following this decision by ORAC, the RAT subsequently resumed processing of Iraqi cases on appeal as they arose.

In deciding whether or not to deport a person, including a failed asylum seeker, one of the factors considered is the *refoulement* provision in section 5 of the Refugee Act 1996, as amended. In relation to potential returnees to Iraq, the current situation in that country is assessed. Each case is considered on an individual basis and the situation in Iraq is monitored regularly to ascertain whether persons can be returned there. The current advice of the UNHCR on returns forms an important part of the assessment of the Iraqi caseload.

Garda Disciplinary Proceedings.

378. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if he intends to publish the internal Garda review into the events at the reclaim the streets manifestation in Dublin city centre on 6 May 2002. [29803/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The circumstances surrounding the events of the demonstration in Dublin on 6 May 2002 were investigated by the Garda Síochána and as a result of that investigation, a file containing certain recommendations was forwarded to the Director of Public Prosecutions for his directions. Prosecutions were instigated in a number of cases and while some cases have been dealt with by the courts others are still pending. Separately, certain civil actions have been

initiated arising from the events of that day. In all the circumstances, I do not think it would be appropriate for me to comment further at this stage.

Alcohol Promotions.

379. **Mr. R. Bruton** asked the Minister for Justice, Equality and Law Reform if the new provision planning drink promotions at concessionary prices is in force; if publicans are entitled to designate a certain night of the week on which drink will be available cheaper on their premises; and if he will make a statement on the matter. [29813/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The position is that section 20 of the Intoxicating Liquor Act 2003 prohibits the supply of intoxicating liquor at a reduced price during a limited period on any day. It is intended to discourage practices which may lead to excessive consumption of intoxicating liquor, such as “happy hours” and it came into operation on 18 August 2003. For the purposes of section 20, “reduced price” is defined as a price less than that regularly being charged for the intoxicating liquor during an earlier period after 10.30 a.m. on the day concerned and after 12.30 p.m. on a Sunday. It does not, therefore, prohibit commercial practices such as an annual wine sale or a product promotions taking place over one or more days, as long as intoxicating liquor is not sold at a reduced price during a limited period after 10.30 a.m. on any day.

Section 22 of the 2003 Act provides for the making, should the need arise, of regulations prohibiting or restricting a licensee from doing or permitting, for the purposes of promoting the licensee’s business or any event or activity taking place on the licensed premises, anything that is intended or likely to encourage persons on those premises to consume intoxicating liquor to an excessive extent.

Departmental Correspondence.

380. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if he will provide a substantive response to correspondence he has twice received from this Deputy in the matter of a person (details supplied) in County Donegal. [29816/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I expect that the Deputy will by now have received my recent response to him on the matter he has raised.

Garda Strength.

381. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 293 of 12 October 2004, if he is unable to give the population of gardai in sub-districts and the way in which he can thus ensure that Garda resources are allo-

[Mr. P. McGrath.]

cated appropriately in heavily populated areas; and if he will make a statement on the matter. [29838/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Population statistics do not correlate to Garda sub-district boundaries. Following each census of population the Central Statistics Office, on completing its analysis, supplies the Garda Síochána with population figures for each Garda division and district only. The 1996 data is the most recent available, as the breakdown from the 2002 census has not yet been supplied. However, in conjunction with the CSO, a programme is underway to further sub-divide the 2002 data. This will enable the Garda Síochána to quantify the population of Garda sub-districts. It is expected that this additional information will be available in early 2005. District and divisional data will continue to be produced.

I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, that Garda personnel allocation throughout the country is continually monitored and reviewed by Garda management to ensure that the optimum use is made of Garda personnel. The Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with the agreed programme for Government commitment in this regard. This is a key commitment in the programme for Government, and its implementation will significantly strengthen the operational capacity of the force. The Garda 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 areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities as well, such as the need to significantly increase the number of gardaí allocated to traffic duties. One thing I have promised is that the additional gardaí will not be put on administrative duties. They will be put directly into front line, operational, high visibility policing. They will have a real impact.

Departmental Correspondence.

382. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform if he will furnish a reply to correspondence as outlined in the reply to Question No. 1072 of 29 September 2004; and if he will make a statement on the matter. [29955/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I intend to furnish a reply to the correspondence in question in the near future.

Question No. 383 answered with Question No. 359

Registration of Title.

384. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform if the Land Registry Office will expedite any applications pending on a folio for a person (details supplied) in County Mayo; and when this matter will be finalised. [29999/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application under Section 49 (acquisition of title by virtue of long possession) of the Registration of Title Act 1964, which was lodged on 4 August, 2004 — dealing No. D2004SM006422R refers. Due to their complicated nature, applications under section 49, which require detailed examination of claims for registration as owners, can take some time to process. Accordingly, it is not possible to estimate a completion date at this stage. The application is receiving attention in the Land Registry and will be completed as soon as possible.

Garda Stations.

385. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when a Garda station (details supplied) in County Mayo will be officially opened; and if the new station has the PULSE computer system. [30000/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have no plans, at this time, to officially open the Garda station at the location referred to by the Deputy, which has been completed and is occupied. I am informed by the Garda authorities that their intention is to provide a PULSE connection to the station in the new year.

Communications Masts.

386. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform, further to Question No. 235 of 16 November 2004, if such a survey will be carried in view of the fact that it is standard annual practise in many other countries; and if he will make a statement on the matter. [30114/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that, they do not intend to carry out a survey of the electromagnetic field strength of the mast at the station referred to by the Deputy. In my reply to the Deputy to Parliamentary Question No. 168 of 4 November 2004, I outlined the approach being adopted generally by the Garda Síochána to the measurement of the electromagnetic field strengths on masts located at Garda stations. Comreg, which is the licensing authority, also commissions independent surveys to ensure service providers and the Garda Síochána comply fully with licence conditions which includes emission limits in compliance with the guidelines of the International Commission for Non-Ionising Radiation.

Closed Circuit Television Systems.

387. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform when the recommendations of the expert committee on the installation of closed circuit television cameras in an area (details supplied) in Dublin city will be published; the number of gardaí who are employed full time in dealing with the problem of prostitution in the area; the number of women who have been arrested for soliciting in the area for each of the past five years; the number of men who have been arrested for soliciting the services of prostitutes in each of the past five years; the number of pimps living off immoral earnings in the area who have been arrested in each of the past five years; the number of prosecutions and the number of convictions in all these cases; and if he will make a statement on the matter. [30115/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that local Garda management is aware of the current problems in the Montpelier Hill — Arbour Hill — Benburb Street area. The Montpelier Hill area and surrounding streets are the subject of regular foot and mobile patrols by both uniformed and plain clothes gardaí. Two gardaí are employed full time in dealing with prostitution in the area concerned. I am assured the current legislation under the Criminal Law

(Sexual Offences) Act 1993 is being used by the gardaí and that the area will continue to receive close attention. The number of women arrested for soliciting in the area for each of the past five years is as set out hereunder:

Year	Arrests
1999	24
2000	44
2001	44
2002	97
2003	89

The number of men arrested for soliciting the services of prostitutes in the area for each of the past five years is as set out hereunder:

Year	Arrests
1999	31
2000	22
2001	44
2002	63
2003	58

There have been no arrests in respect of persons living off immoral earnings in the area from 1999 to 2003 inclusive. The number of prosecutions and the number of convictions in all of the cases above is as follows:

Year	Women		Men	
	Prosecuted	Convicted	Prosecuted	Convicted
1999	24	22	31	22
2000	44	21	22	09
2001	44	20	44	16
2002	97	66	63	25
2003	89	44	58	42

The CCTV advisory committee, established by the Garda Commissioner to advise on CCTV matters, has received a report from the chief superintendent of the north central division of the Dublin metropolitan region which encompasses the area in question, outlining the CCTV requirements of the division. The advisory committee is still considering this report and is not in a position to make recommendations on the matter to the commissioner at present.

Visa Applications.

388. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform if a holiday visa for a person (details supplied) will be approved. [30117/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The visa in question was approved by my Department on 18 November 2004.

Road Traffic Offences.

389. **Mr. M. Brady** asked the Minister for Justice, Equality and Law Reform the number of prosecutions for non-tax or insurance; and the number of vehicles confiscated. [30118/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The number of prosecutions for non-tax or insurance in which proceedings commenced in 2003 are as follows:

No road tax	16,451
No Insurance	30,430

Between 1 January 2003 and 31 December 2003, the number of vehicles seized under the provisions of section 41 of the Road Traffic Act 1994 is 9,800.

390. **Mr. M. Brady** asked the Minister for Justice, Equality and Law Reform the number of

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vehicles, that is, cars and motorcycles in Garda stations (details supplied). [30119/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The number of vehicles in the Garda stations referred to by the Deputy is as follows:

Station	Make and Model
Raheny	Fiat Punto (1)
	Renault Megane 1.6 (1)
	Toyota Corolla 1.4 (1)
	Toyota Avensis (1)
	Ford Transit (1)
Coolock	Ford Mondeo 2.0 (1)
	Toyota Corolla 1.4 (5)
	Ford Transit (2)
Howth	Ford Mondeo 2.0 (1)
	Kawasaki GT 550 (1)
	Ford Focus 1.4 (1)
	Ford Mondeo 2.0 (1)
	Toyota Corolla 1.4 (1)

Probation and Welfare Service.

391. **Mr. M. Brady** asked the Minister for Justice, Equality and Law Reform if he will report on the Donaghmede probation office, including the number of staff engaged on duties and the number of offenders dealt with weekly; and if he will meet with the Donaghmede residents association to discuss the centre. [30120/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The probation office in Donaghmede opened to its clients at the end of March 2004. Since then it has seen an average of 58 clients every month. The offices accommodate two teams of 12 probation and welfare officers, two senior probation and welfare officers and two clerical officers. One team covers the local catchment area while another specifically deals with referrals under the Children Act 2001. A monitoring group for the office was established comprising representatives of the traders of the shopping centre, the property management group, the probation and welfare service and the gardaí under an independent chairperson. Representatives of the residents association have declined participation in the group to date.

The monitoring group will report to me after a period of 12 months of operation of the office with regard to any increase in criminality which is found to be linked to the operation of the probation and welfare service in Donaghmede shopping centre. It is my intention to take action, if in the collective opinion of the monitoring group, it transpires that the presence of the probation and welfare office in the shopping centre is linked to a significant rise in crime in the area.

Garda Stations.

392. **Mr. M. Brady** asked the Minister for Justice, Equality and Law Reform if there are plans to refurbish Coolock Garda station. [30121/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): All Garda accommodation is kept under review by the Garda authorities. Although there are no plans at present to refurbish Coolock Garda station, the Garda housing officer is due to visit the station with a view to determining the future accommodation requirements there.

Garda Deployment.

393. **Mr. M. Brady** asked the Minister for Justice, Equality and Law Reform when it is planned to replace gardaí on clerical duties with civilian staff. [30122/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my response to Question No. 428 of 17 November 2004. In 2001 the Government approved an extensive programme of civilianisation to be introduced on a phased basis over a number of years. The programme provided for the civilianisation of a number of technical and administrative posts in the short, medium and long term, the transfer of the finance function from Garda district clerks to civilian staff, and the transfer of civilian staff from my Department to the Garda Síochána as civil servants of the State.

The transfer of civilian staff of my Department to the Garda Síochána is provided for in the Garda Síochána Bill 2004 which is currently before the Oireachtas, while the transfer of the finance function is now almost complete. However, the next phase of the civilianisation programme including the civilianisation of the posts above will have to be rolled out within the confines of the Government decision of 4 December 2002, which placed a cap on numbers across the civil and public service. My Department is currently reviewing the position with both the Department of Finance and Garda management as to how we will proceed further with Garda civilianisation in the context of the overall constraints of civil and public service numbers.

394. **Mr. M. Brady** asked the Minister for Justice, Equality and Law Reform the number of gardaí in the drug squad unit in the Dublin north-east area (details supplied). [30123/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities, which are responsible for the detailed allocation of resources, that the personnel strength of the drug squad unit in the Dublin north-east area as at 22 November 2004 was 26, all ranks. I am very pleased to say that the Government has approved my proposal to increase the strength of the Garda Síochána to

14,000 members on a phased basis, in line with the agreed programme for Government commitment in this regard. This is a key commitment in the programme for Government, and its implementation will significantly strengthen the operational capacity of the force. The Commissioner will now 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. One thing I have already promised is that the additional gardaí will not be put on administrative duties. They will be put directly into front line, operational, high visibility policing and they will have a real impact.

Garda Operations.

395. **Mr. M. Brady** asked the Minister for Justice, Equality and Law Reform if, in view of the fact that motor tax is computerised, there are plans to release gardaí from duties of checking tax discs to enable them to carry out more essential duties. [30124/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The enforcement of motor tax offences is the responsibility of the Garda Síochána. The checking of vehicles for motor tax is not a stand alone function of the Garda Síochána but is carried out while checking vehicles and drivers for other violations of road traffic and transport law, such as driving licence, insurance, drink driving, seat belt wearing, illegal haulage, tachograph and road worthiness of vehicle offences. There is further added value to the carrying out of such checks in terms of crime prevention and detection. The Garda authorities have no plans to divert personnel from such enforcement duties. The Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with the agreed programme for Government commitment in this regard. This is a key commitment in the programme for Government, and its implementation will significantly strengthen the operational capacity of the force. The commissioner will now 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. One thing I have promised is that the additional gardaí will not be put on administrative duties. They will be put directly into front

line, operational, high visibility policing and they will have a real impact.

Garda Recruitment.

396. **Mr. M. Brady** asked the Minister for Justice, Equality and Law Reform the number of Garda recruits who can be accommodated in Templemore training centre on an annual basis; and if there are plans to extend the training centre. [30125/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda college currently has a capacity to induct a maximum of 640 trainees per annum. Accommodation is provided for trainees at the Garda college and externally by the operation of the student living out programme, which may be extended as the need arises. As part of my proposal to increase the strength of the force to 14,000, in line with the Government's commitment set out in An Agreed Programme for Government, the Garda will recruit 1,096 trainees in each of the next three years. To facilitate this accelerated recruitment, a significant enhancement of the Garda college facilities is underway.

A new four-storey block will be built which will provide for central administration and free up the teaching blocks for classroom use. New library and gymnasium facilities will also be provided and existing catering and canteen facilities will be expanded. The plans for all of this are being advanced by the Office of Public Works and construction will be completed by the end of next year in time for the peak inflow of new recruits to the college. Work will also be undertaken to relocate the tactical training facility, which will be displaced by the new building.

In addition, the Garda Commissioner will temporarily move the majority of in-service training out of the Garda college to a new location. This will enable the Garda college to concentrate mainly on training new recruits arising from the accelerated recruitment campaign. The OPW has advertised for expressions of interest in the provision of the new accommodation for in-service training. This outsourced facility will provide accommodation for up to 100 gardaí, with classroom and lecture facilities.

Departmental Staff.

397. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform with regard to the decision to sell his headquarters at St. Stephen's Green, the number of staff to be relocated; the number of staff who have relocated to date; the alternative offices and premises that have been acquired for this purpose; if such premises have been purchased or leased in each case; and the purchase cost or annual rental of each such property in each case. [30186/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Some 305 staff relocated from my Department's headquarters at 72-76 St.

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Stephen's Green in late 2003 to alternative accommodation at 94 St. Stephen's Green, Block C, Ardilaun House on St. Stephen's Green and the Old Faculty Building on Shelbourne Road in Ballsbridge. Some of this accommodation was already under lease by the Office of Public Works. This includes one floor at 94 St. Stephen's Green and the ground floor in Block C, Ardilaun House. The Old Faculty Building, Shelbourne Road is in State ownership. The cost of leasing extra office space at 94 St. Stephen's Green is €357,150 per annum. The sale of 72-76 St. Stephen's Green realised €52.3 million.

Garda Operations.

398. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if he has an estimate for the amount of time spent by the Garda Síochána in the past year in responding to false alarms from automatic domestic alarms (details supplied); his views on whether this is a wise use of resources; and if he will make a statement on the matter. [30203/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda authorities are not in a position to quantify the amount of time spent answering false alarms. The Garda authorities have conducted a review of policy on this matter and I am advised that they are now in discussion with the security industry on revised arrangements. Agreement on revised arrangements should have a significant effect in reducing the number of false alarms.

Film Censorship.

399. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform his views on correspondence (details supplied); and if he will make a statement on the matter. [30251/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The office of film censor was created by the Censorship of Films Act 1923. The film censor is appointed to undertake the functions provided for in this and subsequent legislation, including the Video Recordings Act 1989. As the film censor is independent in the exercise of his official functions, it would be inappropriate for me to intervene in individual cases. Section 8 of the Censorship of Films Act 1923 provides for review of decisions made by the film censor on foot of the provisions of the Act.

Citizenship Applications.

400. **Mr. Ferris** asked the Minister for Justice, Equality and Law Reform if a migrant worker who has been made illegal for a period of time through no fault of their own may apply that time to their five years residency requirement for naturalisation. [30296/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy has not provided

details of a particular case, I will set out the general position. The acquisition of Irish citizenship through the naturalisation process is a privilege, rather than a right. The discretionary nature of the naturalisation process is in keeping with international practice. It is not the case, therefore, that a person who is resident here has a right to naturalisation after a certain period of time, even an extended period of time. All decisions on naturalisation, even where all the statutory conditions for naturalisation have been fulfilled, have been made at the "absolute discretion" of the Minister for Justice, Equality and Law Reform since 1935.

The granting of permission to a non-national to reside in the State for an extended period of time is not contingent on the acquisition of Irish citizenship. Many non-nationals who reside here have not applied for Irish citizenship, in some cases because it would impact upon their citizenship of origin. Section 15(d) of the Irish Nationality and Citizenship Act 1956 provides that an applicant for a certificate of naturalisation must have one year's continuous residence in the State immediately before the date of application and, during the eight years immediately preceding that period, must have had a total residence in the State amounting to four years.

Section 16A of the Irish Nationality and Citizenship Act, 2001 qualified that residency requirement to the effect that when calculating residence in the State in respect of an applicant for naturalisation who is required to have permission to reside in the State, no period will be reckoned where the applicant does not have such permission. In addition, any time spent seeking to be recognised as a refugee or for the purpose of study must also be discounted. Any non-national who has not completed the requisite period of residence at the time of his or her application for naturalisation can reapply when he or she has completed the requisite period. Failure to acquire citizenship does not preclude the granting or retention of residency permission.

Deportation Orders.

401. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of Irish citizen children removed with their non-national parents during the mass deportation of 16 November 2004; the countries to which they were sent; if there was a similar mass deportation on 17 November 2004; if so, the number of Irish citizen children removed with their non-national parents; and the countries to which they were sent. [30297/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A total of 71 persons were returned to Romania and Moldova on a chartered aircraft on the night of 16 November 2004 in an operation carried out by the Garda national immigration bureau. Some 47 adults and ten minors were brought to Romania and 14 adults were brought to Moldova. In addition to the 71 persons removed, an Irish-born child was taken

back to Romania by her mother, who indicated that she wished to return to that country. It is misleading to characterise the operation that took place as a mass deportation, as that term implies that an individual consideration of cases had not taken place. Individual consideration was afforded in every case, in accordance with the relevant legislation.

Garda Síochána Band.

402. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the current strength of the Garda Síochána band; the total cost of running same; the number of overtime hours involved in 2003 in running the band; if the gardaí assigned to the band have other policing duties; if consideration has been given to ending the band and reallocating its number to front-line policing duties. [30299/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It has not been possible to compile the detailed information requested by the Deputy in the time available for answering parliamentary questions. The information is being compiled and I will forward it to the Deputy shortly.

Garda Equipment.

403. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will report on the guidelines for deployment of less lethal weapons authorised for use by the emergency response unit; if his attention has been drawn to the fact that the Minister for Defence has indicated that he will publish such guidelines if these weapons are adopted for use by the Defence Forces on ACP operations; if the PSNI guidelines for deployment are in the public domain; if his attention has further been drawn to the fact that each instance of use is automatically scrutinised by the Police ombudsman; and if he has similar plans for this jurisdiction when the ombudsman commission has been created. [30301/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): On 19 November 2002, the Government noted my proposal to authorise the introduction of three “less than lethal” devices for use by the Garda emergency response unit when it is necessary to avoid the use of firearms. The use of “less than lethal” devices is restricted to the unit. Guidelines on the use of authorised less lethal weapons by the Garda are constantly under review to reflect operational and technological developments in less lethal alternatives. The guidelines are an operational matter for the Garda Commissioner. The operation of such weapons by the Defence Forces is a matter for the Minister for Defence. The guidelines for use of such weapons by the PSNI and the publication of such guidelines are matters for the PSNI. Instances of use of “less lethal” devices by the PSNI are referred to the police ombudsman

whose role is to investigate the circumstances in which they were used.

One of the key objectives of the Garda Síochána Bill 2004, which will commence Committee Stage in the Seanad soon, is the establishment of an independent Garda ombudsman commission to replace the existing Garda Complaints Board. The primary function of the ombudsman commission will be to investigate complaints by members of the public against members of the Garda. It will have comprehensive powers of investigation and ultimate control and oversight of all complaints processed in accordance with the provisions of the Bill. It will have the power to investigate any case involving the Garda in which death or serious harm to a person has occurred, if such an investigation is desirable in the public interest or if it appears to the commission that a member of the Garda may have committed an offence or behaved in a manner that would justify disciplinary proceedings. Proposals for the establishment of the ombudsman commission are contained in the Garda Síochána Bill 2004.

Citizenship Applications.

404. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of naturalisation applications made since 1997 in total and by category; the number and percentage of such applications granted in total and by category; the number of such applications pending decision in total and by category; the total number and percentage of refusals in each category; and the reasons therefor. [30302/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Some 15,015 applications for naturalisation were received from 1997 until the end of October 2004, of which 10,603 were received after 1 January 2002. Certificates were issued in 6,422 cases, or 42.77% of all cases and 1,075 applications, or 7.16% of the total, were refused in the same period. Some 7,518 applications, or 50.07% of the total, were outstanding at the end of October 2004. It should be noted that the numbers of certificates issued or applications refused in the aforementioned period do not necessarily refer to applications received during that same period.

Statistical information available in the citizenship section of the Department of Justice, Equality and Law Reform has always been based on the number of applications received, certificates issued and applications refused. Records are not maintained in a way that would permit the reasons for decisions to grant or refuse applications to be quantified objectively. Reasons for refusing a certificate of naturalisation include non-compliance with residency requirements, not being of good character and long-term dependency on State support.

Prisons Inspectorate.

405. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the reason for the delay in publishing the annual report for 2003 of the prisons inspectorate; when it is likely to be published; and if and when he will take the necessary steps to establish the prisons inspectorate as an independent statutory organisation with adequate resources. [30303/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Under his terms of reference, the Inspector of Prisons and Places of Detention is required to submit a written report on his activities to the Minister for Justice, Equality and Law Reform each year. I arranged for the publication of the first annual report of the inspector, which was provided in 2003. The inspector submitted his second annual report to my office in May 2004. The second report raises certain legal issues that need to be addressed, however. I am in correspondence with the inspector to ascertain if the issues can be resolved so that we can proceed to the publication phase as soon as possible.

The Inspector of Prisons and Places of Detention has a staff of three persons — a special adviser, an executive officer and a personal assistant — assigned to his office. The creation of additional posts in the Civil Service, including in the Inspector of Prisons and Places of Detention's office, is precluded by a Government decision taken in December 2002. The inspector also avails of the services of a number of experts in a range of fields to assist him in fulfilling his duties, as and when he believes it necessary and appropriate. The question of establishing independent inspection arrangements on a statutory basis is under consideration.

Prisoner Complaints Procedures.

406. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to any other cases either past or pending apart from that of a person (details supplied) by former prisoners against the State due to the use of solitary confinement as a form of punishment within the State's prisons. [30304/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Irish Prison Service does not use solitary confinement, although there is provision in the prison rules for the use of close confinement. I am not aware of any such other claims by former prisoners.

Irish Prison Service.

407. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the reason overtime payments are made on the same basis to prison officers at a prison which has no inmates as to prison officers at a prison which has inmates; and if he will make a statement on the matter. [30322/04]

408. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform if it is less costly for the State to engage serving prison officers or a private security firm to maintain a presence at unoccupied prisons; and if he will make a statement on the matter. [30323/04]

409. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the amount paid in overtime to prison officers serving at Fort Mitchell Prison and the Curragh Prison since their closure, up to 18 November 2004; and if he will make a statement on the matter. [30324/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 407 to 409, inclusive, together.

I refer the Deputy to the answers provided to Questions Nos. 228 and 299 of 16 November 2004, which are relevant to the matter in hand. I said on that date that a small cohort of prison staff is assigned to duties at the Curragh and Fort Mitchell for security reasons and because of the need to carry out essential maintenance. I indicated that there are 11 and 12 staff serving at the Curragh and Fort Mitchell, respectively, and that overtime payments paid to them are made on the same basis as overtime payments at all other locations in the Prison Service. Overtime is necessary in the prisons because of the pattern of cover required to maintain security all day, every day and the small number of staff providing that cover. Approximately €162,000 was paid in overtime to prison officers serving at the Curragh and Fort Mitchell from the time they were mothballed until 30 September 2004. Up-to-date figures are not available. It should be noted that Fort Mitchell was fully operational until it was mothballed on 10 February 2004 and the Curragh was fully operational until it was mothballed on 20 January 2004.

Serving prison officers are being used, rather than a private security firm, because there was no question of staff losing their jobs as a result of the mothballing of the Curragh and Fort Mitchell. It made sense to retain a small cadre of the staff from the institutions rather than retaining private security firms which would have incurred additional costs. It would not have been appropriate to retain a private security firm, given that the institutions were not being closed, but mothballed so they can be reopened at short notice if the Government decides on that course of action.

As I said, the Prison Service has saved over €6 million in respect of pay costs for both facilities in the first nine months of 2004, compared to the same nine-month period in 2003. Significant overall savings have been made in prison officer overtime in 2004. The mothballing of the Curragh and Fort Mitchell continues to achieve the Government's objective of significantly reducing overtime levels in the Prison Service. Most of the staff from the institutions have been redeployed to effect overtime savings in other Prison Service institutions.

Both institutions' staffing arrangements are under continuing review. Any decision on their future will have regard to ongoing discussions between the Irish Prison Service and the Prison Officers' Association on eliminating overtime and reducing other costs. The discussions are close to being concluded. I am hopeful that an agreement will be finalised in the next month or so and that staff will ballot for acceptance.

Departmental Reports.

410. **Mr. J. O'Keefe** asked the Minister for

Title of Report	Reason Publication has not taken place
Policy Research Relating to Victim Support Organisation	Not intended for publication
Two confidential reports on the security of the Department's Information Technology Systems	Not intended for publication due to security considerations
A Training Needs Analysis and Development of a Professional Development Programme for the Assistant Principal Grade	Not intended for publication. Circulated to the Assistant Principal Grade
Information Management and Technology Strategy for the organisations under the auspices of my Department and Divisions of the Department directly involved in the asylum process and related immigration processes	Not intended for publication, internal relevance only
A Study on the Irish Automated Fingerprint System and to analyse options in order to meet EURODAC requirements	Not intended for publication, internal relevance only
Recommendations/options as to the implementation of a new generation of fingerprint technology to serve my Department, the Office of the Refugee Applications Commissioner and the Gardaí	Not intended for publication, internal relevance only
An Examination of the Cultural Diversity Issues impacting on the operation of the Office of the Refugee Applications Commissioner	Not intended for publication, internal relevance only
A review of the Office of the Refugee Applications Commissioner.	Not intended for publication, internal relevance only
A Strategy Review and Analysis of the Refugee Documentation Centre	Not intended for publication, internal relevance only
29th Interim Report — Inquiry to Examine all aspects of practice and procedure relating to Personal Injuries Litigation	Publication of the Report will be arranged shortly
Good Practice guidelines for persons involved in video recording interview	The guidelines are currently under consideration by my Department
Strategic Review by the Gardaí of Traffic Policing	This is a review carried out internally by the Gardaí of an operational area to assist them in their planning for better carrying out their operational duties in the area of law enforcement. Not intended for publication.
A Review and Evaluation of the Pilot Voluntary Assisted Return Programme	Not intended for publication, internal relevance only.
Inspector Of Prison and Places of Detention Annual Report 2003-2004	This Report raises certain legal issues that need to be addressed. I am in correspondence with the Inspector in relation to this matter so that the publication phase may be proceeded to as soon as possible
The Interim Parole Board Annual Report 2003	It was necessary to translate this Report into Irish in order to comply with the Official Languages Act, 2003, as well as arranging to have it formally printed. This process has now been completed and it is expected that the Annual Report will be published in the immediate future.
Evaluation of the Irish Prison Service Sexual Offender Intervention Programmes	This Report was received by my Department in May, 2004. Work is currently ongoing on a synopsis version of this lengthy Report for publication and circulation. It is hoped that this work will be completed in the coming months at which time the Report will be made public.
Prison Visiting Committee Annual Reports for 2000 and 2001	There is no requirement under Prison Visiting Committee Legislation to publish Reports. However, they are made available on request. Also, I have recently undertaken to publish such Reports on an annual basis and the Reports covering the years 2002 and 2003 have been laid before the Houses of The Oireachtas.

Justice, Equality and Law Reform the reason a response has not issued pursuant to an undertaking given in response to Question No. 239 of 22 June 2004; if he will respond to it forthwith; and if he will make a statement on the matter.
[30325/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The compilation of the information requested by the Deputy took longer than originally anticipated. The delay in dealing with this matter is regretted. The information is as follows:

Inquiry into Child Abuse.

411. **Mr. J. Higgins** asked the Minister for Education and Science the reason there is a cut off

date for claims to the Residential Institutions Redress Board in view of the difficulty faced by many former residents of such institutions who suffered abuse in coming forward and in view of

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the fact that many such victims who are now living in the UK might not even had their attention drawn to their entitlement to seek compensation. [29717/04]

412. **Mr. J. Higgins** asked the Minister for Education and Science if efforts will be made to inform former residents of industrial schools who were victims of abuse and are now living in the UK that they may be entitled to seek compensation through the Residential Institutions Redress Board. [29718/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 411 and 412 together.

The Residential Institutions Redress Act was enacted on 10 April 2002 and the board was formally established on 16 December 2002. The Act makes provision for the board to accept applications for up to three years from that date. Section 8(2) of the Act provides that the board may extend this time limit at its discretion, if it considers that there are exceptional circumstances. Section 5(b) Act provides that the board shall make all reasonable efforts, through public advertisement, direct correspondence with persons who were residents of an institution and otherwise, to ensure that persons who were residents of an institution are aware of the redress board and its remit. The board commenced an advertising campaign in Ireland in December 2002 and a targeted advertisement campaign in the United Kingdom in early 2004. While the board has responsibility for making decisions on the level of advertising required, I am satisfied that it will continue to make all reasonable efforts to ensure that former residents are made aware of the redress scheme.

In devising its policies in the redress area, the Government was conscious that a significant number of former residents of institutions emigrated to the United Kingdom, particularly in the late 1940s, 1950s and 1960s. Five outreach officers were appointed to existing Irish centres in the UK to appraise and advise former residents that residing there of developments relating to the Commission to Inquire into Child Abuse and the Residential Institutions Redress Board. The outreach services, which are funded by my Department, continue to operate and provide appropriate advice about the redress board and other matters. The Department of Education and Science provides funding to a number of support groups to assist them in providing information and referral services to survivors of child abuse here and in the United Kingdom.

Capitation Grants.

413. **Mr. English** asked the Minister for Education and Science if she intends to raise the level of capitation grants to voluntary secondary schools to bring them in line with other post-pri-

mary sectors; and if she will make a statement on the matter. [30313/04]

Minister for Education and Science (Ms Hanafin): I recently announced, in the context of the 2005 Estimates, an increase in the standard *per capita* grant from €274 to €286 per pupil, with effect from 1 January next. The increase will bring the *per capita* grant received by disadvantaged schools to €324 per pupil. Secondary schools will benefit further under the school services support initiative. The initial support grant of €25 per pupil that was introduced for second level schools in September 2000 will increase to €103 from January next. The voluntary secondary schools grant, which has been significantly enhanced in recent years — to €131 from last January — will be further increased by €10 per pupil, bringing the overall grant for such schools to €145 from next January. The increases are in addition to the range of equalisation grants of up to €15,554 per school per annum that have been approved for voluntary secondary schools. Schools have welcomed the improvements. The provision I have made in the context of the 2005 Estimates for the significant increases in the funding of voluntary secondary schools is a clear demonstration of my commitment to prioritise available resources to address the needs of schools.

Compulsory Retirement.

414. **Mr. R. Bruton** asked the Minister for Education and Science if, in view of the recent Government legislation to end the provision of compulsory retirement at the age of 65, she will make arrangements to permit school caretakers to work beyond this traditional retirement age; and if the request of a person (details supplied) in Dublin 5 to continue to work as caretaker until the age of 66 will be acceded to. [29671/04]

Minister for Education and Science (Ms Hanafin): The Public Service Superannuation (Miscellaneous Provisions) Act 2004 removed the requirement to retire on age grounds, in cases of persons coming within the definition of “new entrant” as set out in the Act. A new entrant under the Act is a person who commenced employment in the public service on or after 1 April 2004 or a person who returned to employment in the public service since that date after a break in service of more than 26 weeks. The person in question, who has been employed as a school caretaker since 1995, is required to retire at the age of 65 in accordance with the conditions of service pertaining to his employment. He reached that age in September of this year. To facilitate the appointment of a replacement, the Department of Education and Science has, as an exceptional matter, agreed to a request from the school authorities that he be retained in employment until 31 December 2004. As he is not a new entrant, it is not possible to approve his retention beyond that date.

Institutes of Technology.

415. **Mr. Crowe** asked the Minister for Education and Science if her attention has been drawn to the proposal to cut four of the courses in the GMIT, Castlebar; the negative effect it will have on education in the country; and if the courses have been cut for financial reasons. [29672/04]

Minister for Education and Science (Ms Hanafin): The institutes of technology are statutory bodies established under the Regional Technical Colleges Acts 1992 to 1999 and the Dublin Institute of Technology Acts 1992 and 1994. Under the terms of the Acts, the governance and day-to-day activities of the institutes, including the number of approved courses that institutes wish to deliver in particular locations, are matters for which the governing bodies and the management staff of the institutes are responsible.

While proposals for new courses and proposed alterations to previously approved courses are subject to ministerial approval in the context of the annual programmes and budgets process, any decisions to discontinue delivery of previously approved courses are operational matters for the institutes in the context of their regular internal reviews of course provision. An institute that decides to reduce course provision significantly in a particular campus normally informs my Department of such a decision in advance of any such reduction. The Department of Education and Science is not aware of any proposal by Galway-Mayo Institute of Technology to reduce the number of courses provided in its Castlebar campus.

Schools Building Projects.

416. **Mr. Crawford** asked the Minister for Education and Science the position regarding the application for an extension to a school (details supplied) in County Cavan; and if she will make a statement on the matter. [29685/04]

Minister for Education and Science (Ms Hanafin): The extension project at the school referred to by the Deputy, which has a band 1 rating, is at an early stage of architectural planning. My officials are nearing the completion of a review of all projects which did not proceed to construction as part of the 2004 schools building programme, including the school in question. 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 schools building programme from 2005 onwards.

Schools Refurbishment.

417. **Mr. Naughten** asked the Minister for Education and Science if she will approve capital funding for a school (details supplied) in County

Roscommon; and if she will make a statement on the matter. [29686/04]

Minister for Education and Science (Ms Hanafin): The extension and refurbishment project for the school referred to by the Deputy, which has a band 2 rating, is at an early stage of architectural planning. A response is awaited to the letter recently sent by officials from the Department of Education and Science to the school authorities requesting a stage 2-3 submission, or developed sketch scheme. Departmental officials are nearing the completion of a review of all projects which did not proceed to construction as part of the 2004 schools building programme, including the school in question. 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 schools building programme from 2005 onwards.

Schools Building Projects.

418. **Mr. Naughten** asked the Minister for Education and Science when she plans to publish the multi-annual school building programme; and if she will make a statement on the matter. [29700/04]

Minister for Education and Science (Ms Hanafin): Officials from the Department of Education and Science are nearing the completion of a review of all projects which did not proceed to construction as part of the 2004 schools building programme. 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 their progress will be considered in the context of the school capital programme from 2005 onwards. The Minister for Finance has indicated that he will deal with adjustments to the capital envelopes in his Budget Statement on 1 December next. Accordingly, I do not propose to publish a timetable of announcements before this date.

419. **Mr. Naughten** asked the Minister for Education and Science further to departmental correspondence, if she will approve a revised band rating and associated funding for a school (details supplied) in County Roscommon; and if she will make a statement on the matter. [29701/04]

Minister for Education and Science (Ms Hanafin): The application from the school to which the Deputy refers is being considered as part of a review of all projects which did not proceed to construction under the 2004 schools building programme. All projects are being assessed against the published prioritisation criteria, revised earlier this year following consultation with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of

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the schools building programme from 2005 onwards.

420. **Mr. Ring** asked the Minister for Education and Science when funding will be provided to a primary school (details supplied) in County Mayo to secure a piece of ground it has purchased at the back of the school; and the funding available for putting up fencing or a wall to secure the remainder of the property. [29722/04]

Minister for Education and Science (Ms Hanafin): School building repair projects can be addressed under a number of schemes funded by the Department of Education and Science. National schools receive funding each year under the grant scheme for minor works to national school properties, which came into operation in January 1997. Improvements to school buildings and grounds which come within the scope of the minor works covered by the grant include the replacement of windows, roof repairs, the resurfacing of the school yard, repainting and redecorating. The summer works scheme provides capital grants for necessary small-scale works which can be planned and delivered in the summer months. The closing date for the receipt of applications under the 2005 scheme, in line with the scheme's terms and conditions, was 5 November 2004. Application forms and further details on the schemes are available from the Department of Education and Science's school planning section in Tullamore and the Department's website, www.education.ie.

421. **Mr. Ring** asked the Minister for Education and Science the funding available which is for the provision of a playground to cater for the small children in a primary school (details supplied) in County Mayo. [29723/04]

Minister for Education and Science (Ms Hanafin): School building repair projects can be addressed under a number of schemes funded by the Department of Education and Science. National schools receive funding each year under the grant scheme for minor works to national school properties, which came into operation in January 1997. Improvements to school buildings and grounds which come within the scope of the minor works covered by the grant include the replacement of windows, roof repairs, the resurfacing of the school yard, repainting and redecorating. The summer works scheme provides capital grants for necessary small-scale works which can be planned and delivered in the summer months. The closing date for the receipt of applications under the 2005 scheme, in line with the scheme's terms and conditions, was 5 November 2004. Application forms and further details on the schemes are available from the Department of Education and Science's school planning section in Tullamore and the Department's website, www.education.ie.

The Department of Community, Rural and Gaeltacht Affairs provides funding to support the development of playgrounds in CLAR and RAPID areas. The Department of Education and Science co-funds the development of such playgrounds, which are attached to a primary school in a RAPID or CLAR area. I understand that the school to which the Deputy refers is not in a Rapid or CLAR area.

School Staffing.

422. **Mr. Gogarty** asked the Minister for Education and Science when she envisages that the current backlog of resource teaching will be cleared; and if she will make a statement on the matter. [29724/04]

Minister for Education and Science (Ms Hanafin): All applications for resource teaching support received by the Department of Education and Science by the closing date of 30 June 2004 have been processed and decisions in the cases in question have been issued to the schools concerned. Subsequent priority was given to applications for special educational needs supports for new entrants received after the closing date. Decisions have also issued to schools in such cases. The Department is processing a number of appeals arising from the decisions and responses to the appeals will be conveyed to the schools when the process has been completed.

The National Council for Special Education has been established as an independent statutory body with the responsibilities set out in the National Council for Special Education (Establishment) Order 2003. The council has employed a number of special education needs organisers who will be a focal point of contact for schools and parents. It is intended that the organisers will process further applications for special educational needs resources. It is anticipated that the council and the organisers will become operational shortly. The Department of Education and Science is liaising with the council with a view to putting the revised arrangements for the processing of applications for special educational needs resources in place.

Site Acquisitions.

423. **Mr. Hayes** asked the Minister for Education and Science if her Department has identified a site for a gaelscoil in Clonmel, County Tipperary; and when such a site will be provided. [29725/04]

Minister for Education and Science (Ms Hanafin): The property management section of the Office of Public Works, which acts on behalf of the Department of Education and Science on site acquisitions, is continuing to explore the possibility of acquiring a site for the gaelscoil in Clonmel, County Tipperary. Due to the commercial sensitivities of site acquisitions, it is not proposed at this stage to identify specific sites to be acquired. This information will be placed on the

Department's website when the relevant acquisitions have been completed.

Special Educational Needs.

424. **Mr. Hayes** asked the Minister for Education and Science when a person (details supplied) in County Tipperary with dyslexia will be allocated a laptop computer. [29726/04]

Minister for Education and Science (Ms Hanafin): The Department of Education and Science does not have a record of an application for a grant in respect of the equipment for the person referred to by the Deputy. I have asked officials from the Department to contact the school authorities about the matter, with a view to the speedy resolution of it.

425. **Mr. Kehoe** asked the Minister for Education and Science the reason, following the allocation of 12 hours special needs assistance for a person (details supplied) in County Wexford, no teaching resource hours were allocated; the options now available to this person; and if she will make a statement on the matter. [29750/04]

Minister for Education and Science (Ms Hanafin): The pupil did not qualify for resource teaching support on the basis of the application originally submitted to the Department of Education and Science. The school in question has since furnished additional documentation in support of the application. Officials from the Department are liaising with the National Educational Psychological Service on the matter and a decision will be conveyed to the school as soon as this process has been completed.

Schools Building Projects.

426. **Mr. Gregory** asked the Minister for Education and Science the position regarding the application by a school (details supplied) for funding to proceed with a new school building; the next stage for this application; the likely timescale for full approval of this project; the estimated timescale for the completion of the project in view of the fact that the school children have already been in prefabs for three years; and if she will make a statement on the matter. [29755/04]

Minister for Education and Science (Ms Hanafin): The application from the school in question is being considered as part of a review of all projects which did not proceed to construction under the 2004 schools building programme. Under the 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.

Scoileanna Lán-Ghaeilge.

427. D'fhiafraigh **Mr. Gogarty** den Aire Oideachais agus Eolaíochta cé mhéad páiste a lorg áit i rang na naíonán beag i scoileanna i Leamhcán sna blianta 2002, 2003, 2004, agus an luafaidh sí an figiúr le haghaidh gach scoile. [29756/04]

428. D'fhiafraigh **Mr. Gogarty** den Aire Oideachais agus Eolaíochta cé mhéad áit i rang na naíonán beag a chuir scoileanna i Leamhcán ar fáil sna blianta 2002, 2003 agus 2004, agus an luafaidh sí an figiúr le haghaidh gach scoile. [29757/04]

429. D'fhiafraigh **Mr. Gogarty** den Aire Oideachais agus Eolaíochta cé mhéad páiste a mheasann an tAire a bheidh ag lorg áite i rang na naíonán beag i scoileanna i Leamhcán sna blianta 2005, 2006 agus 2007. [29758/04]

Minister for Education and Science (Ms Hanafin): Tá sé beartaithe agam Ceisteanna Uimh. 427, 428 agus 429 a fhreagairt le chéile.

Tá naoi mbunscoil i Leamhcán. Ba é líon iomlán na naíonán beag a bhí rollaithe sna scoileanna sin ar fad i 2004 ná 671 dalta. Cé go léiríonn sé seo go bhfuil ardú de 118 áit ar áiteanna ó fhigiúirí Mheán Fómhair 2002, níl mo Roinnse ar an eolas maidir le haon leanbh nach raibh ar a c(h)umas rochtain a fháil ar áit i Leamhcán le trí bliana anuas. Is mar gheall ar na gníomhartha tapa agus cinntitheacha a ghlac an rannóg pleanála scoileanna i mo Roinnse é seo. Bhí infheistíocht de €17.5 milliún mar thoradh ar na gníomhartha seo chun soláthar bunoidiachais a chur ar fáil agus a uasghrádú sa cheantar seo, atá ag forbairt go tapa.

Airítear ar mhionsonraí na ngníomhartha a glacadh tionscadail thógála ar tugadh fúthu ag scoil shóisearach Scoil Aine agus Scoil Shinsearach Naomh Tomás. Cuireadh dhá scoil nua 16 seomra ranga ar fáil do scoil náisiúnta Educate Together Leamhcáin agus scoil náisiúnta Educate Together Griffeen Valley. Sa bhreis air sin, tá tús curtha le tógáil fhoirgneamh nua scoile chun atheagrú ar scoileanna náisiúnta Ardeaspag Ryan a éascú chun scoil shóisearach agus scoil shinsearach a bhunú. San idirthréimhse, tá socrúithe déanta do sholáthar cóiríochta sealadaí fad is a bheidh an foirgneamh nua á thógáil.

Tá mo Roinnse ag déileáil go cuimsitheach le riachtanais Leamhcáin, agus leanfaimid ag déanamh athbhreithnithe ar chúrsaí ansin. Ar an mbealach seo tá mo Roinnse sásta go mbeifear in ann socrúithe tráthúla breise a dhéanamh más gá chun freastal ar éilimh bhreise a d'fhéadfadh a theacht chun cinn ann.

430. D'fhiafraigh **Mr. Gogarty** den Aire Oideachais agus Eolaíochta an eol di nár freastalaíodh in am ar an 154 pháiste a chláraigh le haghaidh oideachais bunscoile trí Ghaeilge i Leamhcán don scoilbhliain 2004-05 toisc gur diúltaíodh don iar-ratas le haghaidh Gaelscoile nua; an eol di, toisc an diúltaíthe sin, nár freastalaíodh ar 82 de na páistí seo; an eol di gur mhol coiste comhairleach

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a Roinne féin gur chóir aitheantas a thabhairt do Ghaelscoil nua anuraidh sa chás nach mbéadh an ghaelscoil reatha in ann freastal a dhéanamh ar an éileamh; ós rud é nach bhfuil an scoil reatha in ann freastal a dhéanamh ar an éileamh de bharr easpa spáis agus an fháis ollmhóir sa daonra, an bhfuil sé i gceist aici aitheantas a thabhairt do ghaelscoil nua, a thosóidh i Meán Fómhair 2005, sa cheantar. [29759/04]

Minister for Education and Science (Ms Hanafin): Diúltaíodh iarratas níos luaithe i 2004 do ghaelscoil nua i Leamhcán ar an moladh a rinne coiste comhairleach na scoileanna nua. Rinneadh an cinneadh ar an mbunús go bhféadfaí an soláthar Gaeilge a bhí i Leamhcán cheana a leathnú chun freastal ar éilimh bhreise a thiocfadh chun cinn. Rinne pátrún na scoile beartaithe achomharc ar an gcinneadh seo. Níor éirigh leis an achomharc a stiúraigh bord achomharc neamhspleách.

Tá freastal á dhéanamh ar an éileamh do sholáthar lán-Ghaeilge i gceantar Leamhcáin leis an leathnú atáthar a dhéanamh ar an ngaelscoil atá ann. Maidir leis seo, tá sé cinnithe go leathnófar an scoil go dtí scoil 24 seomra ranga a thiofadh ó thaobh méid le réimse méideanna na scoileanna sa cheantar seo, atá ag forbairt go tapa.

Le deireanaí, d'éiligh údaráis bhainistíochta na scoile go mbeadh an leathnú teoranta d'ocht seomra ranga breise. Tá sé seo á bhreithniú laistigh de mo Roinnse i láthair na huair. Gné thábhachtach ina leith sin is ea an leibhéal éilimh atá ann. Má thagann éileamh sa bhreis ar dhá ionchur seomra ranga chun cinn, comhsheasmhach le prótacal caighdeánach, is é an chéad rogha ná an soláthar atá ann a leathnú. Maidir leis sin, tá sé cinnithe go bhfuil an suíomh sách mór chun freastal ar scoil 24 seomra ranga.

Tuigim go bhfuil fógra foirmiúil faighte maidir leis an rún iarratas a dhéanamh ar aitheantas do ghaelscoil nua sa cheantar, a thosódh ag feidhmiú i Meán Fómhair 2005. Tá an fógra rúin curtha ar aghaidh chuig coiste comhairleach na scoileanna nua lena bhreithniú. Pléifidh an coiste leis an ábhar, agus déanfaidh an coiste, ar an ngnáthshlí, a chuid moltaí liomsa ar an ábhar sin ag tráth níos deireanaí.

Schools Building Projects.

431. **Mr. McGinley** asked the Minister for Education and Science the stage an application for a school (details supplied) in County Donegal is at under the small schools initiative; and if she will make a statement on the matter. [29762/04]

Minister for Education and Science (Ms Hanafin): The application from the school to which the Deputy refers is being considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. All projects are being assessed against the published prioritisation criteria, revised earlier this year following consul-

tation with the education partners. Each project will be assigned a band rating, and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

Special Educational Needs.

432. **Mr. Perry** asked the Minister for Education and Science if the resource help for a person (details supplied) in County Leitrim will be continued after 2005; and if she will make a statement on the matter. [29763/04]

Minister for Education and Science (Ms Hanafin): This pupil's special educational needs, or SEN, are in the high-incidence disability category, and it would be expected that pupils in that category would have their SEN met from within the resource or learning support teaching allocation available to the school. The school's current staffing is a principal and one assistant teacher. In addition, the school has the equivalent of a teaching allocation of approximately 14 hours for the support of pupils with high-incidence SEN and those with learning support needs, that is, functioning at or below the tenth percentile on a standardised test of reading or mathematics. The school had an enrolment of 22 at September 2003.

In the context of the proposed new system for resource teacher allocation, I am conscious of difficulties that could arise, particularly for children in small and rural schools, if it were implemented as currently proposed. Accordingly, I will be reviewing the model to ensure that it provides an automatic response for pupils with common mild learning disabilities without the need for cumbersome individual applications, while at the same time ensuring that pupils currently in receipt of a service continue to receive the level of service appropriate to their needs. The review will involve consultation with educational interests and the National Council for Special Education before it is implemented next year.

It is important to emphasise that applications may be made for specific resource teacher allocations for pupils with lower-incidence special educational needs regardless of the gender of the pupil or status of the school.

433. **Mr. Ferris** asked the Minister for Education and Science if the decision of circular 09/04 regarding special education teachers will be amended in order that the ratio of 1:140 pupils is applied to mixed schools and all girls' schools. [29777/04]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, the proposed new system for resource teacher allocation involves a general teaching allocation for all primary schools to cater for pupils with higher-incidence special educational needs, that is, borderline mild and mild general learning disability and specific learning disability, and those with learn-

ing support needs, that is, functioning at or below the tenth percentile on a standardised test of reading or mathematics. It will also allow for individual allocations for pupils with lower-incidence special educational needs.

The proposed allocation mechanism is as follows. In the most disadvantaged schools, as per the urban dimension of giving children an even break, a teacher of pupils with special educational needs will be allocated for every 80 pupils to cater for the subset of pupils with higher-incidence special needs. In all boys' schools, the ratio will be one teacher for every 140 pupils. In mixed schools, or all girls' schools with an enrolment of greater than 30% boys, it will be one for every 150 pupils. In all girls' schools, including schools with mixed junior classes but with 30% or less boys overall, it will be one for every 200 pupils.

The rationale for a pupil-teacher ratio of 150 pupils for every teacher in mixed schools to support pupils with higher-incidence special educational needs and learning difficulties or delays is that the pupil-teacher ratio for a learning support teacher was approximately 300 pupils; 10% of pupils would be expected to have learning difficulties in the fields of literacy and numeracy and, on that basis, approximately 15 out of a group of 150 pupils would be expected to have learning difficulties. This is considered half of a teacher's caseload. A further 3%, or four to five pupils, in that cohort would be expected to have higher-incidence special educational needs and would expect to receive 2.5 resource teaching hours per week. This would account for the other half of a teacher's caseload.

The rationale for the different pupil-teacher ratios in boys' schools, 140:1, and girls' ones, 200:1, is twofold. International literature on the incidence of disability indicates that, across all disability types, there is a greater incidence in boys than in girls. International and national surveys of literacy and numeracy have found that those difficulties are more common among boys than girls. The rationale for the level of support proposed for schools in areas of urban disadvantage is that evidence shows that there is a significantly higher incidence of literacy and numeracy difficulties in urban disadvantaged compared with other schools, including those in areas of rural disadvantage.

It is important to emphasise that applications may be made for specific resource teacher allocations in respect of pupils with lower-incidence special educational needs regardless of the gender of the pupil or the status of school. I am conscious of difficulties that could arise with the proposed model, particularly for children in small and rural schools, if it were implemented as currently proposed. Accordingly, I will be reviewing the model to ensure that it provides an automatic response for pupils with common mild learning disabilities without the need for cumbersome individual applications, while at the same time ensuring that pupils currently in receipt of a ser-

vice continue to receive the level of service appropriate to their needs. The review will involve consultation with educational interests and the National Council for Special Education before it is implemented next year.

Schools Building Projects.

434. **Caoimhghín Ó Caoláin** asked the Minister for Education and Science if the much needed extension for a school (details supplied) in County Monaghan will be included in her Department's building programme for 2005. [29789/04]

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. It has a band 2 rating. My Department's technical staff are currently examining the stage 4 documentation, detailed 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.

Special Educational Needs.

435. **Mr. Ring** asked the Minister for Education and Science the position regarding the appeal for a person (details supplied) in County Mayo in respect of the person's need for educational support due to special needs. [29795/04]

Minister for Education and Science (Ms Hanafin): Following a review of the application for special educational needs supports for the person in question, my Department has sanctioned 12.5 hours special needs assistant support.

Boards of Management.

436. **Mr. J. Higgins** asked the Minister for Education and Science her plans regarding the provision of representation for parents on the boards of management of comprehensive schools; and the timetable for her proposals. [29801/04]

Minister for Education and Science (Ms Hanafin): My Department continues to work with all the interested parties on the inclusion of parent representatives on boards of management of comprehensive schools. Agreement has been reached on the revised composition of the boards, which have a different composition in each of the sectors — Catholic, Protestant and Jesuit. The revised composition of the boards provides for two parent representatives in each instance. The work on the revision of the legal instruments in

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the case of the Jesuit comprehensive has been completed, and a new board including parents has been established.

In the case of the Catholic comprehensives, the text of the legal instruments has been agreed, and my Department awaits confirmation from the Catholic legal representatives as to the intended circulation date of the revised document for execution by individual bishops. Talks are continuing with representatives of the Protestant comprehensives with a view to resolving outstanding issues relating to those schools.

Schools Building Projects.

437. **Caoimhghín Ó Caoláin** asked the Minister for Education and Science the status of the school extension proposals for a school (details supplied) in County Cavan; the prospects of these works being included in the schools building programme for commencement in 2005; and her plans regarding the need for temporary accommodation to cater to the needs of pupils *in situ* and others on the school's ever-growing entry waiting list, pending the completion of the long-overdue extension. [29819/04]

Minister for Education and Science (Ms Hanafin): The extension project for the school referred to by the Deputy is at an early stage of architectural planning. It has a band 1 rating. My officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme, including the school in question. All projects are being assessed against the published prioritisation criteria agreed earlier this year with the education partners. Each project will be assigned a band rating, and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

The management authority of the school has made an application for temporary accommodation. All such applications are being considered in the school planning section of my Department, and it is planned to publish the list of successful applicants early in the new year.

School Transport.

438. **Mr. Kehoe** asked the Minister for Education and Science if she will provide the reply to Question No. 115 of 14 October 2004; and if she will make a statement on the matter. [29820/04]

Minister for Education and Science (Ms Hanafin): My Department has asked Bus Éireann to clarify some further points arising from its recent report. The Deputy will be advised of the position as soon as possible.

School Staffing.

439. **Ms Enright** asked the Minister for Education and Science if her attention has been drawn to an appeal by a school (details supplied)

in County Offaly for an extra temporary post; and if she will make a statement on the matter.

[29821/04]

Minister for Education and Science (Ms Hanafin): The staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule and is finalised for a particular year following discussions with the education partners.

The enrolment of the school referred to by the Deputy on 30 September 2003 was 75 pupils, which warrants a staffing of a principal and two mainstream class teachers for the 2004-05 school year. The school also has a resource teacher. To ensure transparency and openness in the system, an independent appeals board is now in place to decide on any appeals on mainstream staffing. The staffing of the school in question for the 2004-05 school year was considered by the appeals board on 21 October 2004. The board rejected the appeal, and the board was notified accordingly. I am sure the Deputy will appreciate that it would not be appropriate for me to intervene in the operation of the independent appeals board.

Schools Amalgamation.

440. **Ms Enright** asked the Minister for Education and Science the progress being made in relation to the amalgamation of the three second level schools in Kildare town; if a decision on the site for this school has been made; when a decision can be expected; and if she will make a statement on the matter. [29822/04]

Minister for Education and Science (Ms Hanafin): The purchase of a site for the proposed amalgamated post-primary school in Kildare town is currently being actively pursued. I will make a decision in the matter as soon as discussions have been completed. In the meantime my officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme, including the school in question. All projects are being assessed against the published prioritisation criteria agreed earlier this year with the education partners. Each project will be assigned a band rating, and the progress of all projects will be considered in the context of the school building programme from 2005 onwards. The school authorities will be kept informed of developments.

Schools Building Projects.

441. **Ms Enright** asked the Minister for Education and Science if her attention has been drawn to the fact that a site for a new vocational school in Athy, County Kildare was purchased in November 2001; the progress for the provision of a new school; and if she will make a statement on the matter. [29824/04]

Minister for Education and Science (Ms Hanafin): The building project for the school referred to by the Deputy is at an early stage of architectural planning. It has a band 3 rating. My officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme, including the school referred to by the Deputy. All projects are being assessed against the published prioritisation criteria agreed earlier this year with the education partners. Each project will be assigned a band rating, and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

442. **Ms Enright** asked the Minister for Education and Science if her attention has been drawn to the fact that the Department of Defence has allocated a site, free of charge, for a new school building for a school (details supplied) in County Kildare; if her attention has further been drawn to the fact that the County Kildare vocational education committee has sought the appointment of a design team for the proposed new school; and if she will make a statement on the matter. [29825/04]

Minister for Education and Science (Ms Hanafin): My Department has given sanction to County Kildare vocational education committee to make the necessary arrangements to secure the site in question. In the meantime, my officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme, including the school referred to by the Deputy. All projects are being assessed against the published prioritisation criteria agreed earlier this year with the education partners. Each project will be assigned a band rating, and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

Schools Amalgamation.

443. **Ms Enright** asked the Minister for Education and Science if she will clarify her reply to Question No. 133 of 7 October 2004 in relation to the amalgamation of a school (details supplied) in County Offaly; if the original agreement to form a community college has been changed; if the amalgamation is proceeding on a green-field site as outlined by her and not on an existing site as already agreed; and if she will make a statement on the matter. [29826/04]

Minister for Education and Science (Ms Hanafin): The status of the new school referred to by the Deputy is a community college and not a community school as inadvertently stated in my reply of 7 October last. I can also confirm that purpose-designed facilities will be provided to accommodate the new school on the site of an existing secondary school. The site is currently being acquired from the trustees of the school in

question. I acknowledge that there was not sufficient clarity around that point in my earlier reply.

Third Level Admissions.

444. **Mr. Crowe** asked the Minister for Education and Science the reviews and consultations and the organisations and groups with which she is engaged to reassess or alter the system of selection of persons for third level places on the basis of the leaving certificate results points system; and the system of selection which is involved. [29833/04]

Minister for Education and Science (Ms Hanafin): I have not engaged in consultations with organisations or groups to reassess or alter fundamentally the system of selection for third level places on the basis of the leaving certificate points system.

As the Deputy will be aware, my predecessor and the Minister for Health and Children established a working group on undergraduate medical education and training to review the organisation and delivery of medical training and education in Ireland. The group has recently presented interim recommendations for significant reform of the entry mechanism to medical education. Those recommendations include the introduction of a multi-streamed model of entry to medicine, comprising undergraduate and graduate entry methods, with leaving certificate performance no longer the sole selection method for entry at undergraduate level. In that regard, it is proposed that selection for entry to undergraduate medicine should have two stages. Anyone opting for medicine who achieved 450 leaving certificate points would be eligible for consideration, with places to be allocated on the basis of performance in a separate entry test.

Those recommendations are a very welcome attempt to address the tremendous pressures placed on students in the second level system as a result of the extremely high leaving certificate points required for entry to medicine and certain other disciplines. It is important that the significant implementation issues associated with the proposed change are carefully attended to. I am currently considering the composition and terms of reference of an implementation group for that purpose and intend to bring forward proposals on that front shortly.

State Examinations.

445. **Mr. Crowe** asked the Minister for Education and Science the revision of the leaving certificate requirements and curricula being considered by her. [29834/04]

Minister for Education and Science (Ms Hanafin): The National Council for Curriculum and Assessment, or NCCA, was established as a statutory body in July 2001. Its brief, as stated in the Education Act 1998, is to advise the Minister for Education and Science in matters relating to

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the curriculum for early childhood education, primary and post-primary schools, and the assessment procedures employed in schools and examinations on subjects that are part of the curriculum.

The NCCA has carried out a comprehensive public consultation process on the future direction of senior cycle education in Ireland. That concluded with the publication by the NCCA of Directions for Development — Developing Senior Cycle Education, which was presented at a national forum in Dublin Castle on 23 September 2003. That forum was attended by representatives of all the partners in education.

The NCCA proposals set out a vision for the type of school system which might exist by 2010. The proposals envisage a restructured senior cycle curriculum consisting of transition units, short courses and subjects. Innovative features of the leaving certificate vocational programme and the transition year programme would be incorporated into transition units that would focus on areas such as work-related learning, special studies, community participation, arts education, ICT literacy and study skills. The option of a two or three-year cycle would be retained, and the leaving certificate applied programme would continue as a discrete programme. All pupils, including LCA pupils, would follow at least one transition unit, and many pupils would take a greater number. The proposals provide also for an increased emphasis on a wider range of modes of assessment such as practical, portfolio or project work and continuous assessment, with assessment events spread out during courses of study and available at several points during the two or three-year cycle.

Publication of Directions for Development has been followed by further analyses and consultation by the NCCA in the lead-up to the council's presentation of advice and recommendations to me on the future of senior cycle. I understand that the next stage of that advice will include an elaboration of the possible configuration of subjects, short courses and transition units, details of how assessment might be managed, an analysis of the implications for staff development and infrastructure, and a detailed action plan for implementing the proposal. That advice is due early in 2005 and will enable decisions to be made on implementation.

School Accommodation.

446. **Mr. P. McGrath** asked the Minister for Education and Science when a permanent site and the provision of an appropriate school building will be secured to serve the needs of a school (details supplied) which is in temporary accommodation in Griffeen Valley, Lucan; and if she will make a statement on the matter. [29837/04]

Minister for Education and Science (Ms Hanafin): The property management section of the Office of Public Works, which acts on behalf

of my Department regarding site acquisitions generally, is exploring the possibility of acquiring a site for the school referred to by the Deputy. Owing to the commercial sensitivities of site acquisitions, it is not proposed at this stage to identify specific sites to be acquired. However, that information will be placed on my Department's website when the relevant acquisitions have been completed. In the meantime, my officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme, including the school referred to by the Deputy. All projects are being assessed against the published prioritisation criteria agreed earlier this year with the education partners. Each project will be assigned a band rating, and the progress of all projects will be considered in the context of the school building programme from 2005. The question of the provision of new accommodation for the school will be considered further when a site has been acquired.

Schools Building Projects.

447. **Ms Enright** asked the Minister for Education and Science the reason the board of management of a school (details supplied) in County Donegal and the architectural and design team have been asked to redesign a comprehensive brief for a school extension which was originally accepted by her Department in 2000; and if she will make a statement on the matter. [29933/04]

Minister for Education and Science (Ms Hanafin): The building project for the school referred to by the Deputy is at an early stage of architectural planning. It has a band 2 rating. My officials recently wrote to the school authorities with a revised brief for the project. That was following an examination of the proposal as previously submitted, which was found to be over-elaborate in both design and area and not in compliance with the original brief as issued in January 2001. The school authorities subsequently contacted my Department outlining that the revised brief is unacceptable to it and requesting a meeting to discuss current building plans for the school. My officials will be in contact with the school authorities shortly with a view to arranging the proposed meeting. In the meantime, my officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme, including the school referred to by the Deputy. All projects are being assessed against the published prioritisation criteria agreed earlier this year with the education partners. Each project will be assigned a band rating, and the progress of all projects will be considered in the context of the school building programme from 2005.

School Staffing.

448. **Mr. Penrose** asked the Minister for Education and Science if he will take steps to ensure

that a person (details supplied) in County Westmeath will be appointed to a permanent position as soon as possible; and if she will make a statement on the matter. [29934/04]

Minister for Education and Science (Ms Hanafin): The permanent teacher allocation for an individual voluntary secondary school for a particular school year consists of approved ex-quota posts and the posts warranted by the enrolment at the end of the preceding September on the basis of the current pupil-teacher ratio. Vacancies in schools arising from career breaks, approved leave of absence or secondments and concessionary posts, which are allocated in excess of a school's normal quota of posts, may only be filled in a temporary or part-time capacity.

The number of posts in any particular school which can be filled in a permanent capacity cannot exceed the allocation warranted by the enrolment and the approved ex-quota posts. In the case to which the Deputy refers, the number of posts which can be filled in a permanent capacity is 22. According to my Department's records, there are 22 permanent teachers on the staff of the school in question. In the circumstances, no further permanent appointment can be made at this time.

Institutes of Technology.

449. **Mr. Quinn** asked the Minister for Education and Science if her attention has been drawn to the fact that institutes of technology have been effectively prevented from promoting the formation of campus companies, capable of sharing their economic potential with external partners who have available investment capital, due to an interpretation of the Regional Technical Colleges Act 1992, section 5(2A) and the Vocational Educational (Amendment) Act 2001, section 37; if her attention has further been drawn to this restrictive interpretation; if, in the interests of promoting greater scientific research and its effective commercialisation with productive partners at campus level on the institutes of technology, similar to universities, she will issue clear enabling guidelines to all institutes of technology regarding their ability to retain minority shareholdings in such campus companies in which outside investors constitute the majority shareholding; and if she will make a statement on the matter. [29935/04]

Minister for Education and Science (Ms Hanafin): The functions of institutes of technology are set out in section 5 of the Regional Technical Colleges Act 1992. The functions provide for institutes to enter into arrangements, including participation in limited liability companies, in certain circumstances and under such conditions as the Minister may determine.

The Deputy's question alludes to section 37 of the Vocational Educational (Amendment) Act 2001. This section provides for an amendment to section 5 of the Regional Technical Colleges Act

1992 in relation to the setting up of companies. However, section 37 of the Vocational Educational (Amendment) Act 2001 has not been commenced, and section 5(1)(e) of the Regional Technical Colleges Act 1992 still applies. My Department will consider any application from institutes of technology for establishment of campus companies in accordance with the primary legislation.

Schools Refurbishment.

450. **Mr. Ring** asked the Minister for Education and Science if the proper procedures were put in place in relation to a school (details supplied) in County Mayo; the tests which were carried out on the tiles and roof of this school; if there were regular inspections of the roof as it was in progress; the person who carried out the inspections; the reports which are available on file in this matter; if she will provide this Deputy with a copy of the reports on file; if all these inspections were carried out in the first instance, the reason it was necessary to change the design when the school was being re-roofed; the further reason this design was put in place when the building was roofed on the first occasion; and if she will make a statement on the matter. [29936/04]

Minister for Education and Science (Ms Hanafin): The architectural service for this project was provided by my Department's professional and technical staff. Regular site meetings and site inspections were carried out by a range of technical personnel from my Department during construction. This school was built to a standard Department design that has been successfully used throughout the country over a 15-year period. However, it was deemed prudent to change the roof design in this instance as the original design was unable to deal with the exceptional and unpredictable local wind factors.

Home Tuition.

451. **Mr. McGuinness** asked the Minister for Education and Science if further home tuition hours will be approved in the case of a person (details supplied) in County Kilkenny; and if a decision in this case will be expedited. [29937/04]

Minister for Education and Science (Ms Hanafin): I understand that, arising from an appeal, the level of home tuition approved for the child in question was recently raised from ten to 20 hours per week. That represents a very significant level of one-to-one support, which will continue to be made available to the child until a school placement commences. The school in which placement has been sought is due to obtain new accommodation in the near future, and I am advised that a place will be made available for the child in question at that stage.

Schools Building Projects.

452. **Mr. Ring** asked the Minister for Education

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and Science if she will take steps to ensure that the final payment for a project in County Mayo issues to a person (details supplied); and the person who will deal with this. [29991/04]

Minister for Education and Science (Ms Hanafin): A member of my Department's technical staff is currently liaising with the quantity surveyor from this school's design team regarding the contractor's final account. When those discussions have been concluded, my Department's building unit will contact with the contractor's representatives.

453. **Mr. Ring** asked the Minister for Education and Science if funding will be provided for a school (details supplied) in County Mayo under the summer works scheme 2005. [29992/04]

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 of a roof 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 in January 2005.

Teaching Qualifications.

454. **Ms O'Sullivan** asked the Minister for Education and Science the amount spent on the completion of a comparative study on the AMI teacher training course and the courses in the colleges of education; when this report was completed; and when the complete report will be published. [30004/04]

455. **Ms O'Sullivan** asked the Minister for Education and Science if it is her intention to provide full recognition to AMI graduates trained here. [30005/04]

456. **Ms O'Sullivan** asked the Minister for Education and Science the reason, under Departmental policy, AMI graduates trained here are not allowed to sit an Scrúdú le hAghaidh Cáilíochta sa Ghaeilge. [30006/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 454 to 456, inclusive, together.

The content of courses delivered in the colleges of education and other teacher preparation institutions is considered by my Department before recognition of the course is awarded. In the case of the AMI three-year, full-time course, the content is not currently deemed to be sufficiently comprehensive to allow for recognition of the course to teach in mainstream primary schools. Therefore, it would not be appropriate for AMI graduates to sit an Scrúdú le hAghaidh Cáilíochta sa Ghaeilge. As a result, AMI graduates are limited to restricted recognition which enables them to teach in certain categories of special school and classes and as resource teachers. A process to

explore the possibility of full recognition for AMI graduates has recently been initiated.

In response to a request from AMI representatives, my Department has recently initiated a process to explore the possibility of full recognition for AMI graduates. When the outcome of that process is known, I will communicate them to the Deputy. My Department has not commissioned any comparative study on the AMI teacher training course and the courses in the colleges of education.

Pupil-Teacher Ratio.

457. **Ms O'Sullivan** asked the Minister for Education and Science her plans to reduce class sizes to fewer than 20 for children under nine in view of the commitment in the programme for Government and the fact that her predecessor did nothing to meet that promise during his term in office. [30007/04]

Minister for Education and Science (Ms Hanafin): Significant improvements have been made in the pupil-teacher ratio at primary level in recent years. The ratio has fallen from 22.2:1 in the 1996-97 school year to 17.44:1 in the 2003-04 school year. Arising from these improvements, class sizes have reduced in the same period. In line with the commitment in the programme for Government, class sizes will be reduced further. This, however, can only be done on a phased basis, having regard to available resources and spending priorities within the education sector. The timing and manner in which the target set out in the programme for Government can be met is being examined by my Department in consultation with the education partners. Additional posts will continue to be provided. The deployment of these posts will be decided within the context of the overall policy that priority will be given to pupils with special needs and those from disadvantaged areas and junior classes.

Teaching Qualifications.

458. **Ms O'Sullivan** asked the Minister for Education and Science if it is her intention to provide full recognition to Montessori teachers who qualify from a college (details supplied) in County Dublin. [30008/04]

Minister for Education and Science (Ms Hanafin): Discussions between representatives of my Department and the college referred to by the Deputy, regarding the full recognition of the HETAC accredited degree in humanities in Montessori education, are ongoing and are expected to conclude shortly. As soon as the outcomes are known, I will communicate them to the Deputy.

459. **Ms O'Sullivan** asked the Minister for Education and Science the number of unqualified teachers who have been employed in a primary school for longer than one school year; and if she will make a statement on the matter. [30009/04]

Minister for Education and Science (Ms Hanafin): A total of 147 unqualified teachers employed by primary schools for the 2003-04 school year were re-employed by these schools in September 2004. The recruitment and appointment of teachers to fill vacancies in an individual school is a matter for the board of management of the school concerned. Unqualified teachers should only be employed in exceptional circumstances and when all avenues for recruiting qualified personnel have been exhausted. In this context, my officials have recently written to all primary schools which, on 1 September of the current school year, were employing an unqualified teacher who had worked previously as an unqualified teacher.

Special Educational Needs.

460. **Mr. J. Higgins** asked the Minister for Education and Science the number of schools which have been and are in the process of having their provision of special needs assistants reviewed; the purpose of this review of provision of special needs assistants; if this review is being conducted on the basis of the number of hours allocated to schools or on the basis of each child; if this review is being conducted by the same qualified personnel that originally allocated the special needs support; and if she will make a statement on the matter. [30010/04]

Minister for Education and Science (Ms Hanafin): A review of special needs assistant, SNA, provision, which commenced recently, will apply to approximately 2,000 primary schools with existing SNA support. The review is concerned with the level and deployment of SNA posts in mainstream classes. The intention is to ensure that the level of approved SNA support in schools, and the manner in which that support is being allocated, are such as to ensure that the special care needs of pupils are being appropriately met. As part of the exercise, outstanding applications for SNA support for pupils who are attending mainstream classes will be processed. Decisions on the applications will be conveyed to the schools as soon as this process has been completed.

The team conducting the review is comprised of retired members of my Department's inspectorate. It was supplemented recently by a number of special education needs organisers, SENOs, who are employed by the National Council for Special Education. As the Deputy may be aware, the council has been established as an independent statutory body with responsibilities as set out in the National Council for Special Education (Establishment) Order 2003. The SENOs will be a focal point of contact for schools and parents and will process applications for resources for pupils with special educational needs, SEN.

In this context, the SENOs are undergoing extensive training to ensure they will also be qualified to review the levels of SNA supports in schools. It is anticipated the council and the

SENOs will become operational shortly. In this regard, my Department is liaising with the council regarding future arrangements for the processing of applications for SEN supports.

Schools Building Projects.

461. **Ms Enright** asked the Minister for Education and Science the criteria used to decide that a project at a school (details supplied) in County Donegal is deemed necessary rather than urgent; the regard that was given to the fact that the numbers attending the school have increased steadily since the initial assessment of overall accommodation in 1998; and if she will make a statement on the matter. [30108/04]

Minister for Education and Science (Ms Hanafin): A large-scale building project for the school to which the Deputy refers is listed in section 9 of the 2004 school building programme. It was assigned a band 3 rating by my Department in accordance with the published criteria for prioritising large-scale projects. The project planned for the school is being considered as part of a review together with all other projects that did not proceed to construction as part of the 2004 school building programme. All such projects are being assessed against the published prioritisation criteria, revised earlier this year following consultation with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the school building programme from 2005 onwards. All factors relating to the school mentioned, including the increased enrolment, are being considered in the review. Full details of the prioritisation criteria are available on my Department's website at www.education.ie.

462. **Ms Enright** asked the Minister for Education and Science when a school (details supplied) in County Donegal will progress from stage 1 to the next stage; and if she will make a statement on the matter. [30109/04]

Minister for Education and Science (Ms Hanafin): The building project for the school referred to by the Deputy is at an early stage of architectural planning and has a band 3 rating. My officials are nearing completion of a review of all projects that did not proceed to construction as part of the 2004 school building programme, including the school referred to by the Deputy. All projects are being assessed against the published prioritisation criteria, agreed earlier this year with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

Site Acquisitions.

463. **Mr. R. Bruton** asked the Minister for Education and Science if a site for a new primary school at Ballycullen in west Dublin has been

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acquired by his Department; the likely timeframe involved concerning a decision in respect of building this new school facility; the number of meetings he has held with South Dublin County Council and the Dublin schools planning committee as a means of assessing the likely timescale of housing development at this location and the anticipated demand; and if she will make a statement on the matter. [30138/04]

Minister for Education and Science (Ms Hanafin): The school planning section of my Department works closely with the four local authorities in the Dublin region in monitoring demographic changes and assessing the likely impact of planned new housing developments. A dedicated forum, the Dublin school planning committee, chaired by school planning section, interacts with the Dublin local authorities. This forum also comprises representatives of the patron bodies of primary schools. It meets twice a year. The Dublin school planning committee acts as an initial point of contact where the local authorities can signal to my Department and the patron bodies anticipated demand for school provision. Detailed discussions regarding reservation of sites and scale and timeframe for developments also take place at this forum. Arising from this process, a site for primary school purposes has been reserved in the Ballycullen area. A decision on the provision of a new school will involve further consultations with the local authority regarding the rate and likely timescale of housing developments in the area, together with an ongoing assessment of the capacity of existing schools to meet anticipated demand.

464. **Mr. R. Bruton** asked the Minister for Education and Science if a site for a new primary school at Fortunestown in west Dublin has been acquired by her Department; the likely timeframe involved concerning a decision in respect of building this new school facility; the number of meetings her Department has held with South Dublin County Council and the Dublin schools planning committee as a means of assessing the likely timescale of housing development at this location and the anticipated demand; and if she will make a statement on the matter. [30142/04]

Minister for Education and Science (Ms Hanafin): The school planning section of my Department works closely with the four local authorities in the Dublin region in monitoring demographic changes and assessing the likely impact of planned new housing developments. A dedicated forum, the Dublin school planning committee, chaired by school planning section, interacts with the Dublin local authorities. This forum also comprises representatives of the patron bodies of primary schools. It meets twice a year. The Dublin school planning committee acts as an initial point of contact where the local authorities can signal to my Department and the patron bodies anticipated demand for school pro-

vision. Detailed discussions regarding reservation of sites and scale and timeframe for developments also take place at this forum. Arising from this process, a site for primary school purposes has been reserved in the Fortunestown area. A decision on the provision of a new school will involve further consultations with the local authority regarding the rate and likely timescale of housing developments in the area, together with an ongoing assessment of the capacity of existing schools to meet anticipated demand.

Schools Building Projects.

465. **Mr. Walsh** asked the Minister for Education and Science the position regarding the provision of a gaelscoil at Clonakilty, County Cork; and if she will make a statement on the matter. [30152/04]

Minister for Education and Science (Ms Hanafin): An application for the provision of a new school for the gaelscoil in Clonakilty is being considered as part of a review of all projects that did not proceed to construction as part of the 2004 school building programme. All projects are being assessed against the published prioritisation criteria, revised earlier this year following consultation with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

Special Educational Needs.

466. **Mr. Costello** asked the Minister for Education and Science the reason the weighted system for improving the allocation of teaching resources for pupils with special education needs will result in the loss of 2.2 teachers at a school (details supplied) in Dublin 7; if the decision in relation to this school will be reversed; if the number of schools in disadvantaged areas that are adversely affected by the new weighting system introduced in June 2004 will not lose out as a result of the changes; and if she will make a statement on the matter. [30154/04]

Minister for Education and Science (Ms Hanafin): I am conscious of difficulties that could arise in relation to the proposed model for allocating resource teachers to primary schools, particularly for children in small and rural schools if it were implemented as proposed. Accordingly, I will review the proposed model to ensure it provides an automatic response for pupils with common mild learning disabilities without the need for cumbersome individual applications while, at the same time, ensuring pupils in receipt of service continue to receive the level of service appropriate to their needs. The review will involve consultation with educational interests and the National Council for Special Education before it is implemented next year. It is important to emphasise that applications may be made for specific resource teacher allocations in respect of

pupils with lower incidence special educational needs.

School Staffing.

467. **Mr. Crowe** asked the Minister for Education and Science if she will investigate the delayed progress at a school (details supplied) in County Donegal and the delay in having an extra teacher allocated to the school and in the provision of a pre-fab. [30155/04]

Minister for Education and Science (Ms Hanafin): The staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous school year. The number of mainstream posts sanctioned is determined by reference to a staffing schedule and is finalised for a particular year following discussions with the education partners. The mainstream staffing of the school referred to by the Deputy for the current school year is a principal and three mainstream class teachers based on the enrolment of 113 pupils on 30 September 2003. According to data submitted to my Department by the board of management, the enrolment on 30 September 2004 was 120 pupils. The staffing for the 2005-06 school year will be determined on the basis of this figure in accordance with the agreed staffing schedule which is expected to be notified to boards of management early in 2005.

The school planning section of my Department has considered all applications for temporary accommodation. In the context of the available funding and the number of applications for that funding, it was not possible to approve all applications received and only those with an absolute and demonstrated need for additional accommodation were approved. The application from the school referred to by the Deputy was not successful on this occasion.

The need for accommodation at the school is being considered as part of a review of all projects that did not proceed to construction as part of the 2004 school building programme. All projects are being assessed against the published prioritisation criteria, revised earlier this year following consultation with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

Special Educational Needs.

468. **Mr. McHugh** asked the Minister for Education and Science if she will approve as a matter of urgency a special needs assistant for a person (details supplied) in County Galway; and if she will make a statement on the matter. [30156/04]

Minister for Education and Science (Ms Hanafin): My Department received an application for special needs assistant support for the pupil in question on 15 November 2004. 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.

Student Support Schemes.

469. **Mr. Haughey** asked the Minister for Education and Science the student support schemes and measures available under the aegis of her Department to assist a third level student of a private college (details supplied); and if she will make a statement on the matter. [30157/04]

Minister for Education and Science (Ms Hanafin): The higher education grants scheme operates under the Local Authorities (Higher Education Grants) Acts 1968 to 1992. Under the scheme, an approved course is defined as a full-time undergraduate course of at least two years duration or a full-time postgraduate course of not less than one year's duration pursued in an approved institution. An approved institution is defined to mean a university, university college or other institution of higher education in so far as it provides a course or courses of not less than two years' duration, being a course or courses that the Minister for Education and Science approves for the time being for the purposes of the Acts.

Each year a list of approved institutions is specified for the purposes of the scheme. The approved institutions mainly comprise of publicly funded third level institutions. In this regard, the college to which the Deputy refers is not an approved college for the purpose of the scheme. Any extension to the scope of the grants scheme to include private colleges such as Portobello College can be considered only in light of available resources and in the context of competing demands within the education sector. There are no plans to extend the scope of the student support schemes to private colleges.

Special Educational Needs.

470. **Mr. Stagg** asked the Minister for Education and Science when a computer will be provided to a person (details supplied) on foot of the application made by the principal of this person's school; and if she will make a statement on the matter. [30158/04]

Minister for Education and Science (Ms Hanafin): My Department awaits the submission of an application for a grant in respect of the equipment for the person referred to by the Deputy. I have asked my officials to contact the school authorities regarding this matter, with a view to the speedy resolution of same.

School Closures.

471. **Mr. M. Brady** asked the Minister for Education and Science the discussions that have taken place regarding alternative accommodation for pupils given the decision to close a school (details supplied) in Kilbarrack; the future use of

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the school; and if he will meet with residents to discuss the future use of the school. [30169/04]

Minister for Education and Science (Ms Hanafin): A decision has been taken by the trustees of the school referred to by the Deputy that it will close 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. I am satisfied there is sufficient capacity in post-primary schools in the area to cater for children who would otherwise have attended the school in question. Assistance with arrangements for specific alternative placements for pupils is, in the first instance, a matter for the school's management authority. At this early stage, consideration has not yet been given to the future use of the school building. In the absence of such consideration, a meeting with residents would not be beneficial at this time.

Educational Disadvantage.

472. **Mr. Eoin Ryan** asked the Minister for Education and Science if she will designate a primary school (details supplied) in the Dublin 4 area as a Dublin inner city school in view of the large number of its pupils who live in the defined inner city area; and if she will make a statement on the matter. [30170/04]

Minister for Education and Science (Ms Hanafin): My Department has been engaged in an overall review of its educational disadvantage programmes, with a view to building on what has been achieved to date, adopting a more systematic, targeted and integrated approach and strengthening the capacity of the system to meet the educational needs of disadvantaged children and young people. A decision to expand or extend any of the initiatives aimed at addressing educational disadvantage is being considered in the context of this review, the outcome of which I hope to announce shortly.

Site Acquisitions.

473. **Mr. Cuffe** asked the Minister for Education and Science the demographic and other data used in determining the location of new schools; and if data on planning applications for dwellings is used as part of this process. [30206/04]

Minister for Education and Science (Ms Hanafin): The process of assessing the need for new or additional educational facilities at primary and post-primary level in a given area entails consideration by my Department of all relevant factors, including enrolment and demographic trends, housing developments and the capacity of existing schools to meet the demand for places. This process includes obtaining information regarding the number of planning permissions granted and sought in particular areas.

As part of this process, the Minister for Education and Science is included among the prescribed authorities to whom local authorities are statutorily obliged to send draft development plans or proposed variations to development plans. My Department monitors these plans and meets with local authorities, as required, to establish the location, scale and pace of major housing developments and their possible implications for school provision. Where appropriate, the local authority may be requested to reserve a site for educational purposes. In this way, every effort is made to ensure adequate existing provision or timely arrangements are made to extend capacity, where necessary. Liaison with existing schools is an important part of the process also, as the school authorities would usually alert my Department where, in their view, the need for additional accommodation is anticipated.

In addition, standing arrangements are in place for officials of my Department's planning and building unit to meet on a regular basis with officials of the four Dublin local authorities to discuss development proposals and consequent site requirements for new schools. My Department is concentrating on the areas of major development and population growth with a view to identifying where the most urgent need for new or additional educational facilities exists or is likely to arise in the future.

School Accommodation.

474. **Mr. Cuffe** asked the Minister for Education and Science if she considered acquiring a hall (details supplied) in Dublin 2 in order to provide future accommodation for students. [30207/04]

Minister for Education and Science (Ms Hanafin): My Department does not provide student accommodation or direct financial assistance for the provision of such accommodation. In recognition of the difficulties students can experience in obtaining accommodation and following consultation with third level colleges, a special tax incentive was introduced to encourage the provision of dedicated student residential accommodation in section 50 of the Finance Act 1999. The tax incentive is available for expenditure up to 31 July 2006 where an application for full planning permission is received by a planning authority by 31 December 2004. The opportunity, therefore, exists to create significant additional accommodation for third level students. A rent a room relief scheme was introduced in the Finance Act 2001. It allows homeowners rent out a room in their homes and have rental income up to €7,620 a year tax free. The scheme encourages householders to rent rooms to students.

475. **Mr. O'Donovan** asked the Minister for Education and Science the proposals she has for the purchase of a site for the construction of a new school (details supplied) in County Cork to replace the existing overcrowded and inadequate

school; and if she will make a statement on the matter. [30211/04]

Minister for Education and Science (Ms Hanafin): The property management section of the OPW, which acts on behalf of my Department on site acquisitions generally, is exploring the possibility of acquiring a site for the school referred to by the Deputy. Due to the commercial sensitivities of site acquisitions, it is not proposed at this stage to identify specific sites to be acquired. However, this information will be placed on my Department's website when the relevant acquisitions have been completed.

Schools Refurbishment.

476. **Mr. O'Donovan** asked the Minister for Education and Science the plans she has to renovate and refurbish a national school (details supplied) in County Cork; the date when works will commence; and if she will make a statement on the matter. [30212/04]

Minister for Education and Science (Ms Hanafin): A number of schemes are funded by my Department from which school building repair projects can be addressed. Under the grant scheme for minor works to national school properties, which came into operation in January 1997, all national schools receive funding annually. Items such as the replacement of windows, roof repairs, re-surfacing of school yard, re-painting and re-decorating qualify as improvements to school building and grounds and come within the scope of the minor works covered by this grant.

The summer works scheme, SWS, provides capital grants for necessary small-scale works that can be planned and delivered during the summer months. Applications are considered under the terms and conditions of the scheme. The management authority of the school has recently made an application for grant aid towards electrical works at the school under the summer works scheme 2005. All applications for the 2005 scheme will be considered in school planning section and it is planned to publish the list of successful applicants early in the new year.

Special Educational Needs.

477. **Mr. Lowry** asked the Minister for Education and Science if her attention has been drawn to a letter (details supplied) regarding the issue of the new weighted system for assessment of special needs teacher requirements in primary schools; if she will reconsider the special needs requirement in the school outlined; and if she will make a statement on the matter. [30213/04]

Minister for Education and Science (Ms Hanafin): I am aware of the concerns raised in the letter regarding the impact that the proposed model for allocating resource teachers to primary schools will have on the school in question. The school has two full-time resource teaching posts, one full-time learning support post and approxi-

mately 12.5 part-time resource teaching hours. I am conscious of difficulties that could arise regarding the proposed model, particularly for children in small and rural schools if it were implemented as proposed. Accordingly, I will review the proposed model to ensure that it provides an automatic response for pupils with common mild learning disabilities, without the need for cumbersome individual applications, while, at the same time, ensuring pupils in receipt of service continue to receive the level of service appropriate to their needs. The review will involve consultation with educational interests and the National Council for Special Education before it is implemented next year. It is important to emphasise that applications may be made for specific resource teacher allocations in respect of pupils with lower incidence special educational needs.

Suicide Prevention.

478. **Mr. Lowry** asked the Minister for Education and Science if her attention has been drawn to the crisis facing teachers in primary and post-primary schools relating to the issue of youth suicide; her views on the fact that a co-ordinated effort based on the principle of early intervention involving her Department, youth affairs, the Department of Health and Children and the National Children's Office is needed to tackle this huge and sensitive issue facing young people; her proposals for dealing with the crisis of youth suicide that faces parents and young people today; and if she will make a statement on the matter. [30214/04]

Minister for Education and Science (Ms Hanafin): I am aware of the serious problem of youth suicide and of the need for a co-ordinated response to this difficult issue. My Department is represented on a national steering group, which is preparing a national strategy for action on suicide prevention. A number of Departments and interested bodies are also represented on this steering group, which is also supported by a technical advisory group. Wide consultation has taken place throughout the country, including consultation with the partners in education. The consultation process is nearing completion and a new strategy and implementation plan will be ready by March 2005. Several sections of my Department and its associated agencies are considering actions which can be taken to tackle this serious problem. I will be in a position to make a further statement on this matter when the national strategy is published.

Special Educational Needs.

479. **Mr. Lowry** asked the Minister for Education and Science her views on whether there is a need for behavioural therapists to support primary and post-primary schools in tackling issues of behaviour, youth suicide, discipline and other related issues; the cost to her Department to pro-

[Mr. Lowry .] provide one behavioural therapist to every two primary and post primary schools; and if she will make a statement on the matter. [30215/04]

Minister for Education and Science (Ms Hanafin): The issues of behaviour, youth suicide, and discipline are so complex that they are unlikely to be addressed by the introduction of one particular kind of professional intervention. The problems need to be addressed at whole school, class and individual pupil level, as well as by collaborative interventions in the wider education, health, justice and welfare systems to ensure easy access to therapeutic services for children and young people. As regards the employment of behaviour therapists, a more practical solution would be to ensure guidance counsellors, support teachers and pastoral staff who are in schools have access to appropriate training and support that will enable them to deal with the difficulties mentioned by the Deputy.

Schools may request support from the National Educational Psychological Service, NEPS, on suicide and, if necessary, NEPS refers children and young people on to therapeutic services in the health sector. NEPS has also produced a resource pack for schools that helps them to plan a response to critical incidents and, in some areas, psychologists have arranged meetings on this subject for guidance counsellors and other groups of teachers.

With regard to the cost of providing one behaviour therapist to every two schools, it is difficult to get a precise estimate because of variations in the pay scales in different settings. The pay for a recruitment grade therapist at the bottom of the scale ranges from approximately €27,000 to €32,000 and, therefore, providing one to every two schools would cost approximately €50 million. However, it would be more appropriate and effective to support services available to schools.

Suicide Prevention.

480. **Mr. Lowry** asked the Minister for Education and Science if her attention has been drawn to a letter (details supplied) sent to her office on 31 October 2004; the way in which she intends to assist primary and post-primary teachers who are faced with students at risk of potential suicide; and if she will make a statement on the matter. [30216/04]

Minister for Education and Science (Ms Hanafin): I am aware of the contents of this letter, which outlines details of a particular case and also makes suggestions about a strategic approach aimed at dealing with emotional disturbance, thus preventing suicide. Schools faced with an emergency situation have access to advice from the National Educational Psychological Service, NEPS. NEPS published a school handbook on responding to critical incidents last year and, while it mainly addresses the issue of preparing for and managing critical incidents, it also con-

tains a short section on the creation of a supportive and caring school ethos, and advice on assessing students for suicide risk. NEPS psychologists regularly assist schools in the aftermath of an incident since early intervention is important in preventing distress and further difficulties for those close to a person who has died tragically. This is a highly valued element of the service that NEPS provides to schools and I have asked NEPS to contact the writer of the letter in relation to the individual mentioned.

With regard to the broader strategy, research indicates that the development of self-esteem, general coping skills and personal effectiveness is the most appropriate way to help the general population of young people to deal with life pressures and stress. The introduction of social, personal and health education, SPHE, as a core subject at primary level and up to junior certificate level has been a great achievement. An SPHE support team is in place to help schools to implement this curriculum. The National Council for Curriculum and Assessment is completing a proposal on SPHE for senior cycle. This will include a module on mental health.

In addition, my Department is involved in a national steering group, which is drawing up a new strategy and implementation plan for the prevention of suicide. It expects to report in March 2005 and I will make a further statement when the strategy is published.

Telecommunications Services.

481. **Mr. Stanton** asked the Minister for Education and Science if all circular letters and other such documents are to be sent to all primary schools by post until all schools have access to affordable broadband service; the allowance that schools get per year in order to allow them to pay for Internet access costs; and if she will make a statement on the matter. [30235/04]

Minister for Education and Science (Ms Hanafin): My Department's commitment to quality customer service includes the commitment to maximise the use of technology to improve service delivery. Within the planning and building unit of my Department, the Internet is used as the predominant mechanism for disseminating information to schools on a range of relevant matters and issues. The unit has not received substantive complaints regarding this method of communication either from schools or from the education partners. It is proposed to continue this pilot and to use the Department's website to update school authorities on planning and building matters only. Other circulars and associated documents will continue to be sent by post.

Since 1999, some support has been available on an annual basis to schools to allow them access the Internet. Initially, through sponsorship by Eircom Limited, originally as Telecom Éireann, and laterally by arrangement within my Department limited free access was granted to all schools who wished it. In 2003-04, my Depart-

ment gave schools direct grants of between €200 and €300 to support school Internet access charges.

My Department engaged in a public tender process, the results of which will see broadband Internet connectivity supplied to all recognised first and second level schools free of charge. The process will be funded as part of an agreement between Government and the Telecommunications and Internet Federation to which industry will contribute €15 million and the Exchequer €3 million in the period 2005 to 2007. I announced a new €18 million funding package on 20 November to enable primary and post-primary schools to upgrade and augment their computer network facilities in advance of broadband roll-out to schools. This new funding is additional to the €18 million being provided for broadband through the industry-Government fund.

The roll-out of broadband connectivity will be managed and moderated by a national school broadband network, which will provide a range of network support functions, including content filtering, virus protection, firewall and intrusion detection services, and a unified schools e-mail system. It is envisaged the broadband network will be in place at commencement of the broadband roll-out in early 2005 and that all schools will be connected by the end of that year.

Schools Building Projects.

482. **Caoimhghín Ó Caoláin** asked the Minister for Education and Science if she will report on her plans regarding the provision of a new school building for a school (details supplied) in County Cavan; the prospect of same being included in the schools building programme for 2005; and if she will make a statement on the matter. [30247/04]

Minister for Education and Science (Ms Hanafin): An application from the school in County Cavan referred to by the Deputy is being considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. All projects are being assessed against the published prioritisation criteria, revised earlier this year following consultation with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

Institutes of Technology.

483. **Mr. O'Shea** asked the Minister for Education and Science her proposals to assist Waterford Institute of Technology in rapidly developing its research and development capacity to assist the manufacturing sector in the south-east region in meeting the growing challenges in the global market, thereby contributing the protection of existing jobs and the creation of new jobs; and if she will make a statement on the matter. [30248/04]

Minister for Education and Science (Ms Hanafin): The Government has committed €698 million to the education sector for research, technology, innovation and development under the National Development Plan 2000-2006.

Some €38 million of this has been specifically allocated to institutes of technology under the technological sector research sub-measure. The objective of providing this specific funding for institutes of technology is to support and strengthen the research capability of the sector by enabling institutes to focus on research projects based on core strengths, either of individual institutes or of the sector as a whole. Funding for research is allocated on the basis of a competitive process with independent adjudication by national and international experts.

Waterford Institute of Technology has received funding amounting to some €2.36 million under the technological sector research sub-measure in the period 2000 to 2004. I also understand that the institute, in collaboration with other third level institutions, has been allocated almost €5 million under the programme for research in third level institutions, PRTLTI as the lead institution in a particular research project.

Special Educational Needs.

484. **Mr. P. Breen** asked the Minister for Education and Science if consideration will be given to sanctioning a special needs assistant for a person (details supplied) in County Clare; and if she will make a statement on the matter. [30258/04]

Minister for Education and Science (Ms Hanafin): I can confirm that my Department has considered an application for a special needs assistant, SNA, for the pupil in question. The process included a visit to the school by my Department's inspectorate. The staffing level at the school consists of ten teaching posts and 16 SNAs and the current enrolment is 53. My Department's advice is that the school should deploy its existing SNA support in a flexible manner to meet the needs of all the pupils with special care needs in the school, including the pupil in question. My Department conveyed this advice to the school in a letter on 10 November 2004.

Higher Education Grants.

485. **Mr. English** asked the Minister for Education and Science if a person (details supplied) in County Meath will be given a grant for a two-year degree course in embalming for a college in California; and if she will make a statement on the matter. [30311/04]

Minister for Education and Science (Ms Hanafin): The position is that none of the third level student support schemes operated under the aegis of the Department extend to undergraduate courses outside the European Union. Apart from the funds provided specifically for the purposes of the third level student support schemes, there are no other moneys at the disposal of the

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Department of Education and Science out of which financial assistance could be made available for study for a college in California.

486. **Mr. English** asked the Minister for Education and Science the reason a person (details supplied) in Dublin 15 will not be classified as a mature student and still has to submit their family income details to qualify for grant aid from the local authority; and if she will make a statement on the matter. [30326/04]

Minister for Education and Science (Ms Hanafin): The higher education grant schemes operate under the Local Authorities (Higher Education Grants) Acts, 1968 to 1992. These Acts define a mature student to mean a person “of not less than 23 years of age, or such 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”. The Acts further provide, *inter alia*, for the making of grants to mature students whose means and those of their parents, where the mature students are dependent on their parents do not exceed prescribed limits.

Under the terms of the higher education grants schemes, 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 or 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 Acts specify 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.

With regard to the student referred to by the Deputy, Meath County Council confirmed that the student was assessed as a dependent mature student on the year of entry of his approved course and will, therefore, continue to be assessed as such for the duration of the course. To assess the eligibility of the candidate for a maintenance grant, the local authority must examine the income details of both the candidate and of the parents in this case.

Schools Building Projects.

487. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a

school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30327/04]

552. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30393/04]

586. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30427/04]

587. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30428/04]

589. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30430/04]

591. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30432/04]

593. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30434/04]

595. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30436/04]

599. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30440/04]

600. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30441/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 487, 552, 586, 587, 589, 591, 593, 595, 599 and 600 together.

My Department has no record of an application for capital funding from the schools referred to by the Deputy.

488. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30328/04]

489. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30329/04]

490. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30330/04]

492. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30332/04]

493. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30333/04]

495. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30335/04]

497. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in

the schools building programme 2005; and if she will make a statement on the matter. [30337/04]

498. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30338/04]

500. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30340/04]

504. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30344/04]

512. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30352/04]

520. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30360/04]

522. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30362/04]

523. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30363/04]

526. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30366/04]

529. **Ms Enright** asked the Minister for Education and Science if an application under the

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schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30369/04]

532. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30372/04]

538. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30378/04]

539. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30379/04]

540. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30380/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 488, 489, 490, 492, 493, 495, 497, 498, 500, 504, 512, 520, 522, 523, 526, 529, 532, 538, 539 and 540 together.

My Department has no record of an application for capital funding from the schools referred to by the Deputy. However, school planning section officials are in ongoing discussions with the trustees of a number of schools in Portlaoise regarding possible future accommodation requirements in this rapidly developing town.

491. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30331/04]

494. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30334/04]

496. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30336/04]

501. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30341/04]

502. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30342/04]

503. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30343/04]

506. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30346/04]

508. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30348/04]

509. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30349/04]

525. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Kildare; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30365/04]

527. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in

the schools building programme 2005; and if she will make a statement on the matter. [30367/04]

528. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30368/04]

534. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30374/04]

536. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30376/04]

543. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30384/04]

547. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30388/04]

548. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30389/04]

549. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30390/04]

561. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30402/04]

583. **Ms Enright** asked the Minister for Education and Science if an application under the

schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30424/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 491, 494, 496, 501 to 503, inclusive 506, 508, 509, 525, 527, 528, 534, 536, 543, 547, 548, 549, 561 and 583 together.

Applications for capital funding have been received from the schools referred to by the Deputy. These applications are being considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. Under this review, all projects are being assessed against the published prioritisation criteria which were revised earlier this year following consultation with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

Questions Nos. 492 and 493 answered with Question No. 488.

Question No. 494 answered with Question No. 491.

Question No. 495 answered with Question No. 488.

Question No. 496 answered with Question No. 491.

Questions Nos. 497 and 498 answered with Question No. 488.

499. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30339/04]

531. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Carlow; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30371/04]

557. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30398/04]

562. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a

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 school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30403/04]

566. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30407/04]

568. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30409/04]

569. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30410/04]

578. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30419/04]

584. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30425/04]

588. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Tipperary; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30429/04]

590. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30431/04]

594. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30435/04]

596. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30437/04]

598. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30439/04]

601. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30442/04]

605. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30446/04]

610. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30451/04]

617. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30458/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 499, 531, 557, 562, 566, 568, 569, 578, 584, 588, 590, 594, 596, 598, 601, 605, 610 and 617 together.

Applications have been received for capital funding from the schools to which the Deputy refers. These applications are being considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. Under this review, all projects are being assessed against the published prioritisation criteria which were revised earlier this year following consultation with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

Question No. 500 answered with Question No. 488.

Questions Nos. 501 to 503, inclusive, answered with Question No. 491.

Question No. 504 answered with Question No. 488.

505. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30345/04]

507. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30347/04]

518. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Carlow; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30358/04]

521. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Carlow; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30361/04]

533. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30373/04]

537. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30377/04]

550. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30391/04]

608. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the

status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30449/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 505, 507, 518, 521, 533, 537, 550 and 608 together.

Applications for building works have been made by the schools referred to by the Deputy. The building projects are at early stages of architectural planning. My officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme including the schools in question. All projects are being assessed against the published prioritisation criteria, agreed earlier this year with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

Question No. 506 answered with Question No. 491.

Question No. 507 answered with Question No. 505.

Question No. 508 and 509 answered with Question No. 491.

510. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Kildare; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30350/04]

Minister for Education and Science (Ms Hanafin): The extension project for the school referred to by the Deputy was authorised to proceed to advanced architectural planning stage 4, detail design, in July 2004. My officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme including the school referred to by the Deputy. All projects are being assessed against the published prioritisation criteria, agreed earlier this year with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

511. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Kildare; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30351/04]

519. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Kildare; the

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status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30359/04]

555. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30396/04]

556. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30397/04]

558. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30399/04]

563. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30404/04]

564. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30405/04]

565. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30406/04]

571. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30412/04]

572. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Kildare; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30413/04]

576. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30417/04]

577. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30418/04]

579. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30420/04]

580. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30421/04]

582. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30423/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 511, 519, 555, 556, 558, 563 to 565, inclusive, 571, 572, 576, 577, 579, 580 and 582 together.

My Department has no record of an application for capital funding from the schools referred to by the Deputy.

Question No. 512 answered with Question No. 488.

513. **Ms Enright** asked the Minister for Education and Science if an application under the Schools Building Programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the Schools Building Programme 2005; and if she will make a statement on the matter. [30353/04]

615. **Ms Enright** asked the Minister for Education and Science if an application under the Schools Building Programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the Schools Building Programme 2005; and if she will make a statement on the matter. [30456/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 513 and 615 together.

My Department has recently funded the provision of a new eight-classroom school and a new three-classroom school for the schools referred to by the Deputy.

514. **Ms Enright** asked the Minister for Education and Science if an application under the Schools Building Programme has been made by a school (details supplied) in County Carlow; the status of the application; if it will be included in the Schools Building Programme 2005; and if she will make a statement on the matter. [30354/04]

535. **Ms Enright** asked the Minister for Education and Science if an application under the Schools Building Programme has been made by a school (details supplied) in County Carlow; the status of the application; if it will be included in the Schools Building Programme 2005; and if she will make a statement on the matter. [30375/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 514 and 535 together.

My Department has no record of an application for capital funding from the schools referred to by the Deputy.

515. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Kildare; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30355/04]

Minister for Education and Science (Ms Hanafin): I am pleased to advise the Deputy that the school in question is included in my Department's 2004 school building programme. As part of the expansion of the devolved scheme contained in the 2004 school building programme, a grant of €200,000 was sanctioned to enable the management authority of the school in question to provide additional accommodation.

516. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30356/04]

Minister for Education and Science (Ms Hanafin): I am pleased to advise the Deputy that the school in question was included in my Department's 2003 school building programme.

As part of a pilot initiative contained in the 2003 school building programme, a grant of €100,000 was sanctioned to enable the management authority of the school in question to provide additional classroom accommodation.

The initiative allows boards of management to address their accommodation and building priorities with a guaranteed amount of funding and them control of the building project.

517. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30357/04]

559. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30400/04]

570. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30411/04]

575. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30416/04]

609. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30450/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 517, 559, 570, 575 and 609 together.

The projects referred to by the Deputy are part of this year's school building programme and I am pleased to inform her that construction work is recently under way at each of them.

Question No. 518 answered with Question No. 505.

Question No. 519 answered with Question No. 511.

Question No. 520 answered with Question No. 488.

Question No. 521 answered with Question No. 505.

Questions Nos. 522 and 523 answered with Question No. 488.

524. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30364/04]

Minister for Education and Science (Ms Hanafin): I am pleased to advise the Deputy that the school in question is included in my Department's 2004 school building programme.

As part of the expansion of the devolved scheme contained in the 2004 school building programme, a grant of €275,000 was sanctioned to enable the management authority of the school in question to provide additional accommodation.

The initiative allows boards of management to address their accommodation and building priorities with a guaranteed amount of funding and gives them control of the building project.

Question No. 525 answered with Question No. 491.

Question No. 526 answered with Question No. 488.

Questions Nos. 527 and 528 answered with Question No. 491.

Question No. 529 answered with Question No. 488.

530. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30370/04]

Minister for Education and Science (Ms Hanafin): I am pleased to advise the Deputy that the school in question is included in my Department's 2004 school building programme. As part of the expansion of the devolved scheme contained in the 2004 school building programme, a grant of €275,000 was sanctioned to enable the management authority of the school in question to provide additional accommodation. The initiative allows boards of management to address their accommodation and building priorities with a guaranteed amount of funding and gives boards of management control of the building project.

Question No. 531 answered with Question No. 499.

Question No. 532 answered with Question No. 488.

Question No. 533 answered with Question No. 505.

Question No. 534 answered with Question No. 491.

Question No. 535 answered with Question No. 514.

Question No. 536 answered with Question No. 491.

Question No. 537 answered with Question No. 505.

Question No. 538 answered with Question No. 488.

Questions Nos. 539 and 540 answered with Question No. 488.

541. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30382/04]

542. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30383/04]

544. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30385/04]

545. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30386/04]

546. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30387/04]

554. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30395/04]

602. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a

school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30443/04]

603. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30444/04]

606. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30447/04]

607. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Tipperary; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30448/04]

612. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30453/04]

613. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30454/04]

616. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30457/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 541, 542, 544, 545, 546, 554, 602, 603, 606, 607, 612, 613 and 616 together.

My Department has no record of an application for capital funding from the schools to which the Deputy refers.

Question No. 543 answered with Question No. 491.

Questions Nos. 544 to 546, inclusive, answered with Question No. 541.

Questions Nos. 547 to 549, inclusive, answered with Question No. 491.

Question No. 550 answered with Question No. 505.

551. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Laois; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30392/04]

Minister for Education and Science (Ms Hanafin): I am pleased to advise the Deputy that the school in question is included in my Department's 2004 school building programme. As part of the expansion of the devolved scheme contained in the 2004 school building programme, a grant of €350,000 was sanctioned to enable the management authority of the school in question to provide additional accommodation. The initiative allows boards of management to address their accommodation and building priorities with a guaranteed amount of funding and gives boards of management control of the building project.

Question No. 552 answered with Question No. 487.

553. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30394/04]

Minister for Education and Science (Ms Hanafin): An application for capital funding has been received from the school to which the Deputy refers. 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.

Question No. 554 answered with Question No. 541.

Questions Nos. 555 and 556 answered with Question No. 511.

Question No. 557 answered with Question No. 499.

Question No. 558 answered with Question No. 511.

Question No 559 answered with Question No. 517.

560. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30401/04]

Minister for Education and Science (Ms Hanafin): The extension project for the school referred to by the Deputy is at an early stage of architectural planning. It has a band 2 rating. My officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme including the school in question. All projects are being assessed against the published prioritisation criteria, agreed earlier this year with the education partners.

Each project will be assigned a band rating and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

Question No. 561 answered with Question No. 491.

Question No. 562 answered with Question No. 499.

Questions Nos. 563 to 565 inclusive answered with Question No. 511.

Question No. 566 answered with Question No. 499.

567. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30408/04]

Minister for Education and Science (Ms Hanafin): My Department has no record of an application for capital funding from the school to which the Deputy refers.

Questions Nos. 568 and 569 answered with Question No. 499.

Question No. 570 answered with Question No. 517.

Questions Nos. 571 and 572 answered with Question No. 511.

573. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in

the schools building programme 2005; and if she will make a statement on the matter. [30414/04]

Minister for Education and Science (Ms Hanafin): The school in question was included in my Department's 2003 school building programme. As part of a pilot initiative contained in the 2003 school building programme, a grant of €200,000 was sanctioned to enable the management authority of the school to provide additional classroom accommodation. The initiative allows boards of management to address their accommodation and building priorities with a guaranteed amount of funding and gives boards of management control of the building project.

574. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30415/04]

Minister for Education and Science (Ms Hanafin): An application for capital funding has been received from the school to which the Deputy refers. 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.

Question No. 575 answered with Question No. 517.

Questions Nos. 576 and 577 answered with Question No. 511.

Question No. 578 answered with Question No. 499.

Questions Nos. 579 and 580 answered with Question No. 511.

581. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30422/04]

Minister for Education and Science (Ms Hanafin): The extension project for the school referred to by the Deputy is at an early stage of architectural planning. It has a band 1 rating.

My officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building pro-

gramme, including the school in question. All projects are being assessed against the published prioritisation criteria, agreed earlier this year with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

Question No. 582 answered with Question No. 511.

Question No. 583 answered with Question No. 491.

Question No. 584 answered with Question No. 499.

585. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30426/04]

Minister for Education and Science (Ms Hanafin): The extension project for the school referred to by the Deputy is at an early stage of architectural planning. It has a band 2 rating.

My officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme, including the school in question. All projects are being assessed against the published prioritisation criteria, agreed earlier this year with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

Questions Nos. 586 and 587 answered with Question No. 487.

Question No. 588 answered with Question No. 499.

Question No. 589 answered with Question No. 487.

Question No. 590 answered with Question No. 499.

Question No. 591 answered with Question No. 487.

592. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30433/04]

Minister for Education and Science (Ms Hanafin): An extension/refurbishment costing

€340,000 has been recently completed at the school in question.

Question No. 593 answered with Question No. 487.

Question No. 594 answered with Question No. 499.

Question No. 595 answered with Question No. 487.

Question No. 596 answered with Question No. 499.

Schools Refurbishment.

597. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30438/04]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that an extension-refurbishment project costing €1.6 million has been recently completed at the school in question.

Question No. 598 answered with Question No. 499.

Questions Nos. 599 and 600 answered with Question No. 487.

Question No. 601 answered with Question No. 499.

Questions Nos. 602 and 603 answered with Question No. 541.

School Accommodation.

604. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30445/04]

Minister for Education and Science (Ms Hanafin): I am pleased to advise the Deputy that the school in question was included in my Department's 2003 school building programme. As part of a pilot initiative contained in that programme, a grant of €150,000 was sanctioned to enable the management authority of the school to provide additional classroom accommodation. The initiative allows boards of management to address their accommodation and building priorities with a guaranteed amount of funding and gives them control of the building project.

Question No. 605 answered with Question No. 499.

Questions Nos. 606 and 607 answered with Question No. 541.

Question No. 608 answered with Question No. 505.

Question No. 609 answered with Question No. 517.

Question No. 610 answered with Question No. 499.

Schools Refurbishment.

611. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30452/04]

614. **Ms Enright** asked the Minister for Education and Science if an application under the schools building programme has been made by a school (details supplied) in County Offaly; the status of the application; if it will be included in the schools building programme 2005; and if she will make a statement on the matter. [30455/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 611 and 614 together.

I am pleased to inform the Deputy that a €2.8 million refurbishment programme has recently been completed at the schools in question.

Questions Nos. 612 and 613 answered with Question No. 541.

Question No. 614 answered with Question No. 611.

Question No. 615 answered with Question No. 513.

Question No. 616 answered with Question No. 541.

Question No. 617 answered with Question No. 499.

Army Lands.

618. **Mr. Timmins** asked the Minister for Defence the position with respect to the disposal of Army lands at a location (details supplied) in County Cork to local organisations; and if he will make a statement on the matter. [29778/04]

Minister for Defence (Mr. O'Dea): An area comprising more than 27 acres of the property in question is being handed over to Cork County Council for community use, including the provision of playing pitches. I understand that at meetings held in the County Hall, Cork, in January 2002, between my predecessor and representatives of local GAA and soccer clubs, it was

agreed that the soccer club be allocated one pitch on the northern side of a mill race which traverses the barrack lands and a second pitch to the south of that mill race, while the GAA club would be given an area adjacent to the soccer pitch on the northern side. The formal allocation of the land in question to the clubs is a matter for Cork County Council and my Department is in the process of transferring title to the property to the council. In addition, an area of almost ten acres, currently held under licence by the GAA club, is to be sold to that club.

Defence Forces Reserve.

619. **Mr. Timmins** asked the Minister for Defence the position in respect of the announcement of the relocation of a unit (details supplied) from Sligo to Athlone; if, in view of the circumstances, this decision will be reversed; and if he will make a statement on the matter. [29794/04]

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

The Permanent Defence Force is now organised in a three-brigade structure and a Defence Forces training centre. The Reserve Defence Force will be similarly reorganised and restructured and it is envisaged that the implementation of this plan will take place over the course of the next six years.

The plan defines the organisational framework of the new Army Reserve and provides for a greater concentration of units within each Army brigade area. There will be mergers both at battalion and company level as well as between sister technical support units. This will be the key to providing enhanced training facilities and opportunities for each member of the reserve.

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

Members of the FCA are already seeing the benefits of the reorganisation process in terms of better clothing and improved equipment and more and better quality training. As the process develops, we will see additional benefits in terms of a clearer role for the reserve, a better overall organisation structure, and opportunities for suitably qualified personnel to serve overseas. We

will also see benefits from the closer integration and greater inter-operability of the reserve and the Army.

The proposed relocation of the 5 Field CIS company is consistent with the recommendations contained within the Reserve Defence Forces review implementation board report. The report proposed this relocation of 5 Field CIS company to Athlone, where they will be co-located with its Permanent Defence Force sister unit. This co-location will facilitate additional training with highly sophisticated signals equipment which is not available in Sligo.

The military authorities have advised that signals training will continue in Sligo, as the new organisation in Sligo contains the signals platoon of headquarters company. This ensures that signal skills will not be lost to the reserve in Sligo and that personnel will continue to train in the signals area. In addition, the new organisation of the reserve in Sligo provides for an infantry company which actually will increase the overall establishment of the reserve in Sligo from 77 to 155. It is not intended that any Reserve Defence Force location will close.

Communications Masts.

620. **Mr. Gregory** asked the Minister for Defence, further to Question No. 256 of 16 November 2004, if such a survey will be carried out in view of the fact that such surveys are standard annual practice in many other countries; and if he will make a statement on the matter. [30113/04]

Minister for Defence (Mr. O'Dea): I am advised that while there is no statutory requirement for owners or users of communications masts to have electromagnetic field strength tests carried out, the Commission for Communications Regulation, ComReg, which is the licensing authority for the use of the radio frequency spectrum in Ireland, has recently completed a large survey of communications facilities on behalf of the Minister for Communications, Marine and Natural Resources. The location in question was not selected as one of the sites for survey on this occasion. However, I understand that ComReg may be requested to undertake further measurements next year although a decision in that regard has yet to be made.

Overseas Missions.

621. **Aengus Ó Snodaigh** asked the Minister for Defence the questions regarding Irish participation in the proposed EU battle groups which he has raised with the EU civil service as indicated to Dáil Éireann on 17 November 2004; the questions raised with EU counterparts on this issue; and any other questions currently being examined by him in relation to this issue. [30305/04]

Minister for Defence (Mr. O'Dea): The development of EU rapid response elements to carry out crisis management operations was a key

aspect of the Helsinki headline goal agreed by the Heads of State and Government in 1999. Following on from the realisation of the Helsinki headline goal, albeit with some shortfalls, earlier this year member states adopted a new headline goal with a horizon of 2010. Under the new headline goal, member states decided to commit themselves to be able by 2010 to respond with rapid and decisive action applying a fully coherent approach to the whole spectrum of crisis management operations, that is, the Petersberg Tasks, which, in short, involve humanitarian, rescue, peacekeeping and crisis management operations, including peacemaking. In this context, the ability of the EU to deploy force packages at high readiness as a response to a crisis either as a stand-alone force or as part of a larger operation enabling follow-on phases, is a key element of the 2010 headline goal.

At a military capabilities commitment conference on 22 November 2004, I informed my EU colleagues of Ireland's preparedness to enter into consultations with partners with a view to participation in the rapid response elements which will make up the high readiness force packages. As with many developments in the European Union, the development of rapid response elements has involved much consultation between the member states. This consultation largely takes place at EU level between the civil servants and military personnel of the member states assigned to their respective representations in Brussels. In addition, a key aspect of the development of the multinational rapid response elements will be the question of interoperability with prospective partners. In this context, some informal consultations have taken place between both civil and military officials of my Department and those of Sweden and Finland, with whom the Defence Forces already have a good working relationship in Liberia and Kosovo, respectively.

As stated in my reply to the House on 17 November 2004, further detailed analysis on Ireland's participation in the rapid response elements will take place over the coming months. Following completion of the necessary analysis I intend returning to Government with proposals regarding the level of such participation. I re-emphasise that Ireland's participation in such rapid response elements will remain subject to the usual requirements of Government decision, Dáil approval and UN authorisation.

Planning Issues.

622. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government the guidelines and best practice advice on tree protection that are available from his Department to local authorities for their subsequent proactive distribution to architects, developers and planners. [29804/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Guidelines for planning authorities on tree preservation were

[Mr. Roche.] issued by my Department in 1994. The guidelines draw attention to the opportunities open to planning authorities to influence and control the contribution which trees can make to the quality of life. Copies of the guidelines are available in the Oireachtas Library.

Water and Sewerage Schemes.

623. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the position with regard to a water scheme extension (details supplied) in County Mayo; when funding was applied for by the council for this project; when funding will be approved; and the expected start date of this extension. [29661/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The extension of the Lough Mask regional water supply scheme from Shraah to Westport is included in my Department's water services investment programme 2004-2006 to commence construction in 2005. My Department approved the design report for the scheme last June and the submission of contract documents by Mayo County Council is now awaited.

The Louisburgh water supply scheme is also included in my Department's water services investment programme 2004-2006 to commence construction in 2005. Mayo County Council's design report for this scheme, and also for a proposed supply to Murrisk, is under examination in my Department and will be dealt with as quickly as possible.

Community Warden Service.

624. **Mr. J. O'Keefe** asked the Minister for the Environment, Heritage and Local Government the position regarding the proposal to establish a community warden service; and if he will make a statement on the matter. [29664/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The pilot community warden service was launched in February 2002 in five local authorities: Galway, Leitrim and Wexford County Councils, Galway City Council and Naas Town Council. My Department has commissioned an independent evaluation of the pilots and a final report is due very shortly. This will provide a basis for further consideration of the future of the service

Environmental Policy.

625. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the reason that between 1998 and 2003, Ireland has had the second highest number of environment infringement cases of all EU member states; and if he will make a statement on the matter. [29673/04]

628. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if,

in view of Ireland's record concerning compliance with EU environmental regulations, he will consider upgrading or consolidating enforcement mechanisms; and if he will make a statement on the matter. [29676/04]

629. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the mechanisms that are in place to ensure compliance with EU environmental regulations; and if he will make a statement on the matter. [29677/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 625, 628 and 629 together.

I am keenly aware of the importance of timely transposition and effective implementation of EU environmental legislation. Some 200 pieces of EU environmental legislation, including more than 140 directives, have by now been transposed and, more recently, external legal and drafting expertise has been utilised in order to expedite this.

The European Commission has power to take infringement proceedings against member states where it considers that legislation has not been transposed or has been improperly transposed. In line with this prerogative, the Commission raises issues in correspondence with member states, and if agreement is not reached on how to address the issue, may take a case to the European Court of Justice. My Department is in ongoing communication with the Commission on a range of issues at any given time and in addition meets regularly with Commission officials to identify how issues of non-compliance can best be addressed. High priority is being given to addressing outstanding issues in consultation with the Commission and relevant stakeholders.

The European Commission published its fifth annual survey on the implementation and enforcement of Community environmental law 2003 in July 2004. The report included a performance table of member states under three headings, relating to non-transposition, non-conformity and failure to implement derived or secondary obligations. Of the then 15 member states Ireland was ranked sixth best in relation to transposition, eighth in relation to conformity and 15th in relation to the implementation of derived or secondary obligations.

My Department, through the local authorities and the Environmental Protection Agency, EPA, continues to work towards maintaining a high level of environmental protection for Ireland. To strengthen implementation structures, the office of environmental enforcement, OEE, has been established, with roles in direct enforcement action, in providing support and guidance for local authority enforcement efforts, and in pursuing those local authorities whose enforcement performance requires improvement. Ongoing EPA participation in IMPEL, an informal network of European regulators concerned with the implementation and enforcement of environmental legislation, also assists in this work.

626. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the reason his Department failed to comply with EU Regulation No. 2037-2000; and if he will make a statement on the matter. [29674/04]

627. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the reason his Department chose not to reply to correspondence and notices of action from the European Commission and preferred to argue the case before the court, with its significant cost to the State; and if he will make a statement on the matter. [29675/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 626 and 627 together.

Due to competing demands in relation to the requirements of new EU environmental legislation, and the need to deploy available resources on a priority basis, it was not previously possible to put in place the detailed arrangements which are necessary for the administration of EU Regulation 2037-2000 on substances that deplete the ozone layer. In this regard, it is important to note that none of the substances controlled under the regulation are produced in this country.

Prior to the judgment of the European Court of Justice steps were already being taken towards implementation of the Regulation. Consultants, URS Ireland Limited., were appointed at the end of 2003 by the Environmental Protection Agency on behalf of my Department to advise in this regard and their final report is expected shortly. On receipt of the report, appropriate administrative arrangements for the regulation will be brought forward as a matter of urgency.

Questions Nos. 628 and 629 answered with Question No. 625.

Land Initiative Scheme.

630. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government, further to Question No. 1203 of 29 September 2004, the status of the application; and if he will make a statement on the matter. [29694/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department will be in a position shortly to respond to information received from Roscommon County Council in relation to the council's revised proposals for the serviced land initiative scheme at Lanesboro Road, County Roscommon.

Water and Sewerage Schemes.

631. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he has received the preliminary report on the development of a sewerage scheme for the village

of Creggs, County Galway; and if he will make a statement on the matter. [29697/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Questions Nos. 1172 and 1204 of 29 September 2004.

632. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government, further to Question No. 826 of 27 April 2004, if he will approve funding for the upgrade to the south Roscommon water supply and Killeglan springs; and if he will make a statement on the matter. [29699/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The south Roscommon water supply scheme has been approved for funding under my Department's water services investment programme 2004-2006. The design review report for the scheme submitted by Roscommon County Council will be further considered on receipt of additional information which my Department has requested from the county council.

Departmental Review.

633. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government, further to Question No. 179 of 13 October 2004, when the review of the disabled persons grant scheme in his Department will be concluded; if he intends to publish the report of the review; and if he will make a statement on the matter. [29708/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The position regarding the review is as set out in my reply to Question No. 179 of 13 October 2004. The outcome of the review will be made available when completed.

Natural Heritage Areas.

634. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the position in relation to a project (details supplied) in County Mayo; when he expects the work to commence on the visitor centre; if planning permission has been secured; when the construction phase will commence; and when it is expected that the facility will open. [29731/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): A sum of €3.81 million has been allocated by my Department under the National Development Plan 2000-2006 for this project, which involves a new visitor centre to serve Ballycroy National Park, County Mayo. A site has been acquired by my Department in the village of Ballycroy for this purpose.

A planning application for the proposed visitor centre was lodged with Mayo County Council by

[Mr. Roche.]
the Office of Public Works on behalf of my Department earlier this year. Additional information requested by the council is being compiled and I expect that this will be supplied to Mayo County Council within the next month. Subject to planning permission being obtained, it is hoped that work on this project will commence in 2005, with a 12-month completion time.

Services for People with Disabilities.

635. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government the grant aid available for the installation of lifts for the disabled in buildings that are used by the public, for example, community centres, churches and parish halls; and if there is no grant aid available, if he will consider introducing such a grant scheme. [29770/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Such grant assistance is not available from my Department, although I understand that a grant for purposes of this kind has been approved for Kildare County Council by the Dormant Accounts Fund Disbursements Board. My outline local government sectoral plan under the Disability Bill 2004 includes objectives, *inter alia*, to promote universal access to public spaces, buildings and services owned and operated by local authorities, and to review and update standards set out in part M, access for people with disabilities, of the national building regulations.

Water and Sewerage Schemes.

636. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if tenders have been received for the completion of a sewerage scheme (details supplied) in County Westmeath; the date on which these tenders were received; if funding has been sanctioned for this scheme; and if not, when it is expected that this scheme will be given approval. [29773/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I understand that tenders for the provision of waste water treatment facilities for Castletown-Geoghegan and five other locations were received by Meath County Council, acting as procurement authority, on 15 October 2004, and are being examined by the council. My Department has approved the funding for the project under the rural water programme.

Local Government Code.

637. **Ms M. Wallace** asked the Minister for the Environment, Heritage and Local Government the legislative mechanism by which a local authority can bring forward by-laws preventing alcohol consumption in public parks and open spaces. [29780/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I understand that a number of local authorities have used their general by-law making powers under the local government code to prohibit the consumption of alcohol in public parks and open spaces. It may be, however, that significant further extension of this type of regulatory control should best be addressed in the context of public order legislation which is the responsibility of my colleague, the Minister for Justice, Equality and Law Reform. My Department has raised this issue with that Department.

Water and Sewerage Schemes.

638. **Mr. M. Moynihan** asked the Minister for the Environment, Heritage and Local Government the state of progress on a development (details supplied) in County Cork; if he will outline the delays in this project since the announcement of funding by his Department in 1999; and the reasons therefor. [29179/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Kilbrin sewerage scheme has been approved for construction in my Department's Water Services Investment Programme 2004-2006 under the rural towns and villages initiative at an estimated cost of €1.4 million. My Department approved contract documents for the collection system in May 2004 and it is a matter for the council to advance this element of the scheme to construction.

Tender documents for the Kilbrin waste water treatment plant, which is being procured as part of a grouped design-build-operate contract that also involves a number of other locations, have been submitted to my Department by Cork County Council. The tender documents will be further considered when they have been revised by the council as requested by my Department in September 2004.

Air Pollution.

639. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government the procedure a person can follow if they believe there is serious air pollution in their area which is affecting their health; the person they should contact to monitor the pollution and deal with this problem; and if he will make a statement on the matter. [29809/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 376 of 28 October 2004.

Air quality management is primarily the responsibility of local authorities. Accordingly, where an issue regarding air pollution arises in a particular area, it should be brought to the attention of the local authority concerned.

Seal Cull.

640. **Mr. Haughey** asked the Minister for the Environment, Heritage and Local Government if research has been undertaken on the number of seals off the Irish coast; if there are circumstances whereby seals can be culled in a controlled and caring manner having regard to the scientific research available; and if he will make a statement on the matter. [29836/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): There are two species of seals in Irish waters, the harbour or common seal and the more numerous grey seal. In August 2003, a national census of harbour seals was carried out by the national parks and wildlife service, NPWS, of my Department and the coastal and marine resource centre of University College Cork. This indicated a minimum population of some 3,000 harbour seals around the country's coast. This report is available on the NPWS website at <http://www.npws.ie/en/PublicationsLiterature/IrishWildlifeManuals/> A further report is available at the same NPWS website entitled, Summary of NPWS Surveys for Common, Harbour, Seals and Grey Seals, 1978 to 2003. While there have been a number of studies of grey seal populations at certain breeding sites, including a report commissioned by the Marine Institute in 2000 on grey seals status and monitoring in the Irish and Celtic Seas, there has not been a recent comprehensive national survey. However, in line with a recommendation of the Marine Institute report and as part of its programme of monitoring habitats and species protected under the EU habitats directive, the NPWS is planning a national grey seal survey in 2005.

The inter-relationship between seals and fisheries is complex. It should be noted that in most cases seals are feeding on different resources to those sought by fishermen. There is nonetheless a perception that seals, particularly grey seals, can threaten fishing and aquacultural operations. Scaring and killing of seals may be permitted by licence under the Wildlife Acts on the grounds of interference with fishing or aquaculture. The number of such licences issued has been low, and on the basis of present surveys and assessments, extensive culling of the Irish seal population is not envisaged.

Planning Issues.

641. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government if he plans to issue directives to local authorities and An Bord Pleanála to implement his policy on one-off housing rather than the guidelines proposed by his predecessor; and if he will make a statement on the matter. [29940/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In accordance

with normal practice, the Guidelines for Planning Authorities on Sustainable Rural Housing, published on 4 March 2004, were issued in draft form to give all those interested an opportunity to comment before the guidelines are finalised in statutory form. Submissions in relation to the draft guidelines were to be submitted to my Department by 30 April 2004. In view of the importance of the rural housing issue, my predecessor requested planning authorities and An Bord Pleanála to have regard to the draft guidelines with effect from their date of publication. The guidelines are a material consideration both in relation to development plans and in the consideration of planning applications. Planning authorities are required to review and vary their development plans, where necessary, to ensure their policies on rural settlement are consistent with the policies set out in the guidelines.

A total of 105 submissions in relation to the draft guidelines have been received by my Department from interested organisations and individuals. The submissions have been examined in detail by my Department. I intend to carefully consider any suggestions for clarifying or improving the guidelines before they are finalised. It is my intention that the guidelines will be issued in their final statutory form by the end of this year.

When issued in their final statutory form, the guidelines will have the status of ministerial planning guidelines under section 28 of the Planning and Development Act 2000. Section 28 provides that planning authorities and An Bord Pleanála must have regard to the provisions of any such guidelines when exercising their planning functions.

It is not intended at this time to issue a planning policy directive on rural housing, following the publication of the final guidelines.

Local Authority Staff.

642. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the position on the recruitment process for IT officer posts, namely, IS analyst-developer, IS project leader and IS technical support officer within local authorities (details supplied); the reason there is a clause in the criteria which states that an applicant has to be a serving member of a local authority, health board and so on; the further reason IT jobs are not treated like other professions within local authorities; the further reason persons who have worked in a local authority before and possess the necessary qualification and experience relevant to the job cannot be allowed to apply for such positions; the further reason IT positions cannot be made available at grade IV level if external applicants are not eligible to apply for grade V positions or a special panel created for external candidates who have worked within local authorities before; and if he will make a statement on the matter. [29941/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The IT grading structure introduced in local authorities in 2002 included the creation of new employments of IS project leader, IS analyst-developer and IS technical support officer at grades VII, VI and V levels respectively. The arrangements for filling posts in the new structure were agreed with the union concerned, IMPACT. Accordingly, the first filling of these posts was confined to serving staff in local authorities, subject to the availability of a sufficient number of suitably qualified candidates.

Posts at grades IV to VII level in local authorities are normally filled through the common recruitment pool system that restricts applications to employees of local authorities, health boards, VECs, institutes of technology and certain other local government and health agencies. However, given the specialist nature of the IS project leader and IS developer-analyst posts, and by agreement with the union concerned, the filling of these posts subsequent to their first filling is by public competition open to anyone who possesses the necessary qualifications. These qualifications require candidates to have the NCC higher diploma in computer studies or an equivalent accredited IT qualification and relevant experience and skills; in such cases, prior employment or experience in a local authority is not a requirement. As specialist IT qualifications are not required for the grade V level post of IS technical support officer, competition for such posts, subsequent to their first filling, is from within the common recruitment pool system.

In the case referred to, the individual concerned is not precluded from applying for posts of IS project leader or IS analyst-developer which arise subsequent to the first filling of such posts in a local authority provided that he possesses the qualifications declared as to education and experience.

Ministerial Appointments.

643. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government if he will consider the appointment of a representative of Docklands residents associations to the executive board of the Dublin Docklands Development Authority to ensure that the interests of local residents have a voice at board level; and if he will make a statement on the matter. [29943/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Dublin Docklands Development Authority Act 1997 provides for an executive board comprising a chairperson and seven ordinary directors. The current board was appointed with effect from 1 May 2002 for a five-year term of office, and no vacancies have arisen.

The council of the Dublin Docklands Development Authority, whose functions include adopt-

ing and monitoring the implementation of the master plan for the docklands area and making recommendations to the executive board on a wide range of matters, including liaison and co-ordination between the authority and organisations representing the interests of docklands residents, includes representatives of organisations which are concerned with community development and the promotion of the social, economic or general interests of communities in the docklands area. Accordingly, I am satisfied that the interests of local residents are already well represented within the authority.

Planning Issues.

644. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government if he will request a detailed report regarding the purchase of land by Trim Town Council beside Trim Castle for use as a car park for which it obtained Government funding; if all proper procedures were adhered to relative to procurement; and if he will make a statement on the matter. [29944/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department has sought and received a report from Trim Town Council on issues pertinent to grant assistance of €63,486.90, IR£50,000, provided to the council in 2000 by the then Department of Arts, Heritage, Gaeltacht and the Islands. This report is now under consideration.

Fire Stations.

645. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the position in relation to a new fire station (details supplied) in County Mayo; if all the documents are in place for this project; when this project will commence; and the detailed breakdown of all the stages completed to date and the stages for completion. [29995/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keefe): Approval in principle has been granted for the proposed replacement fire station in Westport which is included in the fire services capital programme as a priority project. Some €445,700 has been recouped to Mayo County Council to date to meet expenditure already incurred in respect of the site and fees for this project.

My Department had requested Mayo County Council to review certain aspects of the proposed plans and costings of this project; a response has now been received and is being examined. Once the outstanding issues have been resolved satisfactorily the project will be approved to proceed to tender stage.

Noise Pollution.

646. **Mr. Gogarty** asked the Minister for the Environment, Heritage and Local Government the body which is responsible for monitoring noise emissions from aeroplanes at Weston Aerodrome; if his attention has been drawn to the fact that South Dublin County Council says it is not its responsibility; if his attention has been further drawn to the fact that the Irish Aviation Authority has stated in a written response that this is not within its statutory remit; and if he will make a statement on the matter. [30002/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): There are no statutory limits for noise emitted from airports or aerodromes, nor is there a specific statutory requirement on local authorities to monitor noise emissions from airports or aerodromes. My Department is preparing regulations to transpose Directive 2002-49-EC relating to the assessment and management of environmental noise which covers, *inter alia*, major airports with more than 50,000 take-off or landing movements per year. This will require the making of strategic noise maps by 30 June 2007 and action plans to manage noise issues and effects by 18 July 2008. However, the directive specifically excludes take-off or landing movements for training purposes on light aircraft as would, I understand, be mostly the case at Weston Aerodrome.

Notwithstanding that there are no statutory noise limits, I should point out, however, that section 107 of the Environmental Protection Agency Act 1992 provides local authorities with powers to require measures to be taken to prevent or limit noise from any premises, processes or works. It would be open to the relevant local authority to avail of these powers if it considered that this were necessary.

The granting or refusal of planning permission for an airport or an aerodrome, or for development in the vicinity of an airport or an aerodrome, is a matter for the relevant planning authority under the Planning and Development Act 2000. Under section 34 of that Act a planning authority may impose conditions on a planning permission to reduce or prevent noise emissions or intrusions on a case by case basis. Weston Aerodrome has been operating since 1938, long before the introduction of the planning code and is therefore an authorised development under the planning code.

I understand from the Department of Transport that Weston Aerodrome has introduced recommended procedures for pilots in relation to flight paths and altitudes with a view to limiting the noise impact on residential areas.

Water and Sewerage Schemes.

647. **Mr. Walsh** asked the Minister for the Environment, Heritage and Local Government if

sanction will be given for the commencement of work on the extension of the Innishannon water supply schemes (details supplied); and if he will make a statement on the matter. [30174/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Innishannon, Ballinadee-Ballinspittle-Garretstown, water supply scheme has been approved for funding in my Department's Water Services Investment Programme 2004-2006 under the rural towns and villages initiative, at an estimated cost of €6.4 million.

My Department has approved Cork County Council's revised preliminary report for the Innishannon water supply scheme, which will serve Ballinadee, Ballinspittle, Garretstown and Kilbrittain. It is now a matter for the council to prepare contract documents. Following receipt and approval of the contract documents by my Department, the council will be in a position to invite tenders for the scheme.

Tourist Accommodation.

648. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government if the statutory charge for directional signs indicating bed and breakfast locations will not be increased to avoid burdening bed and breakfast owners further who already have considerable overheads such as commercial rates which are not paid for by property owners renting accommodation; and if he will liaise with his colleague, the Minister for Arts, Sport and Tourism on the importance of the bed and breakfast sector for the economy in general and the tourism industry in particular. [30176/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Planning and Development Regulations 2001 were amended in 2002 to set the licence fee for a fingerpost type directional sign to indicate tourist accommodation, which does not exceed one metre in length, at €50. It is not currently planned to increase this fee.

My Department has been in contact with the Department of Arts, Sport and Tourism in the context of the ongoing implementation of the action plan for tourism recommended by the tourism policy review group in its report, *New Horizons for Irish Tourism, An Agenda for Action*.

Water and Sewerage Schemes.

649. **Mr. Walsh** asked the Minister for the Environment, Heritage and Local Government if he will sanction the commencement of work on the Skibbereen sewerage scheme; and if he will make a statement on the matter. [30218/04]

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

[Mr. Roche.]
reply to Question No. 184 of 13 October 2004.
The position is unchanged.

Fire Stations.

650. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the position regarding the building of a new fire station for Wexford town; if a site has been designated; when the fire stations will relocate; and if he will make a statement on the matter.
[30252/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O’Keeffe): The proposed new headquarters fire station at Clonard in Wexford town is one of the projects included in the fire services capital programme, announced on 24 May 2004, to be advanced to construction stage on a phased basis in the period up to the end of 2005. The submission of design drawings and a detailed cost plan for approval is awaited.

The new fire station is to be built as part of a wider council development on the site at Clonard. The cost of the fire station element of this site was €263,000 and this has been recouped to the council.