



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 30 November 2004.

| | |
|---|------|
| Ceisteanna—Questions | |
| Taoiseach | 1117 |
| Minister for Communications, Marine and Natural Resources | |
| Priority Questions | 1132 |
| Other Questions | 1146 |
| Adjournment Debate Matters | 1151 |
| Leaders' Questions | 1151 |
| Requests to move Adjournment of Dáil under Standing Order 31 | 1161 |
| Order of Business | 1162 |
| Health Bill 2004: | |
| Second Stage (<i>resumed</i>) | 1170 |
| Referral to Select Committee | 1171 |
| Estimates for Public Services 2004: | |
| Leave to Introduce | 1171 |
| Referral to Select Committee | 1173 |
| Fisheries Order: Motion | 1173 |
| Treaty of Amsterdam: Motion... .. | 1174 |
| Double Taxation Relief Orders: Motions | 1174 |
| Irish Nationality and Citizenship Bill 2004: Report Stage (<i>resumed</i>) and Final Stage | 1175 |
| Private Members' Business | |
| Planning and Development (Amendment) (No. 2) Bill 2004: Second Stage | 1194 |
| Irish Nationality and Citizenship Bill 2004: Report Stage (<i>resumed</i>) and Final Stage | 1220 |
| Adjournment Debate | |
| Air Services | 1237 |
| Health Board Services | 1241 |
| Rural Transport Services | 1244 |
| Questions: Written Answers | 1249 |

DÁIL ÉIREANN

—
Dé Máirt, 30 Samhain 2004.
Tuesday, 30 November 2004.
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Chuaigh an Leas-Cheann Comhairle i gceannas ar 2.30 p.m.

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Paidir.
Prayer.
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Ceisteanna — Questions.

Freedom of Information.

1. **Mr. Sargent** asked the Taoiseach the number of freedom of information requests made to his Department in 2004 to date; the number acceded to; the way in which this compares to the same period in 2003; and if he will make a statement on the matter. [22480/04]

2. **Mr. Kenny** asked the Taoiseach the number of freedom of information requests received by his Department in 2004 to date; the total amount of FOI fees received by his Department; and if he will make a statement on the matter. [24036/04]

3. **Mr. Rabbitte** asked the Taoiseach the number of requests received in 2004 to date by his Department under the Freedom of Information Acts; the way in which this compares with the respective periods for 2003 and 2002; and if he will make a statement on the matter. [27858/04]

4. **Mr. J. Higgins** asked the Taoiseach the number of freedom of information requests received by his Department in 2004 to date; and the number of such requests acceded to. [30192/04]

The Taoiseach: I propose to take Questions Nos. 1 to 4, inclusive, together.

Since the beginning of 2004, 40 freedom of information requests were received in my Department. Of these requests, 20 were granted or part granted, no records were held in respect of nine, four were refused, three were withdrawn, two were transferred to other Departments and two are ongoing.

Some 139 requests were received during the same period in 2003 and 128 were received in the same period in 2002. The Department has received €450 in application fees since the beginning of this year. All requests received in my Department are processed in accordance with the 1997 and 2003 Acts and their implementation is kept under constant review.

Mr. Sargent: I thank the Taoiseach for his reply in which he stated that 20 of the 40 requests were granted. Is it possible for him to indicate how many of the refusals were appealed to the Information Commissioner? I would not be surprised if he gives a figure of none given that each appeal costs €150. However, I am interested to find out that particular figure.

Going on his reply to a similar question last July, the Taoiseach indicated and certainly hinted that the Government might respond positively to the Information Commissioner's call for a reappraisal of the €150 charge. According to the commissioner, appeals relating to non-personal information have dropped by 50%. Does the Taoiseach agree that she would have a difficulty in monitoring the working of the Act with such prohibitive charges?

An Ceann Comhairle: That last question is for the Minister for Finance. The first question is appropriate to the Taoiseach.

Mr. Sargent: The Taoiseach will see the context in which I ask them as they relate to his Department. Depending on the number of refusals and appeals—

An Ceann Comhairle: The Minister for Finance is responsible for the Act.

Mr. Sargent: I appreciate that but the Taoiseach has—

An Ceann Comhairle: The Taoiseach should reply to the first question.

The Taoiseach: I do not have the details on these 20 requests. However, since the introduction of the Freedom of Information Act in April 1997, a total of 25 or 2% of requests to my Department have been appealed to the Information Commissioner. In the current period, it is probably smaller. In some cases, people wait a while before they appeal. There were very few appeals, even before the Act was amended.

Mr. Sargent: I asked a question on the Taoiseach's previous reply in July last year when he hinted that the Government might be amenable to reducing the charges from €150—

An Ceann Comhairle: That does not arise on these four questions.

The Taoiseach: The Minister for Finance recently stated that he had no plans to amend the charges. The Information Commissioner said the fees issue should be examined the next time it arose. I do not know when that will be.

Mr. Kenny: The Taoiseach will be aware that the Information Commissioner reported that overall usage of the Act had declined by over 50%, while requests for non-personal information had fallen by 75%. In April 2004, the number of

[Mr. Kenny.]

requests came to four compared with ten for both 2003 and 2002. From July to December 2002, 71 requests were made to the Department of the Taoiseach, while in 2003, 34 were made. Is the Taoiseach concerned at the decline in the number of applications? Is he concerned that this may be due to the introduction of charges? Does he intend to allow further flexibility on this matter? Without wanting to know the details of the requests, what was the nature of the 20 applications received? Did they concern factual matters related to the Department?

The Taoiseach: The Information Commissioner said that the issue of fees should be examined when it arises next. Obviously, for personal issues it makes no difference, as I have stated on previous occasions. The fee for appeals has a bearing on requests. However, I believe the standard fee of €15 to be charged in respect of non-personal requests does not deter people. If someone wants information for a purpose, it will not make a great difference and is not a major deterrent. It is a modest fee considering the previous costing of the Act some years ago when salaries were much less and it was €425 per question. It is a modest fee. I do not have the breakdown by category for the 20 requests to my Department. My information is for the generality of requests and covers the past six and a half years. There were 79 freedom of information requests from business, 670 from journalists and 57 from the Oireachtas. Most requests were personal.

Mr. Kenny: Did the Taoiseach say there were 670 requests from journalists?

The Taoiseach: Yes.

Mr. Kenny: They must want to know what he is doing.

The Taoiseach: They know. Most freedom of information requests are now of a personal nature.

Mr. Rabbitte: Will the Taoiseach speak about the implications of the dramatic decline in usage of the Act to make non-personal inquiries, for staffing obligations in his Department and throughout the Civil Service? What has it meant for the workload with which staff previously had to deal?

The Taoiseach: Dealing with freedom of information requests was always additional to the work of each section. Now that the volume of requests has reduced, people can address other issues. This is probably of help in the context of the strategic management initiative, which requires that we cut our staff over a three year period by 4%. The decrease in the numbers of requests and improvements in technology help to achieve precisely that.

Ministerial Responsibilities.

5. **Mr. Kenny** asked the Taoiseach the responsibilities of the Ministers of State attached to his Department; and if he will make a statement on the matter. [24035/04]

6. **Mr. Stanton** asked the Taoiseach the Minister who has responsibility for e-Government; the further plans in this regard; and if he will make a statement on the matter. [25350/04]

7. **Mr. Sargent** asked the Taoiseach the responsibilities of Ministers of State in his Department; and if he will make a statement on the matter. [26393/04]

8. **Mr. Rabbitte** asked the Taoiseach the role and responsibilities of each Minister of State within his Department; and if he will make a statement on the matter. [27857/04]

9. **Caoimhghín Ó Caoláin** asked the Taoiseach the responsibilities of each of the Ministers of State in his Department; and if he will make a statement on the matter. [28845/04]

10. **Mr. J. Higgins** asked the Taoiseach the role and responsibilities of each of his Ministers of State. [30193/04]

The Taoiseach: I propose to answer Questions Nos. 5 to 10, inclusive, together.

An Ceann Comhairle: Is that agreed? Agreed.

The Taoiseach: The Government appointed Deputy Kitt as Government Chief Whip and Minister of State at my Department and at the Department of Defence. Deputy Treacy was appointed as Minister of State at my Department and at the Department of Foreign Affairs with responsibility for European Affairs.

Deputy Treacy will play a key co-ordinating role in advancing preparations for the ratification of the treaty on the European constitution. He will also play a central role in consolidating and further developing Ireland's positive bilateral EU relations, which were enhanced by our successful EU Presidency, especially with the new member states. In addition to these duties, Deputy Treacy will undertake a heavy workload within the Department of Foreign Affairs through which he will represent Ireland at Minister of State level on European Union affairs, including the Communicating Europe initiative.

As Chief Whip, Deputy Kitt is primarily responsible for the organisation of Government business in the Dáil and for the Government's programme of Dáil reform. He oversees preparation of the Government's legislative programme and has responsibility for the Central Statistics Office. The Minister of State has been given the same range of responsibilities for the information society as his predecessor, Deputy Hanafin. Deputy Kitt has responsibility for co-ordinating the Government's strategy for the information society as set out in the policy document, *New Connections*.

As Deputies will appreciate, understanding of the challenges of living in an information society and knowledge economy is evolving rapidly. Fortunately, this is also true of our policy response in the areas of infrastructure and the development of e-Government applications. I have decided, therefore, to initiate a review of current arrangements, including those for interdepartmental co-ordination in this area. The review will be informed by a final report from the Information Society Commission, the mandate of which will be complete before the end of this year. Many Ministers have responsibility for direct provision in this area. The Cabinet committee on the information society is part of the framework within which these responsibilities are co-ordinated with the assistance of the Minister of State, Deputy Kitt. Following the review process, I envisage that new arrangements on co-ordination and advisory requirements will be put in place early in the new year. These arrangements will enable the Government to renew its efforts in this important area.

Mr. Kenny: I thank the Taoiseach for his reply. In the context of his communicating Europe initiative role, does the Minister of State, Deputy Treacy, have responsibility for the implementation of the Lisbon Agenda in the area of competitiveness or is that strictly the responsibility of the Minister for Enterprise, Trade and Employment?

Deputy Kitt has been in contact with Opposition Whips on his proposals for Dáil reform. What are the terms of reference for the review of e-Government arrangements? The Taoiseach is aware of the report of the Information Society Commission which was published earlier this month. It stated clearly, and I am aware questions from Deputy Durkan and other Deputies will be dealt with later, that the pace of new generation broadband services is relentless, that Ireland is seriously lagging behind and that to achieve parity with EU averages a further 300,000 connections must be made.

An Ceann Comhairle: We are anticipating questions later to the Minister for Communications, Marine and Natural Resources.

Mr. Kenny: No. The Minister of State has responsibility for the information society and I am referring to the information—

An Ceann Comhairle: The Deputy can make a passing reference but he can go into detail, as appropriate, with the line Minister. There are other questions—

Mr. Kenny: The only passing reference I can make to the Information Society Commission is to the report it published, and that report comes under the aegis and responsibility of the Minister of State. That report stated that new generation broadband services are relentless, that Ireland is

seriously lagging behind and that we need an additional 300,000 connections. Deputy Durkan has tabled questions about broadband but will the Taoiseach give me the terms of reference for the review and when he expects those to be published? Also, in respect of the Information Society Commission and e-Government, can the Taoiseach confirm that we will move in parallel with the business of wireless connection for broadband purposes?

The Taoiseach: To reply to the first question on the responsibilities of the Minister of State, Deputy Treacy, practically all the Lisbon Agenda items come under either the Minister for Enterprise, Trade and Employment or, in many cases, the Minister for Finance.

On the second question, it is hoped the final report of the Information Society Commission, Learning to Innovate, will be available before the end of the year. The remit of the Information Society Commission will run out at that time. It has been working for some time now and it has more or less finished its agenda in terms of what it was engaged in. It will issue a report on where it believes we should proceed now and the way we should co-ordinate issues.

On the Deputy's question about the areas, there are many Ministers involved. The Minister for Education and Science is involved in the schools aspect of ICT at first, second and third level, particularly the second level programmes. We, in my Department, have been doing a great deal of co-ordination on that in recent years but all the work is on the schools side. The Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, is involved in the mathematics programme moving out from the 19 areas to 67 areas and 123 areas of the country. As the Deputy said, the technology is moving. Even in the past three years I noticed that in many parts of the country the wireless technology was seen as ineffective, or it was considered that it was unrealistic to use it. That appears to be changing because many areas now use it. Also, the people who do the assembly work for the Sky TV box now have the capacity — I am not that knowledgeable on this — to span this out by way of a new product. They claim they can do that throughout most of the country. The range, use and effectiveness of doing this is moving apace and in terms of all the issues that exist it should dramatically change the connections and the fees. The Deputy has probably seen the advertisement by the Sky TV operators in terms of what they charge to do this and the costs are decreasing dramatically. That should extend the service.

There are many new areas. I do not want to pre-empt the work of the commission but some members of the commission have raised some issues with me. They say that research is showing the value of ICT and the new ways we can do things. They have highlighted the fact that this typically means innovation in the form of new work practices, skills and organisational struc-

[The Taoiseach.]
 tures. We started this seven or eight years ago but it has moved on apace. In the recent statement on broadband and 21st century infrastructure, the commission indicated that successful formulas will tend to be one part technology and nine parts innovation. It is increasingly looking beyond technology to a knowledge-based society. It highlights that it recognises human creativity as the ultimate economic resource and that the ability to come up with new ideas and better ways of doing things are becoming key success factors. Under Sustaining Progress, the Information Society Commission has been overseeing the knowledge society foresight exercise. The commission has worked with the social partners, NESC, Forfás, IDA Ireland and the Higher Education Authority. This exercise has explored the conditions to support and sustain wealth creation in an increasingly innovation-driven global economy by ensuring the costs and the benefits of accelerated change are distributed in an equitable way.

I do not want to pre-empt the final report but the commission states that there might be a broader way of doing this and, perhaps, more people should be involved in collaboration rather than only a few Departments. The policy should be more inclusive and take in people who do not have access to ICT. It states that a key issue in its work programme is to maintain momentum in the context of Sustaining Progress and shape the appropriate initiatives for taking this forward by ensuring ICT is available to people in more disadvantaged communities. That is happening because, in fairness to many ICT companies, they are providing considerable resources to set up facilities. That perhaps should be in education. One way or the other, as Deputy Kenny said, in regard to the structure that has operated for the past eight years, time has passed that by and I think the commission will recommend a new structure. I do not know what is in the final report but I can see from what these people are saying that a broader initiative is needed than the one that has been in place for the past eight years.

Mr. Stanton: Where does Ireland stand in comparison to its competitors in regard to the e-government initiative? Are we dropping back? What action does the Government intend to take in this regard?

An Ceann Comhairle: The Deputy is anticipating Questions Nos. 70 and 80 on the Order Paper for oral answer by the line Minister.

Mr. Stanton: I apologise for anticipating something about which I knew nothing. I tabled those questions some time ago and, therefore, perhaps the Department anticipated them. I apologise, it was totally unintentional.

What is the cost of the public service broker initiative? Will the Government's target to have all its services on-line by 2005 be met? Does the Taoiseach agree with the finding that e-govern-

ment advances are diminishing both domestically and internationally? Does he concur that social welfare recipients very often find it difficult to access information because they do not have computers? Does the Government intend to make technology more widely available to people accessing social welfare services who do not own or have access to computers and who have no training in this area?

The Taoiseach: As I did not anticipate all those questions, I do not have all the answers. However, I will address the general issue and, perhaps, the line Minister will address the specifics later. The Minister of State at my Department, Deputy Kitt, chairs the e-government committee. The development of policies in this area continues to be co-ordinated by the information policy unit in my Department and responsibility for implementing those policies rests with the relevant Ministers. The central e-government group includes my information policy unit while CMOD in the Department of Finance was established to address particular issues. It is trying to come to grips with the interoperability and identity management issues. The Government, via the Cabinet committee and the Information Society Commission, has agreed on more than 80 services, which have been identified by individual Departments as on-line priorities. This is growing rapidly. These services have been chosen based on their ability to provide benefits and economic viability. The Deputy asked about the Reach agencies. Reach is working with individual agencies on development of services for on-line delivery in keeping with the stated aim of having the services available by 2005. That is still the aim.

Subsequent to Government approval, work has commenced on development of a standardised framework for the public service card. The objective of this programme, known as Safe, is to develop a strategy which will enable all public service agencies to deliver token based services to citizens in a coordinated way. A steering group is being set up to deal with that.

On the issue of e-payments, the Department of the Taoiseach and the Department of Finance are currently in the process of drafting a memorandum on furthering the use of e-payments for the Civil Service and public service. We are trying to extend that. The Deputy is correct that there are those who do not have these services. The services are still there for people, even for payments. I answered questions on this recently. There are very few people on salaries left who do not use the direct payment system. The same is happening with people looking for services. I do not have the information with me but as far as I can recall enormous numbers of services now use direct payments. It is a bit like what happened with Revenue. It started off very slowly but now approximately 90% of the payments are made on-line. The same is happening even with the smallest of companies and in the agricultural community. That is why broadband is a big issue

on the farming agenda, something I welcome. This surprises me a little, but individuals are using the schemes and I welcome what is happening in that area.

The last area for which I have responsibility is e-Cabinet. Phase one of the e-Cabinet system has been implemented. It went live last May and was officially launched prior to the summer. It provides for authoring and internal processing of all the memoranda in each Department into departmental consultation draft memoranda and for electronic submissions. It is operating and computerising the whole Cabinet secretariat. I do not want to say that everybody is an expert yet, but we are all trying, some like me harder than most. The Cabinet secretariat has been accepting electronic submission of memoranda for Government since June and Departments have been availing of the system on a voluntary basis. Developments are significant. An unplanned example out of the blue was a question which was asked about a memorandum drafted, circulated and submitted on the system some time ago as to what it gained. The gain was that it avoided having to print and deliver 10,000 sheets of paper in the system. Even for some of us sceptics this is a significant benefit. These changes do not happen over night but they are—

Mr. Rabbitte: Can Deputy O'Dea log in directly to the *Sunday Independent*?

Mr. Stanton: Or to the Army abroad.

The Taoiseach: It is just for information — not on Deputy O'Dea. It is planned to further augment the functionality in a number of phases during next year. There are three phases, namely, the provision of electronic briefing facilities for Ministers; key features facilities for Ministers and other high-level users; and post-meeting electronic compilation and circulation of documents direct from the Cabinet secretariat to Ministers. It is moving and will have benefits throughout the entire system. This is happening, by extension, to the Reach programme and the local government system and services.

Mr. Stanton: Has the Taoiseach got figures on the cost?

The Taoiseach: I do not have the figures on cost.

Mr. Sargent: I thank the Taoiseach for his extensive reply, particularly with regard to the responsibilities of the 15 Ministers of State, which presumably explains the €450,000 expenses announced in May 2004 for them. Did he omit one of the responsibilities that was referred to in the *Irish Examiner* of 6 October 2004 which referred to the requirement on Ministers of State to hold clinics for Fianna Fáil backbenchers, apparently on the orders of the Taoiseach? Is that responsibility to be extended to other Members

of the House or is it exclusively for Fianna Fáil? Are the Progressive Democrats included in that as well?

An Ceann Comhairle: The question relates to duties of Ministers of State.

Mr. Sargent: It is an onerous responsibility that is to be carried out on the express wishes of the Taoiseach. Is it available to any of the rest of us in the House, given that Ministers of State are responsible to all the people, many of whom elected Members on this side of the House?

The Taoiseach: I am always available to talk to Deputy Sargent.

Mr. Sargent: I refer to the responsibilities of Ministers of State. The Taoiseach did not state in his reply if he counted it among their responsibilities.

The Taoiseach: No, because I am not responsible to the House for party matters. However, it is good for party members who are honoured to be in privileged positions to talk to those who are not yet in that position.

Mr. Kenny: And the lapses they discover.

Mr. Durkan: What about the Independent Deputies?

Mr. Sargent: They are Ministers of State and as office holders they are responsible to all the people, not just Fianna Fáil members.

An Ceann Comhairle: The Taoiseach is not responsible for the party activities of Ministers of State.

Mr. Sargent: He is responsible for Ministers of State.

Mr. Rabbitte: Have delegation orders been made, if appropriate, in the case of the Ministers of State? Have delegation orders been made in general by Ministers for their Ministers of State since the reshuffle? Regarding the responsibilities of the Minister of State, Deputy Treacy, in the communicating Europe initiative or, more pertinently, preparing for the referendum, is he part of any co-ordinating network at European level? The first state will hold a referendum on 20 February 2005. The Taoiseach has not been specific but if we are to hold a referendum towards the end of 2005, we would need to be well up and running in the months before the summer to ensure there is no repetition of the experience with the Nice treaty and so on. Will he generally say a word on that area?

The Taoiseach: I would be glad to. European Ministers meet more or less on a monthly basis at European level and they co-ordinate their programmes at that level. The Minister of State,

[The Taoiseach.]

Deputy Treacy, has by and large continued the same work and positions as the former Minister of State with responsibility for that area, Deputy Roche. He represents Ireland at all EU meetings at Minister of State level on European issues generally and at other meetings.

A group within Government meets regularly on European issues. It is not a new development and it concentrates on preparatory work. It has prepared the first document on European issues, which has been circulated widely. It is working on a more extensive document which it is hoped will be produced early in the new year. The Minister of State, Deputy Treacy, is also involved in the preparation work of the referendum commission and co-operates with the parties and the representatives in the Forum for Europe, meeting the education sector and the various elements of the social partners. An extensive programme will commence from the beginning of January.

I assure Deputy Rabbitte that a great deal of effort and work is taking place. I am trying to get everything completed so that whatever date we ultimately choose will comply with the 90-day rule. We should have all the work completed early at all levels, probably by Easter. I have informed the Minister of State, Deputy Treacy, and all the people involved who are doing the preparatory work that they should make themselves available from the start of 2005 to give extensive briefings to whatever groups or organisations require them. I also know that many other groups on the “pro” side are making similar plans and, where it is suitable or fits in, the Government will also help them as they are, by and large, non-political.

In regard to the communicating Europe initiative, I have said frankly to President Barroso that commissioners should be much more active in explaining the benefits of the Commission. If it is not impolite to say so, I suggest that they should put themselves about a bit and explain what they do and how they do it as they are in the best position to do so. I have asked for this to be done extensively in this country, but it should be done everywhere.

To the best of my knowledge, the delegation orders to which Deputy Rabbitte referred are complete and most of them are through, although I will have to check.

Caoimhghín Ó Caoláin: Will the Taoiseach advise the House if either Ministers of State in his Department or both have a particular responsibility with regard to the peace process? For instance, we know that the North-South Ministerial Council and the relevant areas of co-operation come under the direct remit of the Department of Foreign Affairs. In that context, has any particular function in the Department of the Taoiseach been allocated to either of the Ministers of State? I acknowledge the experience and role of the Minister of State at the Department of the Taoiseach, Deputy Kitt, in his previous

portfolio. Will the Taoiseach consider widening the roles of his Ministers of State in this area, particularly given that we are hopefully facing the restoration of the institutions and North-South work? In that context, does he believe there is merit in widening the responsibility within his Department and apportioning further responsibility and functions to Ministers of State, given that when — not if — all that is achieved, there will be a responsibility not only on the Government but also on the Oireachtas to step up its activity in this area significantly?

The Taoiseach: I agree with the Deputy’s use of the word “hopefully”. No particular responsibility has been assigned but obviously the Ministers of State assist me in North-South, east-west and British-Irish Council work. The Minister of State, Deputy Kitt, has been very active in this work for several years and continues to work closely with me on these issues within the Department, time permitting, because he has an expertise in this area. If we get the institutions up and running again, a number of line Departments will work on North-South issues. We never stopped work on the implementation bodies or in other areas outside them and we will continue with that work.

If the process gets up and running again, we will step up work in areas in which we have not been able to make progress, not only since the institutions were suspended but since some Ministers, mainly from the Democratic Unionist Party, were not actively engaged in North-South work. It is to be hoped we will not be in such a situation again where a party is effectively in the system but also outside it. It is to be hoped we are not back to that again.

Mr. J. Higgins: Will the Taoiseach inform the House if the Minister of State, Deputy Kitt, is happier with his appointment than his predecessor, who was eminently unhappy when she was made responsible for Government business? Will the responsibility for EU matters of the Minister of State at the Department of Foreign Affairs, Deputy Treacy, involve him being the director of the Government’s referendum campaign on the proposed new EU constitution? What instructions has the Taoiseach given him in that regard? Has he given the Minister of State a date for when he is considering holding the referendum on the constitution? How much notice will the Irish people get so they can have a proper discussion on the matter?

Finally, given that this constitution is a right wing, neo-liberal document, providing for the European armaments industry and battle groups abroad, and that it is certain the Irish people will reject it—

Mr. O’Dea: Rubbish.

An Ceann Comhairle: The Deputy is going outside the scope of the questions.

Mr. J. Higgins: —will the Taoiseach accept the first result if they reject it rather than making them vote until he gets the right result?

An Ceann Comhairle: The Deputy has gone well outside the scope of the questions.

The Taoiseach: I have given no responsibility at this stage to anybody to direct a campaign. What we are doing, with the Minister for Foreign Affairs and the Minister of State, Deputy Treacy, is co-ordinating in advancing preparations for the ratification of the European constitution. We have not decided on a date but there is a broad timeframe. We know when it must be ratified. Before a referendum takes place, as I told Deputy Rabbitte, we wish to ensure there is a national dialogue on the European constitution based on clear and accurate information. That requires us to do as much work as we can to prepare the ground for that.

This constitution contains an enormous amount of helpful and positive provisions, including on the charter of fundamental rights and on issues relating to the social and workers' agenda. These are enormously important as they set out people's rights in a clearer and more transparent way than has been done previously. The constitution will replace all the treaties which have been passed previously. For that reason there is broad support for it, not only in this country but also elsewhere.

Mr. O'Dowd: With regard to e-government, does the Taoiseach agree it is most important that the information on Government websites is reviewed regularly by the Ministers concerned? The website of the Department of the Environment, Heritage and Local Government was, up to four weeks ago, advertising the first time buyer's grant two years after it was abolished—

An Ceann Comhairle: That is a question for the Minister for the Environment, Heritage and Local Government.

Mr. O'Dowd: —which is a disgrace.

Mr. Durkan: That is progress.

An Ceann Comhairle: The Deputy should put down a question to the Minister.

Mr. O'Dowd: Does the Taoiseach agree that his Ministers ought to examine the information on their Departments' websites regularly to ensure it is up to date? Second, will the Taoiseach examine websites such as that of the Department of the Environment, Heritage and Local Government which are impossible to navigate? They are so out of date, one cannot use them. Does the Taoiseach agree it is a disgrace that such information is being offered to the public by the Department of the Environment, Heritage and Local Government as an model of e-government?

An Ceann Comhairle: That is a matter for the Minister for the Environment, Heritage and Local Government.

Mr. O'Dowd: Will the Taoiseach deal with that? Is that how e-government should be?

Mr. Durkan: It is e-confusion.

Mr. McGinley: Maybe it will be back tomorrow; they could be ahead of time.

The Taoiseach: I will highlight that. It is a valid point.

Mr. O'Dowd: I have already highlighted it to him and look at what happened.

Mr. Durkan: Try it once again—

Mr. McGinley: I will send him an e-mail.

Mr. Durkan: —but do not expect any result.

Mr. O'Dowd: If he can get onto the website, he will be doing well.

Departmental Bodies.

11. **Mr. Kenny** asked the Taoiseach if he will report on the recent work of the task force on asset management; and if he will make a statement on the matter. [25199/04]

The Taoiseach: Since the publication of its report in May 2002, the asset management task force has continued its work, following up on the recommendations in that report. The recommendations cover education, regulation and marketing. In particular, the task force has been working to increase the number of chartered financial analysts working in Ireland as a means of attracting further assets for management here. The task force continues to engage actively and regularly with all relevant Departments and State agencies to advance the recommendations in the report.

Mr. Kenny: Is this the only report that will be published by the asset management task force or can we expect a further report to be published? Have the recommendations made by the task force in respect of education, regulation and marketing been implemented? Are there outstanding recommendations to be implemented? What action will be taken to ensure the International Financial Services Centre maintains its share of the financial services market in the EU and has the potential to secure new business in future years? Will the task force continue to be involved in that?

The Taoiseach: I will try to provide as much information as possible. The Society of Investment Analysts engages in dialogue with the educational institutes to assist them in ensuring that their programmes take account of up to date

[The Taoiseach.]

practice in asset management. The society is always trying to broaden its planned marketing campaign of asset management among third level students. As stated previously, this is an area in which there is good employment. There are continuing consultations and exchanges of views between the industry and the various sectors.

The task force has continued to meet to consider the recommendations contained in the report and has not yet been dissolved. Its membership is comprised of representatives from the Departments, the agencies and the industry.

Deputy Kenny's second question related to education. The task force has facilitated a potential increase in the number of students. There are now 91 qualified and certified financial analysts operating in the Irish market. This is a large increase from the position that obtained when this matter was raised last year in the House. Following the report, marketing has been identified as the key objective. Representatives from IDA Ireland are also members of the task force and they identify new opportunities in the context of increasing the number of asset management companies doing business here. The latter has been on the increase. IDA Ireland has been successful in attracting a number of prestigious asset management companies to this country in recent times and is continuing its efforts in this regard.

As regards regulation, IFSRA is also now involved in this area. Taxation was also identified in the report and matters relating to it have now been resolved. The group continues to monitor tax developments in this area. The answer to the Deputy's question is that the areas have been dealt with.

As per the last academic year, 289 students sat the examinations in pursuit of this professional designation. The latest registration statistics point to a similar number doing so next summer. It should be remembered that developments in this area began because there were not enough suitably qualified people in this country to work in it and we were obliged to bring in people and services from outside. Now, however, the numbers of qualified Irish people have risen.

Deputy Kenny also inquired about the area of business. The most recent estimate indicates that approximately €262 billion worth of assets are under management at the IFSC at present. This enormous figure includes assets managed by members of the Irish Association of Investment Managers of €200 billion, with the other €62 billion managed by other participants and the Central Bank. The figure is increasing all the time. Assets under management on behalf of Irish residents currently stand in excess of €80 billion. There is an increasing trend for the assets of Irish residents to be managed. The asset management industry here is faced with the threat of seepage of assets and that is why it is important to obtain the staff to manage such assets because they will otherwise be managed outside the coun-

try. There is some seepage, even though the business is growing.

The Deputy's final question related to the steps taken to improve activity. Though activity is high, we must continue to do everything to encourage this. IFSRA, which was formally launched last year, is tasked with maintaining the best of the existing system, while also trying to move to a one-stop-shop system for financial services. It will hopefully have a more effective focus on matters relating to consumers' interests. It has instituted a number of initiatives, including the clearing house for the IFSC groups. These groups continue to work to my Department.

This is a growing area in every way, particularly in terms of providing good employment for the increasing number of people entering it. Deputy Kenny will be aware of the benefits of asset management here. Pension funds, for example, are extremely lucrative and there is a significant Bill before the House which is designed to attract more business in this area. People involved in asset management also tend to be involved in other activities and in extending their work.

The Deputy is aware of my official position, namely, that I hope the UK will join the euro.

However, in the event that it does not join, Ireland will get quite an amount work because of the increase in euro-dominated work here. That continues to grow. There is a substantial amount of work in this area.

Priority Questions.

Marine Employment.

65. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources his plans to increase employment for seafarers here in view of recent job losses (details supplied); and if he will make a statement on the matter. [31282/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Providing world class training for Irish seafarers and increasing Irish seafarer employment are important priorities for this Government. I share the Deputy's concern at the possible consequences for Irish seafarer employment of Irish Continental Group's 20 October 2004 announcement of its plans for restructuring its Ireland-France ferry service. I note that ICG have indicated that it has no plans at present to restructure any of its other ferry operations such as in the Irish Sea.

Since fiscal relief is important for the development of any EU member state's maritime sector, I recently successfully engaged with my colleagues, the Ministers for Social and Family Affairs and Finance, to authorise the reintroduction of the employers of seafarers PRSI refund scheme, with effect from 1 January 2004, for a period of seven years. The scheme, which had ended on 31 December 2003, significantly lowers

the cost of employing Irish seafarers and I would expect that this valuable concession will underpin Irish seafarers' employment into the future. With a view to further protecting Irish seafarer employment and Irish-based ship operations, I am reviewing with our shipping sector's dedicated development agency, the Irish Maritime Development Office, the State aids in place for our shipping sector. Irish ship operators should not face competitive disadvantages because of State aids enjoyed by competing ship operators based in other member states.

A seafarer training grant scheme, administered for the Department by the Irish Maritime Development Office, has recently been restructured to make it more user-friendly. Seafarers who wish to upgrade their qualifications to enhance their career prospects can avail of grant-aid under the scheme. I am confident professional Irish seafarer employment can be maintained into the future.

Mr. Perry: Is this not too little, too late? Has the Minister of State considered any action plan to create alternative employment in light of the imminent loss of jobs at Rosslare and the 24-hour strike from Thursday morning, notice of which has been given to the Minister of State?

Mr. Gallagher: This is largely a matter for the private sector. The Government is concerned. It appreciates the importance of the ports and the important service Irish Continental Group and other carriers provide for Irish goods, services and the people. It should be remembered that 99% of Irish goods in volume terms and 86% of goods and services in monetary terms are exported through the ports. I am working in co-operation with my colleague, Deputy Coughlan on this matter, because of the concern expressed by those who are shipping live animals. At the request of my colleagues and of some of the Deputy's colleagues, the Wexford Deputies, I met them following this announcement. I subsequently met them again and representatives of the unions concerned, SIPTU and the Seamen's Union of Ireland and made it abundantly clear that it would have been improper for me to intervene. All I can do is facilitate those meetings.

At this stage it is not even a matter for the Labour Relations Commission because a matter of principle is involved. This dispute is not a question of financing, time or efficiency but about a principle. The Deputy will be aware of the thinking behind this. Irish Continental Group has informed the Government that this action must be taken to allow the company become more competitive. It also suggests that State aid is given in other countries. My predecessor and I have pursued this possibility. I have written to the Competition Commissioner about this matter. If the evidence is available I would be anxious to pursue the matter vigorously.

Mr. Perry: I am quite disappointed that as an island nation, Ireland has not been afforded concessionary terms in order to compete. Brittany Ferries certainly avail of subsidised services. Has the Minister of State any plans to create a task force in Wexford in light of the significant job losses and the little chance of other seafaring jobs there?

Mr. Gallagher: If Deputy Perry or anyone else can provide me with concrete information about State aids in other countries, I would be delighted to receive it. I am anxious to ensure a level playing pitch, as is everyone in this House. The Deputy is correct, we are an island nation with no land bridge to Europe. It is therefore vitally important that we maintain a sea link and a level playing pitch. Irish Continental Group has proposed to bring in workers from eastern Europe. If the ships are flying the Irish flag, it would be obliged to ensure that minimum wages are paid but the ships will be flying the flag of another country. The Department has examined this matter but it seems we have no jurisdiction over that.

I am concerned about the escalation of the situation. Thursday's strike has been flagged for some time. The union has approval from its members for industrial action. I understand a 24-hour strike is proposed for Thursday. At the weekend Irish Continental Group decided to cut short the service by five days. Even at this late stage and bearing in mind the importance of the service to the Irish economy I again call on the two unions as there are two unions involved and SIPTU and the Irish Continental Group to enter into meaningful discussions — I am not saying negotiations — with a view to ensuring that the proposed industrial action does not take place.

Mr. Perry: Will the Minister of State visit Wexford?

An Ceann Comhairle: The time for this question is concluded.

Mr. Perry: It is very important. The Minister of State has not been there.

Mr. Gallagher: The effects of this on the constituency are abundantly clear to the Government.

Mr. Perry: It is important that the Minister of State visits.

Telecommunications Services.

66. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources if Eircom rebuffed a proposal for a €1.8 billion deal to extend the State's broadband network to allow nation-wide high speed Internet access; if he was prepared to offer Eircom price increases on phone charges, tax breaks and debt guarantees to assist in the funding of the programme; and if

[Mr. Broughan.]
he will make a statement on the matter.
[31283/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Government did not make a proposal to Eircom for a €1.8 billion deal to extend the State's broadband network. Presumably this question arises from a newspaper article of 31 October last to which the Deputy refers and which contends, *inter alia*, that the Government offered Eircom a €1.8 billion deal to roll out broadband nationally. It also contends that Eircom was offered a range of incentives as "carrots" such as tax breaks, subsidised loans, amendments to the building regulations and price increases. These claims are untrue.

At no stage were negotiations entered into with Eircom or with any other party. At no stage were terms such as those postulated in the newspaper article on offer nor did the Government offer to fund Eircom directly or indirectly through subsidised loans, tax breaks or any other means. Consultancy advice contained in a report to a Government sub-committee, agency or Department should not be misconstrued as Government policy.

The telecommunications market is a regulated market and thus any action by Government has to be consonant with national and EU regulation. Accordingly, the Government is not in the business of entering exclusive contracts of the kind inferred by the article with any market entities. It favours investment in open access infrastructure to which all operators have access on similar transparent terms. That is the ethos behind the Government's open access metropolitan area network programme which is rolling out high-speed broadband infrastructure to 120 towns and cities regionally.

To the extent that discussions are held between officials of my Department and executives of other telecommunication operators and their representative associations, these were and are born of sound public policy practice and in the context of seeking to align as much as possible the broadband roll-out plans of corporate entities and those of the Government, as published in *New Connections* and the Government's broadband plans. In that context I commend the telecommunications operators who have contributed significantly to the 80-fold increase in broadband consumers in Ireland in the past 15 months.

Mr. Broughan: Is it not the case that the substance of the *Sunday Business Post* report is true, that is, the Department's consultant, Mr. Ira Magaziner, and his company discussed with Eircom a range of incentives, including a 10% price increase, amended building regulations for telecommunications masts, a guarantee of part of the Eircom debt and other attractions to conclude a deal along the same lines as one agreed between the British state and BT for Northern Ireland? Is it not also correct that the negotiations, such as

they were, were broken off by Eircom because it wanted to carry out a bond issue of €450 million to repay its venture capitalists?

Is it not true that the Minister's predecessor was desperate to get an overall roll-out of broadband? Our position in terms of broadband roll-out is appalling. We are at the bottom of the European Union league, with 1.59 households per 100 inhabitants receiving broadband. Does the Government have a target of reaching the European average of households with broadband access — 320,000 households in Ireland — by early 2005? Is it not true that this target will not and cannot be met unless between 6,000 and 8,000 households are broadband enabled each week?

Did the Minister, on his first appearance at Question Time as Minister for Communications, Marine and Natural Resources, not accept clear evidence that at least 30% of Eircom lines cannot be enabled for broadband? The company's advertisement, which we hear day in and day out on radio programmes, asking householders to get into the broadband revolution is a sick joke because it is always qualified by the statement that the offer is subject to survey and availability. Is it not true that nearly half of households have no prospect of receiving broadband under this Government?

Mr. N. Dempsey: Most of what the Deputy said is not true. He asked me if the substance of the question is true. I thought I had made it clear that it is not true, regardless of how much the Deputy tries to twist the facts. As I clearly outlined, there were no negotiations by Government, no deal was put forward by Government and Eircom was not offered by Government a range of incentives such as tax breaks, subsidised loans, amendments to the building regulations or price increases.

Mr. Broughan: On a point of order, did the Minister's consultants offer incentives?

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

Mr. N. Dempsey: It would be nice if that were the case. I told the Deputy that no negotiations were conducted and no offers were made by Government or anybody I am aware of because the consultants hired for that purpose were hired by the Department of the Taoiseach and Forfás. They had no right to negotiate on behalf of Government. None of the allegations postulated by the Deputy is true. I emphasise that no negotiations took place and Eircom did not rebuff the Government regarding any package worth €1.8 billion.

As regards the Deputy's questions concerning broadband, the Government never made any secret of the fact that it was anxious to roll out broadband as quickly as possible. The matter the Deputy raises was part of the process to determine whether we could roll it out any quicker.

Ultimately, the Government decided, on foot of the discussions which took place and the presentation made by the consultants, that the best and most effective course of action was that which it had earlier decided, namely, to roll out the municipal area networks and establish group broadband schemes to allow as many people as possible to connect to broadband as quickly as possible.

To avoid giving an impression of complete doom and gloom, while we never made a secret of the fact that we lag behind many of our neighbours in broadband roll-out—

Mr. Broughan: The Minister's predecessor did.

Mr. N. Dempsey: —we are now providing broadband connections faster than any of our competitors. I hope we will have largely met our targets by the end of next year.

Mr. Broughan: I am glad the Minister mentioned Forfás and accepted our extraordinary deficit in broadband, perhaps our largest infrastructure failure. Forfás issued a report on broadband last week which noted that Ireland has a broadband deficit of 360,000 households. I informed the Minister on the day he took over the Department that he had been walked into a major scandal by the Taoiseach and the former Minister for Communications, Marine and Natural Resources, Deputy Dermot Ahern. Does he accept that Forfás indicates that he has a desperate problem in the area of broadband?

Mr. N. Dempsey: Forfás has not told me anything I did not know or which was not already on the public record. That is the reason the Government has been so active in trying to make up the deficit and I set specific targets.

Communications Masts.

67. **Mr. Gregory** asked the Minister for Communications, Marine and Natural Resources, further to Parliamentary Question No. 678 of 29 September 2004, if recent studies on radiation emissions recommend as a precautionary measure that telecommunications masts should be located in order that no direct beam falls on school property; the reason this and other recommendations are being ignored in this State; and if he will make a statement on the matter. [31407/04]

Mr. N. Dempsey: I am not aware of any national or international health advisory authority which has recommended that the siting of telecommunications masts should result in no direct beam falling on school property. It may be that some paper somewhere has made such a recommendation. If the Deputy can identify any such work I shall have my experts study it, after which I will make a further statement.

If any of the relevant international bodies to which Ireland belongs were to make such a recommendation, my Department would have to

consider an appropriate response. To date, however, no such recommendation has been made and, therefore, none is being ignored in this State. This is because, in the continuing unanimous opinion of all the relevant international bodies, radio frequency fields around such masts are not considered a health risk.

The Deputy may wish to be apprised of a report in *The Times* of London dated 13 November 2004, which records a court of appeal decision that mobile phone masts do not pose a risk to public health that would justify a ban on positioning them near schools.

Mr. Gregory: I will apprise the Minister of the report to which my question referred. I understand it is the most recent report published on electromagnetic fields and radio frequency radiation. The Stewart report is an independent study commissioned recently by the Department of Health in Britain through its National Radiological Protection Board. I am a little taken aback that the Minister's advisers are not aware of it as it is readily available on the Internet and elsewhere. It is also the most referenced report ever produced on this issue.

The Stewart report concludes that "it is not possible at present to say that exposure to RF radiation, even at levels below national guidelines, is totally without potential adverse health effects". The reason is that research is not being done on the issue. As the report states, "the gaps in knowledge are sufficient to justify a precautionary approach."

An Leas-Cheann Comhairle: It is not in order to quote at Question Time. The Deputy is giving information when he should seek it.

Mr. Gregory: Is the Minister aware, as noted in my question, that the Stewart report also recommends "that an independent random, ongoing, audit of all base stations be carried out to ensure that exposure guidelines are not exceeded"?

An Leas-Cheann Comhairle: It is not in order to quote at Question Time.

Mr. Gregory: It also recommends that planning should be extra-cautious around schools as children are more susceptible to the effects of radiation and will be exposed to it over their lifetime. It further states that masts should be placed to ensure no direct beams fall on any part of school property.

An Leas-Cheann Comhairle: Rather than refer to sources, the Deputy should ask the Minister a question.

Mr. Gregory: The Minister was not aware of the report in question, which left me with no alternative but to quote from it to assure him that the most recent reports—

An Leas-Cheann Comhairle: The Deputy should seek rather than give information. He is not in order.

Mr. Gregory: Is the Minister aware that research has been completed only on the short-term effects of radio frequency radiation from telecommunications masts? All interested bodies, including the World Health Organisation, which is currently carrying out a study to be completed in another couple of years, are unclear on whether long-term exposure to radiation below national guidelines will cause harmful effects. In that context, the recommendations to which I have referred have been made by the most recent—

An Leas-Cheann Comhairle: The Deputy continues to make a statement.

Mr. Gregory: I hope that they will be implemented in this country.

An Leas-Cheann Comhairle: The Deputy should put a question to the Minister.

Mr. Gregory: These masts are not surveyed at all in this country. They are—

An Leas-Cheann Comhairle: The Deputy is again making a statement. The purpose of Question Time is to ask a question.

Mr. Gregory: Is the Minister aware that only a small number of masts in Ireland are actually audited for their emissions? I asked a number of questions about specific masts in Dublin city and the vast majority of the replies concluded that the masts had not been audited for emissions. Yet the most recent report states that there should be an annual audit of emissions.

Mr. N. Dempsey: Ireland participates on a number of international committees and organisations regarding non-ionising radiation from masts, telecommunications masts and so on. We could not possibly be expected to react to every report from every source. We work through these international organisations such as the World Health Organisation. There are a number of EU studies currently being undertaken, such as the Cost 281 evaluation. Having considered the latest research, all of the bodies have affirmed that there is no adverse health effect shown to be caused by non-ionising radiation at the guideline levels of exposure. The World Health Organisation fact sheet states that these telecommunications facilities are not considered to be a risk to health. Notwithstanding the overwhelming clean bill of health given to these technologies compared to other environmental risks which society willingly accepts, the Government has adopted a precautionary approach. This approach states that absence of proof of harm is not proof of absence of harm. By consensus among many countries, guidelines are established for safe lev-

els of exposure to various kinds of electromagnetic emissions. They are set at levels that are many times less than the experimental levels at which no adverse effects have been established. We have adopted those guidelines in Ireland, especially the guidelines established by the International Commission on Non-Ionising Radiation Protection. We continue to participate in the work of the International Committee on Electromagnetic Safety, which sets standards in this particular area. ComReg has responsibility to ensure that the various licensed telecommunications operators work within the terms of their licenses regarding electromagnetic emissions.

Postal Services.

68. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the ongoing uncertainty in An Post with particular reference to the short term issues of continuity of service throughout the Christmas period and the ongoing issue of the need to retain the postal distribution and delivery network including post offices throughout both urban and rural areas; if he has given any direction in this regard or regarding alternative compatible services which might be complimentary to the postal network; if he can indicate the extent to which he is prepared to influence or direct discussions in this regard; and if he will make a statement on the matter. [31438/04]

Mr. N. Dempsey: I am pleased to say that the Labour Relations Commission has facilitated an agreement between An Post and the Communications Workers' Union on appropriate arrangements to deal with the Christmas post. Members of the CWU have voted to renew a general mandate for strike action. Rather than resorting to any form of industrial action, I urge members of the union to work through the established industrial relations machinery to resolve areas of disagreement between management and unions. An Post customers are entitled to a postal service, especially at Christmas and no disruption of postal deliveries should take place at this time of the year.

An exhaustive process of negotiation between An Post and the CWU has taken place throughout the year on retaining postal distribution and delivery, under the auspices of the Labour Relations Commission. While some progress has been made, there are still many points of disagreement between company management and the union. The union is currently balloting members on proposals that emerged from the negotiations.

The critically important objective of restructuring the company remains an imperative. All parties have agreed that change in the company is necessary if it is to be financially viable and positioned to meet the competitive challenges that can be expected to intensify during the months and years ahead. Management and unions can

only achieve the restoration of financial and operational stability by adopting a partnership approach using the services of the State's industrial relations machinery. Unfortunately, I cannot wave a magic wand to provide an easy solution to the difficulties in An Post.

With regard to the future of the postal network, it is important to note that the sector has changed significantly in recent years with liberalisation of the European postal market and with operators moving from national into international markets. In the development of any new services, the key focus for An Post will be to offer a range of quality products and services which meet consumer demands. The future of An Post will only be guaranteed by adapting to the increasingly competitive environment in which it operates.

Additional information not given on the floor of the House.

The post office network has been the subject of a number of studies and reviews in recent years. Many of the recommendations in these reviews have been implemented to win new business, including extra banking and new utility business. The post office network currently has a high footfall, a recognised brand name, and a country-wide retail network. There is scope to build on the range of services already provided and to obtain new business for the network building on existing strengths. I have asked the postmasters' union and An Post to work in partnership with a view to securing existing business and to pursuing new business opportunities as they arise. The parcels market in Ireland is now fully liberalised with some of the biggest postal operators in the world providing high quality services and international reach to Irish business. The competitive nature of the market provides a range of services which largely meet consumer and business needs. The letters market has been partially liberalised, with further EU liberalisation proposals likely to come on stream in the future. Strong international players, currently operating in the parcels sector, are likely to look for opportunities in the letters market. Furthermore, mail is facing a strong challenge from electronic substitution.

An Post is equipped to deal with these challenges given its modern infrastructure, well trained staff and established nation-wide reach. Restructuring of the company is a must, together with all stakeholders working together in a partnership approach, if the challenges facing the sector are to be overcome.

Mr. Durkan: I am confused about the issue of continuity of services, which was raised by the Minister. I do not know whether we can expect strike action over the Christmas period or whether it is resolved as the Minister seemed to indicate at the outset.

The SDS service is due to cease in the next few days. Can the Minister give an indication as to whether he is aware of the serious risk to hundreds and thousands of jobs around the country as a result of the non-availability of this service? How does he expect it to be replaced by alternatives, particularly if we are attempting to find out how best to enhance the services at An Post by expanding the degree to which it can serve the public? There appears to be a multiplicity of issues currently facing An Post including poor labour relations, the SDS service to which I have referred, outstanding issues on wages, pensions, delivery of services and the future of the postal services, especially post offices and the integral role they play in the community.

Mr. N. Dempsey: The issue on arrangements for Christmas has been resolved in the Labour Relations Commission, so that is out the way. There are a couple of other ballots taking place within the union on the general restructuring of An Post. I do not know what the result of those will be. The union executive had its mandate renewed for a general strike, which is separate from the Christmas issue, so I do not know whether that mandate will be acted upon. The issues will not be resolved by strikes, nor by people not talking to one another. They will not be resolved by megaphone diplomacy nor by people calling on the Minister to intervene in favour of one side or the other. Neither side will get that kind of comfort. The outstanding issues will be resolved when people sit down and start to realise that there will be full liberalisation of this country's postal service — it will be totally open to competition — in approximately four years. When customers are given that freedom, they will decide who is the most effective and efficient provider of a quality service.

Mr. Broughan: They are very happy with SDS.

Mr. Durkan: They are.

Mr. N. Dempsey: People on both sides of this debate need to focus on that. Both sides have agreed that SDS will be dealt with by the national implementation body. It is being dealt with by the body and it should be allowed to stay at that level. I do not want to say anything that might give offence on the one hand or succour on the other hand. The implementation body is the proper place for that. I wish to speak generally about SDS rather than about anything specific to its activities. The level of competition changed over two years when the market was liberalised. A better, more efficient and more effective service was provided after international logistics companies were taken over by postal services from other countries. That will happen in the letter post sector in 2009 if we fail to get our act together. I am not taking sides, but I appeal to both parties involved to acknowledge what we face. If we are to restructure the company, which both sides

[Mr. N. Dempsey.]
agree is necessary for its future survival, we cannot afford to engage in a 12-month stand-off.

Mr. Durkan: In the circumstances, is the Minister prepared to indicate to the relevant parties, privately if not publicly, the desirability of recognising the need for change? If multinational logistics corporations can organise delivery services, it should be possible for us to compete effectively. Will the Minister bear in mind the social and economic impact of losing internal control of such vital services? Will he consider the best way to ensure that other services which complement the postal service, such as delivery services, will continue to be provided throughout the country? The need for such services has been referred to on numerous occasions in recent years.

Mr. N. Dempsey: I agree with the Deputy that the message to which he referred needs to be transmitted. I have met the management of An Post and the IPU. I will convey the message in question to the CWU loudly when I meet its representatives at an appropriate time, when all the industrial relations votes are out of the way. I intend to meet the full board of An Post to convey the message. The Deputy is right to state that it is a vital service. I would prefer An Post to continue to provide it well into the future, rather than getting outside agencies to do it for us.

Fish Quotas.

69. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the implications for the Government of the decision of the European Court of Justice on 18 November 2004 regarding our failure as a member state to fulfil obligations under the Community system for fisheries regulations regarding the exceeding of fishing quotas. [31529/04]

Mr. Gallagher: The Deputy's question refers to the European Court of Justice's judgment on a number of cases of Irish fish quotas being exceeded in 1995 and 1996. The details of the judgment are being examined in detail by the Department of Communications, Marine and Natural Resources. The European Commission has asked Ireland to indicate, by 22 January 2005, details of the measures that have been taken or will be taken to address the issues raised by the judgment. The Department will complete its examination of the issue as a matter of urgency and a detailed response will be issued to the Commission before the January 2005 deadline. The Department's response will focus on the additional fisheries control measures that have been developed and implemented since the mid-1990s to address the system deficiencies which led to the over-fishing cases in question.

I stress the great importance Ireland attaches to complying with the rules of the Common Fisheries Policy. Such compliance, which is a priority objective of the Department, has underpinned

major changes and improvements in the fisheries control and enforcement regime in recent years. It is not possible to provide precise details of the implications of the judgment. Discussions with the Commission will be held at the earliest possible date to secure the necessary clarification on this and other issues which arise. Ireland will assure the Commission that many improvements have been undertaken or are in train to enhance Ireland's fisheries control and enforcement regime.

Mr. Eamon Ryan: The Minister of State cannot provide details of the implications of the judgment, but can he tell me what the cost implications will be when we have to pay for the cases which, as he has correctly stated, relate to the mid-1990s? If the Government is concerned to ensure that there is proper monitoring and control, as the Minister of State has suggested, why did the Department of Communications, Marine and Natural Resources fail to respond when it was asked in March 2001 to provide a response on behalf of the Government? Does the Minister of State agree that this case characterises the Irish fishing industry and the Department as being primarily concerned with allowing small sectional interests to plunder the sea, especially when considered alongside recent scandalous revelations which appear to be coming to light about widespread ignoring of the current quotas and malpractice within the industry?

The European Court of Justice's judgment, which shames the Department and Ireland as a whole, requires measures which are much more radical than those taken by the Department, which ignored the original judgment of March 2001, which is not that long ago. It did not answer any of the important questions about Ireland's failure to oversee the quotas which were being applied, to prosecute the vessels which were seen to exceed quotas or to monitor the overseas activity by Irish vessels. The judgment catalogues Ireland's remarkable failure to show concern about conservation or to apply the fishing quotas, which are in place for a reason.

Mr. Gallagher: Costs have been awarded against Ireland in this instance. It is not possible to estimate the final costs at this point. The matter can be discussed with the Commission later, at an appropriate time.

I caution the Deputy for his reference to "recent scandalous revelations". I repeat the comments of the Minister, Deputy Noel Dempsey, who said in the House when the matter was initially raised that the case is under investigation. It is a question of innocence first and proving guilt afterwards. I would not like to say anything that might affect the case in any way. I do not think anybody should draw any conclusions until the investigation has been completed.

The House should know that there was over-fishing of cod in the Arctic and in area 2 in 1996. The level of over-fishing in that instance com-

prised 0.4% of the total allowable catch and 0.2% in another case. It comprised 7.8% of the total allowable catch in a case relating to haddock in area 7. The angler fish quota was exceeded by 0.8%, the red fish quota was exceeded by 0.2% and the common sole quota was exceeded by 5.9% in area 7a. I do not suggest that quotas should be exceeded, but we should put it in perspective — we are talking about issues which arose in 1996.

Our primary focus will be on assuring the Commission that our enhanced system addresses the issues satisfactorily. While a significant proportion of reporting was conducted manually ten years ago, when the over-fishing in question took place, state-of-the-art IT systems are now in place to assist those involved. Our licensing regimes have been strengthened and increased and quotas have been tightened. The satellite surveillance that has been installed in the form of vessel monitoring systems is an important part of the current control regime.

It is no harm to remind the House that many EU member states are being questioned about over-fishing. Denmark faces ten such cases at present, Spain faces nine cases, Belgium and the United Kingdom face seven cases each, Sweden faces six cases and Ireland and Portugal face five cases each. Deputies should not be under the impression that Ireland, which has 4.6% of the total European catch, is the only country involved in such cases. The question of whether Ireland has engaged in over-fishing will be dealt with by the courts. We will respond within the two-month window of opportunity we have been given. I think our response will satisfy the Commission.

Mr. Eamon Ryan: I would like to ask a brief supplementary as the Minister of State has not answered my question. The Minister of State reiterated the case made by the Irish Government to the European Court of Justice and said that the amount involved is small and has since been changed. The court rejected those arguments and said that the Irish Government had shown a disregard for the implementation of the regulation. Why has Ireland still not implemented some of the changes clearly required given that the breach was recorded ten years ago? Why has it taken ten years to implement the changes? The Minister of State said — I hope he is right — that some of the current allegations will prove to be unfounded.

Mr. Gallagher: I did not say that. The Deputy has rephrased what I said.

Mr. Eamon Ryan: I apologise, the Minister said that one has to be careful. Will he agree that the dogs in the street — perhaps mackerel in the bay would be more appropriate in this case — are aware of this? The approach of the industry, the Department and the Government has been characterised as that of willing to bend the rules, stretch quotas and push as much as possible to

try to get fish landed and sold. That is not good enough. We need to go back to a conservation agenda which will provide us with a long-term future. That is not what is occurring and stocks are depleting rapidly.

It was suggested by a departmental official at a recent committee meeting that Ireland might have to separate the development function in terms of the fishing industry and the monitoring function within this Ministry. There has been a flagrant breach of the quota, regardless of size, and Ireland has been found guilty by a European court in every case. Does that not provide an unanswerable case for the separation within the Department of the development of fisheries and the monitoring role?

Mr. Gallagher: I did not suggest there were different degrees of breaches. I merely gave the facts, not an opinion. The Deputy asked if we will implement the recommendations. Who made those recommendations? The European Court of Justice did not make any recommendations.

Mr. Eamon Ryan: It gave its opinion in March 2001.

Mr. Gallagher: The court asked us to respond to it. The Deputy should accept that over recent years there have been responses on the legal side in terms of personnel and information technology.

Mr. Eamon Ryan: The court judgment stated that there was no response from the Irish Government.

An Leas-Cheann Comhairle: We must move on to the next question.

Mr. Gallagher: The Department has a regulatory function in this area but it is also its function to develop the industry. The industry, be it inshore or offshore, makes a major contribution to the development of sea fisheries and creates thousands of jobs in rural areas where there is no alternative source of employment. There are brownie points to be made and we should give credit where it is due.

Mr. Eamon Ryan: We should look to long-term conservation to make sure those jobs are there in the future.

Other Questions.

Telecommunications Services.

70. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources the reasons the provision of broadband facilities throughout the country has not kept pace with original projections; and if he will make a statement on the matter. [31217/04]

98. **Mr. Timmins** asked the Minister for Communications, Marine and Natural Resources the extent to which provision of the most modern telecommunications technology is being made available to the domestic and business sectors throughout the country; if provision to date is in line with expectations and projections; and if he will make a statement on the matter. [31203/04]

125. **Mr. English** asked the Minister for Communications, Marine and Natural Resources when he expects the provision of state-of-the-art telecommunications here to catch up with European leaders in this area; and if he will make a statement on the matter. [31214/04]

140. **Mr. Deenihan** asked the Minister for Communications, Marine and Natural Resources the reason Ireland's position in the league of modern fast telecommunications has dropped; and if he will make a statement on the matter. [31216/04]

141. **Mr. Timmins** asked the Minister for Communications, Marine and Natural Resources the extent to which telecommunications objectives in the national development plan have been met to date; and if he will make a statement on the matter. [31202/04]

145. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if earlier projections in regard to the provision of broadband throughout the country have been met to his satisfaction; and if he will make a statement on the matter. [31280/04]

Mr. N. Dempsey: I propose to take Questions Nos. 70, 98, 125, 140, 141 and 145 together.

Up to early 2003 the telecommunications market, although fully liberalised, had been slow to invest in the necessary infrastructure to keep pace with the demand for broadband. In March 2002 the Government set out its aim of placing Ireland within the top 10% of OECD countries for broadband connectivity within three years.

Recognising that the lack of high-speed infrastructure would deny us that goal, the Government set aside an indicative €200 million under the NDP for infrastructure developments that would enable the provision of services by the private sector. The creation of high-capacity backbone infrastructure and metropolitan area networks, MANs, are the cornerstones of the programme. Some 19 MANs have been completed and seven more are under construction.

In the next phase of the programme broadband networks will be rolled out in more than 90 towns with a population of 1,500 or more. The MANs are being managed for the State on an open access basis and offer private sector telecommunications providers wholesale rates for bandwidth that are on a par with the best available in Europe. The group broadband scheme, introduced by my Department earlier this year, enables smaller towns and rural communities to come together with the service providers and, with funding assistance of up to 55% from my

Department, obtain broadband connectivity using the most suitable technology. Considerable interest is being shown in the scheme with applications submitted by more than 50 communities to date.

The availability of broadband is increasing. Telecommunications companies are vigorously marketing digital subscriber line, DSL, broadband in all areas, while other broadband technologies such as satellite, wireless and cable are all growing in popularity. The number of broadband customers is growing by more than 30% per quarter and has increased 80-fold in the past year to over 105,000 customers today.

Other countries are also actively pushing the broadband agenda and that will make our targets more difficult to reach. However, we have seen significant progress in 2004 in terms of increased broadband penetration and I am satisfied that the conditions are in place to see this rate of progress sustained through 2005.

Mr. Durkan: I realise the Minister is new to this portfolio but, notwithstanding that and keeping in mind his admission that we are not up to the originally anticipated speed, what is the root cause of the slow investment in infrastructure? Will the Minister indicate why Ireland is falling further behind, notwithstanding that these warning signals have existed for the past two or three years during which time I and other Members have tabled questions on the issue? Will the Minister indicate whether the methods now being used to expand broadband services throughout the country are the most cost effective, efficient and sustainable, with greater emphasis on sustainability? For example, is adequate use being made of wireless technology as a means of providing to a wider group of consumers the most up-to-date services in terms of broadband availability?

Will the Minister indicate whether MANs and some of the other systems now in operation are to some extent old technology? Given that technology has a relatively short lifespan, will he give the House an indication of the degree to which the most modern technology is being used in the expansion and provision of the services referred to?

Mr. N. Dempsey: The reason for the slow roll-out of infrastructure was that Eircom, the company with the most exchanges and so on, did not afford it the same degree of priority as the Government — it had other priorities. Deputy Broughan said that at a time when we were looking to Eircom for the fast roll-out of broadband, rather than investing in broadband, it borrowed money to pay dividends and shares to its shareholders. That is no great secret. There is no point crying over spilled milk. There was no competition and, given Eircom's position, there was a slow start to the roll-out of broadband. As I outlined in my reply, that position has been accelerated.

To be fair to Eircom, it is now committed to reaching the target of 400,000 connections by the end of 2006. I have asked Eircom and others to be more ambitious and to try to achieve 500,000 connections, but it has indicated it will take until 2007 to reach that target. I believe, with the roll-out of schools' broadband, the MANs projects and the group schemes, that the target of 500,000 will be reached in 2006. That is the history on this issue. It is my view based on the information available regarding why Ireland has not been as fast as other countries to take off in this area.

Mr. Broughan: Was the Minister shocked to find that was the position when he took office?

Mr. N. Dempsey: I would not use the word "shocked".

Mr. Durkan: Perhaps the Minister was upset.

Mr. Broughan: The Minister was aware of the position given his work with schools.

Mr. N. Dempsey: I was aware from the schools projects and so on that we were much further behind. We are not falling further behind but are catching up. In 18 months, it has risen from 10,000 subscribers in March 2003 to 105,000. The number of connections is increasing at 30% per quarter, so we are not falling behind. However, the target keeps moving——

Mr. Durkan: That is the problem.

Mr. N. Dempsey: ——but we are catching up because we are going at a much faster rate.

Mr. Broughan: As Dr. Garret FitzGerald would say, the rate of increase is falling.

Mr. N. Dempsey: That is a good description.

The metropolitan area networks are a fibre optic network, which, I am told by all technical experts, gives unlimited bandwidth. The type of technology used at the end of these networks by the various service providers is a matter for them. I do not have great knowledge of what specifically they are doing. However, many new technologies are coming into the area such as WiMAX, wireless and satellite. The increasing divergence of methods for providing broadband throughout the country will help in reaching our targets. Nationwide coverage will be achieved by 2007.

Mr. Durkan: I hate to disagree with the Minister. However, regarding the revised targets, does he accept that excavations required for cabling are more complicated and costly than the use of wireless technology? Wireless technology can be used to a far greater extent to expand the facilities available for the fibre optic networks. The combination of both will give a far broader service to communities than just a fibre optic network on its own. Why did the then Minister not give a direction on the investment of infrastruc-

ture five years ago when it should have taken place? In two months' time if the provision of broadband facilities, as anticipated in the Minister's projections, is not coming up to speed, will he give such a direction?

Mr. Broughan: Is it the policy of the Fianna Fáil-Progressive Democrats Government to give every household a broadband connection? If so, what is the time frame? Is the basic policy similar to the electricity roll-out in the 1930s and 1940s?

The Minister's predecessor, Deputy Dermot Ahern, called all the Opposition spokespersons to Government Buildings to inform us there was market failure in this area. Will the Minister agree that there has also been regulatory failure? As the Minister, Deputy Noel Dempsey, was Minister for Education and Science, will first year students in 2005 receive a laptop computer? If so, we could begin to be an IT-enabled society. Will the Minister take major steps such as this to drive IT infrastructure development, which he agreed is a disaster?

Mr. Eamon Ryan: Is duplication occurring with the development of the metropolitan area networks between State and private infrastructures? Does the Minister believe it should be developed as a separate physical network or is there a case for integrating State and private infrastructures?

Mr. N. Dempsey: The greater is the variety of means to provide broadband, the better. However, all means, such as wireless, satellite, coaxial, cable and copper pair, are now being used. There is that mix of means as referred to by the Deputy. The slowness in rolling out the infrastructure in comparison to the UK is because the UK has an existing extensive cable network that Ireland does not have. The Government's policy is to roll out broadband and to have 100% penetration throughout the country.

Mr. Broughan: To every county and every household.

Mr. N. Dempsey: It is up to every household whether it wants to make use of it. I will not force anybody to take broadband if they do not want it.

Mr. Durkan: That day will never come.

Mr. N. Dempsey: I do not foresee an announcement that first year students in 2005 will receive a laptop computer.

Mr. Broughan: Not tomorrow then.

Mr. N. Dempsey: I foresee completion of the schools' broadband project in the first term of 2005. What is happening with the metropolitan area networks is not duplication but competition. Provision of the cable allows for competition in the market, which is good for the future.

Written answers follow Adjournment Debate.

Adjournment Debate Matters.

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Cowley — to ask the Minister why sanction has not been given for a sports hall for a school in County Mayo (details supplied) which is on the priority list and has been sought for 25 years; (2) Deputy Lynch — the urgent need for Aer Lingus to resume its cargo and courier operations; (3) Deputy Durkan — if the Minister will comment on the reduction of rent supplement in the case of a person (details supplied) forced to leave accommodation due to inability to meet the balance of rent due each month; (4) Deputy Connolly — to discuss the total omission of applicants from counties Cavan and Monaghan from the recently published list of approved grants by the Dormant Accounts Disbursement Board; (5) Deputy Andrews — the reason capital funding was withdrawn from the Spinal Injuries Association of Ireland; (6) Deputy Ó Caoláin — that the Minister reconfigure the planned spending programme under his departmental Estimates; (7) Deputy Ellis — the problems being experienced by students and staff at St Joseph's outreach class (special needs) at Drumshanbo, County Leitrim; (8) Deputy Deenihan — the urgency to advance stages two and three of the extension to a school (details supplied) in County Kerry to provide proper facilities for autistic children; (9) Deputy McGuinness — the urgent need to resolve the crisis at Kilkenny VEC; and (10) Deputy Neville — primary care strategy at the Mid Western Health Board; implementation project — "Cois Abhainn" West Limerick.

The matters raised by Deputies Andrews, Neville, Lynch and Ó Caoláin have been selected for discussion.

Leaders' Questions.

Mr. Kenny: I wish the Taoiseach and the Government well in the delicate negotiations, which are at a sensitive stage, in respect of the Good Friday Agreement. I sincerely hope these sensitive discussions will have a successful conclusion.

I want to raise the serious implications of the decision handed down today by the Special Criminal Court. A person, with a close association with a Member, was convicted of IRA membership, conducting the dual role of Dublin IRA brigade intelligence officer and that of an election agent for a Sinn Féin Deputy. When this matter was raised in 2003 the Taoiseach said this was rubbish and the situation did not exist. When did the Taoiseach become aware from intelligence briefings that the surveillance of movements of Members from both his party and mine was actively put under way by the persons concerned? I understand that up to 20 Members were not informed by the appropriate authorities that this surveillance of movements, observation or

spying, was being conducted? Why have Members had to read this in the newspapers? This activity took place when the IRA was on ceasefire yet those convicted were on active duty. Will the Taoiseach confirm that they will not be released under any terms of the Good Friday Agreement?

The Taoiseach: I do not have any more details than Deputy Kenny. I understand that two men, Niall Binéad and Ken O'Donohoe, were today convicted and sentenced to four years for membership of the Provisional IRA. I do not recall that I am on record saying this was rubbish.

As I remember it, there were a few events around the same time involving the observation of certain activities by an off-duty garda who thought the persons involved were watching his home. In this case, a normal Garda patrol subsequently came across a van in which people were found. I recall the robbery of a pub in north Dublin in which a significant number of people engaged in establishing road-blocks. The manager of the pub was kidnapped from his home. A number of similar incidents occurred at the same time.

Mr. Hogan: What kind of activity was it?

The Taoiseach: It was severe, criminal activity. I do not recall ever saying these cases were nonsense. People were arrested and charged.

Deputy Kenny asked when I had knowledge that information was gathered about a previous Minister for Justice, Equality and Law Reform, the Minister for Finance and other Deputies. I was not given the information in a security briefing until the court cases were held. Obviously, it is a very serious matter that people were engaged in gathering information on Members of the elected assembly of the Houses of the Oireachtas for criminal, paramilitary or whatever other purposes. It is being dealt with by the courts.

The issue of the involvement of the accused in activities prior to April 1998 does not arise in the context of the release of prisoners under the Good Friday Agreement. The individuals concerned will serve their sentences as have over 40 others who have been arrested and sentenced for paramilitary and criminal activities over the last number of years. The imprisonment of these people represents the success of the Garda special units which have been working to counter their activities. That is my information.

To be very clear, I have never seen a detailed security briefing on what these individuals were really about.

Mr. Kenny: The Taoiseach assures the House that he never saw an intelligence briefing on this matter. The Garda only became aware of it after a Deputy and the party involved rang the Garda station in Bray on two occasions to inquire about the person who was the second to be convicted of IRA membership in the case under discussion.

The Deputy rang the station on the assumption that the first-named person had been arrested. The story appeared in the *Irish Independent* on 26 January last year, at which stage the Taoiseach said he knew nothing about a spying operation. The matter was then dropped. Am I to understand that the Minister for Justice, Equality and Law Reform was not aware of the matter? If one reads between the lines of replies or comments by the Minister to a Sinn Féin Deputy last year, it appears he might have known from intelligence briefings what was going on.

Can the Taoiseach inform the House whether the intelligence gathered by the Army and the Garda is being made available to the International Monitoring Commission to inform their brief on the activities of the IRA? The Taoiseach will recall that the Minister for Justice, Equality and Law Reform said last year that the Provisional IRA was involved in criminal activity in Dublin Port. Does the Taoiseach consider that the International Monitoring Commission should be provided with information on the activities of members of the IRA in the Republic? If the members have been convicted in this jurisdiction, they are obviously operating here. I say that without wishing to infringe in any way on the current, sensitive events surrounding the conclusion of the Good Friday Agreement.

The Taoiseach: I accept completely what Deputy Kenny says. I do not consider the issues to be related either. While the Minister for Justice, Equality and Law Reform always has knowledge of security initiatives, I am aware of them in the context of Northern Ireland. I am not aware of normal issues occurring here. If the Minister for Justice, Equality and Law Reform had raised any of these issues when the people in question were charged, it would have been completely inappropriate. It would have affected a conviction through the legal system. Whether the Minister knew or not, it would have been inappropriate to raise the matter in the House. As has happened on previous occasions, reference to the matter here would have been used to try to help Niall Binéad and his colleague, Kenneth Donohoe, to avoid prosecution for the serious offences in question.

I had no information other than what has come out in court and do not to this day. Apparently, the two men and perhaps others associated with them had documents relating to a former Minister for Justice, Equality and Law Reform and the movements of Dáil Members. The information outlined in the courts refers to very serious offences which, as Deputy Kenny correctly says, have nothing to do with current events.

The activities of these people and the question of why they should have been gathering such information is a serious matter. The men have been sentenced to four years imprisonment for their activities, but I still do not know what the motive for tracking, following and detailing the

activities of Members of this House. It remains to be proven what it was all about. It should be remembered that the sentences were imposed for IRA membership, which does not resolve the issue of information gathering.

Mr. Kenny: Is it correct that they will not be released under the terms of the Good Friday Agreement?

The Taoiseach: Without checking, a distinction is made between those who committed offences prior to 10 April 1998 and those who have done so since then. People who have committed offences since 10 April 1998, of whom there are many, have not been able to avail of the provisions of the Agreement. At last count, approximately 40 people were imprisoned, many of whom are serving very long sentences.

Mr. Rabbitte: I remind the Taoiseach that on the most recent Private Members' debate, the Labour Party proposed a review of the M3 route. We raised the matter as a national monument of international significance is at risk while acknowledging fully the need to provide the hard-pressed commuters from Meath towns with more speedy access to this city, which is usually their place of work.

I note in one of today's newspapers the description by Deputy Haughey, Chairman of the Committee on Environment and Local Government, of any attempt to push ahead with the M3 as an action bordering on vandalism. His view is representative of the widening base of acknowledgement that it would be foolhardy to press ahead with the current route if for no other reason than that it is likely to be litigated for years. We have had many experiences in this area since the Wood Quay development. We are now confronted with a scenario in which the admitted discovery of 38 sites means it is expected to make a significant archaeological find every 370 m along the proposed route. One does not have to be Einstein to realise this will mean a prolonged delay which will help nobody from Kells, Navan or Dunshaughlin to access the city more quickly.

People who see adherence to the proposed route as the quickest way to build a road will find out after we have been bogged down in litigation for ten years that it will still not be built. Is not that a very good reason for the Government to take a pragmatic view? While the opportunity still exists, the Government should review the proposed road, provide an alternative route for hard-pressed commuters and, above all, protect a monument which contains our Celtic past?

The Taoiseach: I was asked this question when dealing with infrastructural questions recently and I stated that, despite all that has happened, the archaeological digs are continuing. I understand there is a six-metre trench in the area. There are spurs off that trench and a large number of people are working on it to determine

[The Taoiseach.] its significance. The Government cannot make a call on it until it receives all the reports. There are those in the National Roads Authority and within the council system who say the number of finds so far is in line with the number that would be made on any other stretch of road, although I cannot make a call on that.

Deputy Rabbitte is correct. A concerted campaign is under way expressing misgivings centring on the impact of the construction of the M3 on the site chosen by the NRA. They say this will affect the cultural heritage of the landscape the proposed road passes and that this will be compounded by the delay in getting major archaeological reports on it. The scheme was approved with modifications by An Bord Pleanála in August 2003, no High Court objection to the board's decision was made and the scheme became operational on 24 September 2003.

Questions were raised at that time about alternative routes to the east of the Skryne Valley. That has been advocated. It is said that this route would have a significant impact on the local community, farms and over 200 houses. The eastern route would also entail a high level bridge crossing the Boyne, giving rise to significant visual intrusion. The landscape architect who assessed the visual impact in the EIS stated at the oral hearing that he considered that the proposed M3, including the Blundelstown interchange, would not visually impinge on the sensitive landscape surrounding the national monuments. He put forward various montages to show why that was the case.

Deputy Rabbitte is correct because a head of steam has now built up on this issue, as often happens, and I will not try to call it until we receive archaeological advice on it. If there were an easy route, right or left—

Mr. Eamon Ryan: What about the railway?

The Taoiseach: —I would take Deputy Rabbitte's view that we should cut our losses and build on it, but there is not an easy route to the right or left of it.

Mr. Durkan: The Taoiseach responds to the left.

An Ceann Comhairle: The Taoiseach, without interruption.

The Taoiseach: All I know is that the reports we saw to the effect that the road would go through the Hill of Tara are not correct because the new road is further away than the old road. I am aware of what Deputy Haughey said yesterday. I understand he also said he would go and look at it.

Mr. M. Higgins: I am sure his father told him about it.

The Taoiseach: The other experts should have a look at it as well. In the meantime, we have to wait but it is the old story.

Mr. Sargent: A very old story.

The Taoiseach: What I am concerned about is improvements in road safety, the quality of our roads, road barriers and all those other issues. I am trying to get commuters safely to their destinations.

A Deputy: What about the railway?

The Taoiseach: It is the old story but at least this time it is about our heritage about which I would be more sympathetic than the swans, which are breeding very well, and the snails, which have moved on. This is more significant and I would like the archaeologists to provide the Government with a clear report on what they honestly believe. Perhaps then the Government can call it.

Mr. Rabbitte: If somebody has advised the Taoiseach that the finds along the route of this proposed motorway are the same as the finds that would be found in any other route, that person is either a fool or a philistine. The Taoiseach knows well that is not true. This has been described by international experts as a landscape of unique archaeological, cultural and natural significance, and they are describing the Tara-Skryne valley. Everybody knows the road will not go through the Hill of Tara.

(Interruptions).

An Ceann Comhairle: Deputy Rabbitte, without interruption.

Mr. Rabbitte: Everybody knows this will attract not just national attention but international attention. It is of that significance. It is the first decision the new Minister for the Environment, Heritage and Local Government, Deputy Roche, will have to make and I do not understand why the decision cannot be made now before we become bogged down in expensive litigation that will postpone the road—

Mr. N. Dempsey: Before we have evidence. Does the Deputy have evidence?

Mr. Rabbitte: I know the Minister, Deputy Noel Dempsey, has claimed credit, on behalf of the Fianna, for driving a road through the Hill of Tara.

Mr. N. Dempsey: Does the Deputy have any evidence?

An Ceann Comhairle: The Minister should allow Deputy Rabbitte to continue.

Mr. N. Dempsey: I am asking if he has the evidence.

Mr. Rabbitte: We have a problem when the Minister, Deputy Dempsey, and the Minister for Transport, Deputy Cullen, join forces. These are the same people who told us not to listen to the arguments being advanced from this side of the House about electronic voting, and look what they ended up costing us. That will be a fraction of what they will cost us in the case of the M3 motorway if they do not listen.

Mr. N. Dempsey: The Deputy is talking about electronic voting as well now.

An Ceann Comhairle: The Minister should allow Deputy Rabbitte to conclude.

Mr. N. Dempsey: He is making a speech.

Mr. Rabbitte: These Ministers will not listen. I am not advancing the arguments. Archaeological scholars of international standing are advancing these arguments.

Mr. N. Dempsey: They are not doing the excavations. Any of us can——

An Ceann Comhairle: Will the Minister allow Deputy Rabbitte to conclude without interruption?

Mr. Rabbitte: I do not oppose the building of the road.

Mr. N. Dempsey: The Deputy does.

Mr. Rabbitte: Neither am I opposed to the reopening——

Mr. N. Dempsey: The Deputy speaks out of both sides of his mouth at the one time.

Mr. Rabbitte: ——of the rail track between Navan and Dublin. That should be done anyway, but we are ignoring the experience we have had from Wood Quay to Carrickmines to the experience of the Minister, Deputy Cullen, in Waterford and walking into prolonged and expensive litigation that will not get one commuter any faster from his constituency to Dublin.

Mr. N. Dempsey: It will get them there much more quickly than it would if they followed the Deputy's idea.

Mr. S. Ryan: The Minister is not the Taoiseach yet.

Mr. N. Dempsey: Build two ends of the road and leave the middle blank.

An Ceann Comhairle: The Taoiseach should be allowed speak without interruption.

The Taoiseach: Deputy Rabbitte is making the point that when there are objections from some people who are renowned but are not the archae-

ologists on site, we should cut our losses and move to another site. I understand that argument but Deputy Rabbitte will understand that when the NRA chose this route, it became the subject of the longest ever An Bord Pleanála hearing. That is now completed, there has been no objection to the High Court and the archaeologists are working on the site. I am informed that the archaeological finds on this site are far fewer in number than those found on the Cashel bypass.

Mr. M. Higgins: That is nonsense.

The Taoiseach: I am just giving the House the facts. I understand the point about the delay. We looked at the possibility of an easy route, right or left, but there was not one that would not affect many people.

Ms Burton: There is a railway line.

The Taoiseach: We are waiting for the archaeologists who are engaged in this large dig to come back to us with a conclusive view. I do not want to get into a long, protracted process.

The Deputy mentioned some roads and there have been several others but some of the arguments in those cases were ridiculous. If there is some historical reason that has been missed by everybody, the Government will have to look at it.

Mr. Gogarty: It will be too late when it is built.

The Taoiseach: I recall the proposal for the Swords bypass in the mid-1990s. It was supposed to change Irish wildlife forever and all the swans in Ireland were going to depart. It is there now and the swans have never looked happier.

Mr. Gogarty: The Taoiseach is fond of birds.

The Taoiseach: Somebody has to be an expert but I am not.

Mr. M. Higgins: There were experts but they were not heeded.

The Taoiseach: Archaeology has been one of the fastest growing professions in the State and, presumably, archaeologists will make a report.

Mr. M. Higgins: They have.

The Taoiseach: I do not know the answer; I am not an archaeologist.

Mr. M. Higgins: Ask Deputy de Valera.

Mr. J. Higgins: The Taoiseach is mixing up the swans with the tax exiles.

The Taoiseach: I am not even an amateur archaeologist but I will not build up a head of steam until I see evidence. They are doing their work in large trenches and they will report back

[The Taoiseach.]
to us. We can make a judgment then. I agree we should not delay.

Mr. Sargent: My question is on the minds of many people in Dublin, Ireland and beyond these shores. What can be done to avert the demise of Bewley's cafes? I was sitting in Bewley's the other day thinking of the Taoiseach's recent description of himself as a socialist. He also referred to how he valued the Botanic Gardens because he felt he owned them and he valued Dublin Zoo in a similar vein. If he were in the Great Southern Hotel in Killarney or Parknasilla, he would have the same warm feeling of being part of the action and part of the ownership.

The Crown Bar in Belfast is effectively in public ownership. It is owned by the National Trust and managed by Bass Ireland, which the Taoiseach will be delighted to hear. The National Trust made a decision to purchase that exotic property in 1978 with the encouragement of Sir John Betjeman, the late Poet Laureate. The work carried out on the property in 1981 cost £400,000. The bar was restored to what is regarded internationally as a visual gem and it is a major tourist attraction.

Will the Taoiseach acknowledge the intrinsic value of Bewley's cafes, which face the prospect of becoming clothes shops on Grafton Street? He earlier referred to how interested he is in heritage. Bewley's is not only a cafe but it is "Dublin's front room", as one journalist described it. It is on the site of the school attended by Robert Emmet, Thomas Moore, Richard Sheridan and the Duke of Wellington. The cafe has been frequented by Joyce, Behan, Flann O'Brien and Mary Lavin. Will the Taoiseach consider the possibility of the Government entering an arrangement to ensure the cafe can continue as a social amenity and viable business, given that is an immense asset to the city as well as the State? He should not listen to everything the Tánaiste tells him.

The Tánaiste: The Taoiseach does not have as much time as I do.

The Taoiseach: The effect on the staff is the issue that upsets everybody most. Bewley's has a hard working staff and many people have given significant service. It is a sad day for them as they have given their working lives to the cafe. Both the Westmoreland Street and Grafton Street branches are Dublin institutions but they will close later. Regrettably, despite the best endeavours of the staff, the cafes have been losing significant money for the Campbell family.

Mr. Kenny: Send in Willie Walsh.

The Taoiseach: The business is not viable, as outlined by the family.

Mr. J. Higgins: It is not viable because of property speculators against whom the Taoiseach would not move.

The Taoiseach: The buildings are listed and they cannot be desecrated in the manner mentioned by Deputy Sargent. However, it is sad, even at a time of significant consumer spending and given the availability of many leisure facilities, that the cafes have not been able to survive commercially. My thoughts are with the staff who have done their best.

I agree with Deputy Sargent regarding the old Quaker tradition of Bewley's and I respect the people who did a great deal through the generations there, which is of major significance. Unfortunately, the operation has not been able to survive, which is regrettable.

Mr. Sargent: I share the Taoiseach's concern for the staff. However, is he happy to see Grafton Street becoming an alleyway for global brands? Will they continue to serve both tourism and the economy generally in the same way Bewley's did down the years? Given that pension funds are being invested overseas, in some cases dubiously, does such an institution not warrant the investment the State could bring to bear, given that the Taoiseach thought it worthy to invest €50 million in Farmleigh House? It is an expensive bed and breakfast at that price. Does Bewley's not have a more legitimate claim on State investment? Such investment is not unique and it has been successful internationally. Would the Taoiseach be open to discussions with the owners and others who have campaigned to franchise the cafes or use them to promote the history and culture in Dublin? If Farmleigh House is justifiable, why not Bewley's?

The Taoiseach: I accept the Deputy is raising this issue because Bewley's is an institution and I share some of his views on Grafton Street. It is an important street in our capital and it should be maintained to the highest standards. I have commented on the staff but the concept of the Government joining in to run Bewley's is not something we could seriously do or support.

Mr. Eamon Ryan: We do not want the Taoiseach to make the coffee but—

An Ceann Comhairle: The Taoiseach, without interruption.

The Taoiseach: We must be realistic. Bewley's is a commercial entity but the premises will have a different life and they have been preserved for the future. My thoughts are with the staff members but it will not be Bewley's as we have known it.

Mr. Sargent: Why Farmleigh and not Bewley's?

Requests to move Adjournment of Dáil under Standing Order 31.

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

Mr. Connolly: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the entirely arbitrary and unreasonable practice of hospital consultants arranging consultations for patients from rural Ireland at inappropriate times such as 8.30 a.m. and 9.30 a.m. with no account taken or consideration given to often lengthy delays, the unavailability of public transport and the cost of taxis involved.

Mr. Neville: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the failure of State-run children's residential centres to vet staff before employment, despite a requirement to obtain Garda clearance and references, and the consequential risk to children in State care.

Mr. Broughan: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the need for a response from the Minister for Communications, Marine and Natural Resources to the impending closure of the SDS company, his views regarding the disparity between the unions and employers at the company regarding its financial performance in 2004, and the need for the Minister to bring forward proposals urgently to avert strike action at An Post following the recent ballot.

Mr. Gogarty: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the need for the Government to allocate additional Garda and traffic management resources to tackle gridlock on the N7 caused by road works on Rathcoole Bridge and in particular to ensure the communities on either side of the bridge in Newcastle, Rathcoole and Saggart can continue to access schools, meals on wheels and other community services with the minimum of disruption.

Aengus Ó Snodaigh: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, in view of the fact that nearly one quarter of all Irish women have been abused by a current or former partner, the need for this House to take seriously — and not in any way trivialise or divert attention from — the unacceptable prevalence of domestic violence against women in our society, and for Deputies on all sides of this House to work together to muster the political will necessary to change this situation.

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

Order of Business.

The Taoiseach: It is proposed to take No. 9, motion re leave to introduce Supplementary Estimates [Votes 9, 10, 19, 20, 22, 23, 26, 27, 32 and 35]; No. 10, motion re referral of Supplementary Estimates [Votes 9, 10, 19, 20, 22, 23, 26, 27, 32 and 35] to select committee; No. 11, motion re referral to joint committee of proposed approval by Dáil Éireann of the Fisheries (Miscellaneous Commercial Licences) (Alteration Duties) Order 2004; No. 12, motion re: referral to joint committee of proposed approval by Dáil Éireann of Draft Decision of the Council providing for certain areas covered by title IV of Part three of the Treaty establishing the European Community to be governed by the procedure referred to in Article 251 of that Treaty; No. 13, motion re Proposed approval by Dáil Éireann of the Double Taxation Relief (Taxes on Income and Capital) (Republic of Iceland) Order 2004, back from committee; No. 14, motion re proposed approval by Dáil Éireann of the Double Taxation Relief (Taxes on Income and Capital Gains) (Government of the Hellenic Republic) Order 2004, back from committee; No. 15, motion re proposed approval by Dáil Éireann of the Double Taxation Relief (Taxes on Income and Capital Gains) (Government of Canada) Order 2004, back from committee; and No. 26, Irish Nationality and Citizenship Bill 2004 — Report Stage (resumed) and Final Stage.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 8.30 p.m. tonight and business shall be interrupted not later than 10.30 p.m.; No. 9, and subject to the agreement of No. 9, No. 10, referral to select committee, and Nos. 11, 12, 13, 14 and 15 shall be decided without debate and any divisions demanded on Nos. 9 and 10 shall be taken forthwith; and the proceedings on the resumed Report and Final Stages of No. 26 shall, if not previously concluded, be brought to a conclusion at 10.30 p.m. by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Justice, Equality and Law Reform. Private Members' business shall be No. 39, Planning and Development (Amendment)(No. 2) Bill 2004 — Second Stage, which shall also take place tomorrow at 12 noon and the proceedings on the Second Stage thereon shall, if not previously concluded, be brought to a conclusion after 90 minutes on that day.

An Ceann Comhairle: There are four proposals to put to the House. Is the proposal for the late sitting agreed? Agreed. Is the proposal for dealing with Nos. 9, 10, 11, 12, 13, 14 and 15, without debate, motions re Supplementary Estimates, referral to joint committee and proposed

[An Ceann Comhairle.]
approval by Dáil Éireann of the double taxation relief order 2004, agreed?

Mr. Kenny: In respect of Nos. 9 and 10, the Fine Gael party has put forward the view for some time that the process leading to the presentation of the budget is not as it should be. Deputies from all sides and parties should have the opportunity to discuss Estimates in a real way, with the opportunity to recommend changes in and transfers within Votes so that the public gets the greatest transparency and accountability in terms of moneys being voted through on its behalf. On that basis, I oppose Nos. 9 and 10.

In respect of Vote No. 26, for example, which deals with the Department of Education and Science, the note given to the Whip, for which we are grateful, says that the Department has managed its budget prudently this year. However, I understand that upwards of €50 million has not been spent on capital works on school buildings.

An Ceann Comhairle: Vote 26 is not included in the question.

Mr. Kenny: It is. I understand it is in No. 9. I will not get the chance to raise the issue again. The note says the Department's budget was managed prudently and that €50 million was not spent. However, if we look at the parliamentary questions asked today on education, the majority relate to school buildings.

Vote 35 is for €20 million in respect of the sports capital programme under subhead C1. What is this? Why have the committee and its members not had an opportunity to discuss the allocation of this €20 million, which the Minister for Finance, Deputy Cowen, may read out tomorrow? Communities around the country would be very interested in the matter. From that perspective, I do not accept the lead up to this budget has been as it should be if we are to be a responsible Oireachtas and if we are to have a Government that spends the people's money in as transparent and accountable a way as possible. For that reason, I oppose Nos. 9 and 10.

Ms Burton: A number of questions should be raised on the matter of the Supplementary Estimates. I concur with Deputy Kenny, in particular with reference to Vote 26. There is specific mention with regard to the Supplementary Estimate relating to the moneys being paid under the redress scheme.

An Ceann Comhairle: We cannot discuss the content of the Estimates.

Ms Burton: This is a fair point. In the Estimates, there was a significant increase from €120 million to €170 million. We are now saying that the Supplementary Estimate is because there was a higher rate of take up of redress than anticipated. What sense are Opposition Members, such as me, who are spokespersons on finance—

An Ceann Comhairle: We are merely discussing referring the Estimates to committee. We are not discussing the contents of the Estimates on the floor of the House.

Ms Burton: I am making a complaint. I concur with Deputy Kenny that it is extremely difficult to make any sense of how this Government is spending money. There is also a reference to the taxi hardship panel. That was something—

An Ceann Comhairle: That does not arise at this stage. I must rule the Deputy out of order.

Ms Burton: It says in the briefing note—

An Ceann Comhairle: The proposal before the House deals with referring the Estimates to committee. We are not discussing the content of each individual Estimate.

Ms Burton: I am making a point about Vote 32 and the reference to the taxi hardship panel.

An Ceann Comhairle: The Deputy is not entitled to make a point at this stage.

Ms Burton: Will this House get an opportunity to debate the significant change in the case of one of these Estimates? That is a reasonable query. How are we supposed to make sense of the finances of the country? It is all smoke and mirrors. Different people stand over different papers.

An Ceann Comhairle: The Deputy has made her point.

Mr. Sargent: It seems habitual that we have a logjam coming up to the budget. Is it necessary? We seem to have something like the Naas dual carriageway of Votes that are back to back and must be taken together in a brief period of time. The prospect of debating them, where necessary, in this House is then seen as completely impractical. It appears to be designed to be that way rather than that it is a requirement and that it is almost an habitual reflex action in the Department of Finance. Is that how it is and is it open to change?

We have a similar rush with motion No. 11. It is proposed we take a number of matters here all together. There is a need for the fisheries issue to be debated in this House. There is quite an appalling demise in fish stocks and a significant safety issue exists for fishermen. I need to know whether the Government realises that this is an issue that needs wider debate than just in committee.

Caoimhghín Ó Caoláin: I have no doubt that the Supplementary Estimates are required. My concern is the methodology of dealing with them, particularly as an active member of the Joint Committee on Finance and the Public Service and as a Member who participates in debate

covering a raft of these areas. Six different Departments are affected. The question raised by the Deputies is reasonable and fair. The situation is difficult for Members.

I warrant that, if we go back over the past 12 months, there have been other Supplementary Estimates for one or more of those Departments since the Book of Estimates and the budgetary measures were introduced last December. This is a difficult area.

Will the Taoiseach take on board that there is a failure on the part of Departments to project and provide properly for their needs on an annual basis? We talk about introducing multi-annual budgeting, yet we appear not to be able even to budget and provide properly on a 12-month basis, which must be of concern. I register that concern but have no doubt that the moneys sought under the headings outlined are required.

The Taoiseach: The process we have adopted and streamlined over the years and operate currently has improved significantly in the past decade. The Book of Estimates is produced on the third Thursday of November and the revised Book of Estimates comes out in the spring. It is debated in detail in committees which Ministers attend and where all issues are raised. It was never debated on a subhead basis in this House since the foundation of the State, but this is now done in committees where committee members can raise questions and other Members can attend.

If, for different reasons, changes are required in the subheads because expenditure is being moved within a Vote or there is a requirement for additional expenditure to be voted, which is now rare, this is also discussed in committee. We have moved to multi-annual funding in the past year, so we are not losing expenditure due to delays for different reasons. Supplementary

expenditure issues are explained in committee. It is a full and transparent process.

I accept in good faith what Deputy Kenny said, namely, that he thinks the process could be improved. This side of the House is only too glad to discuss all these issues in terms of Dáil reform. The Opposition knows our view. If we are to have a debate on these issues, it will be on the totality and not just on one issue. We await constructive debate on this and will be glad to have it.

I share the Deputy's view that we could improve some of the procedural structures of this House. Let us do that or we will not otherwise make any changes. The Government Whip is ready and waiting to have meaningful dialogue on these issues. The Estimates process is a good process and all we ask is that the debate on these matters can take place in committee where everything will be explained.

An Ceann Comhairle: Is the question agreed? Agreed. Is the proposal for dealing with No. 26, Report Stage (resumed) and Final Stage of the Irish Nationality and Citizenship Bill 2004, agreed?

Mr. Kenny: I am opposed to the guillotining of Bills as a matter of principle and I have to stand by that now.

Caoimhghín Ó Caoláin: I object to the application of the guillotine at 10.30 p.m. in regard to the Report and Final Stages of this Bill. It is impossible to gauge how much of the work will be completed at that point. As we voiced last week on the Health Bill, it is unacceptable that guillotines are applied to important legislation and I regard this Bill as being of extreme importance. Therefore, I object to the application of the guillotine in this instance.

Question put: "That the proposal for dealing with No. 26 be agreed."

The Dáil divided: Tá, 71; Níl, 51.

Tá

Ahern, Bertie.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Callanan, Joe.
Callely, Ivor.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Collins, Michael.
Cooper-Flynn, Beverley.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Cullen, Martin.
Curran, John.
Davern, Noel.

de Valera, Síle.
Dempsey, Noel.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Harney, Mary.
Haughey, Seán.
Hector, Máire.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.

Tá—*continued*

McDowell, Michael.
 McEllistram, Thomas.
 McGuinness, John.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donnell, Liz.
 O'Donovan, Denis.

O'Flynn, Noel.
 O'Malley, Tim.
 Power, Seán.
 Roche, Dick.
 Sexton, Mae.
 Smith, Brendan.
 Smith, Michael.
 Treacy, Noel.
 Wallace, Dan.
 Walsh, Joe.
 Wilkinson, Ollie.
 Woods, Michael.
 Wright, G. V.

Níl

Boyle, Dan.
 Breen, James.
 Broughan, Thomas P.
 Burton, Joan.
 Connaughton, Paul.
 Costello, Joe.
 Crawford, Seymour.
 Crowe, Seán.
 Deasy, John.
 Deenihan, Jimmy.
 Durkan, Bernard J.
 Gogarty, Paul.
 Gormley, John.
 Gregory, Tony.
 Harkin, Marian.
 Healy, Seamus.
 Higgins, Joe.
 Higgins, Michael D.
 Hogan, Phil.
 Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Kathleen.
 McCormack, Pádraic.
 McGinley, Dinny.
 McGrath, Finian.

McGrath, Paul.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Moynihan-Cronin, Breeda.
 Murphy, Gerard.
 Neville, Dan.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Pattison, Seamus.
 Penrose, Willie.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Ryan, Eamon.
 Ryan, Seán.
 Sargent, Trevor.
 Sherlock, Joe.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Twomey, Liam.
 Upton, Mary.

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

Question declared carried.

Mr. Kenny: Arising from the legislation on the Good Friday Agreement, will the Taoiseach comment on the choreography in respect of the conclusion of the Northern Ireland talks? Obviously, I do not want the Taoiseach to outline any of the details of which he is aware but perhaps he will indicate to the House the timescale and run-off of the events which will I hope surround a successful conclusion to these talks.

The Taoiseach: I thank Deputy Kenny for raising the issue in this form. My assessment, following the meetings I had today with Sinn Féin and that Prime Minister Blair had with the DUP, is that there are still a number of issues, although I hope not too many, on both sides. They are not necessarily the same issues — some of them overlap — but we have further work to do on them. I hope we can make progress on them over the next 48 to 72 hours. The parties must then consult and in some cases reconsult with their constitu-

encies on the progress we have made and see if they agree or disagree.

At this stage, I would not like to be overly positive or overly negative. Some people say I tend to sometimes speak negatively on some of these issues, which I accept, but my assessment is that there are still some potentially difficult items, to some of which I do not readily see a quick solution. Therefore, I am not prepared to call it until I see those solutions. There are at least two items which concern me and to which I do not see a short-term solution unless people significantly move their position.

Mr. Kenny: Just one other——

An Ceann Comhairle: Sorry, we cannot have a debate on the matter. The Chair has been more than generous.

Mr. Kenny: It is an important matter.

An Ceann Comhairle: Leaders' Questions was instituted to facilitate the leaders of parties in asking such questions.

Mr. Kenny: Will the Taoiseach confirm that Friday is agreed by the Government and the British Government as the last day for this and that if it does not happen by Friday, it will be suspended?

The Taoiseach: The two governments would like to finish it tomorrow. We have been pleaded with not to give a definite deadline, by the Democratic Unionist Party more than the others. All parties need more time. I would like to think we would finish it on Friday or Saturday but I am not sure. I received a read out from the meeting in Downing Street today and I do not read Friday into it. I do not see us being able to complete it on Friday, as of now.

Mr. Rabbitte: I wish the Taoiseach well in his endeavours and I hope he is successful. When will the judicial ethics Bill come before the House?

The Taoiseach: The Department is considering the provisions that might be included in the Bill, taking into account the work of the review group. The Bill should be available in 2005.

Mr. Sargent: On behalf of the Green Party, I join my colleagues in hoping that the talks conclude successfully. God speed to all involved. The House will not have a debate on the Fisheries (Miscellaneous Commercial Licences) (Alteration Duties) Order 2004. The Maritime Safety (No. 2) Bill deals with an issue of increasing importance given that safety at sea is becoming more difficult due to the need for trawlers to

spend longer at sea, making less money, not being able to carry out necessary maintenance and, ultimately, taking risks. Can that legislation be fast tracked, as there is no indication of a date for publication?

The Taoiseach: Unfortunately, it is not possible to indicate a definite date at this stage.

Caoimhghín Ó Caoláin: The Pharmacy Bill will consolidate and update pharmacy legislation. Is a more specific date available for that legislation? We are now within two weeks of a new Dáil term. Can the Taoiseach give a more specific date than 2005? Will the heads of that Bill be circulated to Members?

The Taoiseach: Work is under way on drafting the heads of the Bill, which is due next year. Members of the committee can request a debate on the heads of the Bill.

Health Bill 2004: Second Stage (Resumed).

An Ceann Comhairle: I must now deal with a postponed division on the Second Reading of the Health Bill 2004. On the question: "That the words proposed to be deleted stand part of the main Question", a division was claimed last Friday. In accordance with the order of the Dáil of 25 November 2004, that division must be taken now.

Question put: "That the words proposed to be deleted stand part of the main Question."

The Dáil divided: Tá, 71; Níl, 51.

Tá

Ahern, Bertie.
 Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Ardagh, Seán.
 Blaney, Niall.
 Brady, Johnny.
 Brady, Martin.
 Callanan, Joe.
 Callely, Ivor.
 Carey, Pat.
 Carty, John.
 Cassidy, Donie.
 Collins, Michael.
 Coughlan, Mary.
 Cowen, Brian.
 Cregan, John.
 Cullen, Martin.
 Curran, John.
 Davern, Noel.
 de Valera, Síle.
 Dempsey, Noel.
 Dempsey, Tony.
 Dennehy, John.
 Devins, Jimmy.
 Ellis, John.
 Fahey, Frank.
 Finneran, Michael.
 Gallagher, Pat The Cope.
 Glennon, Jim.

Grealish, Noel.
 Hanafin, Mary.
 Harney, Mary.
 Haughey, Seán.
 Hoctor, Máire.
 Keaveney, Cecilia.
 Kelleher, Billy.
 Kelly, Peter.
 Kirk, Seamus.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 McDowell, Michael.
 McEllistram, Thomas.
 McGrath, Finian.
 McGuinness, John.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M.J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donnell, Liz.
 O'Donoghue, John.
 O'Donovan, Denis.
 O'Flynn, Noel.
 O'Malley, Tim.

Tá—continued

Power, Seán.
Roche, Dick.
Sexton, Mae.
Smith, Brendan.
Smith, Michael.
Treacy, Noel.

Wallace, Dan.
Walsh, Joe.
Wilkinson, Ollie.
Woods, Michael.
Wright, G.V.

Níl

Boyle, Dan.
Breen, James.
Broughan, Thomas P.
Burton, Joan.
Connaughton, Paul.
Costello, Joe.
Cowley, Jerry.
Crawford, Seymour.
Crowe, Seán.
Deasy, John.
Deenihan, Jimmy.
Durkan, Bernard J.
Gogarty, Paul.
Gormley, John.
Gregory, Tony.
Harkin, Marian.
Healy, Seamus.
Higgins, Joe.
Higgins, Michael D.
Hogan, Phil.
Howlin, Brendan.
Kehoe, Paul.
Kenny, Enda.
Lynch, Kathleen.
McCormack, Padraic.
McGinley, Dinny.

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

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

Question declared carried.

Amendment declared lost.

An Ceann Comhairle: I declare the Bill read a Second Time in accordance with Standing Order 119(2)(i).

Health Bill 2004: Referral to Select Committee.

Tánaiste and Minister for Health and Children (Ms Harney): I move:

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

I thank Deputy Finian McGrath for voting with the Government on the amendment in Deputy McManus's name.

Question put and agreed to.

Estimates for Public Services 2004: Leave to Introduce.

Minister for Finance (Mr. Cowen): I move:

That leave be given by the Dáil to introduce the following Supplementary Estimates for the service of the year ending on 31 December 2004:

Vote 9 — Office of the Revenue Commissioners (*Supplementary Estimate*).

Vote 10 — Office of Public Works (*Supplementary Estimate*).

Vote 19 — Justice, Equality and Law Reform (*Supplementary Estimate*).

Vote 20 — Garda Síochána (*Supplementary Estimate*).

Vote 22 — Courts Service (*Supplementary Estimate*).

Vote 23 — Land Registry and Registry of Deeds (*Supplementary Estimate*).

Vote 26 — Education and Science (*Supplementary Estimate*).

Vote 27 — Community, Rural and Gaeltacht Affairs (*Supplementary Estimate*).

Vote 32 — Transport (*Supplementary Estimate*).

Vote 35 — Arts, Sport and Tourism (*Supplementary Estimate*).

Question put and agreed to.

Estimates for Public Services 2004: Referral to Select Committee.

Minister for Finance (Mr. Cowen): I move:

That, subject to leave being given to introduce the following Supplementary Estimates for the service of the year ending on 31 December 2004, the Supplementary Estimates be referred to the following Select Committees pursuant to Standing Order 152(3) and paragraph (1) (a)(ii) of the Committees' Orders of Reference, which shall report back to the Dáil by no later than 14 December:

Vote 9 — Office of the Revenue Commissioners (*Supplementary Estimate*) — Select Committee on Finance and the Public Service.

Vote 10 — Office of Public Works (*Supplementary Estimate*) - Select Committee on Finance and the Public Service.

Vote 19 — Justice, Equality and Law Reform (*Supplementary Estimate*) — Select Committee on Justice, Equality, Defence and Women's Rights.

Vote 20 — Garda Síochána (*Supplementary Estimate*) — Select Committee on Justice, Equality, Defence and Women's Rights.

Vote 22 — Courts Service (*Supplementary Estimate*)- Select Committee on Justice, Equality, Defence and Women's Rights.

Vote 23 — Land Registry and Registry of Deeds (*Supplementary Estimate*) — Select Committee on Justice, Equality, Defence and Women's Rights.

Vote 26 — Education and Science (*Supplementary Estimate*) — Select Committee on Education and Science.

Vote 27 — Community, Rural and Gaeltacht Affairs (*Supplementary Estimate*) — Select Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs.

Vote 32 — Transport (*Supplementary Estimate*) — Select Committee on Transport.

Vote 35 — Arts, Sport and Tourism (*Supplementary Estimate*) — Select Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs.

Question put and agreed to.

Fisheries Order: Motion.

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

That the proposal that Dáil Éireann approve the following Order in draft:

Fisheries (Miscellaneous Commercial Licences) (Alteration of Duties) Order 2004, copies of which were laid before Dáil Éireann on 25 November 2004, be referred to the Joint

Committee on Communications, Marine and Natural Resources, in accordance with paragraph (2) of the Orders of Reference of that committee, which, not later than 15 December 2004, shall send a message to the Dáil in the manner prescribed in Standing Order 85, and Standing Order 84(2) shall accordingly apply.

Question put and agreed to.

Treaty of Amsterdam: Motion.

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

That the proposal that Dáil Éireann approves the exercise by the State of the option, provided by Article 3 of the fourth Protocol set out in the Treaty of Amsterdam, to notify the President of the Council that it wishes to take part in the adoption and application of the following proposed measure:

Draft Decision of the Council providing for certain areas covered by title IV of Part three of the Treaty establishing the European Community to be governed by the procedure referred to in Article 251 of that Treaty,

a copy of which proposed measure was laid before Dáil Éireann on 25 November 2004, be referred to the Joint Committee on Justice, Equality, Defence and Women's Rights, in accordance with paragraph (2) of the Orders of Reference of that committee, which, not later than 7 December 2004, shall send a message to the Dáil in the manner prescribed in Standing Order 85, and Standing Order 84(2) shall accordingly apply.

Question put and agreed to.

Double Taxation Relief Orders: Motions.

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

That Dáil Éireann approves the following Order in draft:

Double Taxation Relief (Taxes on Income and Capital) (Republic of Iceland) Order 2004,

a copy of which draft Order was laid before Dáil Éireann on 2 November 2004.

Question put and agreed to.

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

That Dáil Éireann approves the following Order in draft:

Double Taxation Relief (Taxes on Income and Capital) (Government of the Hellenic Republic) Order 2004,

a copy of which draft Order was laid before Dáil Éireann on 2 November 2004.

Question put and agreed to.

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

That Dáil Éireann approves the following Order in draft:

Double Taxation Relief (Taxes on Income and Capital) (Government of Canada) Order 2004,

a copy of which draft Order was laid before Dáil Éireann on 2 November 2004.

Question put and agreed to.

Irish Nationality and Citizenship Bill 2004: Report Stage (Resumed) and Final Stage.

Debate resumed on amendment No. 27:

In page 11, lines 21 and 22, to delete all words from and including “a” in line 21 down to and including “if” in line 22 and substitute the following:

“, reference to Irish associations shall not include the making of an investment in Ireland but shall include circumstances where a person meets one of the following criteria”.

— (Deputy Costello)

Mr. Costello: It is a pleasure to see the Minister in the House to take the debate. We had a rather difficult day last week in his absence, particularly in terms of trying to obtain the full and generous response from the Minister of State that we are inclined to expect from the Minister. He is present now, however, so we will expect great things.

Minister for Justice, Equality and Law Reform (Mr. McDowell): It is nice to know the Deputy missed me.

Mr. Costello: As the expression goes “Like a hole in the head”. Amendments Nos. 27, 28 and 29 are to be taken together. My concern is that while the Minister is doing the right thing in reducing the conditions for naturalisation, he is giving a rather narrow interpretation of what the phrase “Irish associations” means. He is limiting the situation relating to naturalisation by investment which was a questionable procedure widespread in the 1980s and 1990s. In some cases it led to questions about the desirability of some of the persons and some of the procedures used. In the process, the Minister is now giving a narrower interpretation to “Irish associations”. It would unduly limit proper associations with Ireland by Irish ancestry, for example.

The Bill refers to citizens who are alive. It defines Irish associations solely in terms of blood relationship affinity and that is a relationship by marriage — I have tabled an amendment relating to partnership — or adoption to an Irish citizen

or a person who, if alive, would have been an Irish citizen. This suggests that anybody of Irish descent pre-1922, for instance, the descendants of Robert Emmet, would not be entitled to Irish citizenship except purely at the discretion of the Minister. They are not qualified under the terms of Irish associations. It might be hit or miss whether they would be the beneficiaries of that discretion. This is an unnecessarily narrow interpretation of Irish associations. There was a time when the interpretation of Irish associations was so broad that virtually everybody on the planet would be entitled to apply if they had ever come in contact with an Irish person. This proposal seems to lean too far in the opposite direction.

Any person who has made a significant contribution to the academic, social or cultural life of Ireland, other than a contribution in the nature of an investment, a financial contribution, would have a valid reason for having an Irish association and this is stated in my amendment. Significant numbers of people have made substantial contribution over the years. They have come to Ireland and contributed to academic life and to the literary, cultural, social and sporting life of the nation. Rather than the exceptional case of Jack Charlton applying for Irish citizenship because of his contribution in the sporting arena and being awarded it at the discretion of the Minister for Justice at the time, there should be a more amenable and accessible mechanism to allow a person to argue the case on certain criteria of contribution to Irish society, life and culture. We should have pride in our citizenship. We should be proud that those who contributed to the life of the nation are entitled to an avenue to Irish citizenship which is not solely at the whim of the Minister.

The interpretation is extra narrow. I agree that the Minister is correct to rule out once and for all the idea of naturalisation by financial investment, but he is not correct to narrow the interpretation to such a degree as to exclude the categories of persons to which I referred. I refer the Minister to the list of 2,000 Argentinians which I mentioned on Committee Stage. These Argentinians of Irish descent wrote to the Minister but because their Irish descent was at the degree of their great-grandparents, they were deemed not to be entitled to any criteria that would allow them to establish citizenship. It is a shame that there is not some avenue that could be used for them. Avenues exist for people who have never visited the country and have no intention of visiting it. The Argentinians who wrote to the Minister stated that not only did they wish to visit the country but they also wished to work here. They wished to apply for work permits as the economy in Argentina was in rag order a number of years ago. They may not all have wished to work here but some of them were of bona fide Irish descent and were proud of their Irish origins. There should be some means available by which they could agree to adhere to the criteria laid down and then apply for and be granted citizenship.

They may be granted citizenship at the whim of the Minister but that is the height of it. I believe it is too narrow an interpretation and I ask the Minister to revisit the issue.

Mr. J. O’Keeffe: It is very useful to have this debate. I compliment Deputy Costello on tabling these amendments. The first thing that occurs to me regarding citizenship is that there should be clarity in our stance on the issue. There should no longer be room for an approach such as was adopted on Irish associations to allow the introduction of the passports for sale scheme. I will leave the issue of that scheme to one side for the moment as it is the subject of the next amendment. It was introduced by the back door under the guise of being an Irish association. It was considered to be an Irish association if somebody made a major investment in this country. That brought the chickens home to roost in the debate on the original Irish Nationality and Citizenship Bill in the 1950s.

It is agreed that no such scheme will exist in the future, but what will exist? The Minister provides in the Bill that it will be specified that a person is of Irish associations if he is related by blood, affinity or adoption to a person who is, or is entitled to be, an Irish citizen. In many ways Deputy Costello is trying to broaden the definition and I understand his argument. My approach is slightly different. I wish to see more clarity on the issue. The manner in which the Bill is framed shows an absence of clarity. What do the phrases “relationship by blood”, “relationship by affinity” and “relationship by adoption” mean? I do not believe it is useful to leave the wording in that fashion. It may be over-straining the issue to put it as Deputy Costello stated, that it is being left to the whim of the Minister, but there is much truth in his argument. I do not think it appropriate that definitions relating to such a serious matter should be left on the Statute Book without knowing how the provisions will operate in the years ahead.

I understand the issue of the Argentinians raised by Deputy Costello. They probably do not feel too good after last Saturday’s match when Ronan O’Gara did the business in the last 30 seconds. That is a separate issue but it raises the question of the Irish diaspora and descendants of those who went to South America many years ago and who retain their connections and bonds with this country. While I am not sure they were shouting for Ireland on Saturday, I understand the desire of many of them to be able to build on their links to Ireland and, in some circumstances, re-establish that citizenship. What will be the position in this regard under the provisions of this section? Is it a matter for the Minister of the day to make a decision? Clarity is required and the Minister should provide it. What guidelines will apply in the interpretation of this provision?

This underlines a much broader issue that arises on the question of immigration. I have no idea what is the policy on many aspects of immi-

gration and citizenship. They are connected to a degree given that an Irish citizen is entitled to come here at any time and work, whereas a person without citizenship is not so entitled. This is one aspect of our policy or lack of it on the general issue of immigration.

It is incredible and unacceptable that a person who applies for citizenship and submits all the relevant documentation, having lived here for five years, is told that he or she must wait for a further two years before the application is even considered. The law provides that citizenship is available to those who have lived and worked here for five years, abided by the law and so forth. In such circumstances, it is not acceptable that, through administrative neglect, the response from the Minister’s office to such an applicant is that he or she must wait a further two years. There is no provision in law for such a response. Irrespective of whether it arises through incompetence, mismanagement or otherwise, it is not acceptable and must be addressed immediately.

The complexities involved in applications for citizenship are not such that they could not be dealt with much more efficiently. We receive no more than 3,000 applications per annum, which amounts to an average of just 60 applications per week. The general principle is that the law provides that citizenship may be granted after five years’ residence. The Bill does not provide that administrative neglect constitutes a ground for adding a further two years before consideration is given to an application. This practice should not be allowed to happen.

I will listen with interest to the Minister set out his interpretation of the selection of guidelines that will apply to applications made under this section during the short time he has left in his current position.

Mr. McDowell: With regard to the Deputy’s final remark, it is not within my gift as to what portfolio I will hold in the next Dáil.

Mr. J. O’Keeffe: We will consider his application.

Mr. McDowell: It may not be in the Deputy’s gift either.

Mr. Costello: Perhaps the Minister will join a rainbow Government.

Mr. McDowell: All of these matters must be viewed in their statutory context. Part III of the 1956 Act deals with naturalisation. Section 14 of that Act states that Irish citizenship may be conferred on a non-national by means of a certificate of naturalisation granted by the Minister. Section 15 sets out the normal conditions attached to granting naturalisation. It states that upon receipt of an application for a certificate of naturalisation, the Minister may, in his absolute discretion, grant the application, if satisfied that the applicant meets a number of criteria, which are then

[Mr. McDowell.]
listed. I distinguish between my whims, of which, I confess, there are many, and my absolute discretion, which is always exercised in a ministerial manner.

Mr. Costello: Which is subjective?

Mr. McDowell: I distinguish between whim and discretion. Nearly every country of our kind vests a discretion in the executive on these matters and does not grant people who are not citizens legal rights against the express wishes of the Government of the day of the naturalising country.

As I stated, the criteria for the issuance of a certificate are set out in section 15. They include, for instance, that one must be of full age or, if a minor, have been born in the State. In addition, one must be of good character and have spent a period of one year's residence in the State immediately before the date of the application and, during the eight years immediately preceding that period, had a total residence in the State of four years. Effectively this condition amounts to the five year rule. A further condition is that one must intend in good faith to continue to reside in the State after naturalisation. Deputies would be surprised by the number of applications for naturalisation I receive which were written in England by persons who make clear in their application that they have no intention of residing here. A further condition is that the applicant has made, "either before a Justice of the District Court in open court or in such manner as the Minister, for special reasons, allows, a declaration in the prescribed manner, of fidelity to the nation and loyalty to the State." This final condition derives directly from the terms of the Constitution, which states that fidelity to the nation and loyalty to the State are fundamental duties of a citizen. These criteria are termed the conditions for naturalisation.

Section 15A, which was inserted in the Act, deals with naturalisation of spouses of Irish citizens and lays down a set of criteria.

Section 16 is a power to dispense with conditions of naturalisation in certain cases. It provides that the Minister, at his discretion, may grant an application for a certificate of naturalisation in a specified set of cases when a condition or conditions for naturalisation are not complied with. The first such case is "where the applicant is of Irish descent..." People of Irish descent are, as a matter of law, already entitled to have the conditions set out in section 15 relaxed in their case. That has been the law since 1956.

An application may also be granted where the applicant is of "Irish associations". The question arose as to what was the meaning of this term. It was always open to a person of Irish descent to apply for citizenship, even though he or she did not comply with the conditions set out in section 15. In 1956 this right related to descent was extended to cover "Irish associations". Under the passports for sale scheme, citizenship was effec-

tively granted to people who had no connection with this country, except that they were making an investment in an Irish company. Section 16 sets out a number of other cases in which the Minister may waive some or all of the conditions of naturalisation.

In response to Senator Quinn's Private Member's Bill in the Seanad which sought by statute to bring an end to the passports for investment scheme, I undertook to narrow the meaning of "Irish associations" to exclude people who had no connection with the Irish State from being granted citizenship on the basis of simple investment. It is proposed to clarify that in section 10(2), which states:

For the purposes of this section a person is of Irish associations if:

(a) he or she is related by blood, affinity or adoption to a person who is an Irish citizen or entitled to be an Irish citizen, or

(b) he or she was related by blood, affinity or adoption to a person who is deceased and who, at the time of his or her death, was an Irish citizen or entitled to be an Irish citizen.

The question has been asked, what is the distinction between blood and affinity. My good friend and former colleague at the practising bar, Mr. Henry Murdoch, has a legal dictionary which I recommend to anyone who can take a recommendation. He defines affinity as relationship by marriage, the relationship between a husband and his wife's blood relations and between a wife and her husband's blood relations. He goes on to state that there is no affinity between a person and the relations by marriage of his or her spouse. That is what affinity means.

Let us remember that "descent" means being descended from an Irish citizen, or rather an Irish person, a person who was born in Ireland or was Irish at some stage in their life. "Affinity" means relationship by marriage and is a broader concept than a blood relationship. There is adoption where people can be related who have no blood or affinity type relationship, but are deemed by process of law to be the child of another. They are, therefore, entitled to citizenship by virtue of adoption.

Section 12 of the 1956 Act allows the President, acting on the advice of the Executive, to grant Irish citizenship as a token of honour to a person, or to the child or grandchild of a person, who, in the opinion of the Government, has done signal honour or rendered distinguished service to the nation. It is worthwhile remembering that those people are not honorary citizens in the sense that one is an honorary member of a golf club or an honorary bencher of Kings Inns, which is not the real thing. These people are citizens in the real sense, but it is given to them as a token of honour. This is done on the basis that our Constitution does not permit titles of honour or nobility to be conferred on any person by the State, but we can confer citizenship as an honour on a person if that

person has done signal honour or rendered distinguished service to the nation. Citizenship could be granted for service to the Irish nation outside Ireland. For example, if one worked among Irish emigrants in Australia or if one enfranchised or emancipated Irish people in some country abroad, that would entitle the State to grant citizenship to such a person.

We had an interesting Committee Stage discussion on this and I referred to a few people who were granted honorary citizenship. Sir Alfred Chester Beatty, of the Chester Beatty Library, was granted citizenship in 1957 under section 12 of the Act. Mr. Tip O'Neill, the speaker of the US House of Representatives, was granted citizenship in 1986, as was his wife. Dr. Tiede Herrema and his wife were granted citizenship in 1975. Sir Alfred and Lady Clementine Beit were granted citizenship under this section in 1993. Jack Charlton and his wife were granted citizenship in 1996. Jean Kennedy Smith was granted citizenship in 1998 and Mr. Derek Hill, the celebrated artist, was granted citizenship in 1999. There is, therefore, a provision in Irish law for honouring people who do acts which are of huge service to the Irish nation. Benefactors to the Irish people at home and abroad have been honoured in this way. They are not merely people who have donated money or assets for the public use. Dr. Herrema was granted citizenship in very different circumstances, as recognition for the wrong that was done to him, for his courage and his positive attitude to Ireland notwithstanding the terrible wrong that was done to him in the 1970s. Jack Charlton and his spouse were granted citizenship, not for money spent in Ireland, but for their commitment to the sporting success of this country. Jean Kennedy Smith was granted citizenship because of her service to the cause of peace in Ireland and to the Irish American interest.

It is not the case that there is nothing that can be done in the Bill under the Irish associations, as it is proposed to amend it, for people who do such things. On the contrary, there is clear evidence from the actual use of section 12 that the State is in a position to recognise people who have done great things for Ireland and for the Irish, wherever they may be, by granting citizenship to them as a token of honour.

I am happy with the proposal that it should be by blood affinity or adoption because one can be a blood relative without being descended from an Irish person. If one's brother becomes an Irish citizen by naturalisation, one is therefore entitled to be considered of Irish association. If one is the spouse of someone who was granted Irish citizenship, or descended from a spouse or whatever, that is not a blood relationship but it is affinity. I agree with Deputy O'Keefe that the definition is broad, but by the same token, it is specific. Irish association means that one has some tangible connection, either as a matter of history or as a matter of fact, with someone who is an Irish citizen, or would be an Irish citizen if he or she was

alive. The terms of the new subsection (2) intend to be a broad net. Deputy Costello wants to make it more specific. I thought there was consensus on Committee Stage that we wanted some latitude but that we also wanted some definition. I do not believe that the ministerial discretion referred to is particularly broad. It is not as broad as the presidential recognition provided for under section 12 of the 1956 Act. It is narrowed to people who have some connection with the State. It excludes granting of citizenship for bare investment in Ireland. That is not to say that somebody who comes here to establish a second Guinness brewery might not be of Irish descent. Such a person might merit the waiver of some of the conditions of section 15 of the 1956 Act on that account. We do not suggest that that is the case. The bare investment in Ireland should not confer on anyone the right to be a citizen.

I have met the points made by Senator Quinn during the Seanad debate fairly and squarely. I have broadened this section as far as I should, whereas Deputy Costello's amendments would narrow it too much. When taken with section 12 of the 1956 Act, the Bill is reasonable in its present form. It is not likely to be the subject of abuse or to bring the granting of citizenship into disrepute, as it has been contended that it has been in the past. I do not propose to accept Deputy Costello's three amendments for those reasons.

Deputy Jim O'Keefe argued that there were delays in the granting of citizenship.

Mr. J. O'Keefe: There have been delays of two years. It is dreadful.

Mr. McDowell: I agree with the Deputy that the delays in question are unfortunate. There were 1,293 applications for naturalisation in 2000, which is not long ago, but there have been 3,800 such applications so far this year. The substantial growth in the number of applications would not cause a significant problem in itself if it were not for the need to process 44,000 asylum applications during the same period. My predecessor and I had to use the human resources available to us to expedite citizenship and naturalisation applications, or to deal with asylum applications. It was necessary to deal with the asylum issue, for obvious reasons. We are now in a better position because the number of asylum applications is much lower and is likely to decline more rapidly in the near future. The House is well acquainted with the reasons for the decline in applications.

I assure Deputy Jim O'Keefe that the system will change as a number of things happen in the Department of Justice, Equality and Law Reform. I hope to bring forward interesting proposals in the near future about the organisation of the naturalisation and immigration service as a single executive office, in effect. Next year, I will introduce a general immigration and residence Bill, which has been awaited by many Deputies for a long time. All these measures will happen

[Mr. McDowell.]

on my watch. Deputy O’Keeffe seems to be worried that they will require an intolerably long period of time to be implemented, but they should all happen in 2005.

Mr. J. O’Keeffe: It will probably be the Minister’s last chance.

Mr. McDowell: All these things will happen in the next year, if the Deputy will tolerate my continuing as Minister for that short period.

Mr. J. O’Keeffe: We will give the Minister another year.

Mr. McDowell: I am confident that a different picture will emerge as a result. The Department of Justice, Equality and Law Reform did not choose to have 44,000 asylum applications descend on it at a time when the number of citizenship applications was doubling or trebling. These things happened in conjunction, but not on a planned basis. Approximately 600 public servants are dealing with these phenomena in one way or another. That is a huge section within the public service.

I accept fully Deputy Jim O’Keeffe’s contention that the periods of time provided for in the Act should be indicative of the outcomes, but I have to accept that they are preconditions when applying for citizenship. One has to apply and the application has to be considered after that. Although it is not done in a restrictive way, it is far from an automatic process. It takes time to establish good character and to assess length of residence in the State. These things cannot be done in ten seconds on a “tick the box” basis, as if one were filling out an application for a driving licence. As it is a matter of discretion, the Minister has to consider, when the files arrive on his or her desk, whether the relevant factors that should be considered when making a discretionary decision have been taken into account. Those who think it can be an automatic operation, like an ATM, are wrong. There is an eight-month delay in the United Kingdom, which has a much larger office to deal with such matters and much more experience of significant volumes of applications for naturalisation. I agree that the delay is three times longer when one has to wait 24 months than it is when one has to wait eight months.

Mr. J. O’Keeffe: Full marks.

Mr. McDowell: We have to appreciate that there will always be delays in this regard. It will not be an automatic process.

Mr. Costello: My amendments do not relate to the cases of those who have applied for citizenship having already resided in this country for the specified five-year period. The Minister has given figures relating to the number of asylum seekers and has outlined that 600 officials in the Depart-

ment are working on the issue. During the previous Report Stage debate on this Bill, I gave figures for the outstanding cases since the system changed in February 2003. The applications of the parents of just 465 Irish-born citizens have been processed since that date. Some 37 people have been deported following the consideration of such cases and all but 45 of the applications have been refused. As 78 officials are dealing with the cases, approximately six cases per official have been processed over 20 months. If the workload involved in each case is not extraordinarily difficult, it seems that some officials are taking their time to process cases. I did not receive a reply to my comments during the previous debate. Is it true that since the scheme ended in February, following the verdict in the L and O case in January, just 465 applications made by the parents of Irish-born citizens have been processed? Is it true that 78 officials are working on such cases?

I will speak about my amendments. There is a thin line between one’s absolute discretion and one’s whim. If I have the absolute discretion to do what I like, I can do what I like without anybody else interfering or giving advice — nothing impinges on my decision. That sounds like a dictionary definition of one’s whim. I am not trying to make the categories of people who are entitled to naturalisation and citizenship more specific or narrow, but to widen them and to provide certain criteria. It seems to me that the Minister’s actions have narrowed the interpretation of the criteria which can be used for dispensing with the normal conditions for naturalisation. His definition of “affinity” is quite narrow because it relates to marriage alone.

That is not a dictionary definition of “affinity” by any means and I do not know if it is a legal definition of the word. Perhaps the Minister will point out where in the legislation it is defined as such. Why would it not encompass partners? Surely that is affinity.

An Leas-Cheann Comhairle: The Deputy is limited to a two minute contribution. He will have an opportunity to come back in again later.

Mr. Costello: If the Minister means a relationship by marriage, why not say so rather than use the word “affinity”?

Mr. J. O’Keeffe: I wish to touch on four issues in the brief time available to me. The first relates to definitions. The Minister said an Irish association can mean a person related by blood. I do not know if his explanation fully covers that point. What does that mean? How far back in generations can one go? There was substantial emigration from Ireland 200 years ago to an island in the Caribbean called Montserrat though such emigration was not voluntary. As I understand it, many of the population there have the surname Kelly or Murphy though on first sight they would not strike one as being of Irish

descent. Would they be considered descendants of those people forced to leave Ireland? What would be their position if they wished to apply for citizenship? How far back can a relationship go in order to qualify under this provision?

My second point also relates to affinity. There is much discussion these days about what constitutes affinity in the context of civil partnerships. The Minister in a recent statement to his party colleagues appears to have taken on board the definition of civil partnership as contained in Fine Gael documents. Do people in a same sex relationship constitute an affinity? That is a developing issue in this country and is one about which I am not certain of the answer.

The third issue relates to timing. I am not criticising the public servants trying to cope with the flood of applications from asylum seekers. I understand the Government was not ready for that flood and was in danger of being overwhelmed by it at one stage. The Minister mentioned there are 600 staff dealing with such applications which are decreasing considerably. Yet, the time limit for those awaiting a decision on their application for citizenship is increasing. When I inquired some six or eight months ago of the time limit for the processing of applications I was informed it was 15 months. The last communication I had on the matter indicated that such applications would be looked at within two years but that there is no guarantee they would be finalised within that period. Dealing with inquiries as to a person's good character and so on is not rocket science. I have no doubt that a standard letter could be sent to the Garda Síochána seeking reports on a person on the day his or her application is lodged. This is a management issue and the Minister is supposed to be the manager. This issue is causing a great deal of hardship for people and, with proper management it could be very much improved.

The fourth issue relates to the provision of a helpline. People wishing to make inquiries of the Department of Justice, Equality and Law Reform are unable to get a response. One cannot get a reply to a letter or get through to personnel on the telephone. That is not the way to do business. I suggested some time ago — though I was not wishing to afford special priority to Members of the Oireachtas who represent many people — that an Oireachtas helpline be set up from which Members could ascertain the current state of affairs in relation to particular inquiries. Surely with modern technology it is not beyond the bounds of modern management to provide such a helpline. Once in place, such a helpline could be accessed by members of the public. Currently nobody, including Members of the Oireachtas, can make contact with the Department regarding the position of a particular application. That is no way to run a shop. I suggest to the Minister, from the point of view of providing a better service to the general public, that those issues should be addressed now.

Mr. McDowell: Wolfe Tone, Charles Stewart Parnell, Henry Grattan, Patrick Sarsfield and others would be people whose descendants by blood would be comprehended by this statute. The reference to Charles Stewart Parnell makes me think of the phrase “No man shall attempt to fix a boundary to the concept of Irish descent.” We should not attempt to put the *ne plus ultra* in terms of the longevity of a line of descent and we never shall.

The figures used by Deputy Costello are misplaced. It is not true to say that 78 staff in the immigration division have been engaged in the activity in question since February 2003. That is the number of people involved as of October 2004. Formal notice of proposals to deport have been issued in the cases of 3,239 parents to date. In many cases, those notices generated comprehensive representations as to why, on humanitarian grounds, the person should not be deported and in each case staff were required to study carefully the circumstances of the case by reference to the L & O case and the 11 different statutory grounds set out in the Immigration Act 1999. As a result of those considerations, I signed 345 deportation orders and decided that 45 persons should be granted leave to remain. A further 206 cases were found to involve parents who became citizens of the European Union on 1 May 2004 and no further action was required in that regard. Approximately 2,000 cases processed to the point of decision to deport or grant leave to remain can now be made, a decision which falls to be, and will be, made by me following enactment of this legislation.

As I pointed out during the course of the debate, such decisions are not easy and cannot be made on a broad brush basis. They comprise a wide variety of sets of circumstances. There are cases where relatively recent arrivals have two Irish born children and others where three of four children of the family in question have been looked after by relatives in their country of origin for a number of years. There are other cases where the families have told blatant lies, adding to the complexity and expense of dealing with their cases. Also, there are more than 100 cases before the High Court in the context of the judicial review proceedings and they require an enhanced level of consideration and tracking in terms of responding to the exigencies of litigation.

I do not accept the proposition that there has been under-performance in this area. It is a complex area. In the context of the passage of this legislation, I will adopt a pragmatic, generous and decent approach to those people currently in a form of limbo.

Mr. Costello: I do not disbelieve the Minister. Am I right in saying that of the 11,943 cases outstanding — the figure given to us by the Minister on the last day — one-third have now been processed and the Minister will soon make a decision on the remaining 2,000 cases made since the L & O case?

Mr. McDowell: I am not allowed to reply.

Mr. Costello: Am I right in saying there were 428 non-national brothers and sisters living outside the State and approximately 200 in the State?

Mr. McDowell: I did not say that.

Mr. Costello: Perhaps it was the Minister of State at the Department of Justice, Equality and Law Reform, Deputy Fahey, who said it. It was a figure I took down during a discussion. The Department has no idea of the full numbers but these were the ones identified.

Mr. J. O’Keeffe: He was speeding through legislation at the time.

Mr. Costello: The figures may have been a touch exaggerated.

There is a lack of clarity on the issue as Deputy O’Keeffe said. It would be better if we could have criteria that could be established. When one looks at the figures for persons outside that narrow remit, less than a dozen have been granted presidential citizenship. I am not sure if any had been granted it before Tipp O’Neill and Chester Beatty who are exceptional people like Derek Hill and Jack Charlton. However, it is an exceptional matter that involves the President. If that is the total figure under this category, those who have made a contribution and been closely associated with Ireland, it seems the Minister is narrowing the interpretation.

Question put: “That the words proposed to be deleted stand,” put and declared carried.

Amendment declared lost.

Mr. Costello: I move amendment No. 28:

In page 11, line 29, after “citizen” to insert the following:

“including a person so related to a person born on the island of Ireland at any time whether before or after 6 December 1922, and for this purpose the Minister shall have due regard to the special affinity of the Irish nation with people of Irish ancestry living abroad referred to in Article 2 of the Constitution”.

Amendment put and declared lost.

Mr. Costello: I move amendment No. 29:

In page 11, between lines 29 and 30, to insert the following:

“(c) he or she has made a significant contribution to the academic, social or cultural life of Ireland (other than a contribution in the nature of an investment)”.

Amendment put and declared lost.

Mr. J. O’Keeffe: I move amendment No. 30:

In page 11, between lines 29 and 30, to insert the following:

11.—Within three months of the passing of this Act, the Minister shall lay a Report before the Houses of the Oireachtas detailing the propriety in the operation of passports for sale schemes in the State.”.

By common consent, the passports for sale arrangement is being closed off and will be buried by this Bill. There are no dissenting voices. However, it will be done, as I said on Second Stage, without a proper inquest into the scheme. We do not know the details of what happened under it. That is not the proper way to finish such a scheme.

The papers relating to the scheme were sent to the Moriarty tribunal seven years ago. However, I have no idea what has happened since or what will happen. In the absence of clarity on the issue from the tribunal, I want to ensure a full report on the operation of the scheme will be made available. My concerns would be put at rest if the tribunal investigated the operation of the scheme and produced a report thereon. However, I am not positive about this.

Why is such a report necessary? It is necessary because the operation of the scheme, particularly in its early days, left much to be desired in propriety and legality. We should not be a party to burying this merely by closing off the scheme and forgetting about it. That is not the proper way to do business in a democratic state.

The scheme was proposed in good faith in 1986 by my Fine Gael Party colleague, Deputy John Bruton, to encourage foreign direct investment when there was little such investment. It was a system used in other countries at the time. While the idea was floated by Deputy Bruton, it was not adopted by the then Government. I was a Minister of State at the time. However, it was introduced in 1988 by the subsequent Government. Problems arose because it was not placed on a statutory basis but introduced by the back door through the Irish association reference.

Even by the broad provisions laid down by the then Cabinet, it is obvious the guidelines were not followed; the paperwork was usually defective and those responsible for the scheme at political level did not operate it in a way that could stand up to scrutiny. This occurred under the watch of the then Minister for Justice, Mr. Raphael Burke, and his successor Mr. Pádraig Flynn. However, the scheme was largely under the stewardship of the then Taoiseach, Mr. Charles J. Haughey.

I am not pointing the finger at anybody. Let the tribunals do this, if they so decide. I simply want a proper historical record about what happened with the scheme and whether there was compliance with the law. What are the consequences in the instances where it was not? If there was a minor defect in the paperwork in the naturalisation of an individual, we cannot glibly say we must revoke his or her passport. I am only

too aware of the consequences of so doing. I am also aware that in some cases a considerable investment was made in the State. Those who did so, did it as part of a *quid pro quo* bargain with the State. I am not looking for glib solutions, just the facts of the case. Only then can we decide what is proper and appropriate.

I am not raising issues about legitimate judgments made, claiming they can now be considered mistakes in hindsight. I am concerned that up to the establishment of proper administrative procedures, which I date to Ms Geoghegan-Quinn's tenure as Minister for Justice, there was a free booter approach to the issue of passports. Proper procedures were not in place; guidelines, if any, were not followed and, in some cases, the law was not followed.

In hindsight, there are issues to raise about Máire Geoghegan-Quinn's term of office and the watches of subsequent Ministers. If knowledge which has become available subsequently had been available then, other decisions might have been made. However, that is not my concern. One is not entitled to use 20:20 vision in hindsight to question people's past decisions. My concern is that inappropriate processes were followed, especially in the early days of the operation of the scheme. We should not bury the scheme through legislation without ordering a full and clear report on it. If we do, there is a danger that we in this Parliament will be accused of a performing a whitewash, ignoring the facts and failing to do our duty as legislators.

I have tried to get to the bottom of this carry on by way of parliamentary questions. During the term of office of the Minister's predecessor, Deputy O'Donoghue, his reaction to Dáil questions was akin to the approach of General "Stonewall" Jackson during the American Civil War. He was not interested and did not want to involve himself in an open examination of the issues or a process of accountability and transparency. This is my last opportunity as a parliamentarian to raise the matter in the House and to highlight the need to compile a proper report on the operation of the passports for sale scheme before we consign it to history. For this reason, I have moved my amendment.

Mr. Costello: I agree fully with the wording of the amendment proposed by Deputy Jim O'Keeffe. It is important to deal finally with the propriety of the operation of the passports-for-sale scheme in the State. It is a matter of substantial public concern and matters of public concern have, over the years, become the subjects of tribunals. As the Minister has said, the files in this case have been passed to the Moriarty tribunal.

Reports on the issue were compiled by Máire Geoghegan-Quinn when she was Minister and by the current Secretary General of the Department of Justice, Equality and Law Reform. The case files have been sent to the Moriarty tribunal, over which hangs a question mark as to its future conduct of all the modules which may come

before it. While the Minister cannot approach the Moriarty tribunal and tell it what to do, there is nothing to stop him compiling a report and presenting it to the House to show us what happened.

There is a question mark over events. There has been a certain amount of scandal. There is a question as to why a previous Minister retained unprecedentedly the communications portfolio on becoming Minister for Justice, Equality and Law Reform. Why can we not have all the information on those who received passports under the investment-based naturalisation process, including the approval criteria, full biographical details at the time of application and where they are now? My later amendment proposes powers of revocation where a person has failed to adhere to the requirements of fidelity, loyalty and propriety in the process on which they were allowed to embark to become Irish citizens.

These are serious matters of public concern and there is a danger that if they are not dealt with by the Moriarty tribunal, there will be no further examination of them. I envisage no other opportunity or avenue to return to them if the Moriarty tribunal is not in a position to deal with them owing to the current strictures on its operation. Once legal fees are limited, one can bet one's life that the schedule of the tribunal will not be as expansive and questioning not as intense. The House has already passed a motion to limit the schedule of the tribunal. It would be most appropriate to deal with these matters now and for the Minister to arrange to provide a report to the House.

Mr. McDowell: The effect of Deputy Jim O'Keeffe's amendment would be to oblige me to order a report on the manner in which the investment-based naturalisation scheme was operated and to lay it before both Houses of the Oireachtas. I would be required to make the report available within three months. On a drafting point, the Deputy asks me in his amendment to detail "the propriety in the operation of the passports-for-sale scheme". I think he wants me to deal with the improprieties rather than the proprieties.

Mr. J. O'Keeffe: While I stand to be corrected, I see the Minister and I are in agreement on propriety.

Mr. McDowell: If I were to produce a report to the House within three months as requested, I have no doubt that it would contain the following. It would detail my long-held opposition to the principle which informed the scheme and my serious misgivings as to its legal propriety, even if the highest standards of procedural nicety were observed in every case. The report would document that, with the exception of my immediate predecessor, every Minister to hold my office since 1989 gave a wide latitude to the term "Irish associations" which enabled applications to be

[Mr. McDowell.]

made under the scheme. The departmental files for a significant number of cases in the 1988 to 1994 period fail to evidence compliance with all the rules of the scheme as set out in what was then known as the statement of intent. I am able to speculate on the conclusions I would draw because they represent a synthesis of what I have said in this or the other House since my appointment or are contained in the 38-page report of the review group on investment-based naturalisation. I published the report and placed it in the Oireachtas Library shortly after assuming office.

Lest it be said that I have not been clear about this issue, the House should note the following. I was asked by the Taoiseach in the context of a controversy which arose in 2002 to examine the appropriateness of a naturalisation decision by Raphael Burke. The particular file on the decision is with the Moriarty tribunal. The tribunal sought all the passports for investment files in respect of persons naturalised under the scheme prior to 1997. Copies of the files were left in my Department, but I compared them with the originals to ensure they were complete. I found that they were. My examination, about which I informed the House, confirmed that 11 passports and naturalisations were granted in a manner which was, even by the lax standards which had frequently characterised the operation of the scheme in question, irregular and unusual, to use the words with which I spoke to the House in October 2002. I informed the House that, in short, the passports and naturalisations in question appeared to be effected in a manner which bypassed usual formalities and ignored failures by applicants to comply with elementary documentary requirements. It appears the passports in question were prepared in advance of the completion of the applications for naturalisation and it has been reported that they were handed over to the applicants by the then Taoiseach at a lunch hosted by them in a Dublin hotel.

As I pointed out to the House in October 2002 and before that, no departmental file is likely to carry any explicit evidence of gross impropriety or corruption on the part of any member of Government. Nonetheless, in the light of what we now know from the proceedings and reports of intervening tribunals, it would be fair to say that serious questions concerning the role of the then Taoiseach, Mr. Charles Haughey, would be raised in the minds of anybody examining the file with the benefit of hindsight. I am not in a position to supply any explanation from the contents of the file, which I have examined, for his apparent interest in having the case processed with such unusual haste. These may be matters on which the Moriarty tribunal may be able to cast useful light.

The file showed that former Deputy Geoghegan-Quinn, as Minister for Justice, in the context of ongoing controversy about the scheme and in the context of parliamentary questions about the 11 passports in question, was sufficiently con-

cerned by the contents to commission a report by a senior departmental official. She subsequently drew her concerns about the scheme to the then Tánaiste and now Taoiseach in November 1994 and, at his request, furnished him with a memorandum summarising the basis for those concerns. Both she and the then Taoiseach resigned their respective offices shortly thereafter and the rainbow coalition Government took office, although this had nothing to do with the particular case. The inquiry ordered by Minister Geoghegan-Quinn proceeded under her successor, Nora Owen. An interim report was completed during Minister Owen's term of office and a copy of that interim report subsequently came into the possession of *The Irish Times* in September 1997, and was published in large measure by *The Irish Times* after Minister Owen had left office.

That file has been in the public domain from 1997 to now. The report I put before the House is before the House. The only questioning remaining is whether I could do in a three month period, without any statutory powers, what Mr. Justice Moriarty has been asked by this House to do with full statutory powers of investigation. I could not, within three months, attempt to unearth anything useful other than what I have already said to the House.

Mr. Costello: Of course the Minister could.

Mr. McDowell: I have absolute confidence in the Moriarty tribunal to visit this issue and to carefully examine it because it has the powers to do so and the legal terms of reference authorising it to do so. I have no doubt that it will do its job. Like Deputy O'Keeffe, I would like to know the full circumstances of the transaction in question involving the 11 passports. Simple curiosity and, I suppose, political partisanship on the part of any Member of this House would force us to seek the disclosure of the full facts but there is only one method I know of by which that can be done, and that is by a tribunal of inquiry which is given all the statutory powers to achieve that end.

There is no question of me whitewashing this issue. I have given every co-operation to the Moriarty tribunal to enable it get to the bottom of this matter. It may well be that it faces difficulties. I do not know, but it would be wrong of me to contact that tribunal and ask it to discharge its function in a particular way or to expedite its inquiry into that particular matter simply because I am closing off this loophole now.

I do not believe that the ending of the passports for investment scheme brings down the curtain in some irreversible way on this issue. If, at some stage in the future, there is any basis for believing that a different inquiry from the Moriarty tribunal would yield better results, that is a matter for this House to address at that later point. I have been as concise and clear as any Minister or Member of this House could be on the basis of the material that was furnished to me. I have had access to the same material Minister

Owen, Minister Geoghegan-Quinn, the departmental official who provided the report, the Moriarty tribunal and the inter-departmental committee which prepared the report I put before this House had access to. I do not have any more brilliant insight or more extensive powers than all of those institutions to come to conclusions which would be an advance on those we already have and which will be drawn, if appropriate, by the Moriarty tribunal.

In those circumstances, I cannot accept this amendment, tempting though it would be to accept a three month mandate to second-guess the Moriarty tribunal in this way. There are other functions I have to do for the next three months, as the Deputies opposite will be keen to remind me if I take three months off to conduct this inquiry.

I would add that the Moriarty tribunal reverted to me during the summer for further assistance by my Department, which was given in full. I am doing everything I can and, in the circumstances—

Mr. Costello: Was that on this issue?

Mr. McDowell: In regard to the files delivered to us, yes. It is not a dead issue. I apprehend from Deputy O’Keeffe’s attitude that he believes this issue is being allowed to slip into the slumber of history. It is not. It is being fully investigated by a tribunal with full powers of investigation and terms of reference which authorise that investigation. I cannot prejudge the outcome of that investigation but I can say that whatever investigation is happening in the Moriarty tribunal is doubtless much more effective than anything that I, without any statutory powers, could attempt to do unaided.

Mr. J. O’Keeffe: First, I want to make it clear that I do not want to interfere in any way with the operations of the Moriarty tribunal or any tribunal. My concern is that, in many ways, we are asking the tribunals to wind up their business. That is the general message that is being sent to the tribunals and we are doing that in a situation where I have had no evidence that the Moriarty tribunal has focused on this aspect of its inquiry. That is my problem in respect of the Moriarty tribunal. If we set up a tribunal in the future, I want to give notice that I will insist on and, if necessary, table an amendment to the effect that we must get a report from it on what is happening every six months. We do not know that and it is in that absence of knowledge that I am trying to find a way to ensure we get the full facts before we consign the passports for sale issue to history.

Second, I want to also make it clear that I do not do this out of any curiosity or political partisanship.

Mr. McDowell: I would be curious.

Mr. Costello: Would the Minister’s comrades be curious?

Mr. J. O’Keeffe: Having taken an interest in this issue I have made it clear that when proper procedures were put in place they were put in place by a Fianna Fáil Minister for Justice, former Deputy Geoghegan-Quinn, and I give her due credit for doing that at the time.

Third, in regard to any drafting point, I do not want to put the Minister in the situation—

Mr. McDowell: It was only a joke.

Mr. J. O’Keeffe:—where he believes I would not be open to allowing a period longer than the three months. I take his point that the word “impropriety” might be more appropriate than the word “propriety”. I am open to that from the point of view of making my amendment more acceptable.

Debate adjourned.

Private Members’ Business.

Planning and Development (Amendment) (No. 2) Bill 2004: Second Stage.

Mr. Gogarty: I move: “That the Bill be now read a Second Time.”

I wish to share time with Deputies Boyle, Eamon Ryan, Morgan, Cowley, Finian McGrath and James Breen. I am grateful for the opportunity to introduce this modest legislation. It addresses an issue, which, if not resolved will have far reaching implications for the tourism sector. The intention of the legislation is plain and simple. We want to ensure the listing of public rights of way becomes a mandatory function in the drafting of development plans. Under current legislation, the preservation of existing public rights of way is deemed optional and it is not taken up that frequently by local authorities.

The background to the legislation, however, is much more complex. By introducing legislation that obliges local authorities to list rights of way, we are attempting to prevent the continued erosion of both urban and rural rights of way throughout the 26 counties. They have gradually diminished for different reasons. While protecting them, we would like to go further to ensure access via rights of way to commonage and rough grazing ground but not without an inclusive deal.

My colleague, Deputy Boyle, will outline the position in urban areas later while my party’s environment spokesperson, Deputy Cuffe, will deal with the overall legal framework under the planning Acts, as will Deputy Gormley. These issues, however, are only part of the story. The broader story relates to how walking and hiking, a vital element of our tourism sector, is being allowed to die because no one is prepared to make tough decisions. Rural and agricultural

7 o’clock

[Mr. Gogarty.]

communities are being denied incomes because of bad leadership and a lack of balance at both local and national level. My colleague, Deputy Eamon Ryan, who has years of experience in the tourism industry, will discuss these and other matters from a business perspective shortly while my party leader, Deputy Sargent, will examine the issue and opportunities for farmers tomorrow.

Walking is an important but declining part of our tourism industry. According to Fáilte Ireland, approximately 320,000 overseas walkers visited Ireland in 1993 but by 2002 100,000 had been lost and it is possible they will never return. Last year, 50,000 fewer walkers visited Ireland, which represents a 23% decline in 12 months. Given that the remaining sectors of the tourism industry are holding up following 11 September, why is Ireland haemorrhaging walking tourists? The anecdotal and factual evidence is that when it comes to walkers Ireland has changed from céad míle fáilte to céad míle “f. off”.

While only a minority of angry, frustrated and sometimes downright ignorant landowners are giving Ireland a bad name, there is enough of them to do our tourism industry untold damage. Abusing law abiding and polite visitors is an insult to our nation and it is also hits rural communities where it hurts most, in their pockets. There is no excuse for the antics of a minority of landowners, whatever their frustrations. Equally, there should be no place for the cold, stony refusal to allow walkers to roam on lands on which their forefathers roamed for generations. That stony silence is, however, more understandable.

Every day more restrictions are placed on walkers throughout the country through the erection of fences around old commonage, tracks and roads and a plethora of unfriendly and unwelcoming “Keep Out” signs. This is wrong, damaging and dangerous. UK and continental organisers of walking holidays are withdrawing from Ireland because of these access difficulties, which are not experienced elsewhere in Europe. The figures reflect the word of mouth message spreading across Europe that Ireland is not a good place for a walking holiday, unlike Scotland or Wales.

Are we shooting ourselves in the foot? What needs to be done? The Green Party has acknowledged that a solution to the current impasse involves the full input of the farming community, which should also include a financial recognition of the role playing by farmers. I pay tribute to the Minister for Community, Rural and Gaeltacht Affairs for his role in setting up Comhairle na Tuaithe, which has attempted to create dialogue between walkers, mountaineering groups and farmer representative bodies. Such dialogue has not been easy on both sides and while it is a welcome and positive development, it has not yet been a resounding success. The reason for this lies in the refusal of the Minister for the Environment, Heritage and Local Government to introduce a system similar to that which pertained

under REPS 1. This would recognise the role played by farmers and provide financial remuneration.

Farming groups insist that walkers should seek permission to cross private land and they will continue with such insistence, some nicely and some rudely. However, if a deal could be struck, it would be a win win situation. Farmers maintain the countryside in a state that walkers enjoy and it would not be in a fit state to walk across if farmers did not do so. However, they do not generate revenue similar to people in other sectors of the tourism industry for doing so.

As my colleagues, Councillor Mary White and Deputy Sargent, have pointed out, farming may be changing but farmers are being presented with new opportunities. A healthy walking tourism sector could provide additional income opportunities for farmers such as the development and maintenance of walking routes, working as tour guides, providing transport or even offering walkers lunch. However, financial recognition of the valuable role of farmers in this area is needed. This would allow them to contribute to the rural economy so that everybody would benefit from tourism as equal stakeholders.

The Green Party, contrary to a number of scurrilous remarks by Government Deputies, is a true friend of farmers and rural communities. I have pushed in previous contributions for the recognition financially of their substantial contribution to tourism. However, we are precluded from introducing provisions with budgetary implications in this legislation. In the interest of common sense and, hopefully, with a shared concern for the future of both our tourism and agriculture sectors, I ask the Government and Opposition Members to support the legislation, which is a small but important first step. I also urge the Minister for Community, Rural and Gaeltacht Affairs and the Cabinet to examine our recommendations regarding the essential financial package needed to bring farmers on board. Then everyone can be brought together for a proper nuts and bolts debate.

Mr. Eamon Ryan: I welcome the Minister for the Environment, Heritage and Local Government to the House. During previous debates on environmental issues, his predecessor did not appear. I also acknowledge Deputy Quinn's presence, as he has shown an interest in this issue. The legislation presents us with an opportunity to broaden the debate. Deputy James Breen and other Deputies representing rural constituencies have assisted us in raising this issue, which is important to many people domestically and internationally.

Prior to my election to the House, I was involved in the tourism industry, particularly the walking sector. I served as chairman of Walking Cycling Ireland, a group which represented walking and cycling operators. I will make a few points based on my experience to enlighten the debate. There is a perception that organisers of walking

holidays make significant money and are extremely successful but my experience is that the organisers have small businesses usually run from their homes but they have a knowledge of their communities bar none. Michael Gibbons in Connemara, whom Deputy Quinn knows, is an example. These people love their own areas and love showing it to visitors. This type of tourism should be encouraged. A Fáilte Ireland survey highlighted that most money was spent not by golfers, sailors or tourists on coach tours but by walkers and cyclists. They tended to stay in the country longest and spent more. These are the tourists we should attract.

Between 12 and 15 companies operated in this sector of the industry a few years ago and they were successful. Ireland was one of the leading countries in this sector and it was looked on similar to Tuscany, Umbria, the Loire valley as a great place to walk. Our country has a fantastic mixture of scenery and it has a perfect climate for walking, which, with the new Gortex rain gear, is not too bad. It was a thriving successful industry run by people who were sensitive and local. They brought money directly to the landladies they knew in the community and the local pub. They kept the local bus company going by using it rather than someone from overseas.

What happened? Long before foot and mouth disease, uncertainty came into the business. Five or six years before foot and mouth disease, walkers began to get nervous. Their acute antennae to the sensitivities in their community picked up the message that they were not welcome. The uncertainty came from Government lack of action to support them. Although the Government recognised this was becoming an issue, over the past five years it failed to do anything. As a result of that uncertainty, the business people pulled back. They realised that if they did not have community support, they would not push it.

When it came to the foot and mouth disease crisis, there was a remarkable response from those small business people to the Irish farming community. They showed a remarkable voluntary willingness to withdraw from business. I can think of various examples where people by their own initiative shut down for a lengthy period in support of farmers, even after the crisis had passed. I hoped that would create an atmosphere where the farming community would recognise the remarkable generosity and co-operative spirit shown by the industry and that we would have a new era where it would have been possible to make arrangements and agreements.

There was nothing specific. These people would not get into trouble because they were too closely connected to the community to allow matters develop to that stage. However, they were concerned that they could not even afford the risk of bringing visitors and being told they were not welcome. In that sense of uncertainty which existed and was created by the inaction of this Government, they withdrew from the busi-

ness. The business has gone away to other countries and we have not seen it back since.

This Bill is one step of many needed to bring certainty into the area. We need certainty as to rights and obligations of landowners and visitors. Earlier today we were talking about Bewley's. There is a famous statute in the city council that Deputy Quinn will know that landowners have obligations as well as rights. It is important to remember that and to recognise that this may not be convenient for every landowner with regard to some rights of way. However, they have an obligation, as part of society, to allow access to locals and visitors.

As a local Deputy I have been working for the past three years to try and create the idea of a Dublin upland park in the Dublin hills with better access to them and better routes across them. As well as the Wicklow way which heads north-south we could have an east-west route. We could also have a circular bus route connecting different points on the routes. We could get off in Tallaght, walk into the hills as far as Glencullen or further and get a bus back home. This would be a creative use of the best facility we have. One of the cornerstones we need to achieve this is acknowledgement of the rights of way that exist. Everyone knows they exist. I have spent the past 30 years of my life since I was a child climbing from Dundrum into the Dublin hills, up Ticknock, Kilmashogue etc. I have been using those routes for years. The rights of way exist, but they are starting to disappear.

The M50 has cut off the majority of these rights of way. It has cut off the sense of connection from our city into the hills. Others of them have been covered by overgrowth or have been lost because of private development or because of fences. If we do nothing and just stop and let them go, the next generation will not have the experience of the connection I have had with the Dublin and Wicklow hills. They will have nothing like the experience Beckett had in the previous century, which formed all his literature, the sense of getting up into the mountains. That sense of space is hugely important in a city. This Bill would push councillors to work on the sort of plan needed to provide rights of way and that is the reason I urge Government Deputies to support it.

Mr. Boyle: The obvious effect of the passage of this Bill will be to identify, hopefully for greater usage, rights of way and walkways in the countryside. Another effect is that the same provision with regard to listing rights of way will also apply to all urban authorities. I would like to mention briefly the advantages of such provision in the development plan of urban areas.

The provision would help in a number of ways. Ordinarily, rights of way are something that come about historically in a community. They are the quickest route from "A" to "B" that people have chosen and trodden for generations. Unfortunately, as a result of bad planning in many of our urban areas in the 1960s and 1970s we created

[Mr. Boyle.]

laneways and passages, concrete mazes that need to be identified and properly listed. Actions must be planned and put in place with regard to their future value and use. We know that in many communities these artificial rights of way and walkways have become centres of anti-social behaviour and areas of threat for people who live in communities in their immediate area. The value of listing rights of way in a comprehensive fashion will help urban local authorities to properly identify and deal with this problem.

Given the scope of urban renewal and development in inner city areas, many laneways are being lost. These laneways carry a heavy social history. To be honest, many of them were former slum areas and open sewers. However, they still represent the social history of the areas in questions and efforts should be made to list and acknowledge these routes. In my local authority area of Cork city, the old laneways of North Main Street, for example, are all acknowledged and named even though they have been closed.

Another important area with regard to rights of way in urban areas is the natural hinterland. Most towns and cities are built on waterways, rivers and canals. The access the public has to these areas is often restricted. Many local authorities make brave attempts to open as much of these sites as possible. However, as a result of the ownership of various bits of land that are not open to the public and the building of properties that affect direct access over prolonged periods of time, many of the areas are not as open as they should be.

One of the advantages of the Government's and other parties support on this Bill and for the listing of rights of way would be the recognition of the natural routes that exist along waterways in cities. Ultimately, that would not only help add to the quality of life in urban communities, it would also have potential health benefits. I remember the four mile route I took every day to the third level college I attended in Cork. It was more on pathways than roadways because it passed through a number of secondary schools and through hospital grounds. People choose the routes most beneficial to them and this is as true of cyclists as it is of walkers. In our urban areas we need to give formal recognition in our development plans as to how those routes can be best identified and utilised. The likelihood is that if we fail to put in place legislation of this type, we will not bring about the potential that exists.

That said, we should recognise the work that has been done by various local authorities despite constraints. The addition of the boardwalk on the river Liffey is an example of what can and should be achieved. I suspect the difficulties many urban authorities have is the lack of legal instruments that would help them do the type of developments they would like. It is a sad state of affairs that in both rural and urban communities, most of the promoted walkways come about through the urging of outside agencies, some of whom are

in the Visitors Gallery tonight, for example, Keep Ireland Open. The work of the Irish Heart Foundation should also be acknowledged as regards the putting in place of walks and routes for people.

We want the Minister to speak positively about what can and should be done in this area. In presenting this Bill we acknowledge the limitations that exist on all Private Members' Bills, in terms of not being able to put forward any measure that would bring a cost upon the State. If the Bill is allowed proceed to Committee Stage — we hope it will — a number of amendments can be made and accepted both from the Government and other parties that will allow it to become a stronger Bill. We hope the Minister will take this positive attitude in his response.

Mr. Morgan: Go raibh maith agat. I thank the Green Party for sharing time. Sinn Féin has stated on many occasions that the land of Ireland belongs to the people and that it must be managed in a manner that prioritises the public good. This means finding a balance between the right of people to enjoy Ireland's mountains, woodlands, boglands and seashore and the needs of farmers who struggle to make a living from that same land. Sinn Féin wants to see access to the countryside improved and regulated in a manner which safeguards the livelihoods of small farmers, protects the environment and contributes to the improvement of economies in rural communities. We also want to see the State network of waymarked walking ways further developed.

There have been a number of high profile cases in recent years which have highlighted the deficiencies in public policy and legislation in regard to access to the countryside and pathways which, though used by the public for generations, pass through private land. There has also been an increased level of tension between hill walkers and farmers who in many cases fear they will be held responsible for accidents which may occur to hill walkers while on their land.

The European Union has commented that there should be a presumption to allow access to the countryside unless there is a compelling reason to do otherwise. Ireland is among the most restrictive in the European Union in terms of such access. This is not helpful for a state whose primary selling point for tourists is its unspoilt and scenic countryside.

There is evidence that the current situation is having a negative effect on rural tourism. The number of hikers and hill walkers fell from 322,000 in 1993 to 219,000 in 2002. Addressing this issue will benefit both rural communities and those who seek access to the countryside for recreational purposes. Tourism generated through promoting the use of the rural environment for recreational activities can be of significant benefit to rural communities.

I welcome the approach being taken to this issue by the Minister for Community, Rural and Gaeltacht Affairs, Deputy Éamon Ó Cuív. The

establishment of the rural-agri-tourism advisory group to consider the relevant issues and the commitment to consult interested groups before drawing up proposals is to be welcomed. A partnership approach to this issue is clearly the right way to proceed.

The proposal to establish a countryside recreation council needs to be teased out further and examined to assess whether this would be sufficient to deal with the issues involved. While the proposal for such a council would address the majority of the problems between rural communities and hill walkers and hikers, I question if it would be adequate to deal with cases where the issue is a genuine concern by a small farmer that he or she would be held liable for accidents on his or her farm.

In addition, there has been an attempt by the wealthy to fortify and exclude the public from traditional walkways which, though there may be no legal right of way, have been used from time immemorial. Such paths are traditional rights of way with which most people are familiar, though they may not be aware that they have no legal standing.

The Old Head of Kinsale case is of interest in this regard. It is a scandal that local people who have walked on it from time immemorial can no longer do so. The land was bought from Cork County Council by developers who were given permission to develop an exclusive golf course on the condition that public access to the land would not be restricted. However, it became clear that the developers had no intention of allowing the public access to the land. In 2003 the Supreme Court issued a judgment to the effect that there would be no public access to the Old Head of Kinsale. It held that a condition imposed by An Bord Pleanála granting public access was outside the powers of the board and, therefore, void. It found there had been no lawful public access to the Old Head of Kinsale before the golf club was built and the purpose for which it was developed was unrelated to the question of public access to the Old Head of Kinsale. It concluded that the condition of public access imposed by the board was outside its powers. I envisage major problems in regard to this issue.

Another issue worth raising which is connected with this debate is the damage being caused to hills by off-road vehicles, quads and scrambler bikes. This is a recent phenomenon but one that is growing rapidly as off-road vehicles become ever more popular. Often those participating in this activity are unaware of the resulting destruction of the hillside. Although local authorities have powers to introduce by-laws to severely restrict such activities, it is unfortunate that only a small number have chosen to do so. There must be exemptions for farmers who of necessity require the use of such vehicles for hillside farming. The Department should require local authorities to introduce legislation restricting vehicles such as those to which I refer. The issues of access and erosion are of the utmost importance for the

protection of our hillsides. Proper access must be allowed so as to preserve this outdoor activity for the many people involved in it, while at the same time encouraging the enormous untapped tourism potential of this sector. However, the needs of small farmers must also be protected. I welcome the Bill and hope it will go some way towards encouraging the Government to act quickly to resolve the matter.

Dr. Cowley: I wish to share time with Deputy James Breen and Deputy Finian McGrath.

An Ceann Comhairle: Is that agreed? Agreed.

Dr. Cowley: I very much welcome the opportunity to speak on this Bill. Land has been sacred in our history, particularly to those living in rural areas. I am aware of the deeply held views of people living in my area. John B. Keane has written about this issue. Everybody in my area realises the value of land because in the past people were taken off vast tracts of land by the occupier. As happened in my area, in some cases entire villages were relocated in order that a landlord could have a very nice garden. As a result, land is very dear to people.

I welcome this debate which aims to balance the rights of landowners and others. There has been a certain amount of bullying on the part of those who push aside the property rights of small landowners, particularly in the west. It is obvious that such an approach does not work and I greatly welcome the attempt to reach a rational solution. What has happened runs very deep with rural dwellers. Insurance and public liability are major issues in terms of people coming onto private land. As I stated, property rights have not been respected. A balance needs to be struck because farmers must have their livelihoods protected.

Current development trends have resulted in an increase in the number drifting towards urban areas. We are increasingly becoming an urban society as the population in rural areas continues to drop, which in some cases is due to a planning approach which lacks rural proofing. I would welcome anything which would redress this imbalance and allow people to stay in rural areas. Too often people have been driven away. There was a sad migration of older people to institutions because there was insufficient accommodation for them in their own communities. This could be redressed by supporting sheltered and social housing which helps to keep people in their own areas rather than being driven into urban centres which are already totally congested. For example, yesterday there were traffic jams on the southern route into the capital which probably made history. This is because everything radiates from the capital. This needs to change.

Statistics show that the population of rural areas is constantly falling but with proper support people could stay in their own areas. I know the Minister is agreeable to a proposal intended to

[Dr. Cowley.]

deal with returned emigrants, for example, those in County Mayo, who cannot even build on their own land. This is very regrettable. Special accommodation should be made available to people who have been away from this country for a long time, many of whom have nothing left except a small holding, two examples of which I have encountered. Some have great difficulty in staying in rural areas because they cannot find proper accommodation. There needs to be a greater bias towards rural dwellers.

Mr. F. McGrath: I welcome the opportunity of speaking to the Planning and Development (Amendment) Bill 2004, which progressive legislation has been presented by the Green Party. I commend Deputy Gogarty for bringing it before the House. As an Independent Deputy, I will always take a serious look at all new Bills and, if I like them and consider them worthwhile, I will support them. That is why I am supporting this Bill.

When one considers the detail of the legislation, one can see that its intention is to ensure the listing of public rights of way becomes a mandatory function in the process of drawing up a development plan. In the current legislation, the Planning and Development Act 2000, the preservation of existing public rights of way is deemed optional. This Bill seems to be stronger and more progressive. In regard to rights of way in general, it is also appropriate to raise the issue of open spaces, violence, anti-social behaviour and the drug sales which take place in many lanes throughout this city and State.

I am sure many Deputies agree with the proposal to erect gates on laneways and block entrances in order to end gang warfare, anti-social activities and threats to the elderly. These lanes have become a nightmare for many communities. I urge the Minister for Justice, Equality and Law Reform to wake up to this reality. It is unacceptable that families and the elderly are bullied and intimidated by anti-social elements hanging around lanes and open spaces. This is also a major policing issue.

We need to see more gardaí working in and for the community. What is happening is a total disgrace. I wish the Minister for Justice, Equality and Law Reform would take his head out of the sand on these important crime-related issues. I raise this issue in this debate to try to highlight the pain and suffering in many communities, particularly disadvantaged ones. The people are sick and tired of the lack of action and need our support.

There is a lack of respect for parks and open spaces. It is all very well to live in a wealthy society and a booming economy but we also have a sinister side which destroys local parks, communities and laneways. This reality must be confronted. It is a justice issue which requires the attention of a Minister adopting a hands-on approach.

In the context of planning and development, a word of caution must be expressed in regard to wild-cat developments which are totally out of character with local areas. I am working with residents in my constituency in Clontarf, Killester and Artane to improve the quality of life for all residents and emphasise the need for proper planning in line with the local area. Building huge seven storey apartment blocks in areas of two storey houses is not quality planning. We need to stop the destruction of our cities. I raise these issues in this debate because of the need for common sense when it comes to planning and development.

I urge all Deputies to support this Bill and work closely with farmers, the tourism industry and walkers on the question of access to public areas. I commend and thank Deputy Gogarty and the Green Party for bringing the Bill before the House which I am happy to support.

Mr. J. Breen: As a member of the farming community, I oppose this Bill. I do not agree that the public right of way to a recreational utility or otherwise should be made optional. Existing rights of way should be accessible to the public without the creation of new introductions which would place an enormous burden on the farming community. The public and visitors alike access the countryside for a variety of pursuits, including walking, cycling, hunting and fishing. In nearly all instances, there is access to the countryside and farm land without objection from farmers. However, farmers are faced with major concerns about certain issues surrounding recreational access to their properties.

A key factor in the life of farmers is that farm land is a working environment with machinery, crops and livestock. If new public rights of way are introduced in the light of farmers' activities, it could prove detrimental both for the safety of the recreational user and the farmer. This cannot be done without some form of control and vigilance to watch out for people who may not be aware that such activities are a normal part of country life. Farmers are faced with litigation from recreational users or trespassers due to risks not of their making. It is also becoming increasingly likely that some property owners may not be able to afford the cost of liability and, should they suffer a successful case against them, stand to lose everything.

Other issues also arise from damage to property and the pressure and number of recreational users entering farm land at particular popular locations. The development of the commercial use of private property by tour operators and the decrease in economic viability of upland farming have led to a search by farmers for alternative sources of income often at odds with easy access. All of these problems are very real for small rural communities and additional losses through a drop in farm incomes could prove disastrous for many. I support the appeals for access to the countryside by all but would welcome a more practical

system, providing sensible solutions which would ensure such public rights of way do not adversely infringe upon the rights of farmers and land owners.

In County Clare there are a number of historic monuments, including the Burren, a popular destination for tourists. Existing rights of way must be protected. In County Clare we have walkways which are a welcome development and general access to the countryside is easy. I oppose the Bill.

Minister for the Environment, Heritage and Local Government (Mr. Roche): I thank the Deputies who have contributed and the Green Party for introducing the Bill which I am opposing. I will outline the basis on which I am so doing. I am sympathetic to the idea that we must keep and develop our extraordinary asset of the countryside, as expressed by Deputy Eamon Ryan. However, there are serious problems with the legislation which I will outline.

The Government is fully conscious of the importance of ensuring access to the countryside and the importance of access to rural tourism and sustainable development. For this reason, the Government wishes to promote maximum access to the countryside consistent with the rights of land owners. We believe strongly a balance must be struck and that the measure promoted by the Green Party, while well-intentioned, is misguided in the extreme.

The objective of the Bill may be positive but its effect would be bureaucratic and do little for the real objective of promoting greater access to the countryside. In fact, it could have unforeseen consequences. While it may be well intentioned, it is not workable. I also believe it would be prejudicial to the dialogue being facilitated by Comhairle na Tuaithe between all the parties involved in the issues associated with public access and public rights of way. The partnership approach will achieve more than *force majeure*; it will produce more workable, sensible and less bureaucratic responses.

Mr. Gogarty: Will the Minister give farmers the financial recognition they deserve?

Mr. Roche: I did not interrupt the Members opposite, even though I was tempted to make references to Sergeant Pepper's Lonely Hearts Club Band. The Deputy should show the same forbearance.

Public rights of way are separate from development plans. They are frequently rooted in history, for example, the mass paths in Greystones arise from mores in another time. The Planning and Development Act 2000 allows planning authorities to include objectives in their development plans for the preservation of specified rights of way. In addition, a new procedure for the inclusion of rights of way in the development plan is set out in the 2000 Act. This procedure provides for the giving of notice by the planning

authority to the owner and occupier of the land over which there is a right of way and the receipt of submissions from the owner or occupier which must be taken into consideration by the planning authority. The decision to include a right of way is made by the elected members and there is a right of appeal to the Circuit Court. There is, in fact, a democratic way of dealing with the issue. This is an example of the legal instruments in place. Deputy Boyle appeared to ignore them.

Mr. Boyle: Surely they are bureaucratic.

Mr. Roche: Once a public right of way has been included in a development plan through these procedures, it may be included in subsequent plans without further formalities. It is also important to note that the 2000 Act also permits planning authorities to create new rights of way where it is felt they are necessary. This point was also missed in the Members' contributions. The existing legislative position sets out a reasonable approach. It allows planning authorities, at their discretion, to gradually add to the rights of way listed in their development plans.

The Bill is unworkable for a number of reasons. Partnership works but force will not in this area. The issue of public access is better dealt with through co-operation and consultation with landowners rather than through the mandatory approach outlined in the Bill which would be prejudicial to the dialogue being facilitated by Comhairle na Tuaithe between all the parties involved in this complex issue. Suggesting that complex issues such as this can be resolved by diktat may appeal to some Stalinist inclination but shows little understanding of human nature.

Mr. Gogarty: That is propaganda.

Mr. Roche: Comhairle na Tuaithe has only been operating since January this year. It needs time to find its feet.

It can be difficult to establish whether there is a right of way. There have been many difficult cases, arising in part from the type of urban change and development mentioned by Deputy Boyle. Any attempt at listing all public rights of way would lead to much discussion, acrimony and, possibly, controversy in the preparation and adoption of the development plan. It could lead to an extraordinarily protracted period of arid debate.

Mr. Boyle: That is the partnership approach.

Mr. Roche: Any omissions would be in limbo. If the Bill was passed, there would be many appeals by landowners against the inclusion of rights of way in the development plan. This would clog the courts, produce much sterile and wasteful arrangements and invariably prohibit sensible compromise. Any attempt to press a solution on all landowners, the good and welcoming as well as the small proportion mentioned by Deputy Gogarty, would damage the partnership

[Mr. Roche.]
approach. This is a complex issue which can best be resolved by a partnership approach.

I am anxious to see resolution of these matters because I am more than a little familiar, as a Deputy representing County Wicklow, with the things that can occur. We have seen some extraordinary examples. One is in the Enniskerry area where rights of way and access points which had been walked on for years are now subject to court actions. As a result, the issue will be tied up forever. If the parties involved — the walkers are particularly willing to do so — would meet in a forum such as Comhairle na Tuaithe, the issue could be resolved without resorting to the wigs.

Mr. Quinn: The walkers did not initiate the legal action.

Mr. Roche: The Deputy is correct. However, they now find themselves enmeshed in a legal mare's nest not of their making. If we tried to deal with this issue in a prescriptive way, imagine how many more times that would arise. Dialogue can and should resolve such issues.

Another inevitable consequence if this proposal becomes law is that it would divert planning authorities' scarce resources away from priority operational tasks. Listing all rights of way would be no small task. A further point is that the proposed mandatory listing of all public rights of way would produce documents of such complexity as to render them and the development plans unintelligible. Under the Roads Act 1993 all roads are classified as public rights of way and, as such, would have to be listed in the development plan. If the Bill became law, there would be a bureaucratic nightmare which would not produce the results its sponsors seek but simply sterility.

The Bill would mean an amendment of the Planning and Development Act 2000 which, together with the Planning and Development Regulations, 2001, was the product of a major review of the planning code and which revised, extended and consolidated the legislative basis for the planning system. Such a piecemeal approach to a complex area such as planning, while well intentioned, has nothing to commend it.

Mr. Sargent: Amend it.

Mr. Boyle: The 20% social housing requirement was amended.

Mr. Roche: The new planning arrangements need time to bed down. The Government wishes to promote access to the countryside for the benefit of rural tourism and sustainable development. In the few weeks I have been in office I have sought major proposals in these areas. We have landscape which is accessible and open to the people and which could have a tremendously positive benefit. The issue of public access to the countryside is better dealt with through co-oper-

ation and consultation with landowners. This partnership approach is at the heart of recent initiatives pursued by my colleague, the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív.

Comhairle na Tuaithe — the Countryside Recreation Council — was established in January this year and is just finding its feet. Its purpose is to ensure all those with an interest and concern for the sustainable development and management of recreational amenities in the countryside are fully consulted on the future development of these amenities. The council is widely representative of countryside and outdoor interests, including the Irish Uplands Forum, Irish Ways, Coillte, Keep Ireland Open, Mountaineering Council of Ireland, Failte Ireland, the ICMSA, the IFA, the Irish Sports Council and Walking Cycling Ireland. This is an impressive partnership by any standard.

The positive outcomes from a partnership approach are illustrated by the national social partnership agreements achieved to date and which have played such a positive role in the State. It is important that all stakeholders buy in to the solutions in this area. Anybody trying to force solutions in rural Ireland is barking up the wrong tree.

I come from County Wicklow where there has been a degree of unwelcome pressure to close rights of way. Therefore, I sympathise with the Bill. However, there are practical arguments against it. It attempts to implement legal change when what is necessary is a change in mentality. That is the more appropriate solution. This will be achieved through the partnership approach. The Bill could put at stake all the progress made by Comhairle na Tuaithe if its constituent bodies feel under threat and remove themselves from the partnership process. It could bring us back to the well publicised confrontations which occurred in previous years.

Deputy Cowley is correct that there is a need to proof legislation for its impact on rural life and rural lifestyles. I agree with Deputy Gogarty that the best people at preserving our countryside are often farmers. However, we will not secure any benefit if they feel their backs are being put to the wall. I was interested in Deputy Boyle's remarks on urban rights of way. He is correct that the discussion takes place all too frequently in a rural context.

I was puzzled by Deputy Finian McGrath's contribution on the same issue. I am very familiar with the problems of thuggery in lanes and the difficulties in terms of closing them off. There has been an amazing debate on one such particular right of way in Greystones during the past year. People have argued with vigour and passion that they have a right to walk. Everyone agrees with that. However, those who live beside the problem area to which I refer argue that their lives have been made miserable. A pensioner has had to abandon her house, a family was obliged to move to the back of its house and property has been damaged. The issue of creating a mandatory

requirement in this particular area could end up making difficulties for us. I am sure that is not the intention but it could be the effect.

The issue of public rights of way and access to the countryside is significant in rural policy terms. I am convinced that the partnership approach being adopted, together with the discretionary powers available to planning authorities is the best way to deal with this issue. In the context of the initiative established by the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, we have set up a partnership arrangement which can solve some, if not all, of the issues.

I am interested in this area but, for the reasons I have outlined, I cannot accept the Bill.

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Tá áthas orm deis a bheith agam labhairt ar an mBille seo. Ní inniu ná inné a tháinig an cheist seo chun cinn agus tá muintir mo cheantar féin go mór chun tosaí in obair le deis a thabhairt do dhaoine taitneamh a bhaint as na cnoic, sleibhte agus locha thart ar an gceantar.

I welcome the opportunity to speak on this Bill, which proposes that rights of way be listed by law when development plans have been drawn up. The Bill is well intentioned and I commend the Green Party for its interest in the matter. I am of the opinion, however, that if a Bill is unworkable, good intentions count for nothing. This Bill is unworkable for two reasons. The first is a practical reason, to which I will return later, while the second is that if legislation is not built upon a consensus approach — this is somewhat espoused by the Labour Party — it cannot work.

This legislation is, unfortunately, based on a pre-emptive strike by one of the members of Comhairle na Tuaithe. I am disappointed the Labour Party did not advise that member to return to discussions in Comhairle na Tuaithe—

Mr. Deenihan: It is the Green Party.

Éamon Ó Cuív: Gabh mo leithscéal.

Mr. Roche: The Minister is trying to tie all the Opposition parties together.

Éamon Ó Cuív: An comhaontas nua atá bunaithe acu ag cur mearbhaill orm. The Deputies opposite are all the one, or so we have been informed.

Mr. McCormack: Níl siad.

(Interruptions).

An Ceann Comhairle: The Minister to continue, without interruption.

Éamon Ó Cuív: Those opposite have me believing in the new rainbow. I am disappointed the Green Party did not advise the individual in

question to return to discussions with Comhairle na Tuaithe and chose to move matters forward in this way.

For a number of years, a minority of people have consistently stated that the way to solve this problem is to introduce increasingly inflexible legislation. I have stated on numerous occasions that this does not represent the way forward. The Government is always being accused of trying to create a nanny state by introducing too much restrictive legislation. On this occasion, however, it is not the Government but the Green Party which must stand accused of the same fault.

In reply to a parliamentary question last month, I made it clear that I did not have any proposals at present to introduce legislation in respect of access to the countryside. It is interesting that the All-Party Oireachtas Committee on the Constitution also considered this issue in the context of Articles 40.3.2o and 43 of the Constitution, which relate to private property rights. Its report did not recommend any requirement for changes in the existing legislative framework in this regard. I reiterate that I do not see legislation as the solution to this problem. Legislation should only be considered when a consensus has been arrived at and not as a partisan way of solving problems.

I wish to make it clear that where public rights of way exist, they must be left in place. Nobody can remove a public right of way. However, if no public right of way exists, including it in a county plan will not make it, of itself, a right of way. The Bill proposes to include public rights of way in county plans. However, it would first be necessary to prove they were public rights of way.

The amendment to the Planning and Development Act 2000 proposed by the Green Party does nothing to resolve disputed rights of way. If enacted, the legislation would only create an impossible situation for local authorities. The Green Party is concerned about all public rights of way and that must be implicit in the legislation. That is where the practical difficulties arise. By making it mandatory to list all public rights of way, one would obviously register those rights of way where there is no disputing the county plan. The latter would cause no problem. However, an interesting question would then arise, namely, if there was a disputed right of way, would every local authority end up in the courts before their next county plans were finalised in order to establish whether a right of way exists?

Mr. Boyle: It is similar to the position with listed buildings. It is the same procedure.

Éamon Ó Cuív: There are major and fundamental differences here.

There is another issue that arises. We know there are strict timeframes in terms of preparing county plans. Let us imagine a scenario where a court did not give an immediate adjudication in a dispute. Endless disputes would arise, particularly if there was a necessity to list all instances where

[Éamon Ó Cuív.]

doubts might exist about the existence of a right of way. Would the planning authorities adhere to the timeframes laid down in legislation in respect of introducing their county plans or would they wait for the adjudication of the courts? Would they include them on the basis that they might be rights of way when the courts had concluded their deliberations or would they leave them out? If they left them out and it emerged that they were rights of way, would the local authorities be in breach of the law? The matter would become a total morass.

Mr. Boyle: How are buildings listed?

Éamon Ó Cuív: There is no need to list all buildings. This legislation states that all rights of way must be listed and the Green Party does not even know the location of those rights of way.

Mr. Sargent: That is the problem.

Éamon Ó Cuív: The Government is already tackling the issue in respect of walkways and public rights of way. Following the publication of the report of the consultation group on access to waymarked ways, I established Comhairle na Tuaithe in February 2004. This group was established to ensure that everybody with an interest or concern in this area will be consulted. Membership of Comhairle na Tuaithe encompasses representatives of all the main farming organisations, landowners, tourism marketing bodies, the Irish Sports Council, the Heritage Council and those of recreational users of the countryside, such as Keep Ireland Open, Waymarked Ways and the Mountaineering Council of Ireland. The membership was based on the recommendations in the report of the consultation group on access to waymarked ways.

The course of action taken is consistent with the recommendation of the all-party committee's report. The committee felt that such an approach would help encourage joint tourism projects, as well as avoiding the heavy mapping costs incurred during the legislative approach taken in England and Wales. I envisage trying to help bring about a solution through a community based approach will point the way forward. Given our general partnership approach to solving problems, this is, in my view, the correct way to proceed.

I am satisfied that Comhairle na Tuaithe is working well. When I addressed its national conference earlier this month, I pointed out that the community spirit is still very much to the forefront in Irish society. We need to try to see the bigger community picture in respect of this issue. By listening to each other and working together as a community to reach an amicable agreement which accommodates all sides, we can present a positive image of rural Ireland and, crucially, rural tourism. This can only serve to benefit all members of our rural communities.

I have also made it absolutely clear that there must never again be a situation where people using advertised and agreed walkways are accosted on them. The damage this type of behaviour does to our international tourism reputation is incalculable and is particularly damaging to rural areas. If those on both sides of the access debate are reasonable, generous and community-minded, this would serve the best interests of rural tourism in Ireland and more important, the best interests of rural communities.

The recent conference was a first step in the development of a countryside recreation strategy and I look forward to hearing from Comhairle na Tuaithe on its proposals in this regard next year. There is an agreement with the farmers that no waymarked way will be advertised next year without their agreement. The farmers have been equally accommodating by saying that, in that event, they will not accost people on waymarked ways. At least there is now some certainty. It is a situation of non-confrontation which will not create headlines in newspapers. We are not creating the kind of publicity that is manna from heaven to those in other countries who are our rivals in the market.

8 o'clock

Mr. Quinn: How will the farmers be consulted?

Éamon Ó Cuív: They will be consulted through the farming organisations who are total participants in this process. I have first-hand experience in dealing with this situation and how progress can be made. Many farmers are very interested in developing walkways and are proactively involved, and creating a divide will not bring the situation forward.

I have launched the rural social scheme which includes as one of the identified areas of work the maintenance and enhancement of waymarked ways and other agreed walking routes. I estimate this could provide work for 500 farmers. The advantage of this scheme is that people see the payback. Even if the person whose land is being used in the scheme does not work on the scheme, one of their neighbours will inevitably do so. I believe — it is certainly true in my part of the world — there is still enough community spirit for people to see that if something is good for their neighbour, it is good for them.

I am also examining ways of using other programmes such as the CLÁR programme to develop walkways, turnstiles, parking areas etc. This will serve to improve the infrastructural amenities as agreed walkways help to develop the rural tourism product and provide increased opportunities for sustainable rural development and promote rural Ireland as an attractive and viable tourist destination.

When the rural tourism award was presented yesterday, it was interesting to see that farmers had developed walkways on their own land and were developing marvellous tourist products. I do not believe a big rural-urban divide exists in this issue and there is no need for it. We must per-

suade people to see the common interest. This legislation would be seen as partisan, as taking a sledgehammer to crack a nut. Agreements already in existence can be cemented into the county plan on a voluntary basis. They can be picked off, one by one, until agreement is reached but no one is forced head on into the controversy with an initial plan.

I ask Deputies to consider this very seriously and not run ahead of a process which by its nature is slow. Agreements have been achieved to date which mean there will be no public dispute, please God, next year. Walking places will be available by agreement. These might be limited in number but it is surely better to have a limited number of agreed walking places than to have a huge number which are disputed.

Mention was made of the REP scheme. During my time as Minister of State at the Department of Agriculture and Food, I investigated this matter. I was informed that the European Union was not willing to have a REPS 3 similar to REPS 2, and that door was closed. Others on the Opposition side have suggested that rights to cross land should be paid for. That is dead money and I have said this to the farming organisations. A farmer might receive approximately €1,000 a year, but giving a farmer a job could be worth €20,000 a year. Would that bring tourists into the country? It would not and it would be dead money. It would be a better idea to invest the money and many farmers are now persuaded in this direction. Investment in facilities, in the development of walkways, car parks facilities, bed and breakfast accommodation, restaurants and so on would be preferable. Everybody in a rural community would benefit.

Acting Chairman (Mr. Sherlock): The Minister is sharing time with Deputy Fox. Is he aware of that?

Éamon Ó Cuív: I apologise to the Deputy. I was not aware of that.

Mr. Deenihan: The Minister has spent too much time wandering and roaming.

Éamon Ó Cuív: I read a very interesting fact about the Brehon law. It is very short. It states that the Brehon law might not have been perfect in the abstract but the great advantage of it was that it had the loyalty of the people. Any laws we introduce must have the loyalty of the people.

(Interruptions).

Ms Fox: I welcome the opportunity to comment on the subject of public rights of way and to outline some of my concerns with the proposed amendment to the Planning and Development Act. The issue of rights of way cannot be completely ignored simply because they are controversial. It certainly is desirable that every public right of way should be clarified, but this is idealistic and unfortunately the practicalities of that

process will not be a quick or easy fix solution. I do not believe this amendment is the way to address the issue of rights of way, by simply making it a mandatory requirement on local authorities that all public rights of way should be listed in their development plans.

Many people automatically think that public rights of way are a rural issue but that is not the case. As has been outlined in the debate they are a major problem in many urban areas, where public rights of way through housing estates have caused anti-social behaviour and often have had to be closed off by local authorities, which has caused division within communities. Often the local authority is forced to carry the can financially and has to remove dumped rubbish, provide lighting and install CCTV in extreme cases to prevent anti-social behaviour. In many cases the financial burden has implications for the Garda and the emergency services.

This amendment focuses on the more amenity-oriented rights of way, but there is nothing in this amendment to exclude the huge network of urban rights of way, and roads, which as a previous speaker noted are all public rights of way. I do not believe that the financial burden of listing and preserving these rights of way should fall on the limited budgets of local authorities.

The mechanism of how a right of way is determined is not dealt with in this amendment. That issue should be determined before the law is changed. Who determines what is an existing right of way and what should be created as a right of way? Who is arbitrator where a dispute arises? The courts decide in the case of a dispute and this amendment will not change that. Local authorities should not be expected to foot large legal bills in the establishment of rights of way.

The Planning Act deals with the creation of new public rights of way under section 14. This section outlines the method in which the landowner is required to be notified of the council's intention to create rights of way across the property. There are various provisions for appealing this decision, including the right to go to court to decide the matter. Under this section any rights of way already listed in a development plan are not required to be readvertised nor the landowner notified.

I refer to my local area and the Wicklow county development plan. A large number of what were termed "access routes to amenity areas", similar in description to those outlined in the Green Party amendment, were listed without the knowledge or consent of the landowners. These routes first appeared in the 1999 development plan as proposed access routes to amenity areas, yet somehow five years later, in 2004, the description changed from proposed access routes to existing access routes. This creates a lot of mistrust among landowners in particular. On the question of the practicalities of forcing a local authority to list and preserve rights of way as part of the development plan process, the making of a development plan is time-consuming and covers a

[Ms Fox.]

wide range of issues. Often the few controversial issues, which no doubt will include rights of way, will dominate other areas of the plan requiring attention.

The Act as it is worded is balanced. It allows local authorities to list public rights of way, but does not put the onus on them to take on a role which is financially or administratively cumbersome. In most of these cases issues such as liability, maintenance and other matters will have to be thrashed out locally. The local authority should not have to take on the role of referee in these matters, but a model such as Comhairle na Tuaithe is more appropriate.

Mr. O'Dowd: Bhí muid i gCiarraí i mbliana, mar is gnáth, ag siúl sa Ghaeltacht. Tháinig muid go dtí an áit bhreá sin, Na Triúr Deirfiúracha. Le blianta fada anuas, bhí cead siúlóide ag gach duine. An t-am seo, áfach, bhuaíl muid le daoine as an Eoraip agus thaispeáin siad fógra nua dúinn a rá nach raibh cead siúlóide ansin. Ní raibh mé sásta leis sin. Tá locht mór ar an scéal nuair a thiteann sé amach mar sin, níl sé sásúil ar chor ar bith.

I welcome discussion on this Bill to which the Fine Gael Party will table amendments on Committee Stage. The response of Government Deputies has been derisory and negative. We do not need a root and branch parsing of every sentence and possibility. The approach to hill walking could and should be much better. If this debate improves the position, it will have made a constructive and positive contribution.

Let us stop being negative and work on behalf of everyone, regardless of whether they are farmers or hill walkers. Let us recognise the benefits of recreational and amenity hill walking and the rights of farmers. The consultative process is the key and must be the cornerstone of any change in legislation. Above all, let us recognise the principle of consent for all parties. This is how we will make progress and get people to work together. This is where action must be taken.

We could take lessons from the statute books of other European countries, which appear to have resolved this matter. They have ironed out their problems, not by the mailed fist, ruthless parliamentary legislation or whatever concept the Government has in mind. That approach will not work. People must sit around a table, identify how the current position can be improved and take the necessary action.

Mr. Roche: That is not what the Bill proposes to do.

Mr. O'Dowd: I noticed the Minister's speech described someone as a "Stalinist", although the word was misspelled. He should do a spell check before printing his speeches so that he or someone else would at least learn from the debate.

If we are to resolve problems in the area of hill walking, we must take a constructive, practical

approach. Fine Gael's position is that we should sit down together and address the matter. In a recent speech the chairman of the IFA hill farming committee, Michael Cumiskey, stated that the conflict between farmers and hill walkers in some areas is primarily related to people trying to access land without the permission of the owner. He also noted that farmers, in particular, have shown themselves capable and willing to facilitate hill walkers in many parts of the country, with walking routes agreed through a partnership approach. This approach lies at the core of the Fine Gael Party's position.

According to Mr. Cumiskey, farmers have shown in the past that where incentives such as the REPS I scheme were in place, a number of walks were created which, through increased tourism revenue, created widespread economic benefits for the rural areas concerned. He warned, however, that any attempt to legislate access to the countryside would be fiercely resisted by landowners because the right to private property is a basic tenet of Irish society. His words offer a carrot and indicate that the IFA has constructive proposals. If it is made financially rewarding and beneficial for farmers to give their consent to hill walking, progress will be made. This is the road we must take.

Mr. McCormack: Although a short Bill, it is welcome because it provides an opportunity for debate. The Government is wrong to shoot it down. It should be allowed to proceed to Second Stage and perhaps Committee Stage to facilitate a full and proper debate.

Problems with rights of way are not confined to rural areas. They cause more concern in housing estates built in urban areas over the past 20 years or thereabouts because they have been enclosed by such estates. The intention of the Bill was not to address this aspect of the problem but, as the explanatory memorandum states, to ensure that the listing of public rights of way becomes a mandatory function in the process of drawing up development plans. We should concentrate on this aspect of the Bill because it is from this that the current public debate arises. Other forms of rights of way, which are a distinct but serious matter, should be addressed elsewhere.

Many of the difficulties with access to the countryside have arisen due to lack of communication between the two sides. I am a firm believer in dialogue as opposed to confrontation because it can solve 90% of problems. Who could have envisaged the dialogue taking place in another part of the country which may solve its problem? Dialogue cannot be bettered. If landowners, hill walkers and all those who want to enjoy the benefits of the countryside were to come together, the problem could be ironed out.

Rightly or wrongly, landowners' greatest fear is that they will be liable if somebody has an accident on their land or property. If this issue were finally clarified beyond doubt, a solution to the problem would soon follow. Some people do not

appreciate farmers' attachment to their property and it is difficult to explain it. Its historical basis can be traced back to the landlord era when tenants and their families were evicted from their land and homesteads. Stories of such events have been handed down. For this reason, some farmers and landowners resent people entering their property for walking purposes without first engaging in the necessary consultation process. Consultation would solve many of the problems.

The Bill's proposal to make the listing of public rights of way a mandatory function of the process of drawing up a county development plan would only cover official and legal rights of way. There are several types of rights of way, including private rights of way which may appear on Land Registry maps, public rights of way, access routes and walkways in use for 20 and 30 years or more. These walkways are not official rights of way but are routes to which no one objects. There are many such routes in counties such as Galway, which are subject to an established agreement between landowners, tourism interests, hill walkers and others who wish to enjoy the countryside. The legislation, if passed, could make matters worse in certain circumstances because county development plans would include only official rights of way and exclude routes which have been used for ten, 20 or 50 years.

If the Bill were allowed to proceed to Committee Stage, we could iron out problems of this nature. It should at least be allowed to proceed to Second Stage. The Fine Gael Party, therefore, opposes the amendment which would prevent the Bill from proceeding to Second Stage and thereby prevent an open debate. Deputies hold different opinions on this issue. We have heard, for example, diverging opinions from Deputies in the Technical Group. This is healthy as creating opportunities for open debate is the purpose of the House. A Second Stage debate would also allow me more than four minutes to express my views and practical knowledge on the issue. It would also allow us to develop our views, apply our practical knowledge of living in urban and rural areas, debate the merits of the Bill and identify what can be done to improve matters, which may not include the introduction of a mandatory requirement in the county development plans. This will be settled around the table by farming organisations, hill walkers and others interested in walking in rural areas. Hill walkers are not out to damage land and farmers are not out to stop hill walkers enjoying a hobby they have enjoyed for generations.

Mr. Deenihan: I welcome the opportunity to speak on this Bill and I compliment Deputy Gogarty on bringing it forward. We should have a more extensive debate on the subject in this House.

Walking is very important to tourism in Ireland. In 2003, it was worth €113 million, with 297,000 visitors and holiday makers coming to Ireland for walking purposes. That is well down

from the 1999 figure of 608,000. The numbers have almost halved and there must be some reason for that. One of the reasons is that Ireland has become an expensive place to visit. However, the word is out among the walking fraternity, which is a tightly knit group, that there are problems in Ireland with rights of way. In my county, there were problems with the Dingle way, which is one of the finest walkways in the world. During the past summer, there were problems in Ballyferriter with the Three Sisters. They occasionally arose along the Kerry way. Kerry is the mecca for walking in Ireland, and in Europe it is next to the Tyrolean region in Austria. However, we experience difficulties there.

Two incidents happened this summer which created major problems. A farmer held up approximately 300 hill walkers for about 40 minutes near Enniskerry in County Wicklow. There was a famous incident in Sligo where a certain gentleman spent time in jail for preventing people from accessing his land. These incidents have been well publicised and they are creating a problem. In 1993, I introduced a Private Members' Bill called the Protection of Occupiers of Land Bill. This was very stark legislation, but it was welcomed by the farming community that time because it was very clear. It was more or less included in the Occupiers Liability Act 1995. That legislation created a new type of visitor or land user called the recreational user. That category was put in place to allay the fears of farmers. It reduced the duty of care that a farmer had towards a trespasser on his property. There was, however, a recent court decision over an incident near Bundoran in County Donegal and the 1995 Act is being interpreted by the Supreme Court. This decision will be very important and if it goes against the landowner, we will have a major problem because it will close off rural Ireland to a great extent.

It is interesting that we do not have many agreed rights of way in this country. There is access to well visited places like Staigue Fort, Gallarus Oratory, but there is no right of way. There is an agreement with the owner and it is only because of the owner's goodwill that people are allowed to use that area. The owner can close that at any time. If this case goes against the landowner, many people will be very concerned about it and many of those places could be closed.

Roaming is not mentioned in this Bill, but it is a far more emotive issue with hill walkers than rights of way. In the past, people liked to roam around commonages, across mountains, reeks, Slieve Mish and the Paps, across the country. Recently, because of the division of commonage and for other reasons, roamers have been challenged, and that has given cause for concern. This issue is ready to explode. There are warning signs and the issue should not be trivialised the way it has been. I have walked hills all over the world—

Acting Chairman: Is the Deputy passing over to his colleague?

Mr. Deenihan: I am just about to finish.

Acting Chairman: There are three Members—

Mr. Deenihan: No, there is just one. This Bill should not be trivialised to the extent that it has been in this House.

Mr. Timmins: There is a need to provide walkways in the countryside and in towns. While the emphasis here is on the rural aspect, the issue of towns has been raised by several people and it is equally as important. I believe that with a little lateral thinking, we could address some of the difficulties. When we give out sports grants to GAA clubs and soccer clubs, we should stipulate that the clubs provide a track around the pitch. In Ballymore Eustace, County Kildare, there is a floodlit track which is used extensively at night time.

Many groups are to blame for the problems that exist. In many cases, local authorities have listed public rights of way that do not exist. Some advertise routes on which there is no agreement. Lanes are put into local authority housing areas which cause difficulties later. Such problems can be avoided. There are also difficulties with landowners who block routes. I am alienating every group at the moment, which is something a politician should not do, but walkers are sometimes not without fault. I know of a case where a number of walkers are allowed to go walking in State owned land in Wicklow. This has been over-run on occasion. The Enniskerry case is well publicised. I am not familiar with the exact details, but it would not be advisable for 300 people to walk in the mountains.

Mr. Quinn: It is a roadway.

Mr. Timmins: Is it a full roadway walk?

Mr. Roche: It is an ancient road, a famine road.

Mr. Timmins: That is fair enough. In my days in the Army, we always made sure to break up if we were going on a route march over the Wicklow hills. I disagree with Deputy Deenihan in that Wicklow is the mecca of walking.

This Bill is not simple. Deputy McCormack covered the issues of public and private rights of way. Deputy Ryan said that he walked from Dunsdrum to the Dublin mountains for 30 years. That does not necessarily mean that it is a public right of way. I am happy to support this Bill, but substantial amendments will be required on Committee Stage. The first amendment should be to put the onus on the local authority to establish the location of the right of way. Be it a 500 acre farm in Tipperary, Wicklow or Kerry or a garden in Ballsbridge, people generally do not like people to trample on their grass. That is a fact that is not exclusive to the country as it is also applicable to

towns. Local authorities should be responsible for this matter. They have been negligent to date in designating routes that do not exist. The concerns of farmers and landowners must also be addressed in the Bill. I have been approached by people who never knew that a route through their property was marked in a development plan until someone pointed it out to them. That is not good enough.

It is important to realise that, in the final analysis, the vast majority of walkers and landowners are reasonable. Where there is a will, there is a way. The Wicklow Way, which stretches for 83 miles through lands owned by over 120 people in County Wicklow, has been successful because no legal claims have been made since it was established. I will conclude by stating the success of the Wicklow Way demonstrates that such routes can work. I welcome the Planning and Development (Amendment) (No. 2) Bill 2004 because it focuses attention on an problem which has the potential to grow. I ask the Government to re-examine its refusal to support it.

Acting Chairman: The Deputy should conclude.

Mr. Timmins: I am reluctant to finish my contribution.

Acting Chairman: I can tell the Deputy is in full flight.

Mr. J. O’Keeffe: The Deputy was just getting a second wind.

Mr. Roche: He was enjoying sitting on the fence.

Mr. Timmins: I will ask my colleagues why I was given just three and a half minutes to speak.

Acting Chairman: The Deputy can speak again tomorrow.

Mr. McCormack: He held the ball for too long. Debate adjourned.

Irish Nationality and Citizenship Bill 2004: Report Stage (Resumed) and Final Stage.

Debate resumed on amendment No. 30:

In page 11, between lines 29 and 30, to insert the following:

11.—Within three months of the passing of this Act, the Minister shall lay a Report before the Houses of the Oireachtas detailing the propriety in the operation of passports for sale schemes in the State.”

— (Deputy J. O’Keeffe).

Mr. J. O’Keeffe: Amendment No. 30, which proposes that “the Minister shall lay a Report before the Houses of the Oireachtas detailing the propriety in the operation of passports for sale

schemes in the State”, attempts to ensure we do not bring an end to the passports for sale schemes without compiling a proper report on them. Such a report may detail the impropriety of their operation. The amendment seeks to inform the public of what happened under their terms before they are consigned to history.

The Minister mentioned in his earlier response that he had reported to the Taoiseach after he had conducted an investigation into the matter. He said the report referred, in particular, to one of the most notorious applications, made in the early days of the scheme, when Ray Burke was Minister for Justice and Charles J. Haughey was Taoiseach. The unsigned citizenship applications lodged by Sheikh Khalid bin Mahfouz and ten others, which arrived in the Department of Justice on 6 December 1990, were returned to the applicants that day to be signed by them the following day. Although the applicants were abroad at the time, the applications were returned to the Department the following day, allegedly having been signed by the applicants. The entire process was marked by such a slipshod approach. While the applications did not comply with the terms of any scheme, the political connivance which marked the applications process was even worse. The passports were issued before the naturalisation papers had been signed.

Everybody knows about the matters to which I have referred, but certain similar issues have not been highlighted. In his reply earlier the Minister did not refer to the three Irish citizens who had provided character references for Sheikh Mahfouz and his associates. I understand it was required at the time that every application be accompanied by three character references from Irish citizens, but details of the referees have not emerged in this instance. Perhaps that was another aspect of the applications process which was not properly upheld. Such information needs to be disclosed.

I would like to raise another aspect of the Sheikh Mahfouz case in which I am interested. The certificates of naturalisation and passports were handed over on 8 December 1990, two days after the initial application had been made. The original applications were returned to the applicants on the evening they were made, 6 December 1990, and delivered to the Department the following day. A funny thing happened after the certificates of naturalisation and passports had been given to the people in question by the then Taoiseach, Charles J. Haughey, and the then Minister for Justice, Ray Burke, at a function in the Shelbourne Hotel on 8 December 1990. It was required at the time that the granting of naturalisation and the issuing of passports had to be recorded in *Iris Oifigiúil*. By some strange coincidence or otherwise, the notice of the granting of the hurriedly arranged passports to Sheikh Mahfouz did not appear in *Iris Oifigiúil* until two years later, on 4 September 1992.

Such issues have not been teased out or considered. Who was responsible for the delay? Who

arranged the publication of the notice in question? This case is just one of a series in which passports were issued in dubious circumstances. It is obvious that all the rules, regulations and guidelines were not upheld. It is probable that the laws of the time were broken. I am in favour of the section of this Bill which brings the scheme to an end, but it is not right that it is being done without a proper explanation of what happened in this and other cases in which passports were issued under the scheme. I refer, in particular, to cases in the early days of the scheme, when activity of the kind I have mentioned was common.

I do not question the judgment of later Ministers who granted passports. The administrative procedures introduced by Máire Geoghegan-Quinn when Minister for Justice were properly followed thereafter. Ministers used their judgment in later years when deciding whether to grant passports, based on whether it was in the interests of the State. I am not interested in such cases.

I have given the reasons for my amendment. The Minister accepts he has the same interest in unearthing the facts and that there should not be a whitewash. He agrees there was considerable impropriety, if not clear illegality, in the granting of some passports. Therefore, I hope he is prepared to agree to the spirit of my amendment, if not its wording. Does he accept there should be a proper examination of such activities and that a report should be produced? I will be delighted if Judge Moriarty succeeds in producing such a report, but I am worried that he may not be able to do so, particularly as a timeframe for the completion of the tribunal's deliberations has been discussed with him, if not imposed on him. It would not be in the interests of our democratic system to bring this scheme to an end without producing a full and complete report on it. I will pursue my amendment on that basis.

Mr. Costello: We have teased out this important matter well. I fully support Deputy O'Keefe's amendment, which proposes that a report be produced on the passports for sale scheme, which involved the granting of naturalisation in return for investment. The Minister has taken the first step in that regard by putting the relevant file in the possession of the Moriarty tribunal, which I hope will be able to deal with the question of propriety or impropriety. Perhaps there is no other way of dealing with the serious matters which have to be resolved. Do we know how many passports went missing, for example? We know the CIA was in possession of Irish passports and that they were used to travel the world at a particular time under a particular Administration. We do not know how they got their hands on Irish passports. What of those travelling the world on Irish passports obtained through the investment-based naturalisation scheme who have besmirched the good name of this country and are sought in a number of countries for fraud

[Mr. Costello.]
and other criminal activities? The person most mentioned is Mr. Kozeny, the Czech born businessman wanted in the United States and in Czechoslovakia for multi-million pound fraud. We understand from them he would be in prison if he could be caught. Mr. Kozeny intended to stand in the European elections on the basis of his Irish citizenship.

One cannot leave all this hanging in limbo and say that everything is hunky-dory because we have put an end to this process. We should take whatever steps are needed to ensure this does not happen again. I suggest that as well as investigating those who obtained such passports, the Minister should investigate those who gave the passports to them. We know that corners were cut in processing those passports but we need to know by whom they were processed and if any impropriety took place.

Will the Minister assure this House that if the Moriarty tribunal is not in a position to deal with this matter because of strictures on its time and operations, he will put in place another mechanism to do so either through his Department or by way of commission of investigation under the legislation enacted last year?

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person to whom Deputy Costello referred was, to the best of the Department's knowledge, never convicted of any crime.

Mr. Costello: He has been sought.

Mr. McDowell: Yes, but being sought is one thing and being convicted is another.

Mr. Costello: He has avoided being caught because he has an Irish passport.

Mr. McDowell: It should be noted that passport was issued in good faith by former Deputy Nora Owen. The question of revoking that passport is complex. The mere fact that one is being sought in connection with an investigation is not a ground for revocation of a passport. The only ground on which there can be revocation of citizenship granted on foot of a certificate is where the person subsequently obtains citizenship of another country. That is an issue which I will examine in light of matters referred to by the Deputy.

Deputy O'Keefe must remember that he was a member of the Government in which the then Minister for Justice had on her desk, for a number of years a report dealing with the issues now being raised yet nothing was done about it. It now becomes imperative in his mind that I, many years later when the Moriarty tribunal is dealing with the same issue, conduct a parallel and independent investigation. The question that has to be asked is what was it between 1994 and 1997 that produced total paralysis on this issue when no political connection of those involved

held office at the time. I will not add to that except to say that it is easy in retrospect to develop moral fervour and indignation on a subject, strangely absent at a more proximate time.

I have put, as fairly and concisely as I can, my doubt as to whether the 11 passports to which the Deputies referred were issued appropriately and with propriety. I have put on the record of this House, the other House and to committees of the Houses my grave misgivings on this subject. The notion that I should somehow within three months produce a report which will resolve the issues with which the Moriarty tribunal is currently dealing is far-fetched. I have done by level best in this area. No Minister for Justice, Equality and Law Reform has been as forthright as I in these matters, has brought the system to an end as quickly as the opportunity presented itself or has dealt as fairly or as squarely with the inadequacies of what happened at a time before he or she was Minister. I ask myself why it is that Deputy O'Keefe can now demand of me something he never demanded of his party colleague when in my position. I am mystified by that question. We spoke earlier of curiosity and partisanship. I will be a very happy man when it is explained to me precisely why demands are made of me that were not made of Deputy O'Keefe's colleagues.

Acting Chairman: Is the amendment being pressed?

Mr. J. O'Keefe: I have the focal deireanach.

Acting Chairman: Tá dhá noiméad agat.

Mr. J. O'Keefe: I have unlimited time to reply but I will not be too long. I wish to make a couple of points. Strangely enough in this case I am not pointing the finger directly at the current Minister for his stewardship on this issue.

Mr. McDowell: That is a relief. I was not in the Shelbourne that day.

Mr. J. O'Keefe: I have so much other ammunition to fire at him I do not need to include this issue. The Minister said he shared my misgivings but being party to the burial of the scheme without producing the type of report to which I referred does not add up. I accept the Minister has misgivings on this subject.

Mr. McDowell: The Deputy did not exhume the corpse from the grave when he had the shovel in his hands.

Acting Chairman: I have been lenient with Deputy O'Keefe in allowing him to speak in the first instance but he must conclude now.

Mr. J. O'Keefe: The Chair was overly lenient in the first instance and should not have allowed me to carry on but I am, at this stage, under the rules of the House, allowed to speak for an hour

and a half if I so wish. However, I will conclude given the Chair co-operated with me in the first instance. I will deal with the matter in less than an hour and a half.

Mr. McDowell: From where did the Deputy get the idea he has unlimited time to reply?

Mr. J. O’Keeffe: I was not Minister for Justice during 1994-97 and was not in a position to personally investigate this matter. That is a matter of fact. However, I have raised questions on this issue on numerous occasions before the current Minister for Justice, Equality and Law Reform took office. I do so again from the point of public interest. I do not believe it is in the interests of this State, which is founded and based on the rule of law, that practices should take place outside the rule of that law. Such practices were condoned and in many instances instigated by leading politicians in this State — I am not pointing the finger at the Minister but at members of his partners in Government, the Fianna Fáil Party.

Acting Chairman: The Deputy should make his remarks through the Chair.

Mr. J. O’Keeffe: I appreciate I should address my remarks through the Chair. Clearly practices were engaged in that were not just unethical but illegal. As a parliamentarian, I say it is not proper

that we should pass from this spot without putting in place some mechanism to ensure the issue is properly aired, investigated and dealt with. I have the greatest faith in the Moriarty tribunal to do so, if it has the time. I agree the tribunals need to be put on the track of completion. However, I am concerned that in adopting such an approach, the Moriarty tribunal may not have the time to finish this job. That is why I tabled the amendment.

The Minister for Justice, Equality and Law Reform points his figure at me when saying he does not want to spend the next three months solely addressing this issue. If he did, he would not have the time for his three times a day press conferences or the other issues that engage him. While I understand his position, I do not expect him to do the groundwork on such a report. Two options are available to us. My proposal which would put an onus on the Minister to ensure the issues were fully aired and dealt with can be accepted. Alternatively, we can go the other way, closing the book. If we do this, there is the danger that these issues will be buried with the scheme and the public will not get the information to which it is entitled. I indicated I was agreeable to a longer period or a different format, if the Minister wished it. However, I cannot accept burying all the improprieties and illegalities under the passports for sale scheme. That is the wrong approach.

Amendment put.

The Dáil divided: Tá, 35; Níl, 48.

Tá

Boyle, Dan.
Broughan, Thomas P.
Connaughton, Paul.
Costello, Joe.
Cuffe, Ciarán.
Deenihan, Jimmy.
Gogarty, Paul.
Harkin, Marian.
Healy, Seamus.
Higgins, Michael D.
Howlin, Brendan.
Kehoe, Paul.
Lynch, Kathleen.
McCormack, Pdraic.
McGinley, Dinny.
McGrath, Finian.
Morgan, Arthur.
Moynihan-Cronin, Breeda.

Murphy, Gerard.
Neville, Dan.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O’Dowd, Fergus.
O’Keeffe, Jim.
O’Shea, Brian.
O’Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Perry, John.
Quinn, Ruairi.
Rabbitte, Pat.
Ryan, Seán.
Sherlock, Joe.
Stagg, Emmet.
Twomey, Liam.

Níl

Ahern, Noel.
Blaney, Niall.
Brady, Johnny.
Callanan, Joe.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Coughlan, Mary.
Cregan, John.
Curran, John.
de Valera, Síle.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.

Ellis, John.
Finneran, Michael.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Haughey, Seán.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
McDaid, James.

Níl—continued

McDowell, Michael.
 McEllistram, Thomas.
 McGuinness, John.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Nolan, M.J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Connor, Charlie.

O'Dea, Willie.
 O'Donovan, Denis.
 O'Flynn, Noel.
 Power, Seán.
 Roche, Dick.
 Smith, Brendan.
 Wallace, Dan.
 Wilkinson, Ollie.
 Woods, Michael.
 Wright, G.V.

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

Amendment declared lost.

Aengus Ó Snodaigh: I move amendment No. 31:

In page 11, lines 35 to 37, to delete all words from and including “if--” in line 35 down to and including “2004,” in line 37 and substitute the following:

“if it is in contravention of section 5(1) of the Act of 2004. However, exceptions may be made under circumstances whereby it can be demonstrated that a person’s legal status in the State has lapsed temporarily through no fault of the person themselves, and is subsequently regularised. The Minister shall take such circumstances into account.”.

Question, “That the words proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

Aengus Ó Snodaigh: I move amendment No. 32:

In page 11, to delete lines 38 to 41.

Question, “That the words proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

Amendment No. 33 not moved.

Mr. Costello: I move amendment No. 33a:

In page 12, line 12, after “information” to insert the following:

“or if, following the issue of the certificate, the person is sentenced, on conviction in the State or elsewhere, for a criminal offence, to a term of imprisonment of not less than 10 years”.

We touched on this amendment during the earlier debate on passports for sale. The issue is slightly different here in that the Minister tabled an amendment on Committee Stage to allow the holder of his office to revoke a certificate of nationality if he or she is satisfied the certificate was obtained by fraud, misrepresentation, including innocent misrepresentation, or failure to disclose material information.

My amendment seeks to provide for additional powers of revocation where, following the issue of the certificate, a person is sentenced on conviction in the State or elsewhere for a criminal offence to a term of imprisonment of not less than ten years. While I acknowledge the reluctance of the Minister to revoke a passport if something happens subsequent to its issue, those obtained under the passports for sale scheme have given rise to many questions and much suspicion about the manner and propriety of granting them in some instances. Where a person obtains an Irish passport and is convicted in the State or elsewhere of a criminal offence attracting a term of imprisonment of not less than ten years, the passport should be revoked.

As the Minister knows, it is not possible to revoke the passport of an Irish-born citizen. My amendment refers to the investment-based naturalisation process. It seeks to address

9 o'clock a future event where a person who innocently obtained a passport issued in good faith, as many were, violates the conditions on which it was issued. Such passports were issued on condition that the persons being granted them would be loyal to the country and faithful to its good name and would maintain a firm, strong connection with the State. The Minister has often referred to this last condition. If, having bought a passport by investing here, someone undermines his or her connection to the country by committing a crime of fraud or robbery, he or she should not be entitled to retain the document. We should look into cases where passports have been obtained by people who are fugitives from justice. In regard to the number of passports that has been granted, does the Minister know whether there have been convictions of the people who have got those passports? We must put a value on our passport and our citizenship. When somebody comes here and effectively purchases a passport from the country, the very least we should do is ensure they are not abusing or misusing that passport for fraudulent or criminal purposes. We should endeavour to keep tabs on those passports and revoke them if they are being abused or misused.

Mr. J. O’Keeffe: The revocation of citizenship and, therefore, the withdrawal of a passport is a very serious matter and one that should not be

entered into lightly. I had hoped, in the context of my earlier amendment, that we would have had the full report based on which we could come to decisions for further investigations that might lead to revocation of citizenship of some of the individuals involved. We will not have that now but we must hope that the Moriarty tribunal may have the time and the opportunity to furnish a report to this House on the operation of the scheme.

There is a provision which gives the State, in certain circumstances, the entitlement to withdraw citizenship and a passport. A volume of evidence is available that would at least suggest that a proper investigation can be carried out as to whether such proceedings should be started in some circumstances. Dealing with this issue from the outside, as I have always done, I cannot go further than that. I appreciate that the difficulty of gathering the evidence may be considerable. In some instances there may have been no convictions. In others it may be difficult to prove the existence of convictions.

There is considerable evidence that some of the people concerned have been involved in various scams throughout the world. Some of them were involved in the major BCII bank scam involving billions of dollars. In that instance, I understand there were proceedings in the United States which led to a cash settlement of \$225 million, following which certain charges were dropped on some type of plea bargain basis. Another instance involved a character to whom we granted citizenship during that period where there was a conviction in the United States and a process regarding fitness to practise as a doctor. There were other such instances on which some evidence was available but that evidence would need to be gathered. From the early 1990s there is some evidence of a recipient being involved in a \$5 million tax scam in Chicago. I am quoting from earlier research I had done into this area but I accept that may not amount to sufficient evidence. Hard evidence would be needed to bring the necessary proceedings for revocation.

This goes back to the basic point that we should not have ended this scheme without at least making an effort to secure such evidence. My attitude to this amendment is the same as my attitude to the last one. This is one of the issues that remains outstanding following the ending of the scheme and one that we should not leave hanging. If evidence exists, we should pursue it and if it does not, we have to leave matters lie.

Mr. McDowell: There seems to be a misunderstanding, and it is a fundamental one, as to what we are talking about. There are two forms of certificates provided for under the 1956 Act. One is a certificate of naturalisation and the other is a certificate of nationality. The Deputies will be aware that under section 19 of the 1956 Act, provision is made for the revocation of certificates of naturalisation. The circumstances in which a certificate of naturalisation can be revoked are as

follows: first, that the issue of the certificate was procured by fraud, misrepresentation — whether innocent or fraudulent — or concealment of material facts or circumstances; second, that the person to whom it was granted has, by any overt act, shown himself or herself to have failed in his or her duty of fidelity to the nation and loyalty to the State; third, except in the case of a certificate of naturalisation granted to a person of Irish descent or associations, the person to whom it has been granted has been ordinarily resident outside the State in certain circumstances for a continuous period of seven years without reasonable excuse and has not, during that period, registered themselves annually in a prescribed manner; fourth, that the person to whom it is granted is also under the law of a country at war with the State; or, fifth, that the person to whom it is granted has by any voluntary act other than marriage acquired another citizenship. That last ground may be of relevance to the “bouncing Czech” case we heard about earlier.

Before revocation of a certificate of naturalisation, the Minister shall give such notice as is prescribed to the person to whom the certificate was granted of his intention to revoke the certificate, giving the grounds and the right of that person to apply to the Minister for an inquiry as to the reasons for the revocation. On application being made in the prescribed manner for an inquiry, the Minister shall refer the matter to a committee of inquiry appointed by the Minister consisting of a chairman having judicial experience and such other persons as the Minister may think fit, and the committee shall report its findings to the Minister. Where there is entered in a certificate of naturalisation granted to a person under the 1935 Act the name of the child of that person, such entry shall, for the purposes of this Act, be deemed to be a certificate of naturalisation under the Act of 1935. Finally, a certificate of naturalisation granted or deemed under section 4 to have been granted under the Act of 1935 may be revoked in accordance with the provisions of this section and upon such revocation, that person shall cease to be an Irish citizen. Notice of the revocation of a certificate of naturalisation shall be published in *Iris Oifigiúil*. Those are the procedures for people who have been granted a certificate of naturalisation. Due process is granted to them and they cannot have their certificate taken from them except in the circumstances I have outlined.

Unfortunately, the draftsman of Deputy Costello’s amendment conflated certificates of naturalisation with certificates of nationality. Certificates of nationality are a totally different form of certificate. They are issued to a different category of persons as follows: any person who claims to be an Irish citizen — this part is very important — other than a naturalised Irish citizen may apply to the Minister or, if resident outside the island of Ireland, to any Irish diplomatic officer or consular officer for a certificate of nationality stating that the applicant is, at the date of the

[Mr. McDowell.]

certificate, an Irish citizen and the Minister or officer, if satisfied (a) that the person is an Irish citizen and (b) that the issue of the certificate is necessary in all the circumstances of the case, may issue a certificate of nationality to him or her accordingly.

Under section 28, we are dealing with an entirely different creature from a certificate of naturalisation. This is available to somebody who has not been naturalised by a ministerial certificate or who has never applied to the Minister. Anybody who has applied such as those who availed of the passports for investment scheme cannot apply for a certificate under this section. They are entitled to a certificate of nationality, if necessary. My amendment allows the Minister to revoke the latter certificate if procured through misrepresentation or fraud. However, it does not have the effects about which the Deputies are canvassing. In particular, Mr. Koseni or anybody else naturalised under the passports for investment scheme could not avail of such a certificate, nor could the Minister revoke it. The certificate of naturalisation is revocable following due process under section 19 of the 1956 Act while the certificate of nationality is a totally different animal. It is evidence that one is an Irish citizen. It is available to persons who are not naturalised Irish citizens to prove their nationality which derives from a different basis.

Deputy Costello is barking up the wrong tree. While the points he made are interesting, he should have tabled an amendment to section 19 of the 1956 Act. His amendment is misplaced because nobody granted citizenship by a Minister would be caught in any circumstance. The point has been missed. The term "certificate of nationality" has been confused with the term "certificate of naturalisation". They are two different animals and revoking one would have no effect on the other. Therefore, I cannot accept the amendment.

Mr. Costello: The Minister is correct that there is confusion. Following due process, can a certificate of naturalisation be revoked by the Minister in certain circumstances? If somebody acquires a passport through an investment based process and has besmirched the good name of the passport through criminal activity, can he or she be deprived of it?

Mr. McDowell: If the Deputy wanted to provide for an additional ground relating to a person convicted of an offence carrying a ten year sentence in a court anywhere in the world, he should have tabled an amendment to section 19(1) of the 1956 Act. Whether it would be proper to do so is a separate question because under international conventions there is a prohibition on divesting people of their citizenship if they commit a serious offence. If an Irish person is convicted, say, of rape in France and given a 12 year sentence, that does not empower the Minister to sud-

denly revoke his or her citizenship. Under international law, I am not entitled to make a radically different decision about somebody who was naturalised, say, at the age of two years and deprive him or her of his or her citizenship because he or she has been convicted of a serious offence in Ireland or elsewhere.

It could have serious consequences if the Minister were to do so in Ireland. I refer, for example, to a child naturalised under our law who commits an offence carrying a ten year sentence in our courts. Would it be right that the day after he is sent to Mountjoy Prison to commence his sentence, I should suddenly revoke his citizenship and deprive him of his nationality? Why would that be just or fair? The fact that somebody was naturalised at the age of 21 or 22 years and was convicted of an offence carrying a ten year sentence in an Irish or foreign court at the age of 55 or 60 years would not permit such a draconian act to be committed in respect of them.

When the person to whom Deputy O'Keeffe referred was naturalised in 1995 by the former Minister for Justice, Nora Owen, evidence was supplied by both the United States and the Czech Republic that he had no criminal record. The only basis — it may be substantial — on which that person could be deprived of his citizenship would be under section 19(1)(e), whereby the person to whom citizenship was granted had by a voluntary act acquired another citizenship after he or she had been granted Irish citizenship.

Mr. J. O'Keeffe: On the question of naturalisation, I would like an assurance that the issues raised will be examined and, in so far as evidence is available or collectible regarding passports issued in dubious circumstances, action taken in accord with due process taking into account all the circumstances to revoke them.

The Minister has aroused my interest regarding certificates of nationality but we learn something new every day. I was not aware that the provision of such certificates was enshrined in statute. How many certificates are applied for and issued every year? Is there a procedure for doing so? How much does it cost? How long does it take? Is this section of our citizenship Acts as little known to others as it is to me?

Mr. Costello: Is this yellow pack citizenship?

Mr. J. O'Keeffe: Are we wiping the dust off the section now? I am interested in whatever information the Minister has on it.

Mr. McDowell: The circumstances in which Irish citizens seek certificates of nationality, which happens three or four times a year, are rare. One recent example was an application by an Irish-born woman who wanted to get married in Bosnia. The Bosnian authorities insisted on a certificate of nationality, despite the fact that she was a holder of an Irish passport. It is likely that this requirement arises because of the widespread

use of forged passports in the modern era. Another Irish-born citizen recently required such a certificate for the purpose of having his third level qualifications recognised in Italy. His passport would not suffice for the authorities there.

There are circumstances in which an Irish citizen who holds an Irish passport may require a certificate. When the Bill is enacted, certain children born in Northern Ireland to non-EEA national parents who have reckonable residence in that jurisdiction will be required to apply for a certificate of nationality prior to the acquisition of an Irish passport. The reason for this is essentially administrative. British immigration stamps show evidence of residence in the United Kingdom, but do not show evidence of residence in Northern Ireland as such. The child's cousin, born to its parents in similar circumstances but resident in the State, will not require a certificate of nationality prior to the acquisition of an Irish passport because Irish immigration stamps constitute evidence of residence in the State.

Mr. J. O'Keeffe: Is there a fee payable?

Mr. McDowell: I do not think there is.

Mr. J. O'Keeffe: I do not want to give the Minister any bad ideas.

Mr. McDowell: If there is, it will not pay for the additional lighting if we keep this debate going.

Mr. Costello: Is there any way we can revoke the passport of any of the people who got passports under the investment-based naturalisation scheme?

Mr. McDowell: We can on the basis they have fraudulently acquired Irish citizenship or if they fulfil any of the grounds of section 81.

Mr. Costello: They have already obtained Irish citizenship, so there is no way we can do it.

Mr. McDowell: There is.

Mr. Costello: There is not.

An Ceann Comhairle: I remind Deputies that this is Report Stage of the Bill, not Committee Stage.

Mr. Costello: There is an interesting word play here on what is in the Constitution where Irish citizenship and Irish nationality have always been interpreted as one and the same. Must a person be an Irish citizen before he or she can get a certificate of nationality? This is an interesting concept. I was not aware of the existence of certificates of Irish nationality or that they are sent around the world and are stronger than having an Irish passport.

Mr. McDowell: People can get one or other certificate, the naturalisation certificate if a per-

son becomes an Irish citizen and the other if they were always an Irish citizen.

Mr. Costello: To return to square one, to the revocation of the passport of somebody who has committed a crime, if the amendment was submitted in the right place, would the Minister have accepted it? Would he have enshrined in the legislation the concept that the passport of somebody who bought their passport and subsequently abused the trust granted them and committed crimes should be revoked? Would the Minister take on board a provision that would allow for its revocation?

Mr. McDowell: No.

Amendment put and declared lost.

Amendment No. 33*b* not moved.

Mr. McDowell: I move amendment No. 34:

In page 12, after line 44, to insert the following:

“(6) An application under section 28 in respect of a person who is suffering from a mental incapacity shall be made on his or her behalf by a person duly authorised to act on his or her behalf.”.

Amendment agreed to.

Mr. McDowell: I move amendment No. 35:

In page 13, line 3, after “makes” to insert the following:

“(whether in the State or outside the State)”.

The purpose of this amendment is to clarify that the offence provided for in section 15 of the Bill can arise whether the act or constitutional offence is carried out inside or outside the State. This is particularly relevant where an applicant makes a declaration in the prescribed manner to an Irish consul or diplomatic officer abroad. I consider that the legislation should be quite specific on this point as regards territoriality, particularly having regard to the likelihood that many applications relating to citizenship issues will be made at Irish diplomatic and consular offices abroad. Effectively I am saying there should be an extra territorial dimension to the offence provided for in section 15 of the Bill.

Amendment agreed to.

Mr. Costello: I move amendment No. 36:

In page 13, line 21, after “appoint” to insert the following:

“being not earlier than the 24th day of April, 2005”.

I discussed this briefly on Committee Stage and the Minister was to reflect upon the merits of the idea relating to when the Bill would come into

[Mr. Costello.]
law. Perhaps the Minister has had time to consider what he is going to do. It is a complex issue.

Mr. McDowell: I have had time to consider it. However, the more I considered it the more resolute I became that I would not accept it. I oppose this amendment because it seeks to prevent the coming into effect of the new law on Irish citizenship by birth on the island of Ireland until a period of ten months has elapsed since the power to make the new law was signed into our Constitution.

Ten months is a considerable period and is exactly one month longer than another notable period. I had to ask myself what possible good would be served by such a restriction. Is it the case that the Labour Party wishes to accommodate those who heard about the proposed change in Irish citizenship and set about begetting a child as quickly as possible so as to avail themselves of the old rules before the new ones came into effect? Is there some suggestion that those who did so had a legitimate expectation at the time that they started the process that the new rules would not apply to them?

I cannot accept that there should be any moratorium imposed on the date of coming into effect of the new rules. Were it possible for the new arrangements to come into effect straight away without further ado, there would be no commencement order provision in this Bill. However, that is not the case. There will have to be subsidiary legislation to set out the forms of declaration to be made, particularly with regard to Northern Ireland matters, to specify the types of documentation needed to be produced for such declarations and the like, in particular in the limited number of cases where entitlement to Irish citizenship will depend in whole or in part on reckonable residence in the North. Although preliminary work is under way on those regulations, there will be a minimum delay in preparing them and in commencing the new legislation.

What Deputy Costello is essentially saying is that although the Irish people spoke 80:20 in a referendum, there should be one month in which those who saw this decisive step on Irish citizenship should have one last throw of the dice — I cannot put it more aptly — to beget an Irish child and that they should have ten months in which to produce the Irish child. The answer must be “No”.

Mr. Costello: The Minister has a very unromantic view of the whole process.

Mr. J. O’Keeffe: It is a Progressive Democrats view.

Mr. Costello: Is it the new wonderful combination of practicality, decency and generosity?

Mr. McDowell: That is the touch feely aspect of the Government that I am not at.

Mr. J. O’Keeffe: Do not get too graphic.

Mr. Costello: Citizenship by birth continues until this Bill is enacted, yet the perception here and abroad has been that once the referendum was passed the birthright of citizenship ceased. There is not a phalanx of people out there who decided that because the legislation had not gone through this was an opportunity for them to beget an Irish child. People did not know it had not gone through. Probably less than 5% of the population know that the situation remains the same until the legislation is signed into law by the President. They all thought it changed totally and irrevocably once the referendum was passed and that it did not need legislation to empower it.

I do not agree with the Minister’s analysis. What I am concerned about is the child in the womb. I am concerned about the child who could be born before or after Christmas and its status. I do not know whether there is a legal question in regard to that. Has the Minister considered whether he should deal with that? The amendment deals with the children in the pipeline. I wanted to raise the issue and to get the Minister’s response. I also wanted to discover whether there is a legal aspect that should be considered.

Mr. McDowell: I am grateful to the Deputy for raising the issue. Birthright, with which we are dealing in the Constitution, means that a birth takes place. In order to have a birthright one has to be born. Therefore, the concept of citizenship based on birth does not apply to children, wherever conceived. If that were the case, can one imagine the confusion internationally as parents argued that this particular child started here rather than there and that they well remember the day or night that all these events took place? We have to deal with the straightforward issue of where one is born, not where one came into existence pre-birth.

Mr. Costello: When one became a child.

Mr. McDowell: I remind the Deputy, in case he thinks this is an academic point, that 50% of new asylum seeking females of child bearing age are pregnant according to their own declarations at the time they seek asylum. How are we to sort this out? Most children who were born in Ireland and who availed and will avail of the IBC thing were not conceived on the island of Ireland. Let us cop ourselves on in regard to this issue. One has to be born to avail of a birthright.

Mr. Costello: Will the Minister give an indication of when he expects the legislation to be signed into law?

Mr. McDowell: There is another House in the Oireachtas which has to look at this legislation. I will then have to put the regulations in place. The Deputy will be disappointed to hear I intend to do so as quickly as possible. I will do it soon.

Mr. Costello: The Minister might as well have agreed to the amendment.

Amendment put and declared lost.

Question put: "That the Bill do now pass."

The Dáil divided: Tá, 48; Níl, 27.

Tá

Ahern, Noel.
Blaney, Niall.
Brady, Johnny.
Breen, James.
Callanan, Joe.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Coughlan, Mary.
Cregan, John.
Curran, John.
de Valera, Síle.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Finneran, Michael.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Haughey, Seán.
Kelleher, Billy.
Kelly, Peter.

Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
McDaid, James.
McDowell, Michael.
McEllistram, Thomas.
McGuinness, John.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donovan, Denis.
O'Flynn, Noel.
Power, Seán.
Roche, Dick.
Smith, Brendan.
Wallace, Dan.
Wilkinson, Ollie.
Woods, Michael.
Wright, G. V.

Níl

Boyle, Dan.
Broughan, Thomas P.
Costello, Joe.
Crowe, Seán.
Cuffe, Ciarán.
Ferris, Martin.
Gogarty, Paul.
Harkin, Marian.
Healy, Seamus.
Higgins, Joe.
Howlin, Brendan.
Lynch, Kathleen.
McGrath, Finian.
Morgan, Arthur.

Moynihan-Cronin, Breeda.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Quinn, Ruairí.
Rabbitte, Pat.
Ryan, Seán.
Sherlock, Joe.
Stagg, Emmet.
Wall, Jack.

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

Question declared carried.

Adjournment Debate.

Air Services.

Ms Lynch: I appreciate the fact that the Minister of State, Deputy Killeen, has come to the House to deal with this matter. The motion refers to 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 businesses in the Munster region, in particular Irish businesses which have to resort to purchasing seats on aeroplanes for staff to transport goods to clients.

This is probably not clear to people who are not involved in this area. The cargo operation which has been run by Aer Lingus out of Cork Airport was due to be withdrawn on 1 January next. The businesses in the region were hugely upset by this because they realised very quickly that it would have a devastating effect on the cargo business in the Munster region. We have been asking for some considerable time that Aer Lingus reconsider its position. However, on 20 November the cargo service was withdrawn much earlier than expected because Swissport, the international carrier used by Aer Lingus, went into liquidation. The decision of Aer Lingus to suspend cargo operations has a devastating effect on many Irish-based exporting companies, some of which are resorting to sending goods on aero-

[Ms Lynch.]

planes with passengers in the absence of the courier service, which Aer Lingus operated on a flexible basis.

In recent days, businesses in Cork have had to cope without Aer Lingus cargo operations. When the company announced the decision in August, I warned that the move would have serious negative consequences for companies based in Cork, particularly export companies, including important multinationals, and so it has transpired. The impact is much worse than initially feared as not only have all cargo operations ceased but Aer Lingus's hitherto flexible courier service is a thing of the past.

Companies based in the Munster region are being forced to send staff members on flights to get goods or products to clients. The additional costs incurred and manpower wasted

10 o'clock will surely force many companies to rethink whether they wish to be based in the region. As a national airline in public ownership, there should be an obligation on Aer Lingus management to have regard for the broader national interest. Both the company and the Government should take note of the warning from the Irish Exporters Association that if distribution out of Ireland becomes difficult, companies will move to Holland, France or Germany where distribution is easier.

There is much focus on the future of Aer Lingus. Developments such as these raise further serious questions about the wisdom of privatisation. Aer Lingus has a duty to supply these services and I call on the company to reverse the decision to abandon its cargo and courier services.

I received a letter from a freight company which operates successfully from the airport business park in Cork. It states:

Regarding Aer Lingus cargo closure I am getting a lot of panic calls from both clients and companies we have not dealt with in the past concerning this closure. The more well known companies such as EMC/Apple/Resound/ADM/Johnson & Johnson are now very concerned with the closure. Aer Lingus have already suspended cargo operations since last Monday due to their handling agent Swissport going into liquidation.

The companies are now feeling its effect. The courier operation, which was flexible in nature, has also gone. The letter gave an example of its impact. One client had to put a member of staff on a morning flight to London — they were lucky to get the seat — to carry an item worth €10, and the ticket cost €220. There were also incidental expenses, such as having lunch and waiting for a return flight. No company can sustain such costs.

People in Cork are getting sick and tired of what happens to them when something goes wrong with Aer Lingus in Dublin. I am not demeaning the fact that the national carrier at one stage refused to carry the bodies of people

who wished to be buried in Ireland. It is a sensitive subject. However, this decision is equally important for the Munster region. The Minister should call on the board of Aer Lingus to reverse the decision as a matter of urgency.

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): I thank the Deputy for raising this matter on the Adjournment. It is a matter in which I, too, have considerable interest.

The decision taken by Aer Lingus on cargo handling was an operational matter for that organisation and was outside the scope of direct political intervention. However, a central element of the Government's economic development policies is to ensure that Irish exporters are facilitated in all relevant aspects of their business dealings. It is for that reason that Enterprise Ireland, Bord Bia and other such agencies are resourced by taxpayers through the Government. Their task is to ensure that companies producing goods and services, and providing valuable employment in this country, can fully realise opportunities that exist in export markets across the world.

I am aware of, and am concerned about, reports of difficulties arising at Heathrow Airport as a consequence of the recent demise of the cargo handling agent there for Aer Lingus. Aer Lingus is working to resolve this problem. It has put in place some interim handling arrangements pending the selection of a new cargo handling agent. I am hopeful these efforts will ensure that the cargo handling arrangements at Heathrow Airport will soon be fully operational again.

In so far as the Department of Enterprise, Trade and Employment is concerned, Enterprise Ireland has been asked to continue to monitor and to report on the situation. It is to undertake a telephone survey of exporting companies to provide a representative and contemporary indication of continuing problems that such companies are experiencing as a consequence of difficulties in accessing cargo handling services.

While I am aware of reports that difficulties have arisen in recent weeks with exports destined for Heathrow Airport, information available to the Department indicates that this problem is of recent origin and that its negative impact is relatively confined and localised. That in no way lessens its importance or detracts from the Minister's determination to resolve any and all obstacles that inhibit or have the potential to inhibit the further development and deepening of our bilateral trading performance in markets around the world.

However, it is important also to indicate that both the Department and Enterprise Ireland have been monitoring whether negative and widespread effects have emerged since the decision of Aer Lingus on its cargo handling activities. That monitoring indicates that other cargo handling operators have taken up available business and that there have been few negative effects on our exporters as a consequence.

Equally, neither the Department nor Enterprise Ireland has, in so far as I am aware, received representations from companies that have been negatively affected.

The Government regards the promotion and development of exports as vital to our economic well-being. We will ensure that the necessary supports and facilities are available to exporting companies to realise and maximise the possibilities in all countries with which we have trading relationships. To do so, we are anxious to know of all difficulties that negatively impinge on the realisation of these objectives and are determined to solve them.

Health Board Services.

Mr. Neville: I welcome the opportunity to raise this matter, the primary care strategy and the Mid-Western Health Board's implementation project, Cois Abhainn in west Limerick. This is one of the pilot projects aimed at commencing implementation of the national primary care strategy model of care, providing an opportunity to experiment with ways of delivering a multi-disciplinary primary care team service, and we welcome it.

The Cois Abhainn project encompasses a geographic area of 200 square miles approximately, spanning the coastal rural region west from Foynes to Tarbert, inland to Athea and including Glin. The area includes the north Kerry-Southern Health Board region around Tarbert. There are four general practitioners participating and I pay tribute to them. They are Dr. Brendan Barrett, Dr. Dominic Lehane, Dr. Kieran Murphy and Dr. Michael Tagney. The population to be served by the primary care team is approximately 8,000 people.

An additional 13 posts have been approved for the primary care team. A number of these have been filled and others are being recruited at present. Perhaps the Minister will outline the situation regarding this recruitment. Resource improvements cover public health nursing, physiotherapy, occupational therapy, therapy assistance, dietetics, home helps and administrative support. Absent from this excellent project are psychiatric and psychological services. No psychiatric services are provided for the area. Are there plans to include psychiatric services when rolling out the national scheme?

ICT has played a key role in maximising the responsiveness and accessibility of the service. Communication is the linchpin of primary care team implementation. All sites have been fully networked through the Mid-Western Health Board systems. Communication through telephone and e-mail is now established at each location where personnel in the primary care team are based. Many of the staff involved never had access to ICT and training is geared to individual needs. The development of multi-disciplinary records and shared access to multi-disciplinary electronic records are issues which will require both national and local consideration in the future. Has progress been made in the development of these multi-disciplinary electronic records?

Shared care protocols have been initiated by the team. Diabetes has been identified as the initial area for establishing protocols. Interfaces with other services are being pursued with the mental health services and services for older people through engagement in their service development processes. Services to the public have been enhanced since the implementation of the Cois Abhainn project. The population now has access to local dedicated physiotherapy, occupational therapy and dietetics services. Provision of aids and appliances identified as necessary to enhance quality of life for clients by these therapists will be provided for the population based on agreed criteria. All members of the primary care team have access to improved information and communication systems, ensuring rapid and confidential information exchange, which underpins co-ordinated responses to needs.

Team-building has provided opportunities for team members to get to know all other disciplines in the team and understand and appreciate each other's roles, expertise and skills. This enhances the ability of all professionals to identify resources and referral options within the team. This allows for greater treatment options, leading to potentially better outcomes for clients.

A significant amount of work needs to be completed in order to conclude the implementation phase of the Cois Abhainn project. Perhaps the Minister of State will comment on the progress in respect of and the commitment to the tasks involved which include more in-depth needs analysis; further recruitment to the primary care team; further team-building; further education and training; development of the remaining protocols and pathways; further development of interfaces with the wider primary, community and continuing care services and acute care; ICT development for registration-enrolment, etc.; physical infrastructural development; managing equity in the system of access to and provision of services; and advancements in the quality programme.

I pay tribute to the director of primary care, Ms Mary Healy, of the Mid-Western Health Board for the work done in initiating this excellent primary care project.

Minister of State at the Department of Health and Children (Mr. B. Lenihan): The primary care strategy, Primary Care: A New Direction, sets out the Government's vision for the development of integrated multidisciplinary primary care teams and networks that will enable clients to access a broad range of services in their local community.

[Mr. B. Lenihan.]

The aim of the strategy is to develop the capacity of primary care to meet the broad range of health and social care needs appropriate to the primary care setting. A strengthened primary care system can have a major impact in reducing demands on specialist services and the hospital system, particularly accident and emergency and outpatient services.

The strategy provided for the early establishment of a number of initial primary care teams on the basis of the model described in it. The more widespread implementation of the model will be able to draw on experience gained through the development and operation of these first teams.

In 2002 the Department sought proposals from the health boards for the establishment of primary care teams with a view to funding a number of such projects. The Mid-Western Health Board brought forward three such proposals and, following discussions between the Department and the board, approval was granted to the development of the Cois Abhainn primary care team in west County Limerick. This team serves an area of approximately 20 square miles spanning the coastal rural area from Foynes to Tarbert and inland to Athea and Glin. The population served includes residents of the Tarbert area in County Kerry. The Mid-Western Health Board has indicated that the target population of this primary care team is approximately 8,000 persons.

At the outset the Mid-Western Health Board which has responsibility for the development of the team established a steering group representative of all major service elements to guide the establishment of the Cois Abhainn primary care team. There has been substantial progress to date with its development. The commitment of the front-line health professionals and the health board management and staff involved with the team who have devoted considerable effort to its development must be acknowledged. The team has been established by building on the services and resources already in place in the areas involved in order to develop a primary care team in line with the model described in the strategy. The necessary revenue funding to enable the appointment of 13 additional personnel to make up the full team has been provided. Once-off capital funding of €135,000 and a further €155,000 in respect of information and communications technology supports for the team has also been provided.

The team involves five general practitioners based in four practices — at Athea, Glin, Foynes and Tarbert — their staff and health board professionals working together as a primary care team. Accommodation has been developed at the refurbished Glin Health Centre which has facilitated the provision of an integrated team service.

The broad range of services being provided by the Cois Abhainn primary care team for the local

community includes general practitioner services; public health, community and practice nursing services; physiotherapy; occupational therapy; therapy assistance; home help; dietetics, and community welfare services. Other facilities at Carrigerry, Shanagolden and Ballyhahill will continue to provide satellite bases for outreach general practice services for the local populations.

The team is working with the west Limerick resources organisation, a well established community development group, in undertaking a local needs assessment and developing consumer panels and a model for community involvement in the planning of primary care services. Links are also being developed with the west Limerick rural transport initiative.

The Hanly report recognised the important contribution primary care can make to the provision of quality patient care. In that context, earlier this year my Department requested the Mid-Western Health Board, as one of the two phase 1 implementation regions for the Hanly reorganisation, to consider the primary care developments required to support the reconfiguration of hospital services in the region. The board has conducted a structured and comprehensive analysis to map a broad range of data, including demographic information, disease patterns, socio-economic indices, mental health indicators, locations of existing public health services, GP practices, transport links and existing natural communities. I express my appreciation of the work the health board has undertaken in this regard.

As a result of this detailed work, the board has developed a draft plan for the implementation of the primary care strategy in its region. The plan proposes 11 primary care networks consisting of 37 primary care teams. The next stage will be to undertake a comprehensive consultation process with general practitioners and other relevant interests in the region and revise the plan as appropriate in consultation with the stakeholders. This process is due to commence in the new year.

Rural Transport Services.

Caoimhghín Ó Caoláin: I thank the Ceann Comhairle for giving me the opportunity to raise this important matter.

It is widely acknowledged that public transport in this State is hugely inadequate and that the failure of successive Governments to develop public transport is adversely affecting our economy and the quality of life of our citizens. This is just as acute a problem in rural areas as it is in our cities. Inadequate as much of public transport is in our cities, it is at least present. There is no public transport throughout vast swathes of rural Ireland, unless one counts the inter-city buses that serve only the national routes and large towns. That is the situation in my constituency, Cavan-Monaghan, which contains some of the

most disadvantaged and isolated rural communities in the country.

For the reasons I have outlined, the rural transport initiative has become an absolutely essential service for those rural communities where it is available. It provides a transport service for people in isolated areas, allowing them regular access to services, employment and health care. It has breathed new life into entire communities and provided an essential lifeline for some who would otherwise have faced terminal decline. For example, in the last ten months the Flexibus Meath Accessible Transport Project which covers County Meath has carried over 16,000 people on 18 daily and weekly service routes. More than 50% of its passengers have no access to alternative transport services and would not be able to get to local shops or the doctor without this service.

There are similar projects in my constituency, including those run by Kilnaleck and District Community Co-operative in County Cavan, Rural Lift which serves parts of west Cavan and County Leitrim, and Latton Social Services and Development Limited in County Monaghan. I commend all involved in each of these essential initiatives.

While I welcome the €3 million allocated to the rural transport initiative in the recently published Book of Estimates, it is clear that this is simply not enough. It is far from enough. With this level of funding, projects will not be able to sustain their current services, not to mention expand them in order to meet demand. What is urgently needed tomorrow — budget day — is a further allocation of at least €2 million for the rural transport initiative. I appeal to the Minister for Finance, the Minister for Transport and the Minister of State opposite to make this funding available.

In the context of the massive spending on national roads, Luas trams, the Dublin Port tunnel and other such projects, the allocation for the rural transport initiative is truly minuscule. The Minister for Transport, Deputy Cullen, announced on 7 October that the initiative was to be extended for a further two years to the end of 2006. However, we should not be talking about merely extending such schemes; we should be talking about mainstreaming them and establishing an integrated rural transport system to serve our communities. Such a system should not be focused only on the elderly and people with disabilities and other special needs.

One of the reasons for the carnage on the roads of rural Ireland at the weekends is the total dependence on private cars for transport to and from social outings. The rural transport initiative is filling real gaps. It needs to be supported and the starting point for a real public transport network in rural Ireland which should be imaginative and involve communities, local businesses, the

local authorities and CIE. I urge the Minister of State to support this initiative and increase the funding allocated to it in tomorrow's Budget Statement.

Mr. Killeen: Gabhaim buíochas leis an Teachta as ucht an ábhair tábhachtach seo a phlé sa Dáil agus tá suim againn ann i gCondae an Chláir freisin. The rural transport initiative has been under way since 2002 and is funded by the Department of Transport. Under the scheme, funding is provided for 34 rural community organisations to address the particular transport needs of their areas through the provision of local transport services.

Area Development Management Limited manages the RTI on behalf of the Department of Transport. It has been fully responsible for administration of the initiative from the initial selection of the groups to be funded to the decisions regarding the specific annual allocations to individual projects. Expenditure under the RTI was some €6 million in the two year period ending December 2003. At that point the pilot initiative was due to end but further funding of €3 million was allocated to fund it for another year to facilitate a full appraisal. This appraisal was carried out earlier this year and on foot of one of its principal recommendations, the Minister for Transport recently extended the initiative for a further two years.

A provisional allocation of €3 million for the RTI is contained in the 2005 Abridged Estimates Volume. Before the Estimates are finalised, the Minister hopes to be in a position to increase this provision to take account of expected increases in the operating costs of projects. This will result in an overall funding commitment of at least €12 million for the RTI to end 2005, which compares very favourably with the total of €4.4 million earmarked for the RTI in the National Development Plan 2000 — 2006. It should be borne in mind that RTI projects also benefit each year from funding provided by the Department of Social and Family Affairs arising from the application of the free travel scheme to the initiative. In addition, some RTI projects are generating additional funds from the provision of transport services for health boards as well as from other sources.

From the outset RTI projects have been encouraged to explore innovative ways in which their services can be partly financed from the local economy. The degree to which prospective RTI groups brought forward proposals for co-financing and additional resources to be secured from non-Exchequer sources was among the operational criteria used to assess the original applications for funding. The RTI is now operational in virtually every county with some 2,500 transport services being provided on approxi-

[Mr. Killeen.]

mately 380 new rural routes established under the initiative. Some 20,000 people are currently using the services every month.

In deciding on the extension of the RTI to end-2006 the Minister for Transport was conscious that many of the pilot projects only became fully operational in 2003. He was also conscious of the fact that continuing the initiative to end 2006 would ensure its lifespan would dovetail with the scope of the National Development Plan 2000 — 2006. The extension will facilitate a more comprehensive appraisal of the effectiveness of the pilot initiative in addressing the transport needs of

rural areas. It will enable the 34 projects to further explore models of transport provision and strategically develop approaches to designing, planning, co-ordinating, integrating, procuring and providing transport in areas where it was traditionally considered difficult to do so. In providing additional time for the RTI projects to fully mature, the Minister is facilitating the emergence of models of best practice in the provision of rural transport services in terms of both operational and organisational management.

The Dáil adjourned at 10.25 p.m. until 10.30 a.m. on Wednesday, 1 December 2004.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies received from the Departments [unrevised].

Questions Nos. 1 to 11, inclusive, answered orally.

Questions Nos. 12 to 64, inclusive, resubmitted.

Questions Nos. 65 to 70, inclusive, answered orally.

Alternative Projects.

71. **Mr. Hogan** asked the Minister for Communications, Marine and Natural Resources the progress made by the renewable energy development group which is chaired by his Department; if he has received a report from the group; his intentions arising therefrom; and if he will make a statement on the matter. [31208/04]

108. **Mr. Boyle** asked the Minister for Communications, Marine and Natural Resources when the renewable energy review group will present its report; and if it will be made available to the Oireachtas Joint Committee on Communications, Marine and Natural Resources for discussion. [31236/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 71 and 108 together.

The renewable energy development group was established on 6 May of this year. The group is chaired by my Department and comprises relevant experts from the administrative, industry and scientific sector including the Commission for Energy Regulation, CER, Sustainable Energy Ireland, SEI, ESB national grid and the Economic and Social Research Institute, ESRI, among others. The renewable energy industry is represented on the group through participation of members nominated by an industry sub-group.

The group has been focusing on a number of key issues, including the appropriate market mechanism for electricity generated from renewable sources; grid connections for wind energy projects; the renewables directive target, including the cost implications; the grid upgrade programme for renewables; net metering; the renewable energy consultation process; and research demonstration and development programmes for renewable energy technologies, including technologies other than wind.

The group will advise on future options on policies, targets, programmes and support measures to develop the increased use of renewable energy in the electricity market to 2010 and beyond. The group's report, which is a comprehensive review of all pertinent issues is due

shortly and will form the basis of my future policy decisions on the increased penetration of renewable energy technologies in the electricity market. I will make a copy of the group's report available to the Oireachtas Joint Committee on Communications, Marine and Natural Resources.

72. **Mr. J. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the need to notify small-scale alternative energy producers now of the allocation to them out of the additional 140 megawatts in AER VI in view of the fact that the time limits arising for their raising finance under BES schemes in particular will expire in a matter of weeks. [31059/04]

116. **Mr. J. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources his views on whether it is time to bring the AER VI to a close in view of the fact that those interested in being allocated contracts for alternative energy supply have been waiting over 18 months for decisions on the additional 140 megawatts. [31058/04]

138. **Mr. Gormley** asked the Minister for Communications, Marine and Natural Resources if he will offer additional offshore wind farm contracts as part of the allocation of additional contracts under the AER VI programme; and the factors, which preclude him providing such additional contracts. [31241/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 72, 116, and 138 together.

The Green Paper on Sustainable Energy 1999 established a target to add 500 megawatts of new renewable energy based electricity generating plant to the electricity network by 2005. The initial implementation programme planned to support this target by allocating support contracts under AER V and VI of the alternative energy requirement, AER, support programme. The 500 MW had EU State aids clearance prior to the commencement of AER VI.

The AER VI competition included an offshore wind category for the first time. It was decided following a study conducted by Byrne O'Cleirigh on behalf of Sustainable Energy Ireland, SEI, that support would be offered for two 25 megawatt demonstration projects. The cost of electricity produced from offshore plants supported by AER VI will impose a higher charge per unit on consumers than the onshore equivalent. Support was also proposed for up to 28 megawatts of biomass powered combined heat and power, CHP, plant. Both the offshore wind and biomass CHP categories were subject to State aids clearance from the EU Commission. State aids clearance does not exist for any further capacity in these categories and, therefore, I will not be offering any additional offshore wind contracts.

[Mr. N. Dempsey.]

When the results of AER VI were announced in July of 2003, it was also indicated to the market that support would be offered for an additional 140 megawatts above the original 500 megawatts target again subject to State aids approval. My Department applied to the European Commission for the necessary approval at that time. However despite ongoing correspondence with the Commission it was not until August of this year that the additional capacity was cleared and not until September that my Department was notified of this clearance.

My Department's role in the AER support programme is to design and administer each AER round and to select the successful applicants. The associated formal contracts, in the form of power purchase agreements or PPAs, are issued by ESB customer service. However, ESB customer service will not be in a position to execute the PPAs until a related order under section 39 of the Electricity Regulation Act 1999 is published.

It was not possible to progress a draft order to conclusion in advance of the Commission State aids decision and any special conditions which might arise. The draft order is now at an advanced stage of preparation and I will announce the allocations, by category and by applicants, of all remaining unallocated AER VI support very shortly.

Each successful applicant in AER VI will have ongoing obligations to my Department to comply with the published terms and conditions of AER VI and to ESB customer service to comply with the terms and conditions of the formal contracts.

Postal Services.

73. **Mr. S. Ryan** asked the Minister for Communications, Marine and Natural Resources the efforts he has made to resolve the dispute between unions and management at An Post; if failure to resolve this dispute will result in serious disruption to the country's postal service during the Christmas 2004 period. [31270/04]

154. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself regarding the future of An Post and the need to ensure industrial peace at same over the Christmas 2004 period; and if he will make a statement on the matter. [31206/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 73 and 154 together.

I am pleased to say that the Labour Relations Commission has facilitated an agreement between An Post and the Communications Workers Union on appropriate arrangements to deal with the Christmas post. It is good not only for An Post customers but also for the climate of industrial relations in the company that agree-

ment has been reached because further complex and contentious industrial relations issues remain to be resolved in An Post.

The critically important objective of restructuring the company remains an imperative. All parties have agreed that change in the company is necessary, if it is to be financially viable and well positioned to meet the competitive challenges, which can be expected to intensify during the months and years ahead. In this regard, an exhaustive process of negotiation between An Post and the Communications Workers' Union has taken place, under the auspices of the Labour Relations Commission during 2004. While some progress has been made, there are still many points of disagreement between the company management and the union.

The challenge going forward is for both sides to redouble their efforts to agree to put in place and to manage the changes necessary to enable An Post to thrive in an increasingly competitive marketplace. Ultimately, it will be to the benefit of An Post and its employees, as well as its customers and the community at large, if agreement on much needed change can be secured. In such circumstances, An Post will be enabled to continue to deliver the kind of service, which is essential for a modern competitive economy.

74. **Mr. McCormack** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the need for the continued operation of post offices in both urban and rural areas having regard to the important network of services provided thereat; and if he will make a statement on the matter. [31190/04]

77. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his views on the need to ensure the viability of An Post; his further views on the necessity of the essential network of services provided by An Post with particular reference to the post office system; if he has given directions or intends to do in this regard; and if he will make a statement on the matter. [31196/04]

113. **Mr. Noonan** asked the Minister for Communications, Marine and Natural Resources the extent to which he has identified services most likely to be complementary to the post offices and the postal services generally; if he has considered the way in which such services might best be incorporated in those already provided by An Post with particular reference to the future of the service; and if he will make a statement on the matter. [31188/04]

115. **Mr. Neville** asked the Minister for Communications, Marine and Natural Resources if he has considered or issued any directives in regard to investigating the possibility of extending the range of services available through

the post offices or the postal services generally having particular regard to the need to enhance the viability of the service in the future; and if he will make a statement on the matter. [31187/04]

155. **Ms Enright** asked the Minister for Communications, Marine and Natural Resources if he will take the necessary steps to ensure the continued existence of post offices in both urban and rural areas having particular regard to the vital nature of their services; and if he will make a statement on the matter. [31189/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 74, 77, 113, 115 and 155 together.

The Government and the board of An Post are committed to the objective of securing a viable and sustainable rural post office network as set out in the programme for Government. An expression of that commitment is the Government's approval of an equity injection of €12.7 million for An Post to facilitate the modernisation of post offices. The equity injection was paid to the company in 2003 and has helped drive the ongoing modernisation of the network. It may be useful, at this stage, to illustrate the current strength of the network in that there are 1,000 automated post offices, 475 non-automated post offices, 160 postal agencies and An Post has established 3,000 postpoint outlets in retail premises of which 600 can be used for bill payment.

There is widespread recognition that the best strategy to sustain the network is for An Post to continue adapting to its customer needs within the financial constraints in which it now finds itself. The future of the post office network has been subject to a number of studies and reviews in recent years and many of the recommendations made have been implemented. The post office network at present has a high volume of people passing through the premises, a recognised brand name and a countrywide retail network. The priority for all stakeholders is to maintain and increase the amount of business being done through the network in order to secure its future. In addition, the post office network is geared to future opportunities with the majority of offices now computerised and already computerisation has brought benefits with increased technology-dependent financial business.

As part of the development strategy, An Post has secured additional business for the network, including bill pay facilities for the ESB, phone top-ups through their postpoint service and a contract with the AIB under which the bank's customers can access their accounts through the network. Further opportunities from both the public and private sectors are being actively explored by the company with a view to bringing on stream additional services at the post office counter, where possible.

The main business developments in 2004 in relation to the post network include the collection of payments for Garda fines, Barclaycard credit card payments, Tele 2 bill payments and the sale of Dublin City Council commercial bin tags. In addition, a number of additional lines of new business are currently actively under discussion or consideration.

The post office enjoys a strong relationship with the sections of the population who are currently unbanked, including social welfare clients. With the rollout of eGovernment services, the post office network is ideally placed to capitalise on opportunities arising in this space, especially in the area of e-payments.

Parallel with these developments and under an agreement between the Irish Postmasters Union and An Post, the conversion of sub-post offices from a fixed contract to an agency basis, whereby payments are linked to transactions, is being implemented on a voluntary basis. The key requirement, that a service is provided locally, is being met by the new agency.

The long-term future of the post office can only be secured by meeting the demands of customers. In this regard I have asked the Irish Postmasters' Union and An Post to work in partnership with a view to securing existing business and to pursue new business opportunities as they arise. As outlined above, that strategy is being followed with some success by the company.

The overarching objective going forward continues to be the retention of post offices services, in as many locations as possible, in the manner which best meets consumer needs whether services are provided via post offices, postal agencies or the postpoint network.

75. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the position at An Post with regard to the restructuring of the company; if he has had discussions with An Post management over its proposal to offer staff a 5% pay increase in exchange for agreeing to major restructuring at the company; if the link between pay and pensions will be maintained; and if he will make a statement on the matter. [31245/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The critically important objective of restructuring the company remains an imperative. All parties have agreed that change in the company is necessary, if it is to be financially viable and well positioned to meet the competitive challenges that can be expected to intensify during the months and years ahead.

As outlined previously to the House, An Post management and the main union in An Post, the Communications Workers' Union have been participating in exhaustive negotiations under the auspices of the Labour Relations Commission

[Mr. N. Dempsey.]

aimed at reaching agreement on restructuring measures to address the company's financial situation. After seven months of negotiations, a set of proposals was produced. These included a 5.35% productivity increase over 30 months in return for substantial changes in work practices. It is my understanding that the CWU is currently balloting members on proposals which emerged from the negotiations. It would not be appropriate for me to comment further on proposals currently under ballot.

The challenge going forward is for both sides to redouble their efforts to agree to put in place and to manage the changes necessary to enable An Post to thrive in an increasingly competitive marketplace. Ultimately, it will be to the benefit of An Post and its employees, as well as its customers and the community at large, if agreement on much needed change can be secured. In such circumstances, An Post will be enabled to continue to deliver the kind of service, which is essential for a modern competitive economy.

With regard to the link between pay and pensions, it has been the practice of An Post and across the public sector to grant pension increases in line with pay increases to serving staff. I am informed that the terms and conditions, including those regarding the matter of increases, as enshrined in the An Post superannuation scheme 1990, are based on those that prevailed in the former Department of Posts and Telegraphs. Notwithstanding this position, I have expressed my concern to the board and management of An Post about the situation in relation to pensioners. The board of An Post has now agreed to a proposal to pay a pension increase, subject to my approval and to that of the Minister for Finance, who has overall responsibility for public service pensions. A response is awaited from the Department of Finance. When that response is received, my Department and the management of An Post will address the situation as a matter of urgency.

Electricity Generation.

76. **Ms O'Sullivan** asked the Minister for Communications, Marine and Natural Resources if, in view of the fact that the electricity system here is ageing and is dominated by one company and may therefore be vulnerable to problems in the years ahead, he is considering finding new sources of electricity to boost annual supply; the safeguards he has put in place to ensure that electricity supply is maintained should one of the country's large stations be put out of action; and if he will make a statement on the matter. [31262/04]

152. **Ms B. Moynihan-Cronin** asked the Minister for Communications, Marine and Natural Resources if he has had discussions with ESB representatives concerning the potential over-

demand on the electricity supply in the winter of 2004-05 caused by record numbers of customers signing up for ESB supply; the safeguards which have been put in place to prevent the electricity network being overwhelmed; and if he will make a statement on the matter. [31259/04]

260. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he anticipates the generation of adequate electricity by conventional or alternative energy methods to meet the requirements of the national grid on a year by year basis, now and in the future; and if he will make a statement on the matter. [31493/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 76, 152 and 260 together.

On 27 October last I met the chairman and chief executive officer of the ESB to discuss a range of issues including security of supply and the management of winter peak demand-supply balance. In summary, currently with some 5,563 mw of dispatchable capacity against an expected winter peak of 4,550 mw, the situation is tight but manageable.

The Commission for Energy Regulation, CER, monitors the security of electricity supply situation. Demand for electricity is currently forecast to grow at an annual rate of between 2.9% and 4.3% over the period 2004-10 necessitating additional generating capacity. The CER has initiated positive actions to redress postulated generation capacity shortfalls as forecast in the 2004-10 generation adequacy report by ESB national grid. Short-term measures put in place for this winter include the implementation by ESB National Grid of a demand side management programme, increased imports of 167 MW of electricity from Northern Ireland contracted on a priority basis and 208 MW of additional peaking capacity.

In response to the medium to long-term capacity deficit, two new independent plants successful in the CER's Capacity 2005 Competition, generating up to 500 MW, are due to be commissioned by December 2005 and February 2006 and two new peat plants, with a combined capacity of 250 MW, are due to be commissioned by December 2004 and February 2005.

An ESB plant productivity programme is in place to enhance its availability from some 76% in 2003 to a target of 82% during 2004. To ensure that the programme delivers, the CER will impose penalties for failure to deliver on a progressive basis.

The ESB is also currently undertaking a significant networks investment programme, of some €4 billion up to 2007. This is aimed at bringing the transmission and distribution systems up to required international standards and meeting projected capacity demand requirements. The

programme is being delivered within the planned timeframe and budget.

Further increments of capacity will be required by 2007. In this connection, Viridian Group PLC has recently announced its plans to construct a second 400 MW gas fired power plant at Huntstown, County Dublin. In addition, the Government has given approval to proceed with the development of two 500 MW interconnectors between Ireland and Wales. When operational, these interconnectors will further enhance security of electricity supply, as well as increased interconnection North-South for which I gave the go-ahead last week.

Early next month, the transmission system operator, TSO, will publish the generation adequacy report for 2005-11, in accordance with section 38 of the Electricity Regulation Act 1999. This report assesses the likely minimum generation capacity required to achieve an adequate supply and demand balance for electricity over a seven year time horizon. The findings of this report will inform and augment policy developments in this area going forward.

Question No. 77 answered with Question No. 74.

Research Centres.

78. **Mr. Rabbitte** asked the Minister for Communications, Marine and Natural Resources when a decision will be made on the future of MediaLab Europe; the financial control proposals he is examining for the future of the research centre; and if he will make a statement on the matter. [31268/04]

133. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the future plans for the development of an institute (details supplied) in the centre of Dublin. [31233/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 78 and 133 together.

MediaLab Europe, MLE, was formed by a series of tripartite agreements between the State, the Massachusetts Institute of Technology, MIT, and MIT MediaLab and has been in operation since early 2000. It was established to conduct non-directed research in the field of digital media.

While it is acknowledged that research will generally require State support, the uniqueness of the MLE model, as presented initially to Government, was that it would be self-funding by 2005. However, for a variety of reasons, including a downturn in the technology sector, MLE has consistently failed to meet its financial projections and the situation has deteriorated significantly over the past 24 months. At the current rate of expenditure, this should take MLE to the end of the first quarter 2005.

In view of these developments, the Government Liaison Committee, GLC, which brings together Departments with an interest in the MLE operation, wrote to MLE in February 2004 requesting that it undertake a fundamental review of its business model and produce a strategic plan. The board of MLE submitted its strategic plan to the Department on 7 May 2004 which included a request for additional Exchequer funding of €9 million.

Considering the importance of digital media in the broader ICT sector and the need for commitment to research and development in this field, there was a need to make a comprehensive assessment of the current model and structures at MLE. This having been done I am now considering possible options for the future of MLE.

Telecommunications Services.

79. **Mr. Crawford** asked the Minister for Communications, Marine and Natural Resources the extent to which the Government has co-invested with Eircom and a company (details supplied) in the provision of DSL broadband and the ESB national fibre wrap project; and if he will make a statement on the matter. [31204/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): A number of private sector broadband infrastructure projects were co-funded under the National Development Plan 2000-2006. The ESB fibre wrap project consisted of the creation of a 1,300 kilometre optic fibre trunk network along the main electricity transmission grid, using the cables to carry the fibre. The network extends in two loops, the southern loop serving counties Limerick, Cork, Waterford, Wicklow, Dublin, Kildare, Laois, Offaly and Tipperary, while the northern loop passes through Clare, Galway, Sligo, Leitrim, Cavan, Monaghan, Louth and Meath and also extends as far as Buncrana in County Donegal. The total eligible expenditure on the fibre wrap project was €45,913,609, and the grant paid was €14,878,582.

Esat BT completed a number of projects under the previous National Development Plan 1994-1999, including the rollout of national and urban fibre networks and the construction of a high capacity digital corridor linking Dublin, Athlone, Galway and Shannon, serving 30 locations *en route*. Total investment in these projects amounted to €27,880,000 and grant funding was €9,229,973. Under the National Development Plan 2000-2006 the company upgraded its digital link from Cork to Clonakilty and enabled 40 telephone exchanges for delivery of broadband by digital subscriber lines, DSL, at a total cost of €14,287,848. The grant paid was €4,109,114.

The grant agreement with Eircom provided for upgrades to telephone exchanges for the provision of DSL services. Some 14 exchanges were

[Mr. N. Dempsey.] enabled, at a total eligible expenditure of €3,694,502. The grant paid was €1,369,772. All of these projects were completed in 2003.

80. **Mr. Deasy** asked the Minister for Communications, Marine and Natural Resources the degree to which it is intended to combine wireless and fixed line broadband facilities throughout the country; the anticipated deadlines in this regard; and if he will make a statement on the matter. [31198/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Broadband is the term used for a high speed always-on connection to the Internet, and is generally used to describe data speeds of at least ten times the rate available using the dial-up connection over standard telephone lines. Broadband can be delivered via a number of different technologies, including digital subscriber lines, DSL, coaxial cable, fibre optic cable, fixed wireless and satellite links. The broadband speeds available are lowest with DSL, while optic fibre offers virtually unlimited bandwidth.

There are now upwards of 105,000 broadband subscribers in Ireland. DSL is the most widely used broadband delivery system in Ireland, with over 83% of broadband customers using this technology. In areas where DSL cannot be delivered, for reasons of line quality or distance from the telephone exchange, other technologies, such as fixed wireless or satellite, offer subscribers a means of obtaining broadband.

The use of different technologies by the market is determined by local circumstances, geography, commercial criteria and customer needs. Up to early 2003 the market had been slow to invest in broadband infrastructure, and in response to the infrastructure deficit my Department put in place the regional broadband programme, under which an indicative €200 million of Government and ERDF funding is being invested in high speed high capacity fibre trunk networks that enable the provision of services by the private sector.

The creation of high-capacity backbone infrastructure and metropolitan area networks, MANs, are the cornerstones of the programme. Nineteen MANs have now been completed, and seven more are under construction. In the next phase of the MANs programme broadband networks will be rolled out in over 90 towns of 1,500 population and more. The MANs are being managed for the State on an open-access basis, and offer private sector telecommunications providers access to services at bandwidths and prices on a par with the best available in Europe.

The increasing availability of broadband can be seen from the fact that all telecommunications companies are now vigorously marketing broadband in all areas, using technologies such as DSL, satellite, wireless and cable. The number of

broadband customers is growing by more than 30% per quarter, and has increased 80-fold in the past year. I am satisfied that the conditions are in place to see this rate of progress sustained through 2005.

Ferry Services.

81. **Ms O'Sullivan** asked the Minister for Communications, Marine and Natural Resources the likely impact on Rosslare port of the decision of a company (details supplied) to axe jobs on its services to Roscoff and Cherbourg in France; his views on whether these remain viable routes given the company's decision to cut back its services; and if he will make a statement on the matter. [31263/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Iarnród Éireann, operating under the aegis of the Department of Transport, which is responsible for the management and operation of Rosslare Europort. Irish Continental Group plc announced on 20 October 2004 that it is restructuring, not ending or cutting back, the Ireland-France ferry service it operates through Irish Ferries. I also understand that the current Irish Ferries service to France will end not later than 30 November 2004 and that a new service will be introduced on 4 March 2005. It is normal practice for this service not to operate for a winter period. Accordingly, no adverse impact arises for Rosslare Europort from Irish Continental Group's current restructuring proposals.

I have met both with local public representatives and with union representatives to consider the company's announcement; I have also spoken with the company. Irish Continental Group alerted the Department in 2002 to its concerns that another shipping company planning to operate an Ireland-France ferry service may have received inappropriate State aid. My predecessor, the Minister, Deputy Dermot Ahern, raised the matter with the European Commission, which investigated Irish Continental Group's complaint. I understand that its investigation did not lead to any further action being taken by the Commission.

I wrote to the then Commissioner Designate for Competition, and now Commissioner, Ms. Neelie Kroes, in October 2004 seeking a meeting with her at an appropriate time to discuss ferry operations on the Ireland-France route. That meeting will be held as soon as practicable.

The availability of a ro-ro ferry service to France is a valuable element in our trade and tourism links with the Continent. It is a means of avoiding the UK landbridge, through affording cost effective alternatives to our importers and exporters, and the Government is supportive of its retention.

Postal Services.

82. **Mr. Crowe** asked the Minister for Communications, Marine and Natural Resources if he will report on the situation regarding the SDS service of An Post. [31174/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): There have been heavy losses in recent years at An Post's parcel delivery subsidiary, the special delivery service or SDS. These losses amounted to €18 million euro in a three year period to 2003, with losses of €12 million in 2003 alone. Further losses, forecast at €10 million, are likely to be sustained in 2004. In these circumstances, the board of An Post, at its July meeting, decided to close the SDS, and to reintegrate the parcels business into the letter post division. A total of 180 SDS jobs will be reintegrated into letter post and an entirely voluntary redundancy package will be introduced for an anticipated 270 job losses. The redundancy package will be funded by property disposals.

It is my understanding that, following a request from the ICTU, the national implementation body held a hearing to determine whether the company breached the partnership terms of Sustaining Progress in making its decision to reintegrate SDS. The national implementation body, as part of its determination proposed that an independent facilitator be agreed to share the financial details and institute a process for information sharing. Mr. Peter Cassells has been appointed as facilitator and the process has been up and running for some time.

I stress that both An Post management and the Communications Workers' Union have agreed that issues arising from the closure of SDS would be handled through the national implementation board process. Accordingly, I take this opportunity to urge both sides to make full use of the implementation board, which is a key pillar of social partnership, to address the financial issues of disagreement that have arisen between them.

83. **Mr. Crowe** asked the Minister for Communications, Marine and Natural Resources if he will conduct an investigation into the management services of An Post. [31175/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Under the Postal and Telecommunications Services Act 1983, the board of An Post is responsible for the appointment of the chief executive and oversight of the An Post management team. The current chief executive officer took up office in July 2003 and immediately commenced a review of An Post financials. The exercise indicated forecast losses of over €47 million in 2003 and the virtual exhaustion of cash reserves.

With company financials facing meltdown, a recovery strategy was immediately prepared and

approved by the board of An Post. The strategy envisaged a substantial restructuring of the company, with over 1,700 voluntary redundancies and introduction of new work practices in return for pay increases. The recovery strategy was presented to the unions in December 2003 and difficult negotiations commenced on agreement and delivery of change. Eleven months later, proposals for restructuring were finalised under the auspices of the Labour Relations Commission and are currently being balloted on by the Communications Workers' Union.

The parcels division of An Post, SDS, has faced very difficult trading conditions in recent years. In the last five years, losses of over €30 million have been incurred. A restructuring plan for SDS was implemented in 2003. Unfortunately, this did not stem the losses and the board of An Post, based on the previous losses and the expected trading performance in 2004 together with the inability of SDS to compete in a very competitive parcels market, decided to close SDS and reintegrate the viable areas of the parcels business into letterpost thereby saving 170 jobs. On foot of a union request, the closure was referred to the National Implementation Body, established under Sustaining Progress. Arising from that process, Mr. Peter Cassells was appointed as facilitator to resolve any issues arising from the closure process.

Since the appointment of the current chief executive by the board, the focus of the board and management along with the trade unions has been on the necessary restructuring of An Post so that the company can return to financial stability and continue to provide a good service while providing sustainable jobs for An Post employees. Rather than engage in any activity which would distract the board, management, unions and shareholder from the key objective to achieve company turnaround, the focus should continue to remain on implementing the necessary changes through the restructuring process. Considering the scale of the problems facing An Post, I believe that the interests of the company is best served by concentrating on the restructuring of the company in a spirit of partnership.

Salmon Stocks.

84. **Mr. S. Ryan** asked the Minister for Communications, Marine and Natural Resources if there will be a buy-out of salmon drift net licences during the lifetime of the Government; if he has met the National Salmon Commission recently to discuss the matter; the nature and content of such discussions; and if he will make a statement on the matter. [31271/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Government has consistently ruled out buyout as an effective means of

[Mr. Gallagher.]
 achieving the restoration of salmon stocks and instead promoted the application of quotas on commercial fishing and bag limits on angling to achieve catch reductions as the best instrument available to achieve this objective. Moreover, no convincing case has been advanced as to the public good that would be acquired by the State in the context of a publicly funded buyout nor why stakeholders benefiting from increased numbers of salmon entering the rivers should not contribute in whole or in part towards achieving that increase.

As a result, I have no plans to introduce proposals to purchase commercial salmon fishing licences. I would be prepared, however, to keep the matter under review and would be open to any relevant proposals whereby stakeholders benefiting from any reduction in commercial catch might fund in whole or in part any compensation arising.

Since becoming Minister with responsibility for the Marine, I have not yet had the opportunity to meet the National Salmon Commission. I am advised by the chairman that the commission is reviewing the operation of the wild salmon tagging scheme in 2004 and that he does not expect the commission to finalise its recommendations, including the proposed commercial catch quotas, for the operation of the scheme in 2005 until sometime in early January next. It is my intention to meet the National Salmon Commission and receive its advice at that time.

Energy Prices.

85. **Mr. McGinley** asked the Minister for Communications, Marine and Natural Resources his views on recent suggestions to the effect that consumers here are being unnecessarily penalised financially in respect of gas and electricity costs; if he has sought clarification arising from the issue; and if he will make a statement on the matter. [31194/04]

97. **Ms O. Mitchell** asked the Minister for Communications, Marine and Natural Resources the factors other than oil price increases which have tended to push up energy prices here; and if he will make a statement on the matter. [31193/04]

104. **Mr. Murphy** asked the Minister for Communications, Marine and Natural Resources if suggestions to the effect that gas and electricity prices are being regulated in such a way as to financially penalise consumers here are correct; and if he will make a statement on the matter. [31281/04]

261. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the claims that gas and electricity prices have been hiked on the basis of an inflated valuation of the distribution

network; and if he will make a statement on the matter. [31494/04]

262. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he intends to take action to address the suggestion that gas and electricity prices have been regulated upwards; and if he will make a statement on the matter. [31495/04]

263. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to recent reports in newspapers (details supplied) indicating that consumers of gas and electricity have experienced unnecessary price increases; the extent to which such increases have negatively impacted on the domestic and industrial consumer; if he intends to take action on the issue; and if he will make a statement on the matter. [31496/04]

264. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the report from a leading energy specialist to the effect that electricity and gas prices to the consumer here have been unnecessarily regulated upward on the basis of an inflated network valuation; if he has in mind proposals to address this issue; and if he will make a statement on the matter. [31497/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 85, 97, 104 and 261 to 264, inclusive, together.

I do not have a function in the pricing of gas or electricity. These are matters which fall under the statutory remit of the Commission for Energy Regulation.

Telecommunications Services.

86. **Mr. P. McGrath** asked the Minister for Communications, Marine and Natural Resources if he has issued instructions or directive regarding the enhancement of competition in the telecommunications industry with the objective of the provision of cost effective and efficient service; and if he will make a statement on the matter. [31212/04]

117. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources if he has issued recent directives in regard to the issue of telecommunications costs here with a view to achieving the degree of competitiveness necessary in this field; and if he will make a statement on the matter. [31210/04]

150. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources the way in which he proposes to ensure that telecommunication services here in terms of costs are on a par with those available in other jurisdictions; and if he will make a statement on the matter. [31218/04]

254. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he intends to issue direction to expedite the availability of lower cost mobile telephone services having particular regard to his previous pronouncements on the issue; and if he will make a statement on the matter. [31487/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 86, 117, 150 and 254 together.

I have no function in setting of pricing for phone services. The regulation of telecommunications operators, including pricing, is the responsibility of the Commission for Communications Regulation, ComReg, in accordance with the requirements of the Communications Regulation Act 2002 and regulations made under the EU Regulatory Framework for Electronic Communications. ComReg has as one of its key objectives, under the Communications Regulation Act 2002, the promotion of competition in the exercise of its functions. Competition in the fixed and mobile markets will drive down prices for consumers.

As Minister for Communications, Marine and Natural Resources, I have responsibility for overall telecommunications policy, and my main goal in this policy is to create conditions for sustainable growth and competition that will benefit the economic and social development of Ireland by providing competitive services.

It is my belief that improving the market conditions to improve competition is the key way that we can drive down the mobile phone charges to the end user. The more competitive telecoms services that are on offer the better in the long run for consumers, the sector and the economy.

In March 2004 my predecessor issued policy directions to ComReg, including a direction on competition. The direction on competition mandates ComReg to focus on competition as a key objective, with a particular focus on competition in the fixed and mobile markets, and to implement where necessary, remedies which counteract or remove barriers to entry and support entry by new players to the market and entry into new sectors by existing players and to have particular regard to the following, market share of new entrants; ensuring that the applicable margin attributable to a product at the wholesale level is sufficient to promote and sustain competition; price level to the end user; and the potential of alternative technology delivery platforms to support competition.

Another policy direction addressed national and cross Border roaming. The ability to roam nationally on GSM networks would ensure that all three licensed GSM operators could provide countrywide coverage. Minimising cross Border roaming costs on the island of Ireland would be beneficial for Irish mobile phone users, particularly those who live close to the Border. Com-

Reg is obliged to examine using its powers to mandate national roaming on existing GSM networks of mobile network operators with significant market power on fair commercial terms; and work closely with operators and Ofcom, the regulator for Northern Ireland to encourage and support initiatives that would reduce or eliminate cross Border roaming charges and encourage national call charging on an all-island basis.

Recognising the importance of a single billing product to advancing competition in the fixed line telephone market, ComReg was also directed to introduce a wholesale line rental product for voice and data services, that was accessible, affordable and with sufficient margin for telecommunications operators to enable them to stimulate and drive competition in this market by 31 March 2004. This product has been introduced and ComReg's most recent report on the policy directions indicates that initial take up of this product has been successful with over 30,000 customers having taken up this product since its launch.

It is true that post-pay mobile phone costs in Ireland remain higher than the EU average but it is also true that in August 2004 the OECD found we had the fourth lowest costs for pre-paid mobile phones. It is important in considering the price competitiveness to the end user to make a judgment across telecommunications services. Furthermore, the current penetration rate of mobile phones of around 90% indicates that Irish business and consumers have a range of products and pricing options which broadly meet their needs.

I also welcome the fact that in July of this year Meteor reached agreement with O₂ that allows meteor national roaming on O₂'s network. This should facilitate greater choice and competition for the consumer, and next year we will have more competition with the launch of new entrant "3s" — 3G services.

With regard to fixed line pricing, ComReg, in its last quarterly market update, indicates that total end-user pricing for both the residential and business sectors in Ireland remains competitive. In terms of the business community, prices for the standard basket put us in sixth place in Europe.

In the residential market Ireland is placed in ninth position. In terms of international calls we are in fourth and sixth place, respectively. This finding is supported by similar benchmarking research by the OECD in relation to international calls which found that Irish international call tariffs to be significantly below the average particularly for off-peak calls. Analysis in the National Competitive Council's report on telecommunications indicates that overall prices have fallen in the past five years by over 9% and these reductions have contributed to a 1% overall reduction in inflation.

Energy Industry.

87. **Mr. Allen** asked the Minister for Communications, Marine and Natural Resources if regulation in the energy industry is operating to the benefit of industry and thus contributing to the competitiveness of the economy; and if he will make a statement on the matter. [31183/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Independent regulation of the electricity and natural gas industries has been established in Ireland in line with EU requirements. The Commission for Energy Regulation, CER, was initially established in July 1999 by virtue of the Electricity Regulation Act 1999 to underpin an open, transparent and accountable regulatory process for the electricity industry. The commission's jurisdiction was expanded in 2002 following the passing of the Gas (Interim) (Regulation) Act 2002 to incorporate the regulation of the natural gas industry. It has an overriding duty to carry out its statutory functions and exercise its powers in a manner that does not discriminate unfairly and which protects the interests of final customers and not just industry.

The CER's mission is to promote electricity and gas markets that deliver choice, high quality and competitively priced electricity and gas to consumers on a safe, secure and sustainable basis. The CER adheres to due process in arriving at its decisions and engages in a wide-ranging consultation process on all aspects of the future direction of the electricity and gas industries.

In the electricity market, the CER facilitates competition by authorising the construction of new generating plant and licensing companies to generate and supply electricity. Similarly, in the gas sector, the CER issues consents for the construction of pipelines and licenses gas suppliers. The CER takes an active regulatory stance in relation to the operation, maintenance and development of the electricity and gas transmission and distribution networks, as well as approving tariffs for third party access to these systems. The CER also has the key responsibility of regulating prices charged to customers by ESB and BGÉ.

Under the regulatory oversight of the CER, Ireland is moving from a *de facto* monopoly situation to a competitive market in industries with relatively long lead times for investment. Therefore, changes need to be conceived and effected in an orderly and measured manner so as to ensure that the benefits are sustainable in the long term. The incremental approach to full liberalisation of these markets in 2005 adopted by Ireland is the correct policy choice, given that our systems are small by comparison with our EU partners and not as heavily interconnected. The CER already has a wide-ranging remit and I am providing, in regulations, for the extension of its

functions so as to meet the requirements of the second EU electricity and gas directives, further facilitating market liberalisation.

The Deputy will also be aware that I am strengthening the CER by expanding its membership to a preferred three-person model, having regard to the importance of the energy sector in terms of competitiveness of the Irish economy. In addition, I consider it opportune that, in the interests of proper and effective regulation of the electricity and gas markets, the Minister may issue policy directions of a general nature to the CER. As it stands, I have certain limited statutory powers to give directions to the CER in relation to electricity trading arrangements. While I am proposing additional powers to issue policy directions in the Energy (Miscellaneous Provisions) Bill which is currently being drafted by the Office of the Parliamentary Counsel, it would be my intention to use any such powers sparingly.

Television Transmission Services.

88. **Mr. Gormley** asked the Minister for Communications, Marine and Natural Resources his views on the way in which the development of new digital television transmission networks will proceed over the next three years. [31242/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): There are a number of digital television transmission networks available. The most common networks available internationally are digital terrestrial, cable-MMDS and satellite networks. Other significant digital television transmission networks, such as television over ADSL, may emerge in time. Technology in this regard is changing rapidly, particularly in light of the convergence between the information technology and communications sectors.

Digital cable-MMDS and digital satellite services are available in Ireland. Penetration of digital television in Ireland, at 29% of households, is well above the EU average of 21%. Digital terrestrial television is not yet available in Ireland, though provided for under the Broadcasting Act 2001. I am reviewing options for the development of digital terrestrial television, including the possibility of a demonstration project in this regard.

I expect that, in the medium to long term, digital television will become prevalent in Ireland. It is likely that, consistent with trends across Europe, many platforms including cable-MMDS, satellite and terrestrial will all play a significant role in this regard.

Postal Services.

89. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources the action he is taking to develop the postal ser-

vice and the market; and if he will make a statement on the matter. [31172/04]

91. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources his preferred options for the future of An Post, having particular regard to the need for the continuation of existing and extra services; and if he will make a statement on the matter. [31184/04]

123. **Mr. Deenihan** asked the Minister for Communications, Marine and Natural Resources the extent to which he has inquired into the alternative or enhanced services compatible with those currently being provided by An Post with particular reference to the need to ensure its continuity and viability in the future; and if he will make a statement on the matter. [31215/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 89, 91 and 123 together.

It would be useful if I outline briefly the market environment in which postal business is conducted. The postal market has changed significantly in recent years with liberalisation of the European postal market and with postal operators moving from national into international markets. This has impacted on this country with partial liberalisation of the postal market on foot of EU directives and with the presence of a number of international operators in the Irish market.

The parcels market in Ireland is now fully liberalised and operators are providing high quality services. The market includes some of the biggest postal operators in the world providing international reach to Irish business. Our strong economic fundamentals and multinational presence make Ireland attractive for the big logistics firms. The competitive nature of the market with a substantial number of local and international operators provides a range of services which largely meet consumer and business needs.

The letters market has been partially liberalised, with outbound international mail fully liberalised since the beginning of 2004. Further EU driven liberalisation proposals are likely to come on stream in the years ahead and strong international players, currently operating in the parcels sector, are likely to look for opportunities in the letter post area. Furthermore, mail is facing a strong challenge from electronic substitution.

It is essential that An Post now capitalise on its assets, one of which is their nationwide delivery network for letters and parcels. The volume of letterpost per person in Ireland is below the EU average. This shows that there is definite room for growth in the sector especially in niche areas of marketing and direct mail.

The key fundamental for An Post to ensure viability is the need to return the company to financial stability. In this regard, the management and unions of An Post have been engaged in an

intensive negotiating process, with the assistance of the State's industrial relations machinery, in order to reach agreement on necessary restructuring measures for sorting and mail delivery.

The post office network has been the subject of a number of studies and reviews in recent years, many of the recommendations arising from these reviews have been implemented, with particular regard to winning new business, including extra banking business and new utility business. The post office network, at present, has a high footfall, a recognised brand name and a country-wide retail network. Clearly, there is scope to build on the range of services already provided and to obtain new business for the network building on existing strengths. The network is geared towards the future with the majority of offices now computerised and computerisation has brought benefits with new banking business obtained from AIB and extra utility business.

The post office enjoys a strong relationship with the sections of the population who are currently unbanked, including social welfare clients. With the roll-out of e-government services, the post office network is ideally placed to capitalise on opportunities arising in this space, especially in the area of e-payments.

In the development of any new service, the key focus for An Post will be to offer a range of quality products and services which meet consumer demands. An Post's future will only be guaranteed by adapting to the increasingly competitive environment in which it operates.

Mobile Telephony.

90. **Mr. Penrose** asked the Minister for Communications, Marine and Natural Resources if he will give an update on the cross industry mobile content filtering trial which aims to protect mobile phone networks from being used for the transmission or receipt of Internet pornography; if the trial has commenced; if, so when it will be complete; the other steps he has taken to end the misuse of mobile telephones; and if he will make a statement on the matter. [31264/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function in the matter raised by the Deputy.

The Irish Cellular Industry Association, ICIA, which represents the country's mobile phone operators and manufacturers, announced a trial of content filtering software for mobile networks in June 2004. As this is a trial by a group of private operators in a fully liberalised market, it would not be appropriate for me as Minister to comment on whether it may or may not be successful.

In the context of discussions regarding the feasibility of introducing a registration system for the use of pre-paid mobile phones, which I hope to introduce, the ICIA has briefed officials in my

[Mr. N. Dempsey.]

Department on the progress of the trials. I am informed that these trials are the world's first ever industry mobile content filtering trial and will test the filtering capability of software for mobile camera phone images, offensive websites and video. The ICIA believes this technological solution will successfully counteract the transmission of offensive images and will prove an effective deterrent. It is anticipated that test results will be available early next year.

Legislation is already in place to prosecute the issue of nuisance and criminal calls, and the sending of pornographic images by mobile phones. Any additional mechanism that may help protect minors from the transmission of pornographic images by mobile phone is to be welcomed and I look forward to receiving an update on the trial results from the industry.

Question No. 91 answered with Question No. 89.

Postal Services.

92. **Mr. O'Dowd** asked the Minister for Communications, Marine and Natural Resources the degree to which he has had discussions with union representatives with the objective of ensuring the continuity of postal and post office services; and if he will make a statement on the matter. [31186/04]

149. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources if he has met with union representatives with reference to the future of An Post; and if he will make a statement on the matter. [31185/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 92 and 149 together.

On 15 November last, I met with the executive of the Irish Postmasters Union who represent postmasters and postmistresses who are responsible for the running of the sub-post office network on a contract basis. I outlined to them my commitment, and that of the Government, to the retention of a viable and sustainable post office network meeting the needs of consumers with attractive products and services.

I listened with interest to their views and proposals in regard to the development of the network. Areas discussed included financial issues affecting rural post offices, as well as computerisation and business development for post offices. I was pleased to hear that they are keen to enhance the range of products and services available through the network. For my part, I encouraged the union to work closely with An Post to continue the development process.

The primary responsibility for the development of the post office network remains with An Post, and while the Government will support the net-

work in any way it can and has demonstrated its commitment, in a tangible fashion, with a €12.7 million capital injection in 2003, the way forward is for all stakeholders, including the IPU, to continue to work with An Post in enhancing existing services and to build on existing strengths to develop new product offerings.

The Communications Workers Union has also requested a meeting with me. As shareholder of An Post, I have no difficulty in meeting any trade union in the company. However, I am obliged to be mindful of the industrial relations situation in the company and the fact that the CWU is balloting on proposals for company restructuring.

The proposals on restructuring came about as a result of negotiations which stretched over seven months under the auspices of the LRC. The length of the negotiation process indicates the difficult and deep-seated issues to be resolved within An Post.

The restoration of financial and operational stability can only be achieved by management and unions adopting a partnership approach, using the services of the State's industrial relations machinery. Unfortunately, there is no magic wand that I can wave which will provide an easy solution to the difficulties in An Post.

The CWU has indicated that as part of any discussions, it is anxious to discuss the SDS situation with me and has forwarded a report prepared by a firm of accountants on the financial situation in SDS. Following the decision by the An Post board to close SDS and reintegrate the viable elements of the business into Letterpost, the CWU referred the closure decision to the National Implementation Body.

Arising from that process, Mr. Peter Cassells was appointed to facilitate any issues arising out of the closure. Both union and management agreed that closure issues would be handled within the ambit of the NIB brokered process. Therefore, any issues arising should be resolved using that framework.

Clearly, it would not be appropriate for me to have any perceived impact on the conduct of industrial resolutions processes and, therefore, it would not be appropriate, at this time, for me to meet the CWU to discuss matters which are the subject of ongoing IR processes with the company. I understand that the members of the CWU have voted to renew a mandate for strike action. Rather than resorting to any form of industrial action, I urge the members of the union to work through the established industrial relations machinery to resolve areas of disagreement between management and unions. An Post customers are entitled to a postal service, especially at Christmas and I would urge no disruption of postal deliveries at this time of the year.

Company Sale.

93. **Ms Lynch** asked the Minister for

Communications, Marine and Natural Resources the details concerning the amount of money which has been received following the sale of the Irish National Petroleum Corporation to a company (details supplied) in July 2001 for €117 million; the reason the State has only received €20 million to date; the details of the environmental claims and contractual disputes that are holding up the payment of a further €10 million; his views on whether the money received for the sale of these INPC assets amounts to little more than a pittance; and if he will make a statement on the matter. [31254/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): It is estimated that the final net return to the Exchequer arising from the sale of the business and commercial assets of the Irish National Petroleum Corporation, INPC, will be in excess of €30 million. The INPC has paid €20 million to the Exchequer.

In November 2003, the board of the INPC, cognisant of its obligations under the Companies Acts to retain sufficient assets to meet potential liabilities, determined that it would not be appropriate to make a further payment to the Exchequer at that stage as a number of outstanding matters have still to be resolved.

These ongoing matters, comprising of environmental claims lodged against the INPC and a contractual dispute with a former customer, have potential financial implications and, consequently, the INPC is not currently in a position to divest itself of its remaining financial assets. As the claims and the dispute are day-to-day matters for the INPC, it is not appropriate for me to elaborate further on them. However, they are being robustly defended by the INPC, with the benefit of expert legal and technical advice.

Given the involvement of third parties in the unresolved matters, neither the INPC nor my Department is in a position to indicate when the remaining proceeds may become available.

It has always been accepted that the total cash return to the Exchequer arising from the INPC transaction would be considerably less than the headline sale price of US\$100 million as the INPC had, for example, to use some of the proceeds to discharge the company's debt. Contrary to the impression that appears still to persevere, the purchaser of the facilities paid over the full amount due to the INPC in July 2001.

I am satisfied that the transaction represented a very positive outcome for the State, particularly having regard to the fact that the Government also placed an obligation on the private owners to operate the facilities for a period of at least 15 years as a condition of the sale.

Fisheries Protection.

94. **Dr. Upton** asked the Minister for Communications, Marine and Natural Resources

his position on the ongoing serious damage to the remaining fisheries at Lough Corrib and the Owenriff River in County Galway; and if he will make a statement on the matter. [31278/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I am aware, through the Western Regional Fisheries Board, of the concerns held by local stakeholders about the decline in water quality and the impact on fisheries in Lough Corrib and the Owenriff River. I recently met a delegation from the Carra Mask Corrib Water Protection Group Limited, with my colleagues, the Ministers for the Environment, Heritage and Local Government, Agriculture and Food and Community, Rural and Gaeltacht Affairs, at which I heard the group's views on the causes and effects of the enrichment of these waters. I share the concerns expressed for the stocks of salmonids and freshwater pearl mussels and take confidence from the assurances given by the Ministers and the agencies operating under their aegis, to work in partnership with local interests to find practical and effective solutions to address the matter.

Broadcasting Funding.

95. **Mr. Stanton** asked the Minister for Communications, Marine and Natural Resources the amount in the special fund for new, innovative and additional public service broadcasting; the amount of this fund spent to date; the way in which such moneys were spent; the further plans for using this fund; and if he will make a statement on the matter. [31232/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Broadcasting (Funding) Act 2003 provides for the establishment of a fund to support certain television and radio productions and projects out of an amount of 5% of net receipts of television licence fees and in accordance with a scheme to be administered by the Broadcasting Commission of Ireland. The Act provides that 5% of the net proceeds from television licence fees be paid into the fund with effect from 1 January 2003. To date a total of €16.02 million has been paid into the fund. As a scheme to administer grants from the fund is not yet in place the BCI has issued no payments to date.

The legislation provides for the establishment of a scheme or schemes to provide funding in respect of new television or radio programmes on Irish culture, heritage and experience, improvements to adult literacy and the development of archiving of programme material produced in the State.

The BCI has completed a public consultation on a draft scheme on the operation of the fund. In accordance with section 2(1) of the Broadcasting Funding Act 2003, the BCI is required to submit

[Mr. N. Dempsey.]
the finalised scheme to me for approval following which I will lay the scheme before the Oireachtas.

I expect to receive a final version of the proposed scheme from the commission in the coming weeks. Any scheme put in place is likely to require State aid approval from the European Commission.

Ferry Services.

96. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources the action he is taking to reopen a ferry service (details supplied) from Rosslare to France; the discussions he has had with the EU Commission on the issue; and if he will make a statement on the matter. [31173/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I understand that the Deputy is referring to P & O Irish Sea Ferries announcement that in December 2004 it will end its ferry service between Rosslare and Cherbourg. The P & O service is provided by their ship, the *European Diplomat*, and cater, *inter alia*, for live cattle exports.

I have met my colleague, the Minister for Agriculture and Food, Deputy Coughlan, to consider the implications of the P & O announcement. The Irish Maritime Development Office, IMDO, the State's development agency for the shipping and shipping services sector, which reports to me, has been tasked with seeking to facilitate the provision of a similar service. With representatives of the livestock haulage sector and farmers representatives, the IMDO has been in contact with port and shipping sector interests in the above regard. These contacts are ongoing.

I have not been in communication with the European Commission regarding the provision of State aid for a new Rosslare-Cherbourg ferry service. There is no reason at this stage to believe that the market cannot provide a suitable ferry service. Procuring European Commission approval for any new State aid for our maritime sector would take a long time. I am hopeful that a new ferry service can be introduced without such aid.

Question No. 97 answered with Question No. 85.

Question No. 98 answered with Question No. 70.

Telecommunications Services.

99. **Mr. Hayes** asked the Minister for Communications, Marine and Natural Resources if, as was suggested in a recent newspaper article, he, his officials or others representing the Government have had discussions with a broad-

band service provider; if other service providers were involved in such discussions; if the interests of competition in this sector were considered and observed in the course of such discussions; and if he will make a statement on the matter.

[31200/04]

119. **Mr. Crawford** asked the Minister for Communications, Marine and Natural Resources if he authorised a consultancy report with reference to the provision of broadband services as was indicated in a recent newspaper article (details supplied); the terms of reference given to any such consultants; if a presentation was made to Cabinet on or on behalf of one or more service providers; and if he will make a statement on the matter. [31205/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 99 and 119 together.

The newspaper article of 31 October last, to which the Deputy refers, contends, *inter alia*, that the Government offered Eircom a €1.8 billion deal to roll out broadband nationally. It also contends that Eircom was offered a range of incentives such as tax breaks, subsidised loans, amendments to the building regulations and price increases as "carrots". These claims are untrue. At no stage were negotiations entered into with Eircom or any other party. At no stage were terms such as postulated in the newspaper article on offer, nor did the Government offer to fund Eircom directly or indirectly through subsidised loans, tax breaks or any other means. Consultancy advice contained in a report to a Government subcommittee, agency or a Department should not be misconstrued as Government policy.

The telecommunications market is a regulated market and, thus, any action by Government has to be consonant with national and EU regulation. Accordingly, Government is not in the business of entering exclusive contracts of the kind inferred by the article with any market entities. It favours investment in open access infrastructure to which all operators have access on similar transparent terms. That is the ethos behind the Government's open-access metropolitan area network programme, which is rolling out high-speed broadband infrastructure to 120 towns and cities regionally.

To the extent that discussions are held between officials of my Department and executives of other telecommunications operators and their representative associations, these were and are born of sound public policy practice and in the context of seeking to align as much as possible the broadband rollout plans of corporate entities and those of the Government, as published in New Connections and the Government's broadband plans.

In that context I commend the telecommunications operators who have contributed significantly to the 80-fold increase in broadband consumers in Ireland in the last 15 months.

Fish Stocks.

100. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the procedures in place to record the direct landing of fish stocks caught on Irish registered vessels in British and Norwegian ports; and the figures for the landings of mackerel in this regard over the past five years in both these countries. [31234/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The rules governing landings by EU fishing vessels fishing for mackerel, horse mackerel — northern stock — and herring — northern stocks — are set down in Annex IV of Council Regulation 2287/2003. These rules apply to landings into all member states and require that in respect of all landings greater than ten tonnes: the master of a fishing vessel to give four hours advance notice of landing, including specified details of the catch, to the competent authorities of the member state into which the landing

is to take place, the member state designates ports for landings these species; the competent authorities of the member state concerned shall require that the discharge does not commence until authorised to do so; the master of a fishing vessel must submit immediately upon arrival to port the relevant pages of the logbook; and the fish must be weighed by the buyers before being sorted, processed, transported etc. in the presence of a controller.

As part of the EU-Norway fisheries agreement, similar provisions are in place in respect of landings of these pelagic species by Irish and other vessels into Norway. Under the provisions governing the logbook, a copy of the logsheet and landing declaration must be sent to the Irish authorities within 48 hours of landing. This applies to landings into Irish, EU and Norwegian ports. The Irish authorities report on landings to the European Commission in respect of landings into Irish ports and into non-member ports, including Norway. Landings into other member states' ports are reported by the member state concerned.

Landings of stocks by Irish vessels into non-Irish ports are subject to any additional rules that may apply at national level in the relevant country. The figures for the landings of mackerel over the past five years in the countries specified are outlined in the table below.

Landings of Mackerel by Irish Vessels

| Norway | Live Weight Tonnes | United Kingdom | Live Weight Tonnes |
|--------|--------------------|----------------|--------------------|
| 1999 | 22,817.60 | 1999 | 4,304.30 |
| 2000 | 19,087.10 | 2000 | 6,816.70 |
| 2001 | 17,429.40 | 2001 | 11,897.50 |
| 2002 | 15,531.90 | 2002 | 12,278.40 |
| 2003 | 8,442.17 | 2003 | 11,235.34 |

Mine Sites.

101. **Mr. Gogarty** asked the Minister for Communications, Marine and Natural Resources his plans to ensure the safe treatment of a mining tailings pond (details supplied) in County Tipperary. [31240/04]

126. **Ms Shortall** asked the Minister for Communications, Marine and Natural Resources if he has received details from a company (details supplied) regarding its proposals to rehabilitate its 150 acre tailings pond at Gortmore, near Silvermines, County Tipperary; his views on the health risks in the contaminated area; his further views on whether the company's proposals are sufficient to make the area safe; and if he will make a statement on the matter. [31274/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 101 and 126 together.

Most of the issues raised in these questions were dealt with in a reply to a Seanad Adjourn-

ment matter last Wednesday and a copy of that response will be forwarded to the Deputy. The 150 acre tailings site is not owned by the mining company.

The issue of health risks is a matter for the relevant health board but it should be pointed out that a report published by an expert group last March on the effect of lead and other metals in the Silvermines area found, in general, that the area is a safe place in which to grow up, live and work provided certain precautions are taken.

Alternative Energy Projects.

102. **Mr. Hogan** asked the Minister for Communications, Marine and Natural Resources if he is satisfied that adequate encouragement is being given to the production of alternative energy having particular regard to the need to cater for increased demands, protection of the environment and cost effectiveness; and if he will make a statement on the matter. [31182/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The promotion of renewable energy technologies is a key priority of the Government. The Green Paper on Sustainable Energy 1999 established a target to add 500 megawatts of new renewable energy based electricity generating plant to the electricity network by 2005.

Further proposals in the course of the most recent support programme, AER VI, are being implemented to support the construction of an additional 140 MWs generally, an additional 50 MWs in an offshore wind category and an additional 28 MWs specific to biomass powered CHP plants. This represents an increase of more than 40% on the original target and is itself evidence of the growing importance this Government places on renewable energy technologies.

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

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

In May of this year a renewable energy development group, chaired by my Department, was established. The group comprises relevant experts from the administrative and scientific sector. This group 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. This group's report which is due before the end of this year will form the basis of my future policy proposals.

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

My Department is finalising details of the scheme with the Department of Finance. The European Commission has confirmed that the scheme would represent a State aid and, consequently, its approval is required. The EU energy tax directive 2003 envisages such tax relief and the Commission has approved schemes for excise relief of biofuel in other EU member states. Formal application for Commission approval will be made shortly by the Department of Finance and, assuming approval is granted, the necessary commencement order will then be signed.

In tandem with these programmes, Sustainable Energy Ireland, SEI the independent non-commercial State body focused exclusively on sustainable use of energy including deployment of renewable energy sources, has commenced a challenging work programme to increase energy efficiency and to promote renewable energy technologies. In the renewable energy field specifically SEI has opened a research, development and demonstration programme for renewable energy technologies. The programme is open to a wide range of proposals including policy studies, field research, feasibility studies and technology RD & D.

Mobile Telephony.

103. **Mr. G. Mitchell** asked the Minister for Communications, Marine and Natural Resources the number of mobile phone service providers currently in the market; the number likely to enter the marketplace in the foreseeable future; and if he will make a statement on the matter. [31225/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): There are currently four licensed mobile operators in Ireland, holding either GSM and-or 3G licences operating in the Irish market.

As regards the second part of the question in respect of the number mobile service providers likely to enter the marketplace in the foreseeable future, I wish to inform the Deputy that this is a matter for the Commission for Communications Regulation, ComReg, to address in accordance with the regulations set out in the European Communities (Electronic Communications Networks and Services) (Authorisation) regulations SI 306 of 2003. I have no function in matter.

Question No. 104 answered with Question No. 85.

Departmental Investigations.

105. **Mr. Costello** asked the Minister for Communications, Marine and Natural Resources if he has sanctioned an internal investigation concerning allegations that officials in his Department colluded with fishermen in Donegal in fraudulent fishing practices; when such an investigation is likely to conclude; and if he will make a statement on the matter. [31248/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The allegations made of illegal fishing, including a possibility of Department officials being implicated, have been formally advised to the Garda Síochána with a request for an investigation. At this time and in the context of the Garda Síochána investigation I do not consider that an internal investigation by the Department would be useful. However, I will continue to keep this under review, to closely monitor the situation and take any further actions that I consider appropriate. The timeframe for the current investigation is a matter for the Garda Síochána.

Television Services.

106. **Ms Lynch** asked the Minister for Communications, Marine and Natural Resources the details of the approach made to his Department by a group of senior television executives proposing the establishment of a United Nations television service in Dublin; if he has received a formal feasibility study for the proposal; if so, the details of this study; the costs involved; when a decision will be made on this proposal; and if he will make a statement on the matter. [31255/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Licensing of television services, other than those of RTE, is a matter in which the Broadcasting Commission of Ireland has statutory responsibility and in respect of which I, as Minister, have no role. I understand that the parties proposing the new service have been engaged in discussions with the Departments of the Taoiseach and Foreign Affairs. As a matter of courtesy my Department was also briefed on the proposals.

Alternative Energy Projects.

107. **Mr. Cuffe** asked the Minister for Communications, Marine and Natural Resources the amount of wind energy generation capacity connected to the grid; and the new capacity he expects to come on line in 2005. [31237/04]

144. **Mr. Murphy** asked the Minister for Communications, Marine and Natural Resources the number of wind farms currently involved in energy production; the extent to which he expects them to play a role in supplies to the national grid in the next five years; and if he will make a statement on the matter. [31228/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 107 and 144 together.

There are 37 onshore and one offshore wind projects constructed with a capacity of over 240 MW. These renewable energy based electricity plants have been supported, in the main, under the Department's alternative energy requirement, AER, programme. Other projects have been built with assistance from European Community prog-

rammes and under the liberalised electricity market for renewables.

New wind energy projects, representing approximately 200 MW, are under construction. These are located in counties Carlow, Cavan, Cork, Clare, Donegal, Galway, Kerry, Leitrim and Wexford. Further projects are due to commence construction under the terms and conditions of the AER V and AER VI competitions. Wind energy projects may also be planned, or under construction, under the liberalised green electricity market, however, I have no details of these projects as they operate outside of the programmes run by my Department.

The promotion of renewable energy, of which wind energy is the predominant technology, is a key priority of the Government. The Green Paper on Sustainable Energy 1999 established a target to add 500 megawatts of new renewable energy based electricity generating plant to the electricity network by 2005. This target has since increased to 718 MWs.

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 currently examining issues of immediate relevance regarding the grid code for wind powered generators. In addition, in May of this year a renewable energy development group, chaired by my Department, was established. The group which includes Commission for Energy Regulation, 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 current work is to resolve the challenges arising from future increased connection of intermittent wind powered generating capacity to the electricity network. This group's report which is due before the end of this year will form the basis of my future policy proposals to further increase the penetration of renewable energy sources to electricity production.

Question No. 108 answered with Question No. 71.

Television Licence Fee.

109. **Dr. Twomey** asked the Minister for Communications, Marine and Natural Resources the full extent to which the television licence fund surplus for distribution between the various

[Dr. Twomey.]

broadcasting networks has accumulated to date; when it is expected that these funds are likely to be allocated; and if he will make a statement on the matter. [31209/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Broadcasting (Funding) Act 2003 provided for the establishment of a fund to support certain television and radio productions and projects out of an amount of 5% of net receipts of television licence fees and in accordance with a scheme to be administered by the Broadcasting Commission of Ireland. The Act provided that 5% of the net proceeds from television licence fees would be paid into the fund with effect from 1 January 2003. To date a total of €16.02 million has been paid into the fund. As a scheme is not yet in place, the BCI has issued no payments from the fund to date.

The BCI has completed a public consultation on a draft scheme on the operation of the fund. In accordance with section 2(1) of the Broadcasting Funding Act 2003, the BCI is required to submit the finalised scheme to me for approval following which I will lay the scheme before the Oireachtas.

I expect to receive a final version of the proposed scheme in the coming weeks. Any scheme put in place is likely to require State aid approval from the European Commission.

Seabed Survey.

110. **Mr. Rabbitte** asked the Minister for Communications, Marine and Natural Resources if he has plans to extend funding for the Geological Survey of Ireland's national seabed survey beyond 2005; if his attention has been drawn to the fact that the survey has discovered that Ireland's hydrocarbon reserves may be more extensive than previously thought; his views on whether the work involved in the survey merits continuation beyond 2005; and if he will make a statement on the matter. [31269/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Irish national seabed survey is a major €32 million initiative by the Government which demonstrates its commitment to the marine and geoscience sectors. Announced in 1999, it will have surveyed close to 500,000 square kilometres of Ireland's offshore territory by the time the current funding ceases at the end of 2005. The extension of the programme beyond 2005 will be clarified in the context of a strategic review which is currently under way. When this review is completed, I will consider its contents and address the future of the seabed survey beyond 2005.

Ireland is fortunate in having a seabed area that is approximately ten times its land area. Prior to the start of the Irish National Seabed Survey, we had no systematic information on this highly valuable national resource. As a result of this initiative, all of the deep-water region and much

of the shallow coastal survey will be completed by the end of 2005. The survey is managed by the Geological Survey of Ireland, a division of my Department, in conjunction with the Marine Institute and additional strategic partners. The deep water surveys were contracted to the private sector while most of those in shallow water have been undertaken by the vessels of the Marine Institute.

The focus of the work has shifted gradually from data collection to the creation of value-added products of national significance. For example, products designed for the fisheries sector will facilitate efficient and environmentally-friendly operations. The results will inform policy development and decision-making at national and European levels in areas such as fisheries, environmental protection and maritime safety. At the same time, the programme supported the upgrading of the national skills base with over 1,000 persons involved in varied capacities, and it has strengthened Ireland's profile in seabed mapping internationally. Through co-operation with the third level sector, the programme has also supported research in the marine and geoscience sectors which will be of international significance. The challenging quantities of data acquired are stored in a state of the art data management system at the Geological Survey of Ireland, backed up by a data storage and delivery system maintained by NUI Galway.

It is recognised that additional work remains to be completed in the coastal and shallow seas beyond 2005. These areas are of critical importance to sectors such as shipping, fisheries, heritage and leisure, and will be considered in the course of the ongoing strategic review. I am pleased to acknowledge the success of this major undertaking, which I realise is widely regarded as a considerable achievement and of significant benefit to Ireland.

The programme was not designed to examine hydrocarbon reserves and has no direct impact on their extent. However, the techniques used may lead to greater understanding of the offshore setting of hydrocarbons.

Post Office Network.

111. **Mr. Morgan** asked the Minister for Communications, Marine and Natural Resources the number of local post offices which have been closed in the past year. [31177/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have been informed by An Post that since 1 January 2004 16 post offices have been closed and 28 offices converted to agencies, which are designed to ensure the viability of basic post office services in the community.

Emergency Towing Vessels.

112. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources

his plans to invest in an ocean-going tug, salvage, search and rescue type vessel to aid stricken vessels; and if he will make a statement on the matter. [31230/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The feasibility of deploying emergency towing vessels, ETVs, in Irish waters is under consideration in the Department. In 1998 the then Department of the Marine and Natural Resources commissioned a study to investigate the feasibility of deploying ETVs around the coast. Following an assessment of the study, which was published in 1999, it was decided that: Ireland should have access to ETV capacity to protect the coast from the consequences of major oil pollution and vessel stranding; the Department would consult the Departments of Finance, Defence and the Environment, Heritage and Local Government on cost effectiveness, location, financing, operational aspects, possible other uses, etc.; and Ireland and the UK would consult on the possible sharing of an ETV to cover the east coast.

The Department set up an internal working group to manage the consultation process referred to above and to progress the matter generally. The likely very significant costs associated with the provision of ETV capability and complex operational requirements were recognised. The working group concluded that: an ETV capacity should be provided to service the west coast via a public private partnership process, PPP; and an ETV for the east coast should be provided to ensure an acceptable level of cover at minimum cost, including, if possible, on a joint PPP approach with the UK for the Irish Sea.

The Department is examining how these proposals can be pursued, having regard in particular to the very significant costs involved.

Question No. 113 answered with Question No. 74.

An Post.

114. **Mr. Morgan** asked the Minister for Communications, Marine and Natural Resources the estimated financial loss incurred by An Post over the past year; and the reason for same. [31179/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Losses at An Post amounted to €43 million in 2003. The reasons for the losses include lack of control of costs in the past, inefficient work practices and a decline in letter post volumes. Losses on this scale are completely unsustainable and the board of An Post has drawn up a recovery plan designed to place An Post on a financially viable footing.

Question No. 115 answered with Question No. 74.

Question No. 116 answered with Question No. 72.

Question No. 117 answered with Question No. 86.

Fish Stocks.

118. **Mr. Sargent** asked the Minister for Communications, Marine and Natural Resources if he plans to reintroduce gill netting for sea bass in Irish waters; and if so, if he has carried out an analysis of the effect of such fishing practices on wild salmon stocks. [31243/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Bass (Conservation of Stocks) Order, in place since 1990, prohibits the commercial fishing of sea bass by Irish sea fishing boats. The domestic conservation measures for sea bass are kept under review on an annual basis, in light of scientific assessments by the Central Fisheries Board and the Marine Institute of the State of sea bass stocks as well as assessments of the impact of commercial fishing effort on sea bass stocks by other member states.

This year, following a review of the scientific assessments relating to sea bass, it was decided that the Bass (Restriction on Sale) Order should be renewed for a further year. The effect of this order is to prohibit the sale or offer for sale of bass, other than bass which has been imported into the State, from 1 July 2004 to 30 June 2005. The bass fishing conservation by-law which imposes a bag limit on anglers of two bass in any one period of 24 hours and provides for a ban on angling for bass during the spawning season was also renewed this year.

These domestic conservation measures for sea bass will continue to be kept under review by the Department in light of scientific stock assessments. However, I do not consider that it would be advisable, taking into account the scientific advice, to introduce a gill net fishery for this stock.

Question 119 answered with Question No. 99.

Mineral Exploration Company.

120. **Ms B. Moynihan-Cronin** asked the Minister for Communications, Marine and Natural Resources the efforts that have been made to recover the €44 million owed to the State by a defunct mineral exploration company (details supplied); if he has communicated with the Committee of Public Accounts on this issue; the nature of the communications with the PAC that have taken place; and if he will make a statement on the matter. [31258/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The question relates to advances made by the State to the company between 1983 and 1986 totalling £956,296 for the purposes of securing the continu-

[Mr. N. Dempsey.]
 ation of interest payments by the company on senior financing. The figure of €44 million includes interest at 20%. This was set at an equivalent rate to that claimed on advances to the company by other directors, which have also not been paid.

The advances were made by the State to tide the company over during negotiations on rescue packages and to forestall the execution of judgments already obtained by the banks. Attempts to rescue the company failed and a receiver was appointed by the High Court in 1985. The receivership was stalled pending the outcome of a number of court actions, including the High Court case brought by directors of the company against Tara Mines and others and the State — Record Number 1986 No. 10898P — which were not ultimately settled until December 2000 when the High Court set aside all pending actions by Bula against the receiver and consented to the sale of the assets of the company. In May 2001 the receiver announced that he had reached agreement on the sale of the assets of Bula for a total of €34.9 million, £27.5 million. The sale of this asset was not sufficient to repay all the moneys outstanding to the banks. The nature of the advances by the State to the company were such that they were subordinated to the senior debt so there was no possibility of them being repaid once the receivership was in train.

The Secretary General of my Department has been in correspondence with the Committee of Public Accounts and will reply shortly to supplementary questions put to him by the committee.

Marina Projects.

121. **Ms Burton** asked the Minister for Communications, Marine and Natural Resources the position with regard to possible legal action being taken against the State for his Department's failure to comply with EU competition law due to the way it funded four marina projects in Kerry, Galway, and Sligo; the reason these projects were advanced without a proper scheme having been put in place for funding them; and if he will make a statement on the matter. [31246/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I am not aware of any legal action being proposed against the State in relation to EU competition law in connection with marine access infrastructure projects in Kerry, Galway and Sligo.

I have previously advised the House that the four projects in question at Cahirciveen and Kenmare, County Kerry, Roundstone, County Galway and Rosses Point, County Sligo were selected for funding in advance of the NDP marine tourism grant scheme being launched in 2002. The marine tourism grant scheme had State

aid approval and, therefore, no question of a breach of EU competition law arises.

Of the projects mentioned, only the marina at Cahirciveen has been completed and is operational. The other three projects have been and continue to be the subject of complex legal, planning and process issues.

Recent legal advice suggests, however, that the State aid approval that was given to the scheme does not extend to the four projects. The Department is currently in consultation with the Attorney General's office on what the State aid implications for these particular projects may be if they were to proceed.

Electricity Supply.

122. **Mr. Howlin** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the fact that a prolonged strike at Bord na Móna may disrupt electricity supplies from peat-burning ESB stations; and if he will make a statement on the matter. [31253/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Responsibility for the industrial relations machinery of the State belongs to another Minister. The management of industrial relations in Bord na Móna plc is a matter in the first instance for the company in association with its trade unions. I have not had discussions with workers or trade union representatives at the company concerning any threatened industrial action:- The possibility of a prolonged strike in Bord na Móna is speculative at this stage and it would not be helpful for me to add to the speculation. As far as I am aware, there is limited industrial action in relation to the supplies of peat to the west Offaly plant. This plant is only in testing mode at present and is not expected to be fully operational until January 2005. The plant, therefore, has no material impact at present on the supply of electricity to the national electricity grid.

Question No. 123 answered with Question No. 89.

Fisheries Protection.

124. **Ms Burton** asked the Minister for Communications, Marine and Natural Resources the discussions he has had with the European Commission over allegations of fishing quota fraud in County Donegal; when the investigation into this issue will be complete; the action the Commission may take against Ireland should it find that quota levels have been exceeded; and if he will make a statement on the matter. [31247/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The allegations made of illegal fishing were formally advised to the Garda Síochána by the Department with a request for an

investigation on 12 October 2004. The European Commission was also formally advised of the matter and of the action taken at that time. No discussions have been held with the European Commission on this matter. It is a matter for the Commission to take any action it considers appropriate and I have not been advised at this time of any action being proposed.

Question No. 125 answered with Question No. 70.

Question No. 126 answered with Question No. 101.

Advertising Practice.

127. **Mr. Gogarty** asked the Minister for Communications, Marine and Natural Resources the expected cost of the review he has commissioned on the possible effect of RTÉ advertising practices on other broadcasting media. [31239/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): In October of this year I engaged a team of consultants to conduct a review of the impact on all broadcasters of the licence fee paid to RTÉ, with particular emphasis on possible distortions in the advertising market. I am expecting the final report from the consultants shortly. While my Department has not as yet received an invoice for this consultancy task, it is expected that the consultancy fees and expenses will be in the region of €90,000.

Energy Regulation.

128. **Mr. Connaughton** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the recent newspaper articles suggesting that regulation is imposing a serious financial penalty on domestic and industrial consumers; his proposals to address the issue; and if he will make a statement on the matter. [31191/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function in this matter, which falls within the statutory responsibility of the Commission for Energy Regulation, CER, under the Electricity Regulation Act 1999 and that responsibility was extended to natural gas by the Gas (Interim) (Regulation) Act 2002. I have brought the article concerned to the attention of CER.

Coastal Protection.

129. **Mr. Sargent** asked the Minister for Communications, Marine and Natural Resources the funding which is available for coastal protection in Wicklow; and if he will report on the long-term analysis he has carried out on the implications of global climate change on such coastal areas. [31244/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Department's coast protection programme seeks to address the most urgent instances of erosion on the Irish coastline. Coastal erosion affects all coastal counties and is particularly prevalent on the softer coastline in the east and south-east of the country. The rise in sea levels associated with global warming is projected to lead to an increase in coastal erosion, because of rising mean water levels and expected increases in storm frequency and wave heights.

A value for money report in March 2002 highlighted the need for a more strategic focus in addressing the problem of coastal erosion in Ireland. In this respect the coastal protection strategy study commenced in 2003. The study will address the nature and extent of erosion at various locations and different types of coastline in Ireland and seek to identify the most effective means, technically, financially and environmentally, in responding to particular instances and types of erosion. It is expected that when this study is completed a more targeted approach to programme delivery will enable a greater level of efficiency to be achieved.

Under the coast protection measure of the National Development Plan 2000-2006, €52.01 million is identified for expenditure. Expenditure under this measure up to the end of 2003 was €29.1 million. Funding of €2.7 million is allocated to my Department for the coastal protection programme in 2004. Funding of €30,000 was allocated to Wicklow County Council in 2004 to undertake a study at Brittas Bay and a further €52,500 was allocated for a site investigation at Greystones.

Fisheries Protection.

130. **Mr. Boyle** asked the Minister for Communications, Marine and Natural Resources the implications for the Government of the decision (details supplied) of the European Court of Justice of 18 November 2004 regarding the failure as a member state to fulfil obligations under the Community system for fisheries regulations regarding the exceeding of fishing quotas. [31235/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): This judgment of the European Court of Justice relates to a number of cases of Irish fish quotas being exceeded in 1995 and 1996. The details of the judgment are being examined in detail by the Department. In the light of this judgment, the European Commission has asked Ireland to indicate by 22 January 2005 details of the measures that have been taken or will be taken to address the issues raised by the judgment.

I wish to confirm to the Deputy that the Department will urgently complete its examination of this matter and that a detailed response will issue to the Commission within the January

[Mr. Gallagher.]

2005 deadline. The Department's response will focus in particular on the range of additional fisheries control measures that have been developed and implemented since the mid-1990s to address the system deficiencies that arose from the over-fishing cases in question.

I wish to stress the great importance which Ireland attaches to compliance with the rules of the Common Fisheries Policy. It is a priority objective of the Department and has underpinned major changes and improvements in the fisheries control and enforcement regime in recent years.

It is not yet possible to provide precise details of the implications of this judgment. Discussions will be held at the earliest possible date with the Commission to secure the necessary clarification on this and any other issues arising. I believe that Ireland will be able to provide satisfactory assurances on Ireland's enhanced fisheries control and enforcement regime.

Postal Services.

131. **Mr. Quinn** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to proposals for An Post to subcontract out the delivery of mail in rural areas; the way in which this may impact on An Post's universal service obligations; his views on whether such a plan may result in poorer postal services to rural areas; and if he will make a statement on the matter. [31267/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The universal service obligation which, includes nationwide delivery requirements, is enshrined in EU and Irish law and, therefore, it is a statutory requirement for An Post, as the designated universal service provider. The issue of detailed arrangements for delivery of mail on a nationwide basis is a separate issue and one that does not dilute in any way the universal service obligation imposed on An Post.

As part of the process of restructuring, aimed at improving the efficiency of postal services, An Post has in mind a pilot project in relation to "owner drivers". The matter is an operational one for consideration by the board and management of An Post and, therefore, one for which I have no function.

Telecommunications Services.

132. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources when the new voice over Internet protocol technology will be available to the general public; and if he will make a statement on the matter. [31250/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Under the Communications (Regulation) Act 2002, Com-Reg, the independent regulator, has sole

responsibility for the overall management of numbering changes. Concerning voice over Internet protocol, VIOP, it is my understanding that this technology will offer a new way of delivering voice traffic using the Internet and that the distinguishing feature of this potential service is the fact that voice calls may be carried in the form of packets. The introduction of VIOP services to the public is a matter for market operators to decide.

Question No. 133 answered with Question No. 78.

Postal Services.

134. **Mr. English** asked the Minister for Communications, Marine and Natural Resources if he has had recent discussions with representatives of An Post, having particular regard to the need to ensure the continuity of the vital services provided including sorting, distribution and the post offices; if he has put forward proposals in this regard with particular reference to averting possible industrial action; and if he will make a statement on the matter. [31213/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Since taking up office, I have met the chairperson and the chief executive of An Post on one occasion in October. Departmental officials meet with An Post management on a monthly basis to be updated on significant issues. I am advised on the outcome of the monthly meetings.

With regard to continuity of services, I am pleased to say that the Labour Relations Commission has facilitated an agreement between An Post and the Communications Workers' Union on appropriate arrangements to deal with the Christmas post. It is good not only for An Post customers but also for the climate of industrial relations in the company that agreement has been reached because further complex and contentious industrial relations issues remain to be resolved in An Post.

The critically important objective of restructuring the company remains an imperative. All parties have agreed that change in the company is necessary, if it is to be financially viable and well positioned to meet the competitive challenges that can be expected to intensify during the months and years ahead.

In this regard, an exhaustive process of negotiation between An Post and the Communications Workers' Union has taken place, under the auspices of the Labour Relations Commission during 2004. The union is now balloting on the outcome of these negotiations. Therefore, it would not be appropriate for me to comment any further on this issue.

I also understand that the members of the CWU have voted to renew a mandate for strike action. Rather than resorting to any form of industrial action, I would urge the members of the union to work through the established industrial relations machinery to resolve areas of dis-

agreement between management and unions. An Post customers are entitled to a postal service, especially at Christmas and I would urge no disruption of postal deliveries at this time of the year.

The proper forum for discussing industrial relations issues is the State's industrial relations machinery. I am of the view that while all parties continue to engage with these mechanisms, that progress can continue to be made.

The challenge going forward is for both sides to redouble their efforts to agree to put in place and to manage the changes necessary to enable An Post to thrive in an increasingly competitive marketplace. Ultimately, it will be to the benefit of An Post and its employees, as well as its customers and the community at large, if agreement on much needed change can be secured. In such circumstances, An Post will be enabled to continue to deliver the kind of service which is essential for a modern competitive economy.

Energy Resources.

135. **Mr. Cuffe** asked the Minister for Communications, Marine and Natural Resources if he has asked for research to be carried out on the potential production of ethanol from existing industrial facilities such as sugar processing plants; and the supports which might be required to encourage private industry to switch to such processing methods. [31238/04]

242. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources if the report on the biofuels directive commissioned by Sustainable Energy Ireland has been published. [31286/04]

243. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources his Department's strategy to attain a 20% substitution of conventional fuels by biofuels and other alternatives in the road transport sector by 2020. [31363/04]

244. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources the proportion of fuel sold here for transportation that consists of biofuels and other renewable fuels. [31364/04]

245. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources if this State submitted a report to the European Commission in 2004 on the promotion of biofuels and other renewable fuels within the transport sector; and if so, if that report can be made available to Dáil Éireann. [31365/04]

284. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which bio-fuel development has progressed; and if he will make a statement on the matter. [31520/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose

to take Questions Nos. 135, 242 to 245, inclusive, and 284 together.

My Department is responsible for the promotion and development of renewable energy including biofuels and I am committed to the development of an integrated strategy to increase market penetration of biofuels in Ireland. An interdepartmental group has been set up, chaired by my Department and comprising officials from Sustainable Energy Ireland, SEI, the Departments of Environment, Heritage and Local Government, Transport, Agriculture and Food and Finance, and it is considering policy options for the development of a biofuels sector in Ireland with a view to increasing the penetration of biofuels in the transport fuel market. A liquid biofuels strategy study has also been commissioned by SEI to examine the full range of options and potential supports for liquid biofuels development in Ireland. The report will include options for the production of bioethanol, biodiesel and pure plant oil and will be published shortly.

Discussions have taken place between SEI and the sugar producing industry to explore the potential for bioethanol production. Meetings have also been held with other organisations who are looking at the production of bioethanol from feedstocks other than sugar beet and with organisations interested in the production of biodiesel and pure plant oil. I understand from SEI that these contacts are continuing.

SEI's research development and demonstration programme offers capital grant aid for biofuels market demonstration projects in several categories including bioethanol, biodiesel and pure plant oil.

In March 2004, my Department secured an amendment to the Finance Act 1999, which provides for the introduction of a scheme for excise tax relief for biofuels. The purpose of the scheme is to allow qualified and conditional relief from excise of biofuel used in approved pilot projects for either the production of biofuel or the testing of the technical viability of biofuel for use as a motor fuel.

My Department has finalised details of the scheme with the Department of Finance. The European Commission has confirmed that the scheme would represent a State aid and, consequently, its approval is required. In this regard the Department of Finance has recently written to the Commission seeking approval.

From May 2003 to May 2004 18,000 litres of rapeseed oil was sold and used as fuel in Ireland. The European Commission Green Paper, towards a European strategy for the security of energy supply, sets an objective of 20% substitution of conventional fuels by alternative fuels in the road transport sector by the year 2020. The EU Biofuels Directive 2003/30/EC on the promotion of the use of biofuels or other renewable fuels for transport sets indicative targets for market penetration of biofuels to 2010 and my

[Mr. N. Dempsey.]

Department's focus at this point, is to promote the development of a biofuels sector in Ireland, in accordance with the directive. A report has been prepared for submission to the Commission and will be made publicly available shortly.

Inland Fisheries.

136. **Ms Shortall** asked the Minister for Communications, Marine and Natural Resources his key development priorities for the fisheries and aquaculture sectors as presented at the Fisheries Council in Brussels on 23 November 2004; the proposals which were made at the meeting regarding the sustainable development of inshore fisheries; and if he will make a statement on the matter. [31275/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): At the Fisheries Council on 23 November a policy debate was held on the Commission's proposal for a European fisheries fund, EFF, which will be the Structural Fund for fisheries for the period 2007 to 2013. In that debate I expressed support for the objectives set down in the EFF proposal, particularly those relating to support for stock recovery plans and the sustainable management of fisheries, support for the economic development of coastal areas and also aquaculture development.

In respect of the sustainable development of inshore fisheries, the proposed fund makes specific provision for measures to assist small-scale coastal fishing and the areas dependent on them. I believe that such measures can contribute significantly to the sustainable development of our inshore fisheries.

While consideration of the Commission's proposal is still at an early stage, I am encouraged by the level of support that I received from EU colleagues for the priorities, which I highlighted. I will continue to work towards ensuring that these developmental priorities feature strongly in the regulation to be ultimately adopted by Council.

Marine Safety.

137. **Aengus Ó Snodaigh** asked the Minister for Communications, Marine and Natural Resources if he was informed of the mission of the Canadian submarine, the *HMCS Chicoutimi*, which foundered off the coast of Donegal on 5 October 2004; the equipment it had on board; and the reason the rescue attempt was delayed. [29184/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Irish Coastguard, IRCG, of the Department carried out fully and effectively its responsibilities for both search and rescue, SAR, and pollution-salvage response in respect of this incident.

Under international law the Canadian submarine, the *HMCS Chicoutimi*, which suffered fire

damage when in the Irish pollution responsibility zone, was entitled to freedom of navigation and was not required to seek Ireland's consent for passage, to report navigation routes, or to advise of cargo or equipment transported. However, the Coast Guard was advised that the vessel was not a nuclear submarine.

When the submarine was in the UK SAR region the UK authorities carried out a rescue mission by air-lifting three crew from the submarine to Sligo hospital. During the short period when the submarine was in the Irish SAR region IRCG was not required to carry out any SAR mission.

In relation to pollution-salvage operations, IRCG agreed with the UK authorities, who acted for the Canadian Government, plans and procedures for salvage of the submarine. The towing vessel used in the salvage operations was brought from the north east of Scotland. However, while very poor weather conditions and very rough seas resulted in slower than usual arrival of the towing vessel at the scene of the incident and difficulty in securing of towing equipment to the submarine, salvage was successfully carried out and no pollution resulted from the incident.

Question No. 138 answered with Question No. 72.

Fisheries Protection.

139. **Dr. Twomey** asked the Minister for Communications, Marine and Natural Resources his views on over-exploitation of salmon fishing here; if he has plans to ban drift net fishing; if his attention has been drawn to anglers' concerns regarding the viability of salmon fishing; and if he will make a statement on the matter. [30944/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I can assure the Deputy that I am fully aware of the widespread concerns being expressed, not just by anglers, about the viability of salmon fishing in Ireland. We are all agreed that over-exploitation of fish stocks is a significant threat to the long-term sustainability of the inland fisheries resource. Since publication of the salmon management task force report in 1996, the Department has introduced a range of conservation measures which have seen considerable advancements made in salmon policy and in particular the management of the commercial salmon fishery. As part of these measures, the drift net season is now confined to a two-month period in June and July on a four-day week basis. Fishing is only allowed during daylight hours and is confined to the area within the six-mile limit. The Department operates, through the regional fisheries boards, the wild salmon and sea trout tagging scheme regulations, which *inter alia* limit the total allowable commercial catch of salmon TAC.

Earlier this year, on the advice of the national salmon commission and the National Fisheries Management Executive, my predecessor further

reduced the total allowable commercial catch by 11%. This was consistent with the salmon commission's three-year strategy aimed at reaching the scientific advice on precautionary catch limits over the period 2003-2005. I await the advice of these bodies, based on their analysis including the 2004 season, on the conservation measures, including TAC, to be adopted in 2005.

It is the Government's belief that the current strategy of developing a sustainable commercial and recreational salmon fishery through aligning catches on the scientific advice holds out the strong prospect of a recovery of stocks and of a long-term sustainable fishery for both sectors.

For this reason, the Government has consistently ruled out buyout as an effective means of achieving the restoration of salmon stocks and instead promoted the application of quotas on commercial fishing and bag limits on angling to achieve catch reductions as the best instrument available to achieve this objective. Moreover, no convincing case has been advanced as to the public good that would be acquired by the State in the context of a publicly funded buyout nor why stakeholders benefiting from increased numbers of salmon entering the rivers should not contribute in whole or in part towards achieving that increase.

As a result, I have no plans to introduce proposals to purchase commercial salmon fishing licences. I would be prepared, however, to keep the matter under review and would be open to any relevant proposals whereby stakeholders benefiting from any reduction in commercial catch might fund in whole or in part any compensation arising.

Questions Nos. 140 and 141 answered with Question No. 70.

Fishing Permits.

142. **Mr. McGinley** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the proposal by the Northern Fisheries Board to increase the fee for angling permits to €50 per annum and to the concern and anxieties expressed by minor and senior members of angling clubs throughout the region. [30941/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Under section 68 of the Fisheries (Consolidation) Act 1959, the issuing of permit charges for angling is an operational matter for the relevant regional fisheries board, in this instance the Northern Regional Fisheries Board.

I am advised by the chief executive officer of the Northern Regional Fisheries Board that the maximum permit charge for angling in the region in 2005 will be €33 for an adult and €16 for a juvenile. All the revenue generated by the regional fisheries boards from permit fees are retained by the boards and are re-invested in the

ongoing management and development of fisheries in their region.

Marine Safety.

143. **Mr. Sherlock** asked the Minister for Communications, Marine and Natural Resources if he proposed to obtain a State-owned towing vessel for marine emergencies; if his attention has been drawn to the fact that the official report on the near miss involving a passenger ferry at the Tuskar Rock lighthouse in 2003, highlights the absence of such an emergency vessel; his views on whether such a report supports the need for such an emergency vessel to be acquired; and if he will make a statement on the matter. [31273/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I am aware of the incident which occurred near Rosslare Harbour on 30 January 2003 in which a ro-ro passenger ferry, lost engine power 30 minutes after leaving port for Fishguard in Wales and drifted towards Tuskar Rock lighthouse. The emergency services were immediately alerted in this case and preparations put in hand to render assistance to the vessel. However, after some one and a half hours the vessel regained full engine power and was able to continue its journey without further incident.

The feasibility of deploying emergency towing vessels, ETVs, in Irish waters is under consideration in the Department. In 1998 the then Department of the Marine and Natural Resources commissioned a study to investigate the feasibility of deploying ETVs around the coast. Following an assessment of the study, which was published in 1999, it was decided that Ireland should have access to ETV capacity to protect the coast from the consequences of major oil pollution and vessel stranding; the Department would consult with the Departments of Finance, Defence and Environment, Heritage and Local Government on cost effectiveness, location, financing, operational aspects, possible other uses, etc; and Ireland and the UK would consult on the possible sharing of an ETV to cover the east coast.

The Department set up an internal working group to manage the consultation process referred to above and to progress the matter generally. The likely very significant costs associated with the provision of ETV capability and complex operational requirements were recognised. The working group concluded that an ETV capacity should be provided to service the west coast via a public private partnership process, PPP, and an ETV for the east coast should be provided to ensure an acceptable level of cover at minimum cost, including, if possible, on a joint PPP approach with the UK for the Irish Sea.

The Department is examining how the working group's conclusions can be pursued having regard to the very high costs associated with the provision and operation of such a vessel.

Question No. 144 answered with Question No. 107.

Question No. 145 answered with Question No. 70.

Broadcasting Services.

146. **Mr. Stagg** asked the Minister for Communications, Marine and Natural Resources if he has had discussions with RTÉ regarding the station's slowness with regard to the development of a digital platform in view of the fast changing nature of television broadcasting; and if he will make a statement on the matter. [31276/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): A framework for the establishment of a digital terrestrial television, DTT, network was provided for under the Broadcasting Act 2001. The Act envisaged the roll out of DTT with private sector involvement. A public tender competition, however, did not result in the award of a licence.

My Department has continued to explore, with RTÉ, how Ireland can best plan for the digital future. I am reviewing options for the development of DTT, including the possibility of a DTT demonstration project.

Broadcasting Legislation.

147. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources his views on the introduction of a system of fines or penalty points for private radio and television companies for breaches of broadcasting regulations; if his attention has been drawn to recent comments from the Independent Broadcasters of Ireland that such a system would be preferable to the current situation whereby the Broadcasting Commission of Ireland either writes to warn of breaches or removes licences altogether; and if he will make a statement on the matter. [31251/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): A fundamental review of radio licensing in Ireland is under way. A period of public consultation followed the publication of the OX report on radio licensing, including a public seminar on 14 September in Athlone. The purpose of the consultation phase was to seek the views of the many different stakeholders involved in radio broadcasting in Ireland. Submissions from all stakeholders were sought as part of the consultation.

Issues around enforcement of licence conditions, including the use of mechanisms such as fines, penalty points, warnings and licence removal, have been raised and discussed in the consultation process. I will be giving full consideration to all submissions received, including the submission received from the Independent Broadcasters of Ireland, which comments on these issues.

Electricity Generation.

148. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources if he will report on the level of interest in proposals to build or own two new electricity interconnectors between Britain and Ireland; if he has received assurances that electricity accessed via these interconnectors from Britain would not have been produced at the Sellafield nuclear reprocessing plant in view of the fact that Government policy supports the closure of Sellafield; and if he will make a statement on the matter. [31261/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Commission for Energy Regulation, CER, was requested by my predecessor to assess, in the first instance, the degree of interest in developing merchant interconnection. It reported last June that there was insufficient interest on the part of the private sector to construct "pure" merchant interconnectors without financial underpinning of any form. However, the CER's overall impression from the submissions it had received from interested parties was that there was a genuine interest on the part of several key industry players in developing east-west interconnection on the basis of hybrid merchant-regulated type interconnection.

Accordingly, the CER has been requested to develop proposals to activate a process exploring all possible options for the development of the two 500 MW electricity interconnectors on a hybrid-regulated basis. The CER is engaging external professional advice to assist it in framing a competitive type process to deliver the interconnection at the earliest possible date.

Turning to the second part of the Deputy's question, under the provisions of the EU Electricity Directive 2003-54-EC concerning common rules for the internal market in electricity and repealing Directive 96-92-EC, to avoid imbalance in the opening of electricity markets, the supply of electricity to customers deemed eligible in other member states shall not be prohibited.

Also, it is not possible to prohibit electricity generated from nuclear sources being imported over the proposed east-west interconnectors, since it is not physically possible to prevent the flow of nuclear generated electricity onto the network. This is the case with the existing interconnection between Scotland, Northern Ireland and the Republic of Ireland through the Moyle interconnector.

The Deputy may wish to note that with the implementation of the above mentioned electricity directive, shortly, all electricity suppliers will be required to specify in or with the electricity bills and in promotional material made available to final customers, the contribution of each energy source to the overall fuel mix of the supplier over the preceding year. I am confident, given the known popular opposition to nuclear energy in Ireland, that suppliers would not know-

ingly contract for electricity imports clearly traceable to nuclear stations or that Irish consumers would knowingly buy any. There is simply no business case for selling nuclear energy in Ireland.

Question No. 149 answered with Question No. 92.

Question No. 150 answered with Question No. 86.

Mobile Telephony.

151. **Mr. Howlin** asked the Minister for Communications, Marine and Natural Resources if he plans to introduce a national register for owners of third generation mobile phones; his views on stated views (details supplied) that Ireland needs a register of 3G phones and that the register should be in place before the commercial roll-out of 3G; and if he will make a statement on the matter. [31252/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Officials in my Department have been exploring for some time with both the industry and Commission for Communications Regulation, ComReg, the matter of a register for the use of all new 2G and 3G pre-paid mobile phones. The principal aim of any such register would be to enable effective tracing of perpetrators of criminal activities who use mobile phones for criminal purposes.

The registration of the use of pre-paid mobile phones is a complex issue and the exact nature of such a register must be given careful thought. The legal, technical and practical issues surrounding this proposal require further consideration in consultation with interested parties, including the Department of Justice, Equality and Law Reform and ComReg.

Legislation is already in place to prosecute the issue of nuisance and criminal calls, and the sending of pornographic images by mobile phones. My colleague, the Minister for Justice, Equality and Law Reform is responsible for policy in relation to the protection of children from the transmission of pornographic images by phones and other media.

Question No. 152 answered with Question No. 76.

153. **Ms McManus** asked the Minister for Communications, Marine and Natural Resources if he will issue a directive to ComReg regarding continuing high prices in the mobile phone market and clear evidence of overcharging by companies during 2004; and if he will make a statement on the matter. [31257/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function in the setting of these prices. The regulation of mobile telephone operators in this State is a matter for the Commission for Communications Regulation, ComReg, in accordance with

the requirements of the Communications Regulation Act 2002 and regulations under the EU regulatory framework for electronic communications.

I am aware that ComReg has sought a comprehensive report from each of the relevant mobile phone companies concerning alleged incidents of overcharging and will decide on the appropriate action it may take following the consideration of the reports.

New telecommunications legislation is under preparation within the Department at present. Using this legislation, it is intended to give enhanced powers to ComReg to investigate overcharging and impose penalties, where appropriate.

Question No. 154 answered with Question No. 73.

Question No. 155 answered with Question No. 74.

Energy Resources

156. **Mr. Quinn** asked the Minister for Communications, Marine and Natural Resources his views on the energy regulator's concern that the State's plans to cut carbon dioxide emissions may cause power shortages; and if he will make a statement on the matter. [31266/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The subject matter covered by the Deputy's question relates to the statutory independence of the Commission For Energy Regulation, as set out in paragraph 9 of the Schedule to the Electricity Regulation Act 1999. I therefore have no function in this matter.

Official Languages Act 2003.

157. **Mr. O'Shea** asked the Taoiseach the amount of money that has been spent in each of the past five years on the Irish language in his Department; and if he will make a statement on the matter. [30944/04]

158. **Mr. O'Shea** asked the Taoiseach if provision has been made in the 2005 Estimates for his Department for the cost of implementing the provisions of the Official Languages Act 2003; the amount of such provision; and if he will make a statement on the matter. [30945/04]

161. **Mr. O'Shea** asked the Taoiseach the amount which has been spent by his Department in 2004 in regard to implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [31138/04]

162. **Mr. O'Shea** asked the Taoiseach the amount which has been spent by public bodies or agencies funded by his Department in 2004; and if he will make a statement on the matter. [31153/04]

The Taoiseach: I propose to take Questions Nos. 157, 158, 161 and 162 together.

My Department is committed to providing services through Irish. This is reflected in the Department's action plan 2001-04 which gives practical expression to the Government's commitment to deliver quality service to Irish speakers made in Delivering Better Government in 1996. Prior to enactment of the Official Languages Act 2003, my Department was proactive in implementing measures to promote the use of Irish. Those measures are set out generally in a reply which I gave to the Deputy last June in respect to similar questions.

My Department's strategy statement 2005-07 and the 2004 annual report will be published in

2005. Both documents will be available in Irish and English.

With regard to costs, it is not expected that implementation of the Official Languages Act 2003 will give rise to substantial costs additional to those which are being incurred prior to that enactment.

In so far as the day-to-day activities of the Department are concerned, it is generally not possible to distinguish separate costs for use of Irish, e.g. in replying to correspondence or telephone calls. To the extent that separate costs for use of Irish can be identified, these are given below.

| Year Translation Costs Incurred | Title of Document | Cost |
|---------------------------------|---|--|
| | | € |
| 1999 | Advertisement in Iris Oifigiúil SI of 1999 British Irish Agreement Act, 1999 (Commencement) Order, 1999 | 17.14 |
| 1999 | The Report of the Interdepartmental Group (eWeb Publication) | 1,401.00 |
| 2001 | 2000 Annual Report | 2,151.37 |
| 2001 | The Customer Action Plan 2001-4 | 2,967.00 |
| 2001 | Bilingual reprint of the National Flag booklet | 2,755.00 (approx). |
| 2001 | Cabinet Handbook | 16,000.00 (figure updated from that given in PQ no.15243/04) |
| 2002 | Ireland and the European Union: Identifying Priorities and Pursuing Goals | 2,240.00 |
| 2002 | Advertisement in Iris Oifigiúil in Irish (British-Irish Agreement (Amendment) Act 2002 (Commencement) Order | 17.14 |
| 2002 | Translation & Printing of SI 522 of 2002 (British-Irish Agreement (Amendment) Act 2002 (Commencement) Order | 155.16 |
| 2002 | Strategy Statement to 31 December 2003 | 1,205.23 |
| 2002 | Telecommunications Working Group Report | 1,870.51 |
| 2002 | Grangegorman Working Group Report | 482.70 |
| 2002 | The Green Paper on Basic Income | 2,244.00 |
| 2003 | DEC Telecommunications Working Group Report | 1,870.51 |
| 2003 | Ireland and the European Union: Identifying Priorities and Pursuing Goals (2nd edition) | 3,313.00 |
| 2003 | 2001 Annual Report | 2,783.00 |
| | 2002 Annual Report | 5,396.80 |
| | Strategy Statement 2003-2005* | 1,885.60 |
| 2003 | Code of Conduct for Office Holders | 483.64. |
| 2004 | Statutory Instrument 664 of 2004 Statistics(Delegation of Ministerial Functions) Order | 44.77 |
| 2004 | 2003 Annual Report ** | 4,648.65 |
| | Human Resource Strategy 2003-2005 | 3,386.97 |
| 2004 | Department Customer Charter — Charter and Customer Comment/Complaints Procedure | 408.18 |
| | The Charter was published bilingually | 6,912.75. |
| 2004 | Invitation-IFSC Lunch hosted by the Taoiseach | 48.40 |
| 2004 | Invitation re European Year of People with Disabilities | 48.40 |
| 2004 | Menu -IFSC Lunch hosted by the Taoiseach | 48.40 |
| 2004 | Invitation — Special Olympics Supporter Breakfast | 48.40 |
| 2004 | Booklet — National Day of Commemoration | 60.50 |
| 2004 | Departmental Legislation Website | 484.48 |
| 2004 | Mid-Term Review of Part Two of Sustaining Progress — Pay and the Workplace | 817.17 |
| 2004 | Oireachtas Committee on the Constitution's notice inviting submissions on Family Rights | 50.00 |

| Year Translation Costs Incurred | Title of Document | Cost |
|---------------------------------|--|----------|
| | | € |
| 2004 | Quality Customer Services — LINK Newsletter | 2,850.00 |
| 2004 | HRM/Co-ordination — LINK Newsletter | 874.67 |
| 2004 | Better Regulation — Summary of White Paper “Regulating Better” | 713.89 |

* There are printing costs associated with printing the strategy statement in both Irish and English but as this was a combined Irish-English document it is not possible to extract the printing cost for the Irish version only.

** There are printing costs associated with printing the annual report in both Irish and English but as this was a combined Irish-English document it is not possible to extract the printing cost for the Irish version only.

The Government secretariat also arranges for Government notifications to be placed through Irish in *Iris Oifigiúil*. Expenditure incurred in placing such notifications for the years 1999 to 2004, January-October, is set down underneath.

| Year | Cost |
|----------------|-------|
| | € |
| 1999 | 1,719 |
| 2000 | 3,909 |
| 2001 | 2,495 |
| 2002 | 4,958 |
| 2003 | 2,179 |
| 2004 (Jan-Oct) | 1,806 |

As the Deputy is aware, section 11 of the Act provides for preparation by my Department, and individually by each of the bodies under its aegis, of a scheme in relation to the delivery of our services to the general public in the Irish language. In light of this, we propose to draft a scheme to ensure a higher standard and a better availability of our services through Irish. My Department is among the first of the public bodies to begin this process which will involve consultation with those

who use my Department’s services and who will be invited to make submissions to the preparation of the scheme. When completed, the draft scheme will be presented to the Minister for Community, Rural and Gaeltacht Affairs on the 28 March, 2005. I do not expect this scheme will give rise to significant additional costs and, consequently, it has not been necessary to make explicit separate or additional provision for this in the 2005 Estimates for my Department.

Fishing Industry.

159. **Mr. R. Bruton** asked the Taoiseach the total value and tonnage of the fish catch since 1997; the value and volume of the output from the fish processing sector since 1997; and the numbers employed in fishing and in fish processing since 1997. [30946/04]

Minister of State at the Department of the Taoiseach (Mr. Kitt): The estimates of sea fish landings for 1997 to 2003, which are largely based on data supplied by the Department of Communications, Marine and Natural Resources, are set out in Table 1 below.

Tables 2a and 2b show, in addition, the value and volume of aquaculture and inland fisheries, together with the total production.

Table 1. Sea Fish Landings

| Year | Sea fish landings (value: million euro) | Sea fish landings (weight: tonnes) |
|------|---|------------------------------------|
| 1997 | 167.9 | 291,133 |
| 1998 | 192.3 | 320,163 |
| 1999 | 189.5 | 279,230 |
| 2000 | 189.0 | 272,875 |
| 2001 | 253.6 | 298,521 |
| 2002 | 209.9 | 245,165 |
| 2003 | 216.9 | 298,615 |

Table 2a. Fish Production — value: million euro

| Year | Sea fish landings | Aquaculture | Inland | Total Production |
|------|-------------------|-------------|--------|------------------|
| 1997 | 167.9 | 74.3 | 5.4 | 247.6 |
| 1998 | 192.3 | 77.2 | 6.2 | 275.7 |
| 1999 | 189.5 | 86.0 | 5.1 | 280.6 |
| 2000 | 189.0 | 95.4 | 6.1 | 290.5 |
| 2001 | 253.6 | 107.1 | 6.0 | 366.7 |
| 2002 | 209.9 | 117.4 | 5.5 | 332.8 |

Table 2b. Fish Production — weight: tonnes

| Year | Sea fish landings | Aquaculture | Inland | Total Production |
|------|-------------------|-------------|--------|------------------|
| 1997 | 291,133 | 38,721 | 738 | 330,592 |
| 1998 | 320,163 | 39,980 | 895 | 361,038 |
| 1999 | 279,230 | 43,856 | 775 | 323,861 |
| 2000 | 272,875 | 51,247 | 881 | 325,003 |
| 2001 | 298,521 | 60,935 | 900 | 360,356 |
| 2002 | 245,165 | 62,686 | 789 | 308,640 |

Figures for the value of output from the fish processing sector, covering the years 1997-2002, are provided in Table 3 below. These data are

from the CSO census of industrial production. Corresponding volume figures are not available.

Table 3. Output and Employment in Processing and Preserving of Fish and Fish Products, NACE Code 1520

| Year | Gross Output EUR 000 | Net Output EUR 000 | Employment |
|------|----------------------|--------------------|------------|
| 1997 | 301,382 | 101,083 | 2,756 |
| 1998 | 303,890 | 101,478 | 2,754 |
| 1999 | 315,192 | 87,639 | 2,645 |
| 2000 | 342,895 | 104,042 | 2,568 |
| 2001 | 365,690 | 93,493 | 2,798 |
| 2002 | 429,555 | 126,931 | 3,009 |

In relation to employment in the fishing industry, quarterly national household survey, QNHS, estimates of persons employed are contained in table 4.

Table 4. Persons in Employment in Fishing, NACE Code 05

| Year | Employed in Fishing |
|------------|---------------------|
| 1997 (LFS) | 2,300 |
| 1998 | 3,600 |
| 1999 | 3,100 |
| 2000 | 3,100 |
| 2001 | 3,200 |
| 2002 | 4,000 |
| 2003 | 2,600 |
| 2004 | 2,800 |

Note

(1) Sea fish landings by foreign boats into Irish ports are not included in tables 1, 2a and 2b.

(2) The QNHS estimates are subject to sampling and other survey errors, which are greater in respect of smaller values and estimates of change.

Departmental Bodies.

160. **Mr. Hogan** asked the Taoiseach the number of meetings he has had with chairpersons of semi-State companies; the content of such meetings; and if he will make a statement on the matter. [30974/04]

The Taoiseach: I do not have a regular practice of meeting formally with the chairpersons of semi-State companies. Of course, I would meet them informally from time to time in the course of my official functions and where necessary would hold meetings with them. For example, I have met the chairperson of IDA Ireland,

accompanied by the chief executive, in my office a number of times for briefing on trends in overseas investment and I recently met Mr. Bill McLysaght, chairman of the Central Fisheries Board and a delegation for a briefing on their operations.

With regard to the bodies specifically under the aegis of my Department, I do not have a structured programme of meetings but the officials in my Department keep me informed on an ongoing basis on the progress in relation to those bodies and on any issues that arise.

Questions Nos. 161 and 162 answered with Question No. 157.

Acts of the Houses of the Oireachtas.

163. **Mr. J. O’Keeffe** asked the Taoiseach the reason the Acts of the Houses of the Oireachtas for 2003 are not yet available on the website of the Office of the Attorney General; the date by which this will have been carried out; and if he will make a statement on the matter. [31321/04]

164. **Mr. J. O’Keeffe** asked the Taoiseach the reason the updated version of the chronological tables of the statutes are not yet available on the website of the Office of the Attorney General; the date by which this will have been carried out; and if he will make a statement on the matter. [31322/04]

165. **Mr. J. O’Keeffe** asked the Taoiseach if he will take steps to ensure that the Acts of the Houses of the Oireachtas will be updated on a weekly basis to ensure that Acts which have been enacted will be available on-line on the website of the Office of the Attorney General immedi-

ately; and if he will make a statement on the matter. [31323/04]

The Taoiseach: I propose to take Questions Nos. 163 to 165, inclusive, together.

The Office of the Attorney General updates its website by displaying the Acts, statutory instruments and chronological tables for the previous year. The indexing and preparatory work for the 2003 version of the chronological tables is complete. This work can only be finalised as and when all of the Acts and the full texts of the statutory instruments become available. The work involved is complex and time consuming as it involves an examination of each Act and statutory instrument in order to record any changes to existing legislation. Accordingly, the office is only in a position to publish the updated tables towards the end of each subsequent year and 2004 is no exception in relation to the publication of the 2003 data. The office expects that the 2003 data will be available on its website by year end.

Acts of the Houses of the Oireachtas are made available on that office's website which is linked to the Office of the Attorney General website.

The added value which the Office of the Attorney General brings to the availability of the Statute Book relates to preparation of the chronological tables and publication of statutory instruments along with the Acts.

Consumer Price Index.

166. **Mr. R. Bruton** asked the Taoiseach the movement in the monthly consumer price index since January 2001 to date; and indicate in respect of the index the amount that was due to increases in indirect tax at each date. [31373/04]

Minister of State at the Department of the Taoiseach (Mr. Kitt): The table below shows the development of the consumer price index, CPI, over the period January 2001 to October 2004. In addition, it shows the annual percentage change reported for the CPI and the amount of that annual percentage change which was due to indirect taxes. Over the entire period in question the consumer price index rose by 15.1%, of which 3.8% was due to indirect taxes.

Annual % Change

| Month | Consumer Price Index (December 2001=100) | Consumer Price Index | Due to Indirect Taxes ¹ |
|-----------|---|----------------------|------------------------------------|
| 2001 | | | |
| January | 95.1 | +5.2 | -0.1 |
| February | 96.0 | +5.3 | -0.1 |
| March | 96.8 | +5.4 | -0.1 |
| April | 97.6 | +5.5 | -0.1 |
| May | 98.2 | +5.5 | -0.1 |
| June | 98.7 | +5.3 | -0.1 |
| July | 98.5 | +4.8 | -0.1 |
| August | 98.8 | +4.6 | -0.1 |
| September | 99.2 | +4.5 | -0.1 |
| October | 99.6 | +4.3 | -0.1 |
| November | 99.5 | +3.8 | -0.1 |
| December | 100.0 | +4.3 | +0.5 |
| 2002 | | | |
| January | 99.8 | +4.9 | +1.2 |
| February | 100.5 | +4.7 | +1.3 |
| March | 101.4 | +4.8 | +1.3 |
| April | 102.3 | +4.8 | +1.3 |
| May | 102.8 | +4.7 | +1.2 |
| June | 103.0 | +4.4 | +1.2 |
| July | 102.6 | +4.2 | +1.3 |
| August | 103.2 | +4.5 | +1.3 |
| September | 103.7 | +4.5 | +1.3 |
| October | 104.2 | +4.6 | +1.2 |
| November | 104.3 | +4.8 | +1.3 |
| December | 105.0 | +5.0 | +1.5 |
| 2003 | | | |
| January | 104.6 | +4.8 | +1.5 |
| February | 105.6 | +5.1 | +1.5 |
| March | 106.4 | +4.9 | +1.5 |
| April | 106.7 | +4.3 | +1.4 |
| May | 106.6 | +3.7 | +1.4 |

Annual % Change

| Month | Consumer Price Index (December 2001=100) | Consumer Price Index | Due to Indirect Taxes ¹ |
|---------------------------|---|----------------------|------------------------------------|
| June | 106.6 | +3.5 | +1.3 |
| July | 105.8 | +3.1 | +1.3 |
| August | 106.5 | +3.2 | +1.4 |
| September | 106.7 | +2.9 | +1.4 |
| October | 106.6 | +2.3 | +1.2 |
| November | 106.6 | +2.2 | +1.2 |
| December | 107.0 | +1.9 | +1.0 |
| 2004 | | | |
| January | 106.5 | +1.8 | +0.7 |
| February | 107.4 | +1.7 | +0.6 |
| March | 107.8 | +1.3 | +0.5 |
| April | 108.2 | +1.4 | +0.6 |
| May | 108.4 | +1.7 | +0.7 |
| June | 109.0 | +2.3 | +0.8 |
| July | 108.7 | +2.7 | +0.8 |
| August | 109.3 | +2.6 | +0.7 |
| September | 109.4 | +2.5 | +0.7 |
| October | 109.5 | +2.7 | +0.8 |
| Cumulative Total % Change | January 2001 to October 2004 | +15.1 | +3.8 |

¹Based on the constant tax price index, CTPI, as published by the CSO. The CTPI is compared with the consumer price index to derive a measure of the contribution of changes in indirect taxes to overall price changes.

Legal Fees.

167. **Mr. J. O’Keeffe** asked the Taoiseach the composite amount paid to lawyers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the amount paid from 1 January 2004; and if he will make a statement on the matter. [31876/04]

168. **Mr. J. O’Keeffe** asked the Taoiseach the ten highest composite figures paid to barristers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the ten highest figures paid from 1 January 2004; the names of the barristers; and

if he will make a statement on the matter. [31890/04]

The Taoiseach: I propose to take Questions Nos. 167 and 168 together.

The total amount paid to lawyers engaged by or on behalf of the State under the aegis of my Department in 2003 was €20,775,721. The total amount for 2004 to 31 October 2004 is €14,422,340.

These figures include the offices of the Attorney General, DPP and Chief State Solicitor and the Law Reform Commission, as well as the Moriarty tribunal, the Independent Commission of Inquiry and the All Party Committee on the Constitution which come under my Department.

The ten highest composite payments to barristers engaged by or on behalf of the State under the aegis of my Department in 2003 and 2004 are shown in the following tables.

| Name | Details | Total paid in 2003 |
|-------------------------|--------------------------------|--------------------|
| | | € |
| John Coughlan, SC | Moriarty Tribunal | 784,988 |
| Jacqueline O’Brien, SC | Moriarty Tribunal | 744,150 |
| Jeremiah Healy, SC | Moriarty Tribunal | 664,550 |
| Thomas O’Connell SC | DPP | 379,433 |
| Denis Buckley, SC | DPP | 362,221 |
| George Birmingham, SC | DPP | 347,017 |
| Dominic McGinn, BL | DPP | 333,226 |
| Patrick J McCarthy, SC | DPP | 315,961 |
| Paul O’ Higgins, SC | Chief State Solicitor’s Office | 307,938 |
| Diarmaid McGuinness, SC | Chief State Solicitor’s Office | 302,730 |

| Name | Details | Total paid in 2004 (to 31/10/04) |
|------------------------|---|----------------------------------|
| | | € |
| John Coughlan, SC | Moriarty Tribunal | 735,075 |
| Jeremiah Healy, SC | Moriarty Tribunal | 727,512 |
| Jacqueline O'Brien, SC | Moriarty Tribunal | 453,750 |
| Donal O'Donnell, SC | Chief State Solicitor's Office Attorney General's Office* | 308,955 |
| Anthony Collins, SC | DPP | 308,873 |
| Denis Buckley, SC | DPP | 276,325 |
| George Birmingham, SC | DPP | 240,008 |
| Paul O'Higgins, SC | Chief State Solicitor's Office | 217,794 |
| Edward Comyn, SC | DPP | 209,921 |
| Dominic McGinn, BL | DPP | 206,999 |

* Included in the total payment to Donal O'Donnell SC is an amount of €7,683 paid by the Attorney General's office in 2004.

Question No. 169 withdrawn.

Mental Health Services.

170. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children if there are supports available from her Department towards assisting persons suffering ongoing mental health problems and mild learning difficulties to enable them to live independently in a community; if so, the organisations through which this support is channelled; the way in which it can be effectively accessed by relevant organisations for their clients; and if she will make a statement on the matter. [30967/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): A range of support services are provided by health boards through mental health services and specialist intellectual disability services to enable people with mental health problems and a mild intellectual disability to live independently in the community. The 2004 report from the National Intellectual Disability Database indicates that 558 people with a mild intellectual disability are living semi-independently or independently in the community.

Detailed information on the organisations-services providing such supports is not routinely held in my Department. If the Deputy's question refers to a specific individual or group of individuals, he should direct such a query to the chief executive officer of the health board concerned.

Orthodontic Services.

171. **Cecilia Keaveney** asked the Tánaiste and Minister for Health and Children further to Parliamentary Questions Nos. 241 and 242 of 7 July 2004 and Nos. 887 and 889 of 29 September 2004, the efforts being made to recruit extra orthodontic consultants in the north west region; and if she will make a statement on the matter. [30968/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the provision of

orthodontic services in the North Western Health Board, NWHB, area is a matter for the chief executive officer of the board in the first instance.

The A-chief executive officer of the NWHB has informed my Department that in order to address the current staffing issues it has advertised for both specialist orthodontists and consultant orthodontists. A specialist orthodontist was appointed recently and will be taking up post on 1 December in Letterkenny. An interview for a locum consultant orthodontist has been scheduled for this week.

In addition, the board has employed the services of recruitment companies, attempted to source staff from the UK and sent information to colleges in Ireland and the UK to attract staff.

The A-chief executive officer assures me that every effort has and is currently being made to recruit additional specialist staff and is hopeful that the situation will continue to improve.

Hospital Waiting Lists.

172. **Mr. R. Bruton** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in Dublin 24 is being asked to wait over a year from now for an appointment in the eye and ear hospital; the reason for the delay and the steps being taken to improve this situation; and if she will make a statement on the matter. [30969/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the provision of health services for persons residing in counties Dublin, Kildare and Wicklow rests with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to investigate the matter raised by the Deputy and to reply to him directly.

Housing Aid for the Elderly.

173. **Mr. Hogan** asked the Tánaiste and Minister for Health and Children the reason for the delay in dealing with applicants under the housing aid for the elderly scheme in the South

[Mr. Hogan.]

Eastern Health Board region; and if she will make a statement on the matter. [30973/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy will be aware, the housing aid scheme for the elderly is operated by the South Eastern Health Board on behalf of the Department of the Environment, Heritage and Local Government. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

Food Safety.

174. **Mr. Gregory** asked the Tánaiste and Minister for Health and Children the procedures followed in cases in which ingredients in food products have been prohibited or withdrawn, whereby the food products containing such ingredients are removed from sale; the details of the monitoring that takes place to ensure that all food products containing proscribed ingredients have been removed; and if she will make a statement on the matter. [30976/04]

175. **Mr. Gregory** asked the Tánaiste and Minister for Health and Children if an ingredient (details supplied) is prohibited from food products in this State; and if so, the steps that have been taken to ensure that food products containing it are no longer on sale to consumers here. [30977/04]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 174 and 175 together.

In the course of normal trade, food products may be recalled or withdrawn from the market from time to time for a variety of reasons. Usually, the manufacturer or distributor will make arrangements to notify purchasers and, where appropriate, will also notify the authorities. Notices of recalls or withdrawals are placed at the point of sale or in the press.

The Food Safety Authority of Ireland, FSAI, is the national contact point for the EU-wide rapid alert system for food and feed. Through this system, member states notify each other when a food product poses, or where there is reason to believe, may pose a danger to consumers. The FSAI examines all notifications and, where appropriate, issues a notice, known as a food alert, to official agencies engaged in food safety and to industry and consumer organisations. Food alerts are issued promptly by email, fax and SMS text message and details are also published on the FSAI website. In serious cases press releases are issued.

Food alerts contain detailed information, including, where necessary, instructions to environmental health officers for the monitoring of recalls and/or the taking of samples to be analysed by the official food control laboratories. Monitoring continues until the issue is resolved. In addition, ongoing random testing may be

included in the annual food surveillance and testing programme agreed between the FSAI and the official agencies.

Section 54 of the Food Safety Authority of Ireland Act 1998 allows the FSAI and the health boards to issue a prohibition order where activities, including the storage or distribution of food involve, or are likely to involve, a serious risk to public health. A prohibition order is, in effect, an order to withdraw food from sale. The FSAI publishes details of such orders on its website.

Information shared through the rapid alert system can lead to the early identification of contamination problems. In such cases the Commission and the member states act together to deal with the matter. In many cases legislation to restrict or prohibit particular foods containing excess contaminant levels has been introduced by the Commission. Recent examples include aflatoxin contamination of peanuts from Egypt and of pistachio nuts from Iran. Member states are obliged to undertake such monitoring and testing as set down in the relevant EU decision.

Another more recent example concerns the detection of the dye Sudan Red 1 in hot chilli products from India. The initial information was sent to the European Commission by France. Following detailed consideration, two Commission decisions were issued prohibiting the placing on the market of products found to contain Sudan Red 1. In Ireland, national legislation giving effect to these decisions was introduced by my predecessor as Minister for Health and Children, Deputy Micheál Martin.

I am satisfied that arrangements in place in this country provide a very high level of protection for consumers and that the procedures and systems for dealing with such matters, at national and European level, are kept under constant review.

From January 2005, food businesses will be legally obliged under Regulation (EC) No. 178-2002 to have systems and procedures in place to handle product withdrawals and recalls effectively. Where a company considers that food imported, produced, processed, manufactured or distributed is not in compliance with the food safety requirements, it will be required to initiate procedures for the immediate withdrawal and/or recall of the food in question from the market. The company must also, in certain circumstances, inform the competent authorities of the actions taken to prevent risks to consumers. To assist businesses the FSAI has published a guidance note on product recall and traceability.

Adoption Services.

176. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the status of an application to adopt a non-national in the name of a person (details supplied) in County Kilkenny; if the assessment can be fast-tracked; and if she will make a statement on the matter. [31011/04]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): The matter raised by the Deputy is the statutory responsibility of the South Eastern Health Board.

All applications received from people who are applying to adopt from overseas for a second or subsequent time are given priority and fast tracked. This procedure acknowledges the knowledge and experience of applicants who have already adopted.

Health Services Executive.

177. **Mr. English** asked the Tánaiste and Minister for Health and Children if the existing 210 North Eastern Health Board jobs in Kells, County Meath will be retained in Kells when the new Health Services Executive regional headquarters takes over in January 2005; and if she will make a statement on the matter. [31015/04]

178. **Mr. English** asked the Tánaiste and Minister for Health and Children if the 25 to 30 jobs created by the new Health Services Executive regional headquarters will be in addition to the existing 210 jobs currently in place in the North Eastern Health Board in Kells, County Meath; and if she will make a statement on the matter. [31016/04]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 177 and 178 together.

Under the Interim Health Service Executive (Establishment) Order, 2004, the interim HSE has the responsibility to devise a plan for the establishment of a national unified structure for the delivery of health services, and the integration of the management, administrative and service delivery structures of health boards. Responsibility for the matters referred to by the Deputy therefore rests primarily with the board of the interim Health Service Executive in its role of preparing a plan to manage the health service from 1 January 2005.

I understand that the interim Health Service Executive has stated that existing health board headquarters, such as for the North Eastern Health Board in Kells, will continue to be centres of significant health employment under the Health Service Executive. To ensure continuity of services, and allow for the smooth transition to the unified structure, the interim Health Service Executive plans to keep the existing system in place during the transition, which will ensure that the current employment levels in Kells are maintained.

Decisions in relation to the establishment of the regional offices, and the level of employment required, will be taken by the chief executive officer and the senior management team, in consultation with staff and their representative groups, early in 2005.

Hospital Waiting Lists.

179. **Mr. Naughten** asked the Tánaiste and

Minister for Health and Children when a person (details supplied) in County Roscommon will be called for urgent treatment; the reason for the delay in being called; and if she will make a statement on the matter. [31017/04]

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 asked the chief executive officer of the board to examine the matter raised by the Deputy and to reply directly to him.

Speech Therapy Service.

180. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if urgent assistance will be given to persons (details supplied) in Dublin 9 with their speech therapy needs; and the position regarding the school they attend. [31024/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of health services, including speech and language therapy, for persons with a physical and/or sensory disability rests with the Eastern Regional Health Authority and the health boards in the first instance. Accordingly, the Deputy's question has been referred to the regional chief executive of the Eastern Regional Health Authority with a request that he examine the matter raised and reply directly to him as a matter of urgency.

Medical Cards.

181. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if she will review the decision taken in the case of a person (details supplied) in County Carlow; and if a response in the case will be expedited. [31027/04]

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 South Eastern Health Board to investigate the matter raised by the Deputy and to reply to him directly.

182. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if a medical card will be issued immediately to persons (details supplied) in County Kilkenny; and if a decision in the case will be expedited. [31028/04]

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 South Eastern Health Board to investigate the matter raised by the Deputy and to reply to him directly.

183. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children the number of persons in possession of a medical card at 1 June 2002; the number of those over the age of 70 in the higher rate lower rate categories; and the percentage of population cover this total figure represented. [31029/04]

| No. of persons with a medical card June 2002 | Percentage of population covered by a medical card | Number of persons over 70 in respect of whom the higher capitation rate is payable | Number of persons over 70 in respect of whom the lower capitation rate is payable |
|--|--|--|---|
| 1,207,096 | 30.81% | 74,983 | 249,359 |

Orthodontic Service.

184. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Mayo will be called for orthodontic assessment and treatment. [31032/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the provision of orthodontic treatment for eligible persons in County Mayo rests with the Western Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

Speech Therapy Service.

185. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that the Irish Stammering Association is a registered charity for the 50,000 persons here who stammer; if her attention has further been drawn to the fact that the effect of stammering on children can lead to bullying, low self image, affect educational achievements and can be treated successfully if the appropriate specialist therapy is provided with family involvement; and if she will make a statement on the matter. [31039/04]

186. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that the Irish Stammering Association has plans to set up a centre of excellence in Carrick-on-Shannon, County Leitrim; if training will be provided for both therapists and students to specialise in the field of stammering and parents given advice and involvement in group therapy themselves, if required; and if she will make a statement on the matter. [31040/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 185 and 186 together.

The Deputy may wish to note the 200 increase in whole-time equivalent terms, 70%, in the number of speech and language therapists employed in the health services between 1997 and 2003.

Tánaiste and Minister for Health and Children (Ms Harney): The number of persons in possession of a medical card on 1 June 2002, the number of those over the age of 70 in the higher rate and lower rate categories and the percentage of population are set out in the table below.

The continued implementation of the pay recommendations of the public service benchmarking body as well as the report of the expert group on various health professions which included new pay scales and career structures, the availability of the fast track working visa scheme and the streamlining of procedures for the validation of overseas qualifications are designed to help sustain the improvements in staffing levels achieved for speech and language therapy services, both at local and national level.

In addition, as the Deputy may be aware, three new speech and language therapy courses commenced in the 2003-04 academic year in UCC, NUIG and UL. In total, these courses will provide an additional 75 training places in speech and language therapy. This expansion in training numbers was identified in the Bacon report as necessary to meet the long-term demand-supply balance for speech and language therapists in Ireland.

I have been informed that the speech and language therapy services in the North Western Health Board undertook one week residential courses for persons who had to contend with a stammer. There was very clear tangible evidence of success demonstrated by the participants and this success encouraged the Irish Stammering Association to make an application to the chief executive officers of the health boards to locate a national centre of excellence in Carrick-on-Shannon. The submission is under active consideration by the directors of disability and I understand that it is hoped to forward a detailed proposal to the Health Service Executive-Department of Health and Children in early 2005.

Respite Care Services.

187. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if respite care in Carrick-on-Shannon, County Leitrim will be made available immediately to a person (details supplied) through the NWHB; if she will make a decision in this case; and if she will make a statement on the matter. [31041/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy will be aware, the provision of health services in County Leitrim is, in the first instance, the responsibility of the

North Western Health Board. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

Ambulance Service.

188. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children when funding for the Community Hospital of the Assumption in Thurles, County Tipperary was sanctioned; the reason a modern ambulance base was not included in the plans; and if she will make a statement on the matter. [31042/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the provision of ambulance services in County Tipperary rests with the Mid-Western Health Board. My Department has therefore asked the chief executive officer of the board to investigate the matter raised by the Deputy and to reply to him directly.

Care of the Elderly.

189. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the number of patients over the age of 70 currently in geriatric hospitals run by the Western Health Board; the estimated funds paid by the over 70s to the health board since 2001; and if she will make a statement on the matter. [31047/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy will be aware, the provision of health services is, in the first instance, the responsibility of the Western Health Board. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

190. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the number of patients over the age of 70 currently in nursing homes in County Roscommon; the estimated funds paid by the over 70s to private nursing homes since 2001; and if she will make a statement on the matter. [31048/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy will be aware, the provision of health services in the Roscommon area is, in the first instance, the responsibility of the Western Health Board. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

Departmental Correspondence.

191. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if she will make a statement on correspondence (details attached). [31050/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the provision of services, including arrangements for access to general practitioner services for all persons deemed eligible for medical cards under the general medical services, GMS, scheme, lies, by legislation, with the chief executive officer of the relevant health board. Accordingly, this matter was referred to the North Western Health Board for investigation and direct reply to the Deputy.

Officials in my Department have been working with the regional health boards and the Irish College of General Practitioners to identify areas of difficulty for general practitioners providing services for patients who are non-EU nationals. In this regard additional funding of €1 million was allocated in 2004 by my Department to assist health boards address needs in this area. Within this allocation funding was also provided to allow the Irish College of General Practitioners to support their members through the continuation of the GP and Multicultural Society project. Officials in my Department have been in contact with the CEO of the health board with a view to resolving the situation.

Registration of Births.

192. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the way in which parents can amend a child's surname following their recent marriage. [31065/04]

Tánaiste and Minister for Health and Children (Ms Harney): The administration of the system for the registration of births is a matter for An tArd-Chláraitheoir, the Registrar-General of births, deaths and marriages and for local registrars who operate under his general direction.

The Births and Deaths Registration Acts 1863 to 1996 provide for the registration of a child's surname in the Register of Births.

Section 1(4) of the Legitimacy Act 1931, and the Schedule to the Act, imposes a duty on parents of a child, legitimated by the inter-marriage of the parents, to provide an tArd Chláraitheoir with the information necessary for the re-registration of the birth. However, section 1(6) of the Registration of Births Act 1996 provides that where an entry in the register of births contains the name of the father of the child, the provisions for the re-registration of a birth under section 1(4) of the Legitimacy Act 1931 do not apply. I anticipate that the provisions of the Civil Registration Act 2004, which relate to the registration and the re-registration of births will be commenced early in 2005. The commencement of these provisions will facilitate a further re-registration of the birth to which the Deputy referred.

Community Care.

193. **Mr. M. Higgins** asked the Tánaiste and Minister for Health and Children when the super-

[Mr. M. Higgins.]
vised residence for an association (details supplied) in County Galway will be opened and occupied in view of the urgent need for this facility to be operational, the great demand for this promised amenity and the fact that it has been built and been ready for use and occupation since June 2003. [31082/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Western Health Board recently submitted a proposal to my Department on the opening of a new community residence in Clifden. This proposal is being considered in the context of the Estimates process for 2005.

Suicide Prevention.

194. **Mr. M. Smith** asked the Tánaiste and Minister for Health and Children her views on the alarming increase in the incidence of suicide; the proposals she is putting in train to support families coping with this trauma; and her further views on the preventative measures which the community as a whole must adopt to reduce this alarming level of suicides. [31083/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Since the publication of the report of the national task force on suicide in 1998, my Department has given special attention to the resourcing of suicide prevention initiatives. A cumulative total of more than €17.5 million has now been provided towards suicide prevention programmes and for research activity at local and national level involving various agencies, including the health boards, the national suicide review group, the Irish Association of Suicidology and the National Suicide Research Foundation. Further resourcing of suicide prevention initiatives will be considered in the context of the Estimates process for 2005.

As the Deputy may be aware, work is now well 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 will be based on extensive national and international consultation and evidence-based research. It will build on existing policy, including the further development of appropriate support services. 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.

Cancer Screening Programme.

195. **Mr. M. Smith** asked the Tánaiste and Minister for Health and Children the position regarding the BreastCheck programme in the mid-west region; the way in which the results

compare with other regions; the findings of same; and when a screening service will be introduced in that area. [31084/04]

Tánaiste and Minister for Health and Children (Ms Harney): The national breast screening programme commenced in March 2000 and now covers the Eastern Regional Health Authority, Midland Health Board, North Eastern Health Board and part of the South Eastern Health Board regions. The national roll-out of the programme to the remaining counties in the country is a major priority in the development of cancer services. This will ensure that all women in the 50 to 64 age group throughout the country will have access to breast screening and follow up treatment where appropriate.

A capital investment of approximately €20 million has been approved to construct and equip two static clinical units, one in Cork and the other in Galway. This investment will also ensure that mobile units are available to screen women in the relevant age group in the remaining parts of the country, including the mid-western region.

Detailed planning of the units is progressing as a matter of priority. A design brief will be completed shortly and 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. Any woman, irrespective of her age or residence, who has concerns about breast cancer should contact her GP who, where appropriate, will refer her to the symptomatic services in her region.

My Department has asked the director of BreastCheck to examine the request for regional data analysis and to respond directly to the Deputy.

Speech Therapy and Psychological Services.

196. **Mr. M. Smith** asked the Tánaiste and Minister for Health and Children her proposals to improve the speech therapy and psychological services in the mid-west region. [31085/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of health services for people with physical and sensory disabilities, including speech and language therapy and psychological services, rests with the Eastern Regional Health Authority and the health boards in the first instance. Accordingly, the Deputy's question has been referred to the chief executive officer of the Mid Western Health Board with a request that he examine the matter raised and reply directly to him as a matter of urgency.

Community Care.

197. **Mr. Carey** asked the Tánaiste and Minister for Health and Children if the Eastern Regional Health Authority is in discussions with the

owners of a home (details supplied) regarding its possible use as a convalescent home by Beaumont Hospital; and if she will make a statement on the matter. [31086/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy will be aware, the provision of health services in the Beaumont area is, in the first instance, the responsibility of the Northern Area Health Board acting under the aegis of the Eastern Regional Health Authority. My Department has, therefore, asked the chief executive of the authority to investigate the matter raised by the Deputy and to reply direct to him as a matter of urgency.

General Medical Services Scheme.

198. **Mr. Morgan** asked the Tánaiste and Minister for Health and Children if a complaint made by a person (details supplied) in County Dublin against a doctor in 2001 was investigated by the Eastern Regional Health Authority; when this complaint was investigated and by whom; if she will make available to this person full details of the matters investigated by the health board; if she will make documentary evidence available that this complaint, regarding the doctor's behaviour during the person's last visit to them, was investigated; the reason the health board and her Department have refused to give transparent and open responses to this person in relation to the case; and if she will make a statement on the matter. [31103/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the provision of services for medical card holders, including the issue of investigating alleged complaints against a general medical services contract holding general practitioner, lies with the chief executive officer of the relevant health board-authority.

My Department has previously referred the case referred to in the Deputy's question to the Eastern Regional Health Authority. The matter was investigated and the results of the investigation were communicated to the person in 2001. The contents of the files held at the Department and at the health board were forwarded in 2002 to the person under the Freedom of Information Act.

Mental Health Services.

199. **Mr. Neville** asked the Tánaiste and Minister for Health and Children the percentage allocation to the mental health service of the total budget for the health services for 2005. [31104/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): An additional €15 million revenue funding will be available for the further development of mental health services in 2005. A further €10 million additional funding

will be available to the Mental Health Commission in 2005.

It is estimated that mental health expenditure in 2005 will be in the region of €725 million.

Health Board Correspondence.

200. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children, further to Parliamentary Question No. 921 of 29 September 2004, if she will furnish a response to the issue raised. [31114/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): My Department has received confirmation from the Midland Health Board that a reply issued on 8 October 2004, to the parliamentary question referred to by the Deputy.

I will ask the board to reissue the reply as soon as possible.

Hospital Services.

201. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the action she is taking to develop the haemochromatosis clinic at the County Hospital, Roscommon; and if she will make a statement on the matter. [31115/04]

Tánaiste and Minister for Health and Children (Ms Harney): The provision of services at the County Hospital, Roscommon, 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 the issue raised and to reply directly to the Deputy.

202. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the current number of patients catered for in the Alzheimer's unit at St. Bridget's Hospital, Ballinasloe; the number of beds available at 1 January 2004 and in each of the past five years at the facility; and if she will make a statement on the matter. [31116/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy will be aware, the provision of health services in Ballinasloe is, in the first instance, the responsibility of the Western Health Board. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and to reply direct to him as a matter of urgency.

Health Services.

203. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the plans there are to provide residential or respite facilities for Alzheimer's patients in County Roscommon; the number of persons with the disease in the county; the procedure for patients who cannot be catered for at home and are unsuitable for a nursing

[Mr. Naughten.]
home; and if she will make a statement on the matter. [31117/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy will be aware, the provision of health services in County Roscommon is, in the first instance, the responsibility of the Western Health Board. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and to reply direct to him as a matter of urgency.

Vaccination Programme.

204. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children, further to Parliamentary Question No. 789 of 29 September 2004, the progress to date on the issue; if a detailed examination of the schemes has taken place; the reason for the delay in performing this examination; and if she will make a statement on the matter. [31118/04]

Tánaiste and Minister for Health and Children (Ms Harney): A preliminary review of the vaccine damage compensation schemes in place in a number of other countries was undertaken by my Department. This review was done to establish general details of schemes already in existence. Further investigation is required to identify the most relevant models from a clinical, administrative and fairness point of view. My officials have begun this process in recent times. I will be in a position to consider the available options on completion of this investigation. I have asked my officials to prioritise the completion of this work in the context of the Department's 2005 business plan.

205. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children, further to Parliamentary Question No. 790 of 29 September 2004, when the information will be furnished; and if she will make a statement on the matter. [31119/04]

Tánaiste and Minister for Health and Children (Ms Harney): The information requested by the Deputy has now been received and collated.

The Irish Medicines Board, IMB, which has the statutory responsibility for licensing all pharmaceutical products for use in Ireland, collects data from healthcare professionals on suspected adverse effects and quality defects in relation to each publicly funded vaccination programme.

The following tables provide information on the numbers of adverse drug reactions, ADR, reports notified to the IMB in respect of publicly funded vaccines from January 2000 to October 2004, which is the most recent period for which figures are available from the IMB. It should be noted that these tables reflect the total number of reported cases and cannot be considered as incidence figures as the total number of ADRs occurring is not known.

The term "severe" is a subjective one and as such is not used in a regulatory context for classifying suspected ADRs which are either serious or non-serious. A serious ADR is defined as one which is fatal, life-threatening, results in persistent or significant disability-incapacity, results in or prolongs hospitalisation. This definition also includes congenital abnormalities or birth defects and serious adverse clinical consequences.

The tables therefore include the total number of cases for each of the vaccines and the total number of serious cases, many of which are classified as such because they required some level of treatment or intervention and thus fall into the category of "adverse clinical consequences".

The number of ADRs received are within the expected frequency of occurrence of the reactions. However, it should be noted that a high number of ADR reports for meningitis C vaccines were received following active encouragement by the Office for Health Gain and the IMB for notification of all ADRs observed following administration.

Reports of suspected ADRs notified to the IMB associated with use of publicly funded vaccines in the period referred to are set out in the following tables:

2000

| Single vaccines | Total Number Reports | Serious Reports |
|-----------------------|----------------------|-----------------|
| BCG | 9 | 6 |
| Three-in-one vaccines | 5 | 1 |
| Five-in-one vaccines | 0 | 0 |
| MMR | 24 | 13 |
| Hib | 7 | 1 |
| Four-in-one vaccines | 0 | 0 |
| Men C vaccines | 404 | 71 |
| Influenza vaccines | 14 | 4 |
| Hepatitis B vaccines | 24 | 11 |
| Pneumococcal vaccines | 10 | 4 |

| Vaccines used in combination | Total Number Reports | Serious Reports |
|-----------------------------------|----------------------|-----------------|
| Three-in-one/ Hib/OPV | 7 | 2 |
| DT/OPV | 11 | 2 |
| Three-in-one/Hib | 1 | 0 |
| Three-in-one/OPV | 1 | 0 |
| MMR/Men C | 3 | 2 |
| Hep A/Hep B | 1 | 0 |
| Flu vaccine /Pneumococcal vaccine | 2 | 1 |

2001

| Single Vaccines | Total Number Reports | Serious Reports |
|-----------------------|----------------------|-----------------|
| BCG | 12 | 4 |
| Three-in-one vaccines | 3 | 3 |
| Five-in-one vaccines | 1 | 1 |
| MMR | 25 | 12 |
| Hib | 0 | 0 |
| Four-in-one vaccines | 15 | 4 |
| Men C vaccines | 1,044 | 104 |
| Influenza vaccines | 21 | 11 |
| Hepatitis B vaccines | 17 | 6 |
| Pneumococcal vaccines | 10 | 5 |

| Vaccine used in combination | Total Number Reports | Serious Reports |
|------------------------------|----------------------|-----------------|
| Three-in-one/ Hib/OPV/ Men C | 3 | 2 |
| Three-in-one/ OPV/MMR | 2 | 1 |
| Three-in-one/ OPV/Hib | 1 | 1 |
| Men C/OPV/Hib | 1 | 0 |
| Three-in-one/ Men C | 1 | 1 |
| Men C/Hib | 1 | 0 |
| Five-in-one/Men C | 2 | 0 |
| Three-in-one Hib/Men C | 1 | 0 |
| Four-in-one/MMR | 1 | 1 |
| Four-in-one /Hib | 1 | 0 |
| Four-in-one/ Hib/Men C | 1 | 0 |

2002

| Single vaccines | Total Number Reports | Serious Reports |
|-----------------------|----------------------|-----------------|
| BCG | 17 | 11 |
| Five-in-one vaccines | 12 | 2 |
| MMR | 35 | 15 |
| Hib | 1 | 1 |
| Four-in-one vaccines | 32 | 12 |
| Men C vaccines | 205 | 18 |
| Influenza vaccine | 14 | 5 |
| Hepatitis B vaccines | 24 | 10 |
| Pneumococcal vaccines | 7 | 4 |

| Vaccines used in combination | Total Number Reports | Serious Reports |
|------------------------------|----------------------|-----------------|
| Five-in-one/Men C | 5 | 3 |
| Men C/Hep A and Hep B/Rabies | 1 | 1 |
| Four-in-one/Hib/OPV/MenC | 1 | 1 |
| Three-in-one/Men C | 1 | 0 |

2003

| Single Vaccines | Total Number Reports | Serious Reports |
|-----------------------|----------------------|-----------------|
| BCG | 54 | 45 |
| Five-in-one vaccines | 7 | 4 |
| MMR | 15 | 10 |
| Hib | 0 | 0 |
| Four-in-one vaccines | 33 | 9 |
| Men C vaccines | 3 | 3 |
| Influenza vaccines | 13 | 5 |
| Hepatitis B vaccines | 22 | 11 |
| Pneumococcal vaccines | 5 | 4 |

| Vaccines used in combination | Total Number Reports | Serious Reports |
|--|----------------------|-----------------|
| Five-in-one/Men C | 7 | 4 |
| Pneumococcal/Influenza vaccine | 1 | 0 |
| Four-in-one/MMR | 3 | 2 |
| Four-in-one/Hib/Men C | 1 | 0 |
| OPV/Hep A and Hep B/typhoid/yellow fever | 1 | 1 |

2004 (to end October)

| Single vaccines | Total Number Reports | Serious Reports |
|-----------------------|----------------------|-----------------|
| BCG | 54 | 49 |
| Five-in-one vaccines | 3 | 0 |
| MMR | 13 | 6 |
| Hib | 0 | 0 |
| Four-in-one vaccines | 78 | 22 |
| Men C vaccines | 2 | 0 |
| Influenza vaccines | 1 | 0 |
| Hepatitis B vaccines | 11 | 4 |
| Pneumococcal vaccines | 0 | 0 |

| Vaccines used in combination | Total Number Reports | Serious Reports |
|------------------------------|----------------------|-----------------|
| Four-in-one/MMR | 8 | 8 |
| Five-in-one/Men C | 2 | 1 |

In Ireland immunisation uptake is routinely calculated on a quarterly basis among children 12 and 24 months of age. The statistics collected relate to children who have received three doses of vaccines against diphtheria, D3, pertussis, P3,

tetanus, T3, *Haemophilus influenzae* type b, Hib3, polio, Polio3, meningococcal group C, MenC3, one dose of vaccine against measles, mumps and rubella, MMR1; uptake at 24 months only, and one dose of BCG vaccine, BCG: uptake

at 12 months only. The following table shows the national immunisation uptake rates for children aged 24 months from Q1-2000 to Q2-2004, the latest figures available from the NDSC. In Q2-2004, the national uptake rates for D3, T3, P3 Hib3 and Polio3 were 88-89% at 24 months. The uptake rate for MenC3 was 87% and the uptake rate for MMR1 was 81%. Uptake statistics relating to BCG vaccine for children aged 12 months

was first collected in Ireland in Q3-2003. At present, data are available for five of the eight health boards, covering less than half of the national birth cohort. In Q2-2004 BCG uptake was 90% and over the past year, national BCG uptake has ranged from 87% to 91%. Currently, data relating to other vaccinations recommended in the childhood immunisation schedule are not routinely collected.

Uptake at 24 months - HOI

| | D3 | P3 | T3 | Hib3 | Polio3 | MenC | MMR1 |
|---------|----|----|----|------|--------|------|------|
| Q1 2000 | 85 | 82 | 85 | 85 | 85 | | 76 |
| Q2 2000 | 85 | 82 | 85 | 85 | 85 | | 77 |
| Q3 2000 | 87 | 83 | 87 | 86 | 86 | | 81 |
| Q4 2000 | 87 | 83 | 87 | 86 | 87 | | 83 |
| Q1 2001 | 85 | 82 | 85 | 85 | 85 | | 79 |
| Q2 2001 | 86 | 83 | 86 | 85 | 85 | | 75 |
| Q3 2001 | 83 | 81 | 83 | 83 | 83 | | 70 |
| Q4 2001 | 83 | 80 | 83 | 82 | 83 | | 69 |
| Q1 2002 | 83 | 81 | 83 | 82 | 83 | | 70 |
| Q2 2002 | 83 | 81 | 83 | 82 | 82 | | 72 |
| Q3 2002 | 83 | 81 | 83 | 82 | 82 | 71 | 73 |
| Q4 2002 | 85 | 83 | 85 | 84 | 84 | 79 | 75 |
| Q1 2003 | 85 | 84 | 85 | 85 | 85 | 81 | 77 |
| Q2 2003 | 86 | 85 | 86 | 85 | 86 | 83 | 77 |
| Q3 2003 | 87 | 86 | 87 | 87 | 87 | 85 | 80 |
| Q4 2003 | 87 | 86 | 87 | 87 | 87 | 86 | 80 |
| Q1 2004 | 88 | 88 | 88 | 88 | 88 | 87 | 80 |
| Q2 2004 | 89 | 88 | 89 | 89 | 89 | 87 | 81 |

The 2002 census recorded 166,208 children under two years of age. It can be deduced from this that the number of ADRs is low compared to the number of vaccines administered. For instance, the uptake of MMR in 2002 averaged 72.5% which equates to 120,501 vaccine doses administered in that year. This compares with 15 serious adverse drug reactions in the same year.

The same pattern appears in vaccines targeted at older age groups. The following table shows the number of vaccine doses for pneumococcal disease, hepatitis B and influenza. In the case of influenza, for example, no serious ADRs have been reported this year to date, while the average number reported over the previous four years was 6.25.

| Year (Sales in doses) | Pneumococcal | Hepatitis B | Influenza |
|---------------------------|--------------|-------------|-----------|
| 2000 | 122,434 | 13,455 | 308,291 |
| 2001 | 84,933 | 17,109 | 452,000 |
| 2002 | 64,117 | 22,587 | 522,570 |
| 2003 | 70,196 | 25,394 | 577,000 |
| 2004 Sales up to November | 44,032 | 30,146 | 591,309 |

I take this opportunity to urge all parents to have their children immunised against the diseases covered by the childhood immunisation programme in order to ensure that their children and the population generally have maximum protection against the diseases concerned. General practitioners are aware of the contra-indications to the recommended vaccinations and parents should discuss any concerns they may have with their general practitioner before making a decision about their child's immunisation.

206. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children, further to

Parliamentary Question No. 864 of 29 September 2004, when the information will be furnished; and if she will make a statement on the matter. [31120/04]

Tánaiste and Minister for Health and Children (Ms Harney): The information requested by the Deputy has now been received and collated.

The State Claims Agency, SCA, established in 2002, manages personal injury claims against the State. Information provided by the SCA indicates that four claims have been received from parents regarding alleged vaccine damage from the State

[Ms Harney.]

supported MMR vaccine programme. No claims have been received by my Department.

Information provided by the health authority-boards indicates that no claims have been received by the following: Eastern Regional Health Authority, ERHA; Midland Health Board, MHB; Mid-Western Health Board, MWHB; North Eastern Health Board, NEHB; North Western Health Board, NWHB; Southern Health Board, SHB:- The South Eastern Health Board has received solicitors' letters regarding three incidents. These claims relate to the BCG, meningitis and 3 in 1 vaccine programmes. However, there have been no further proceedings in relation to these cases. The Western Health Board reports that two claims have been received regarding alleged reactions to the BCG vaccine.

Complaints associated with the vaccination programme have been received by the following health boards: Mid Western Health Board, two written complaints in relation to meningitis C vaccination programme, one with respect to the management of faintness following vaccination and one because a child had received the meningitis C vaccine twice. Parents are asked to report adverse reactions to vaccinations to the health board. The board is regularly advised verbally of local reactions to vaccinations but these would not be considered unusual or unexpected. The board was made aware in 2003 of a number of BCG alleged reactions which were more extensive than expected. In the South Eastern Health Board complaints received relate to incorrect BCG vaccination and alleged adverse reactions to meningitis, 3 in 1 and BCG vaccination. In the Southern Health Board the board has been contacted by a parent where in their view their child's reaction was caused by a vaccine. In each instance no conclusive evidence was found to support the views. The vaccines involved were 4 in 1, meningitis C, 2 in 1 primary, hib, 5 in 1-meningitis C primary and MMR.

The immunisation programme currently operated in this country has played a major part in bringing serious, previously common diseases under control. It is very important that parents continue to have their children immunised in order that children continue to be protected against the diseases concerned.

Services for People with Disabilities.

207. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the action she intends to take to support polio survivors; if she will establish a committee to look into the issues surrounding this condition and to address access to aids and appliances and respite care; and if she will make a statement on the matter. [31125/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of health services for people with physical and sensory disabilities, including polio survivors, is a matter for the Eastern Regional Health Authority and the health boards in the first instance.

My Department is to provide additional ongoing funding of €300,000 in the current year, payable through the Eastern Regional Health Authority, to the post polio support group for the provision of aids and appliances, therapy services and other supports to people with post polio syndrome. The needs of the group will be reviewed further in the light of the resources available to my Department for development purposes in 2005.

In accordance with the commitment in Sustaining Progress, my Department will be conducting a strategic review of existing service provision for people with disabilities. Questions of access to aids and appliances and respite care which have been raised by the post polio support group will be examined as part of that review.

Hospital Services.

208. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 786 of 29 September 2004, if the board has made a decision on the reduction in bed numbers; if this decision is being postponed until the health executive is appointed; the future plans for this facility; and if she will make a statement on the matter. [31128/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy will be aware, the provision of health services in Roscommon is a matter for the Western Health Board in the first instance. The board has advised my Department that it has invested significantly over the past two years in the upgrading of the Plunkett Home in Boyle and staffing levels have also been increased. The upgrading consisted of the renovating of bedrooms and bathrooms. In addition, a palliative care suite has been developed at the hospital. The total cost of capital development at the unit was €428,000.

The board has further advised my Department that it has not made any decision on the reduction in bed numbers at the home, that agreement has been reached with the unions on the appointment of staff to facilitate the opening of the palliative care unit and that it is currently in the process of recruiting staff for the new it.

Official Languages Act 2003.

209. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the amount which has been spent by her Department in 2004 in regard to implementing the provisions of the Official Languages Act, 2003; and if she will make a statement on the matter. [31139/04]

210. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the amount which has been spent by public bodies or agencies funded by her Department in 2004 relating to the provisions of the Official Languages Act 2003; and if she will make a statement on the matter. [31154/04]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 209 and 210, together.

The implementation of the Official Languages Act 2003 by my Department is primarily an issue of improved customer service and of affording citizens their constitutional right to receive services in the official language of their choice. My Department is fully supportive of these aims.

As the Deputy will be aware from my reply to his recent questions, my Department does not account separately for each element of the modernisation programme designed to improve service to our customers. Thus the information requested by him is not readily available. I have asked for the cost of translation services used by my Department in 2004 to be compiled and when collated, I will arrange to have this information forwarded directly to him. In regard to public bodies and agencies funded by the Department, I am also arranging to have this information obtained from the bodies and will have it forwarded to him directly.

Hospital Services.

211. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children the make-up and brief of the representatives from her Department who spent 18 and 19 November 2004 in Monaghan General Hospital; the procedure for their reporting back; the details of same; the action she proposes to take; and if she will make a statement on the future for acute hospital services at Monaghan General Hospital. [31342/04]

Tánaiste and Minister for Health and Children (Ms Harney): I requested my special adviser to visit Monaghan and Cavan on a fact finding mission on my behalf. While there she met the representatives of the North Eastern Health Board, the medical board of Monaghan General Hospital, representatives of County Monaghan Community Alliance and representatives of Monaghan General Hospital Development Committee. She also met members of the steering group which was established by the board to oversee the reconfiguration of services across the Cavan-Monaghan hospital group.

The purpose of the visit was to further inform my understanding of the position concerning the proposed reconfiguration of services within the group. I have outlined to the House in recent weeks the range of developments being progressed across the hospital group arising from the report of the steering group.

Health Charges.

212. **Mr. R. Bruton** asked the Tánaiste and Minister for Health and Children the amount taken from charges in 2001; the total expected in 2005; the inpatient, outpatient and accident and emergency charge prior to May 2002; the current level; the number of persons who made claims on the drug refund scheme in October 2004 for the months for which statistics are available; and if she will make a statement on the matter. [31343/04]

Tánaiste and Minister for Health and Children (Ms Harney): Statistics on the amount taken from charges in 2001 and as predicted for 2005 are not currently available.

The charge for outpatient services in respect of attendance at accident and emergency or casualty departments where the person concerned has not been referred by a medical practitioner, was fixed at €31.74, £25, before May 2002 — since January 2000. It currently stands at €45, and is due to be increased again next January.

The public hospital statutory inpatient charge in respect of each day during which a person is maintained was €33.01, £26, before May 2002 — since January 2000. It is currently €45, and the maximum payment in any 12 consecutive months is €450. This charge also increases to €55 from January next.

The drugs refund scheme was replaced by the drug payments scheme on 1 July 1999. Statistics about claims — unique meaning individual versus family claims — made up to October 2004 on a month by month basis have been collated by the GMS (payments) Board, and are set out in the following table for the Deputy's information.

Claim Statistics, DP Scheme, from GMS (Payments) Board, 2004

| Month | Number of Unique Claimants |
|----------|----------------------------|
| Jan-04 | 209,287 |
| Feb-04 | 195,894 |
| Mar-04 | 213,389 |
| Apr-04 | 204,306 |
| May-04 | 210,272 |
| Jun-04 | 209,723 |
| Jul-04 | 209,529 |
| Aug-04 | 200,228 |
| *Sept-04 | 210,761 |
| *Oct-04 | 215,122 |

* Provisional Figures

Hospital Services.

213. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if she will urgently investigate the conditions at the Alzheimer's unit in Blanchardstown Hospital and the general lack of dignity shown to patients; and if the situation will be improved immediately. [31344/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy will be aware, the provision of health services in Blanchardstown is, in the first instance, the responsibility of the Northern Area Health Board acting under the aegis of the Eastern Regional Health Authority. My Department has, therefore, asked the chief executive of the authority to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

Speech Therapy Services.

214. **Mr. F. McGrath** asked the Tánaiste and

[Mr. F. McGrath.]

Minister for Health and Children if urgent assistance will be given to the speech therapy services at a school (details supplied) in Dublin 9 in finding a suitable premises as a matter of priority. [31345/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of health services, including speech and language therapy, for people with a physical and sensory disability rests with the Eastern Regional Health Authority and the health boards in the first instance. Accordingly, the Deputy's question has been referred to the regional chief executive of the Eastern Regional Health Authority with a request that he examine the matter raised and reply directly to him, as a matter of urgency.

Care of the Elderly.

215. **Ms Cooper-Flynn** asked the Tánaiste and Minister for Health and Children the position regarding the provision of a home for the elderly in Ballinrobe, County Mayo; her plans for the project to go ahead; and if she will make a statement on the matter. [31346/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy will be aware, the provision of health services in County Mayo, is in the first instance, the responsibility of the Western Health Board. The board has plans for the development of a community nursing unit at Ballinrobe.

My Department is at present examining the health capital programme to ascertain what new projects can be progressed through either planning or construction stages, taking account of existing commitments and overall funding resources available. It is in this context that my Department will continue to liaise with the Western Health Board regarding the proposed development at Ballinrobe in the light of the board's overall capital funding priorities.

Medical Cards.

216. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children the situation regarding Irish third level students studying in the UK whose parents are holders of a family medical card here; the medical cover that they are entitled to in the UK; the level of cover they are entitled to when they return home for the weekend or school breaks; and if she will make a statement on the matter. [31370/04]

Tánaiste and Minister for Health and Children (Ms Harney): From 1 June 2004, the European health insurance card replaced the E111, E119, E110 and E128 forms. Prior to this date, an Irish student travelling to the UK to study a recognised course was required to obtain E128 from his or her local health board. A valid E128, issued prior to 1 June 2004, may still be used as evidence of entitlement until the expiry date on the form.

The European health insurance card entitles people to receive health care in the public system

as necessary while on a temporary stay in another EU or EEA member state or Switzerland, taking into account the nature of the care and the expected length of stay. The card does not grant entitlement to any treatment where the aim of the journey is to obtain treatment. The regulation covers public treatment only and any person who opts for private treatment is liable for any expenses incurred.

However, Ireland and the United Kingdom waived the requirement to produce EU forms and the European health insurance card between each other. It is only necessary for Irish residents in the UK on a temporary visit to provide proof of residence in Ireland, in the event that they require necessary treatment, as covered by the European health insurance card.

An Irish student studying in the UK who returns to Ireland for a temporary stay and is accepted by the health board as being ordinarily resident in Ireland is entitled to either full eligibility, category 1 medical card holders, or limited eligibility, category 2, for health services. Persons aged 16 to 25 years who are financially dependent on their parents are entitled to a medical card if their parents are medical card holders. Those who are dependants of non-medical card holders are not normally entitled to a medical card except where they have an entitlement under EU regulations or where they are in receipt of a disability allowance. Students who are financially independent of their parents are entitled to apply for a medical card in their own right and are assessed on the same criteria as all other applicants. The decision on whether a person is regarded as a dependant or as being financially independent is made by the chief executive officer of the health board on the basis of the circumstances of each individual case.

Health Research.

217. **Mr. J. Higgins** asked the Tánaiste and Minister for Health and Children if she has received a copy of the Mulhuddart primary health research report from the primary health care group, Mulhuddart, County Dublin; and if she will respond positively to the recommendations contained in this report. [31371/04]

Tánaiste and Minister for Health and Children (Ms Harney): My Department has recently received a copy of the report in question. However, it is a matter for the Eastern Regional Health Authority to prioritise this development in the context of competing capital needs within its area.

Hospital Staff.

218. **Mr. J. Breen** asked the Tánaiste and Minister for Health and Children when the six fully qualified health care assistants will be appointed at St. Joseph's Hospital, Ennis, County Clare; and if she will make a statement on the matter. [31403/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the appointment of staff rests in this instance with the Mid-Western Health Board. My Department has requested the chief executive officer to investigate the matters raised by the Deputy and reply to him directly.

Health Bill 2004.

219. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the cost to her Department of posting or circulating the Health Bill 2004; and if she will make a statement on the matter. [31408/04]

Tánaiste and Minister for Health and Children (Ms Harney): The Department circulated the Health Bill 2004 to a small number of key stakeholders, including the board of the interim Health Service Executive, the health service reform programme national steering committee, the Eastern Regional Health Authority and the area health boards, the chief executive officers of the agencies to be streamlined in the restructured system, the chairman of the Health Information and Quality Authority, representatives of the voluntary sector and staff in the Department. The additional cost incurred amounted to approximately €102.

Health Board Services.

220. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children, further to Parliamentary Question No. 748 of 29 September 2004, when the information requested will be furnished; and if she will make a statement on the matter. [31415/04]

Tánaiste and Minister for Health and Children (Ms Harney): My Department has requested the regional chief executive officer of the Eastern Regional Health Authority and the chief executive officers of the Western and South Eastern Health Boards to investigate the matters raised in the Deputy's parliamentary question of 29 September and to reply to him directly. My Department is advised that the relevant authorities have since responded to the Deputy.

Legal Fees.

221. **Mr. J. O'Keefe** asked the Tánaiste and Minister for Health and Children the composite amount paid to lawyers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the amount paid from 1 January 2004; and if she will make a statement on the matter. [31886/04]

Tánaiste and Minister for Health and Children (Ms Harney): The information requested is being collated by my Department and will be forwarded to the Deputy as soon as possible.

222. **Mr. J. O'Keefe** asked the Tánaiste and Minister for Health and Children the ten highest composite figures paid to barristers engaged by

or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the ten highest figures paid from 1 January 2004; the names of the barristers; and if she will make a statement on the matter. [31900/04]

Tánaiste and Minister for Health and Children (Ms Harney): The information requested is being collated by my Department and will be forwarded to the Deputy as soon as possible.

Internet and Telephone Betting.

223. **Mr. Durkan** asked the Minister for Finance if he can himself or with his EU colleagues take initiatives to combat the abuse of the mobile telephone or Internet for gambling; and if he will make a statement on the matter. [31500/04]

224. **Mr. Durkan** asked the Minister for Finance if his attention has been drawn to the alleged increased use of the Internet and mobile telephone systems for gambling; if his attention has further been drawn to the potential damage to society to such abuse; the action or actions he can take to counter the problem [31501/04]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 223 and 224 together.

Over the last several years, there has been an increased number of bets being taken by bookmakers in the State via the Internet or telephone. However, these changes in the betting sector effectively mirror changes in other commercial areas where an increasing number of transactions are dealt with on the phone or on the Internet.

There can be many problems associated with excessive gambling whether this is done by persons betting in shops, over the phone or on the Internet. In so far as tax legislation can address issues surrounding the problem of gambling, this is an area I will keep under review in conjunction with the Revenue Commissioners.

Flood Relief.

225. **Mr. McGuinness** asked the Minister for Finance the status of the study being carried out on the River Pil, Piltown, County Kilkenny; the timeframe for the study to be completed; if funds will be made available in 2005 for the project; and if he will make a statement on the matter. [31005/04]

Minister of State at the Department of Finance (Mr. Parlon): My officials are undertaking a pre-feasibility study to investigate the relevant issues in reducing the risk of flooding in Piltown, County Kilkenny. It is expected that this report will be completed early in the new year. Until such time as the recommendations of this study are available, it is not possible to say what, if any, flood alleviation works might be identified for Piltown. Any decision will also be contingent on existing commitments to advancing flood relief projects on the Office of Public Works work programme.

Tax Rebates.

226. **Mr. R. Bruton** asked the Minister for Finance if the Revenue Commissioners are providing tax refunds on all claims by charities on charitable donations in cases in which the forms for refund have been signed by the donor; the requirements imposed on charities before such claims are granted; his views on whether smoother arrangements can be put in place, for example, by outlining that only a charity and not an individual taxpayer can make a claim for refund on such a donation. [31006/04]

Minister for Finance (Mr. Cowen): Tax relief is available in respect of donations made by either individuals or corporate bodies to eligible charities and other approved bodies, including first and second level schools and third level institutions, including universities. An eligible charity for the purpose of tax relief on donations is any charity in the State which has been authorised by the Revenue Commissioners as an eligible charity and which holds charitable exempt status from the Revenue Commissioners for at least three years.

The minimum qualifying donation for relief purposes to any one eligible charity or approved body is €250 per annum. There is no upper limit on the amount which can be donated generally and qualify for relief. Donations must be in the form of money and donations for any one year can be on a cumulative basis. A weekly donation of €5 per week can therefore qualify for the relief. The relief on the donation is at the individual's marginal rate of tax.

The arrangements for allowing tax relief on donations, which are provided for in section 848A of the Taxes Consolidation Act 1997, depend on whether the donor is a PAYE taxpayer or an individual on self-assessment, or a company. For a PAYE taxpayer, the relief is given on a "grossed-up" basis to the approved body rather than by way of a separate claim to tax relief by the donor. For example, if an individual who pays income tax at the higher rate of 42% gives a donation of €580 to an approved body, the body will be deemed to have received €1,000 less tax of €420. The approved body will, therefore, be able to claim a refund of €420 from the Revenue Commissioners at the end of the tax year. Similarly, if a standard rate taxpayer makes a donation of €800 to an approved body, the approved body will be able to claim a refund of €200 from the Revenue Commissioners at the end of the tax year.

In the case of a donation made by an individual who pays tax on a self-assessment basis and by companies, it is the donor and not the recipient of the donation who claims the relief. In the case of an individual, the donation can be claimed as a deduction against the individual's income from all sources. In the case of companies, the donation is effectively treated as an ordinary business expense which is deductible in determining the company's tax liability. The claim to the relief is made with the individual's or company's

normal tax return. Any refund of tax arising by virtue of the donation is repayable to the donor and not to the eligible charity. There is, of course, the presumption that the potential donor will be aware of the tax relief available and that the level of the donation will reflect that knowledge.

Some taxpayers, however, are chargeable persons for the purposes of self-assessment but also pay tax under the PAYE system. These taxpayers must claim the tax relief on their donation through their tax return in common with all self-assessed taxpayers. They cannot be included in claims being made by charities in respect of wholly PAYE taxpayers. To do so would be to grant the relief twice. I am advised by the Revenue Commissioners that this particular aspect of the scheme has resulted in some difficulties for charities in compiling claims for repayment. Frequently, such claims include donors who have had a mix of PAYE and self-assessed income for the year, a fact not known to the claiming bodies and as a result incorrect claims have had to be reduced in a number of cases.

I am advised by the Revenue Commissioners that, in general, the arrangements work reasonably well and, therefore, I am not convinced that a change to the scheme along the lines implied by the Deputy's question is warranted at this stage. Full details of the tax relief scheme, including details on how to claim the relief, are set out in the information booklet CHY2, a copy of which will be sent to the Deputy. The details are also available on the Revenue Commissioners' website at www.revenue.ie.

Tax Code.

227. **Mr. O'Shea** asked the Minister for Finance his proposals to grant tax free allowances, identical to those enjoyed by married couples, to all couples consisting of brothers, sisters, father, mother, grandfather, grandmother, grandson, granddaughter and son and daughter; and if he will make a statement on the matter. [31007/04]

Minister for Finance (Mr. Cowen): Married couples living together may opt for joint assessment where they may transfer unused credits and bands between spouses, subject to certain restrictions. The restrictions relate to the employee tax credit which is allocated on an individual basis and is non-transferable and to transferability of the standard rate band for a married couple which is limited to €37,000. The majority of married couples opt for joint assessment as, because of the transferability between them, it can be more advantageous to them than treatment as two single persons. Within joint assessment, a married couple may opt for separate assessment. Under this option they will be treated as single persons but their combined tax bill will be the same as under joint assessment. Couples may also elect for assessment as single persons where each spouse is taxed on his or her own income, each receives the credits and the standard band due to a single person and there is no transferability of unused credits and bands. As regards other taxes,

a spouse may receive gifts and inheritances from the other spouse without paying capital acquisitions tax. There are also certain exemptions for married couples in the capital gains tax and stamp duty codes. The tax system does not recognise couples other than married couples.

For capital acquisitions tax purposes, there are different thresholds for the different categories listed in the question. However, an individual may be able to avail of dwelling house relief. Essentially, capital acquisitions tax no longer applies on the transfer of the home on or after 1 December 1999, provided the dwelling-house was occupied continuously by the beneficiary as his or her only or main residence for a period of three years prior to the date of the gift or inheritance. The beneficiary must not have an interest in any other residential property. It is also a condition of the exemption that the beneficiary must own and reside in the dwelling-house for six years after the date of the gift or inheritance. This condition does not apply where the beneficiary is over 55 years of age or where the beneficiary is unable to comply with the residence requirements for reasons outside his or her control, for example, due to work obligations or hospitalisation.

It is not the practice to comment on proposals, if any, to change tax law in the lead-up to the annual Budget Statement.

Bogus Non-Resident Accounts.

228. **Mr. Sargent** asked the Minister for Finance the reason non-resident bogus account holders have not been prosecuted; the number who have been subject to prosecution; and the progress of the cases being taken. [31069/04]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that there were two phases to their investigation into the holders of bogus non-resident accounts. Phase one consisted of an incentive scheme designed to ensure that the maximum possible number of taxpayers who held such accounts and who had undisclosed tax liabilities came forward voluntarily, made settlements and paid the outstanding amounts as quickly as possible. This approach was consistent with the recommendation by the Committee of Public Accounts in its final report on the DIRT inquiry:

The Revenue Commissioners give consideration to dealing with the assessment and collection of the underlying tax in a pragmatic and effective manner while safeguarding the overall tax revenues of the State.

This phase included a guarantee that those who voluntarily disclosed would not be investigated with a view to prosecution.

Phase two, which is still ongoing, consists of following through those bogus account holders who did not voluntarily disclose. In such cases the tax, interest and penalties are collected and, if they fall within the criteria in section 1086 of the Taxes Consolidation Act, 1997, the names of the indi-

viduals involved are published in *Iris Oifigiúil*. Such individuals may also be considered for prosecution.

Revenue's prosecution programme is conducted on the basis of identifying cases of serious evasion regardless of the means used to hide the undisclosed income or gains. This has resulted in bogus non-resident account holders being considered for investigation and where the evidence or likely evidence appeared good enough investigations have been initiated. To date one taxpayer whose evasion involved the holding of a bogus non-resident deposit account, was successfully prosecuted. This individual received a two year suspended sentence. In addition, the Director of Public Prosecutions has directed that proceedings should be taken against another such taxpayer and this case will appear in the courts in due course. It is likely that some further cases will be considered and if sufficient admissible evidence can be assembled they will also be referred to the Director of Public Prosecutions for directions.

To date €557 million in tax, interest and penalties has been recovered by the Revenue Commissioners from bogus account holders. This sum relates to about 12,000 taxpayers. Many of the account holders did not have any additional tax liabilities.

Tax Code.

229. **Mr. R. Bruton** asked the Minister for Finance if his attention has been drawn to the fact that the VAT rate on cinemas is 13.5%, whereas a film rented on video is charged to VAT at 21%; and if he will make a statement on the basis of this different treatment within the tax code of the same product. [31070/04]

Minister for Finance (Mr. Cowen): Under Paragraph (v) of the Sixth Schedule to the VAT Act 1972 (as amended), the VAT rate on admissions to cinemas is the reduced rate of 13.5%. The goods and services to which member states are allowed apply a reduced VAT rate are set out in Annex H of the EU Sixth VAT Directive. While admissions to cinemas are listed in this Annex, it does not include the rental of videos and DVDs. Accordingly, it is not possible under EU law, with which Irish law must comply, to apply a reduced VAT rate to the rental of these items. The rental of videos and DVDs is, therefore, subject to the standard VAT rate of 21%.

Disabled Drivers.

230. **Mr. Connaughton** asked the Minister for Finance the reason a person (details supplied) in County Galway was refused an application for a primary medical certificate as a disabled driver; and if he will make a statement on the matter. [31101/04]

Minister for Finance (Mr. Cowen): The disabled drivers' and disabled passengers' (tax concessions) scheme is open to people with disabilities who meet the specified criteria and have obtained a primary medical certificate to that

[Mr. Cowen.]
effect. The senior area medical officer attached to the relevant local health board is responsible for both the medical assessment and the issue of the medical certificate. Where the issue of the required certificate is refused this can be appealed to the disabled drivers' medical board of appeal, an independent body whose decision is final.

The medical criteria for the purposes of the tax concessions under this scheme are set out in the disabled drivers' and disabled passengers' (tax concessions) regulations 1994. Six different types of disablement are listed under the regulations and a qualifying person must satisfy one or more of them. The six types of disablement are one, persons who are wholly or almost wholly without the use of both legs; two, 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; three, persons without both hands or without both arms; four, persons without one or both legs; five, persons wholly or almost wholly without the use of both hands or arms and wholly or almost wholly without the use of one leg; six, persons having the medical condition of dwarfism and has serious difficulties of movement of the lower limbs.

Tax Code.

231. **Mr. Naughten** asked the Minister for Finance if he will introduce roll over relief on capital gains tax for landowners who have had their lands purchased for road construction; and if he will make a statement on the matter. [31134/04]

Minister for Finance (Mr. Cowen): As I previously advised to the Deputy in a reply to a parliamentary question on 5 October 2004, capital gains tax is a tax on a capital gain arising on the disposal of assets. A 20% rate of capital gains tax now applies on the gains arising on the disposal of assets, including land which is the subject of a compulsory purchase order. It was announced in the 2003 budget that no roll-over relief would be allowed for any purpose on gains arising from disposals on or after 4 December 2002. This relief was introduced when capital gains tax rates were much higher than current levels. In effect, it was a deferral of tax to be paid, where the proceeds of disposal were re-invested into replacement assets. The taxation of these gains would take place following the eventual disposal of the new assets without their replacement. The abolition of this relief was in accordance with the overall taxation policy of widening the tax base to keep direct tax rates low. Reliefs and allowances made sense when capital gains tax rates were 40% and above. In the 1998 budget, the rate was halved from 40% to 20%. Taxing capital gains when they are realised is the most logical time to do so, and this change brought capital gains tax into line with other areas.

It is not the practice to comment in the lead up to the annual Budget Statement and Finance Bill

on the intention or otherwise to make changes in taxation.

Official Languages Act 2003.

232. **Mr. O'Shea** asked the Minister for Finance the amount which has been spent by his Department in 2004 in implementing the provisions of the Official Languages Act, 2003; and if he will make a statement on the matter. [31140/04]

233. **Mr. O'Shea** asked the Minister for Finance the amount which has been spent by public bodies or agencies funded by his Department in 2004 on the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [31155/04]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 232 and 233 together.

The main area of expenditure on the Irish language in my Department is through *Gaeleagras na Seirbhíse Poiblí*. *Gaeleagras* was established in the Department in 1971 with the general aim of promoting the Irish language throughout the Civil Service. *Gaeleagras* continues to make a significant contribution to the promotion and development of the use of Irish in the Civil Service including supporting the implementation of the Official Languages Act 2003. As *Gaeleagras* provides an integrated service including training provision, translation and proficiency testing, it is not possible to identify that proportion of expenditure which relates specifically to the implementation of the Act. The total allocation for *Gaeleagras* in 2004 is €250,000.

Outside *Gaeleagras*, work relating to implementing the Official Languages Act 2003 is spread across the Department and is undertaken in conjunction with officials' existing duties. It is, therefore, not possible to provide an overall cost for the implementation of the Act in the Department in 2004. However, the additional costs incurred by the Department associated with using external translation services, printing and advertising arising from the Act is estimated at around €35,000 in 2004.

The information requested by the Deputy on spending by public bodies or agencies funded by my Department is being compiled and will be forwarded to him as soon as possible.

National Development Plan.

234. **Ms Cooper-Flynn** asked the Minister for Finance the breakdown of expenditure in percentage terms of the various programmes under the national development plan for both the BMW regions and the south and east region; and if he will make a statement on the matter. [31336/04]

Minister for Finance (Mr. Cowen): An estimated €31 billion, some 87%, of the profiled expenditure for the period of the national development plan from January 2000 to the end of 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 south-

ern and eastern region, representing 75% and 92% of profiled expenditure respectively.

The following sets out the indicative regional breakdown of forecast expenditure in percentage terms for the operational programmes under the

national development plan for both regions for January 2000 to June 2004. These indicative forecasts of expenditure were set in 1999 when the national development plan was published.

National Development Plan: Forecast Expenditure by Region January 2000-June 2004

| Operational Programme | National (€m) | BMW Region | Southern and Eastern Region |
|---|---------------|------------|-----------------------------|
| | | % | % |
| Economic and Social Infrastructure | 15,986 | 27 | 73 |
| Employment and Human Resource Development | 9,621 | 29 | 71 |
| Productive Sector | 4,393 | 36 | 64 |
| BMW Regional | 2,270 | 100 | — |
| Southern and Eastern regional | 3,538 | — | 100 |
| Peace II | 127 | 100 | — |
| Technical Assistance | 8 | 38 | 62 |
| Total | 35,943 | 31 | 69 |

The breakdown of actual expenditure incurred in percentage terms to June 2004 for each operational programme reported to the programme

monitoring committees is set out in the following table.

National Development Plan: Expenditure Reported by Region January 2000-June 2004 Operational Programme

| Operational Programme | National (€m) | BMW Region | Southern and Eastern region |
|---|---------------|------------|-----------------------------|
| | | % | % |
| Economic and Social Infrastructure | 16,335 | 22 | 78 |
| Employment and Human Resource Development | 8,819 | 29 | 71 |
| Productive Sector | 2,024 | 24 | 76 |
| BMW Regional | 1,508 | 100 | — |
| Southern and Eastern regional | 2,292 | — | 100 |
| Peace II | 116 | 100 | — |
| Technical Assistance | 8 | 40 | 60 |
| Total | 31,102 | 27 | 73 |

The table indicates, with the exception of the economic and social infrastructure operational programme and the productive sector operational programme, the breakdown of expenditure between the two regions is broadly consistent with the original national development plan forecasts.

Expenditure is well behind target in the productive sector operational programme due to the fact that the original forecast and its regional breakdown were set at unrealistic levels in the light of activity in the area since the national development plan was launched in 1999. The economic and social infrastructure operational programme is the largest one and the key programme for national development plan investment in infrastructure. The BMW region is behind forecast spend under this operational programme because major infrastructure projects in the southern and eastern region, especially in the areas of roads and public transport, had to receive priority due to the major pressures on

infrastructure in the region, notably in the greater Dublin area. The BMW region benefits from investment in transport, particularly in roads, in the southern and eastern region because transport links to the major ports and airports and national markets, particularly Dublin, in the region benefit the whole country.

It is my objective that as major projects in the southern and eastern region are completed, more funds will become available over the remainder of the national development plan for investment in infrastructure in the BMW region so that progress can be made on rectifying the existing imbalance.

Legal Fees.

235. **Mr. J. O'Keeffe** asked the Minister for Finance the composite amount paid to lawyers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work

[Mr. J. O’Keeffe.]
during 2003; the amount paid from 1 January 2004; and if he will make a statement on the matter. [31337/04]

236. **Mr. J. O’Keeffe** asked the Minister for Finance the ten highest composite figures paid to barristers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the ten highest figures paid from 1 January 2004; the names of the barristers; and if he will make a statement on the matter. [31338/04]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 235 and 236 together.

My Department uses the services of the Office of the Attorney General and the Office of the Chief State Solicitor, and engages outside legal advisors in circumstances requiring legal advice of a specific and-or specialist nature. My Department has also had secondments to it from private sector legal firms.

The total amount paid by my Department to lawyers engaged by it, including secondments, in 2003 was €185,431. The total amount paid, including secondments, from 1 January 2004 to 31 October 2004 was €162,992. My Department did not make payments to barristers in 2003 or 2004.

Tax Code.

237. **Mr. J. Higgins** asked the Minister for Finance if he will make funding available for the VAT refund on the sales of the Live Aid DVD from a source other than the fixed overseas development aid budget; and if he will make a statement on the matter. [31357/04]

Minister for Finance (Mr. Cowen): The promoters of the Band Aid CD and Live Aid DVD proposed that VAT collected on the sales of the CD and DVD be refunded to the Band Aid Trust. The position is that VAT must be charged on all CDs and DVDs. As the Band Aid Trust did not pay the VAT in the first place, the issue raised is not that VAT paid should be refunded but that an amount equivalent to the VAT received might be given by the State to the Band Aid Trust.

An amount equivalent to the VAT paid on sales of the Band Aid CD and Live Aid DVD will be paid from voted money and, in this regard, the Vote for international co-operation, for which I have provided an additional €60 million in 2005, bringing the total allocation to €460 million, is the most appropriate vehicle for effecting this payment.

238. **Mr. R. Bruton** asked the Minister for Finance the number of persons who will pay tax at the 20% rate and at the 42% rate if the existing standard rate cut-off and the existing personal credits continue to apply in 2005; and the numbers who will pay at these rates if both the standard rate cut-off and the personal credits are each increased by 10%. [31368/04]

Minister for Finance (Mr. Cowen): The personal tax credit mentioned in the question is assumed to be the personal tax credit available to single, widowed and married persons as well as the additional tax credit for lone parents.

I am informed by the Revenue Commissioners that the projected number of tax cases liable to income tax at the 20% and 42% rates in 2005, assuming the continuation of the existing standard rate bands and personal tax credits, is estimated at 620,240 and 685,850 respectively.

Assuming increases of 10% on the credits and bands, it is estimated that these numbers would change to 685,750 and 581,030 respectively. A married couple, who has elected or has been deemed to have elected for joint assessment, is counted as one tax case. These figures are provisional, subject to revision and have been rounded to the nearest five as appropriate.

Decentralisation Programme.

239. **Mr. O’Connor** asked the Minister for Finance if he will revisit the issue of Government offices transferring to Tallaght, the third largest population centre in the State; if he will appreciate the huge potential of Tallaght in that regard; and if he will make a statement on the matter. [31378/04]

Minister for Finance (Mr. Cowen): I do not consider the transfer of public service jobs to any County Dublin location can be regarded as decentralisation.

Urban Renewal Schemes.

240. **Mr. Wall** asked the Minister for Finance his views on the urban renewal programme; the success of the programme; the value of the programme to the Exchequer; the proposals to renew the programme or a variation of the programme; and if he will make a statement on the matter. [31399/04]

Minister for Finance (Mr. Cowen): The urban renewal scheme provides for a targeted approach to the use of tax incentives to assist in the rejuvenation of certain urban areas. The designation and selection approach adopted for this scheme involved the preparation and submission of integrated area plans by local authorities. These plans were then subjected to detailed assessment by an expert advisory panel, established by the Minister for the Environment, Heritage and Local Government for that purpose. The areas selected for designation under the scheme were announced in February 1999.

The residential reliefs were introduced with effect from 1 March 1999, while the capital allowances for both industrial and commercial buildings were introduced on 1 July 1999 following receipt of State aid approval from the European Commission in respect of these reliefs.

In the 2003 budget, my predecessor indicated that a range of property reliefs, including the urban renewal scheme, were to terminate on 31 December 2004. In the 2004 budget, the position

was reviewed and it was decided to extend the termination date for these property reliefs from 31 December 2004 to 31 July 2006 to relieve pressure on construction resources to meet the December 2004 deadline and allow for an orderly winding down of these schemes. Provisions were included, where not already in place, to ensure that only pipeline projects could avail of the extension to 31 July 2006.

In line with normal practice, I cannot make any further comment on particular tax measures in advance of the Budget Statement.

Centenarian's Bounty.

241. **Mr. Stanton** asked the Minister for Finance the number who received special payment from the President in 2003 and to date in 2004 on reaching 100 years of age; the way in which persons apply for this payment; the total paid out in 2003 and 2004 to date; and if he will make a statement on the matter. [31481/04]

Minister for Finance (Mr. Cowen): In 2003, the number of recipients of the centenarian's bounty was 112, the total cost of which was €284,480. To the end of November this year, 99 persons have received the bounty at a cost of €251,460. The procedure for the application for and payment of the centenarian's bounty is set out below. The office of the President receives a print-out from the Department of Social and Family Affairs at year's end which lists persons in receipt of social welfare pensions. The office of the President depends on relatives, friends and managers of nursing homes to inform it of centenarians who are not in receipt of social welfare pensions. When the office of the President receives this information it immediately informs the Department of Social and Family Affairs and the procedure followed is the same as in the case of social welfare recipients.

In the weeks before a centenarian's birthday, a social welfare officer visits the person at his or her place of residence. Arising from the visit, a letter is issued from the Department of Social and Family Affairs to the office of the Secretary General to the President outlining brief details of the person's health and of the priest or relative nominated to present the President's letter and bounty. The letter and cheque are issued to the priest or other person presenting it to the centenarian approximately five to seven days before the birthday. Should the centenarian request that the letter and the President's bounty be sent directly to him or herself, the letter and cheque issue approximately two days before date of the birthday.

Questions Nos. 242 to 245, inclusive, answered with Question No. 135.

Fisheries Protection.

246. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the procedures in place to record the direct landing of fish stocks caught on Irish registered ves-

sels in British and Norwegian ports; and the figures for the landings of mackerel in this regard over the past five years in both these countries. [31530/04]

Minister of State at the Department of Communications, Marine and Natural Resources

(Mr. Gallagher): The rules governing landings by EU fishing vessels fishing for mackerel, horse mackerel — northern stocks — and herring — northern stocks — are set down in annex IV of Council Regulation 2287/2003. The rules apply to landings at all member states and require the following in respect of all landings greater than ten tonnes. The master of a fishing vessel must give four hours advance notice of landing including specified details of the catch to the competent authorities of the member state into which the landing is to take place. The member state designates ports for landing these species. The competent authorities of the member state shall require that the discharge does not commence until authorised to do so. The master of a fishing vessel must submit immediately upon arrival to port the relevant pages of his logbook. The fish must be weighed by the buyers, in the presence of a controller before being sorted, processed and transported. As part of the EU-Norway fisheries agreement, similar provisions are in place in respect of landings of these pelagic species by Irish and other vessels into Norway.

Under the provisions governing the logbook, a copy of the log sheet and landing declaration must be sent to the Irish authorities within 48 hours of landing. This applies to landings into Irish, EU and Norwegian ports. The Irish authorities report on landings to the EU Commission in respect of landings into Irish ports and into non-member state ports, including those in Norway. Landings into other member state ports are reported by the member state concerned. Landings of stocks by Irish vessels into non-Irish ports are subject to any additional rules, which may apply at national level in the relevant country.

The figures for the landings of mackerel over the past five years in the countries specified are outlined in tabular form below.

| Norway — Live Weight Tonnes | United Kingdom — Live Weight Tonnes |
|-----------------------------|-------------------------------------|
| 1999 — 22,817.60 | 1999 — 4,304.30 |
| 2000 — 19,087.10 | 2000 — 6,816.70 |
| 2001 — 17,429.40 | 2001 — 11,897.50 |
| 2002 — 15,531.90 | 2002 — 12,278.40 |
| 2003 — 8,442.17 | 2003 — 11,235.34 |

Departmental Bodies.

247. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the future plans for the development of a company (details supplied) in the centre of Dublin. [31531/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Media Lab

[Mr. N. Dempsey.] Europe, or MLE, was formed through a series of tripartite agreements between the State, the Massachusetts Institute of Technology and MIT Media Lab and has been in operation since early 2000. It was established to conduct non-directed research in the field of digital media. While it is acknowledged that research will generally require State support, the uniqueness of the MLE model as presented initially to Government was that it would be self-funding by 2005. However, MLE has consistently failed to meet its financial projections. Circumstances have deteriorated significantly over the past 24 months. At its current rate of expenditure, its funding should take MLE to the end of the first quarter of 2005.

In view of these developments, the Government liaison committee, which brings together Departments with an interest in the MLE operation, wrote to MLE in February 2004 requesting that it undertake a fundamental review of its business model and produce a strategic plan. The board of MLE submitted its strategic plan to the Department on 7 May 2004 and included a request for additional Exchequer funding of €9 million. Considering the importance of digital media in the broader information and communications technology sector and the need for commitment to research and development in the field, a comprehensive assessment of the current model and structures at MLE was required. This having been done, I am considering possible options for the future of MLE.

Irish Language.

248. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources the amount which has been spent by his Department in 2004 in regard to implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [31141/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): My Department has spent €9,237 to date in 2004 on implementing the provisions of the Official Languages Act 2003.

249. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources the amount which has been spent by public bodies or agencies funded by his Department in 2004 relating to the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [31156/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The amount of money spent by public bodies or agencies funded by my Department is an operational matter for the agencies concerned. The Deputy should contact the bodies and agencies concerned, directly.

Departmental Bodies.

250. **Mr. Deenihan** asked the Minister for Communications, Marine and Natural Resources

if the proposal on a staffing structure submitted by the Broadcasting Commission of Ireland for the establishment of a fund to support certain television and radio productions has been approved; and if he will make a statement on the matter. [31354/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Broadcasting Commission of Ireland recently submitted proposals to my Department on its staffing requirements to implement the broadcasting funding scheme. The scheme will provide funding to support certain television and radio programmes and projects from 5% of net receipts of television licence fees. I expect to receive a proposed scheme from the BCI in the coming weeks. My Department is examining the staffing proposals.

Broadcasting Legislation.

251. **Mr. Gogarty** asked the Minister for Communications, Marine and Natural Resources the legislation or guidelines which govern the issue of county councillors being employed in paid or voluntary capacity as public relations officers for community radio stations in their local electoral area; and if no such guidelines exist, when will such legislation be enacted. [31359/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): There are no existing legislative provisions on this matter. I do not intend bringing forward legislative proposals in this area.

Telecommunications Services.

252. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the efforts he has made to advance broadband facilities for businesses in the Bantry area; and if he will make a statement on the matter. [31485/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications services, including broadband, is a matter for the fully liberalised private sector as regulated by the Commission for Communications Regulation. In response to underinvestment by the sector in the late 1990s in the infrastructure necessary to deliver broadband nationwide, the Government set aside an indicative €200 million under the National Development Plan 2000-2006. These moneys are aimed to fund creation of high-speed fibre infrastructure in towns and cities to facilitate the provision of broadband by private sector companies. A total of 19 metropolitan area fibre networks, or MANs, have already been built and a further seven are under construction. The networks are being managed independently on an open-access basis and offer the service providers access to high-bandwidth services at competitive costs. The MANs which have been completed are already carrying commercial traffic.

Phase 2 of the programme, which is now under way, will see the rollout of broadband infrastructure to over 90 towns with populations of 1,500 and to others which are not being provided with broadband by private telecommunications companies. Calls for proposals have issued in respect of 41 of those towns, including Bantry, and it is expected that contracts will be in place before the end of this year. Proposals will be sought for the remaining towns in the new year.

There are encouraging signs that the availability of broadband is increasing rapidly. A number of firms are advertising the availability of broadband connectivity anywhere in the country which is provided using a variety of delivery platforms including fibre, wireless, satellite and digital subscriber lines. Details of these firms, including prices and contact numbers, can be found on my Department's website at www.broadband.gov.ie.

253. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself that sufficient competition has been generated in the provision of broadband facilities nationwide to meet the desired requirements and objectives; if he intends to issue directives in this regard; and if he will make a statement on the matter. [31486/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The telecommunications sector is fully liberalised and operates as an open market which is regulated by the Commission for Communications Regulation. The question of competition in the market is a matter for the regulator.

In association with local authorities, my Department's regional broadband programme is investing an indicative €200 million of Government and European regional development fund finance in the provision of high-speed networks in towns and cities to facilitate the provision of broadband services by the private sector. A total of 19 metropolitan area networks have been completed and a further seven are under construction. The completed MANs are already carrying commercial traffic. The programme includes plans to provide high-speed infrastructure in more than 90 towns with populations of 1,500 and over.

The increasing availability of broadband in recent months has been most encouraging. A number of firms are now advertising broadband availability in any location in Ireland. My Department's website, www.broadband.gov.ie, gives full details of the service providers, prices and services on offer.

Question No. 254 answered with Question No. 86.

255. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources when he expects broadband facilities to be available nationwide; and if he will make a statement on the matter. [31488/04]

256. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources

the regions throughout the country which already have broadband services or are likely to so do in the next 12 months; the areas likely to come on-stream after that period; and if he will make a statement on the matter. [31489/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 255 and 256 together.

The availability of broadband is increasing as service providers extend the range of services on offer using broadband delivery technologies such as digital subscriber lines, satellite, wireless and cable. A number of telecommunications companies are vigorously marketing broadband in all areas of the country. Full details of the companies and the services on offer can be found on my Department's website www.broadband.gov.ie.

Television Licence Fee.

257. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources when disbursement of funds from licence fees are likely to be awarded to the public or private broadcasting sectors; and if he will make a statement on the matter. [31490/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Broadcasting Commission of Ireland has completed public consultation on a draft scheme for the operation of a fund to be established under the Broadcasting (Funding) Act 2003. In accordance with section 2(1) of the Act, the BCI is required to submit the finalised scheme to me for approval following which I will lay the scheme before the Oireachtas. I expect to receive a final version of the proposed scheme in the coming weeks.

Any such scheme is likely to require State-aid approval from the European Commission. When approval from the European Commission has been received and the scheme is in place, it will be a matter for the BCI to allocate funding as it considers appropriate in accordance with the legislation. Accordingly, the first awards are likely to be made in 2005.

Broadcasting Services.

258. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the manner in which he anticipates broadcasting to develop in the future; and if he will make a statement on the matter. [31491/04]

259. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his preferred options in respect of development in the public and private broadcasting services, locally and nationally in the future; and if he will make a statement on the matter. [31492/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 258 and 259 together.

My core broadcasting policy objectives are detailed in my Department's Statement of Strategy 2003-2005. These objectives are to create

[Mr. N. Dempsey.]
an environment which encourages the maintenance of high-quality Irish radio and television services by both independent broadcasters and RTE; secure a viable future for high-quality public service broadcasting; and seek to retain access to a range of high-quality programming in analogue and digital form on a universal and free-to-air basis.

My key priorities for achieving these objectives include developing the regulatory framework by bringing forward a Bill to provide for the establishment of a single content regulator for both public and private broadcasters and to establish RTE on the lines of a company under the Companies Acts; taking steps to provide for the establishment of TG4 as an independent entity; ensuring adequate public funding for RTE and TG4 to allow them to deliver on their statutory mandate; building on progress made in maximising the effectiveness of television licence fee collection; developing proposals to ensure that in a digital era Irish viewers continue to enjoy access to a range of high-quality programming; and bringing forward proposals for the future licensing of radio services in Ireland.

Question No. 260 answered with Question No. 76.

Questions Nos. 261 to 264, inclusive, answered with Question No. 85.

Mobile Telephony.

265. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he intends to give any direction to COMREG with a view to combating the use of mobile telephones in child pornography; and if he will make a statement on the matter. [31498/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Legislation is already in place to prosecute the issue of nuisance and criminal calls and the sending of pornographic images by mobile phone. Such offences are not the responsibility of the Commission for Communications Regulation, ComReg. It is an offence under section 13 of the Post Office (Amendment) Act 1951, as amended by the Postal and Telecommunications Services Act 1983, to send by phone any message or other matter which is grossly offensive or of an indecent, obscene or menacing character. It is also an offence under section 10 of the Non-Fatal Offences against the Person Act 1997 to harass a person by use of a telephone.

Anyone who has information on these matters should bring it immediately to the attention of the Garda for criminal investigation.

266. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he can unilaterally or in conjunction with his EU colleagues introduce new measures to combat child pornography through the mobile telephone networks; and if he will make a statement on the matter. [31499/04]

267. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the alleged increased use of mobile telephone systems for child pornography; if his attention has further been drawn to the potential damage to society to such abuse; the action or actions he can take to counter the problem; and if he will make a statement on the matter. [31501/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 266 and 267 together.

Legislation is already in place to prosecute the issue of nuisance and criminal calls, and the sending of pornographic images by mobile phones.

For some time officials in my Department have been exploring with both the industry and the Commission for Communications Regulation, ComReg, the matter of a register for the use of all new 2 and 3G prepaid mobile phones. The principal aim of any such register would be to enable effective tracing of perpetrators of criminal activities who use mobile phones for criminal purposes.

The registration of the use of prepaid mobile phones is a complex issue and the exact nature of such a register must be given careful thought. The legal, technical and practical issues surrounding this proposal require further consideration in consultation with interested parties, including the Department of Justice, Equality and Law Reform and ComReg.

My colleague, the Minister for Justice, Equality and Law Reform, is responsible for policy in relation to the protection of children from the transmission of pornographic images by phones and other media.

Broadcasting Services.

268. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the requests for the increased use of subtitles throughout the broadcasting sector with a view to accommodating those with hearing difficulties; if he has in mind legislative proposals to address the issue; and if he will make a statement on the matter. [31502/04]

269. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he intends to legislate to facilitate those who require the greater use of subtitles throughout broadcasting; and if he will make a statement on the matter. [31503/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 268 and 269 together.

Section 19(11) of the Broadcasting Act 2001 provides that the Broadcasting Commission of Ireland, shall make rules requiring each broadcaster to take specific steps to promote the understanding and enjoyment by persons who are deaf or hard of hearing on programmes transmitted by each broadcaster. This is a function in which the Oireachtas has provided the BCI with statutory

responsibility and in respect of which I have no role.

I understand the BCI is at present drawing up access codes. I have no proposals for new legislation in this regard.

Natural Gas Supplies.

270. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he is satisfied regarding the availability of natural gas supplies in the future; and if he will make a statement on the matter. [31504/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): There is adequate infrastructure capacity in place to meet import requirements for many years ahead. Under section 19 of the Gas (Interim) (Regulation) Act 2002, the Commission for Energy Regulation is required to prepare and publish an annual forecast of capacity, flows and customer demand on Ireland's natural gas system over a seven year period. The 2004 capacity statement was published on 12 November and includes a range of possible demand scenarios that may be expected to arise over the coming years.

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

In relation to supply, it is clear that the geographic sources of gas for north west Europe are changing over coming years, but there is no particular threat to Irish supplies. The market is close to being fully liberalised and there will be several suppliers. The Kinsale field continues to provide Ireland with some supply of gas and supplies coming from the Corrib and Seven Heads fields

would reduce Ireland's import demands in the coming years. My Department will continue to monitor the supply situation.

Offshore Exploration.

271. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the number of oil drilling or other ore or mineral explorations currently in hand; the firms or agents involved; if there are positive indications; and if he will make a statement on the matter. [31507/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): There is no oil drilling exploration in hand. There are 37 current authorisations for petroleum, which covers both oil and gas. The latest acreage report which sets out details of the authorisations and the companies involved is set out below.

New exploration for non-petroleum minerals is continuously undertaken as part of my requirements to holders of prospecting licences, of which there were 273 current on 1 November 2004. Details of the holders of these licenses can be found in the six monthly report to the Oireachtas which I am obliged to lay before the House under the Minerals Development Acts 1940 to 1999. The last such report was in respect of the six-month period ended 30 June 2004.

With regard to positive indications from these explorations, I would refer the Deputy to the answer I gave to Questions Nos. 44 and 126 on 21 October 2004. The position has not changed since then.

Petroleum Exploration & Development Offshore Ireland

Acreage Position — October 2004

Petroleum Leases

A petroleum lease vests in the lessee the exclusive right to produce petroleum from the leased areas.

| | Commencement Date | Blocks/Area of Lease | Participants (* = Operator) |
|--|-------------------|--|--|
| Offshore Petroleum Lease No. 1: Kinsale/Ballycotton | 7 May, 1970 | 48/20, 48/25, 49/16 & 49/21 (Area: 1,003.03 km ²) | * Marathon Oil Ireland Limited. |
| Corrib Petroleum Lease | 15 November, 2001 | 18/20 (p) & 18/25 (p) (Area: 29.28 km ²) | * Shell E & P Ireland Limited Marathon International Petroleum Hibernia Ltd. Statoil Exploration (Ireland) Ltd. |
| Seven Heads Petroleum Lease | 13 November, 2002 | 48/22 (p), 48/23 (p), 48/24 (p), 48/27 (p), 48/28 (p), 48/29 (p) & 48/30 (p) (Area: 291.5 km ²) | * Ramco Seven Heads Ltd. Island Petroleum Developments Ltd. Northern Exploration Ltd. Sunningdale Oils (Ireland) Ltd. |

(p) part block

Offshore Petroleum Exploration Licences

A petroleum exploration licence vests in the holder the exclusive right of carrying out explor-

ation for petroleum in a specific licensed offshore area.

A standard exploration licence is issued for a period of 6 years in respect of an area with water depths of up to 200 metres.

A deepwater exploration Licence is issued for a period of 12 years in respect of an area with water depths exceeding 200 metres.

A frontier exploration licence is issued in respect of an area with special difficulties related to physical environment, geology or technology

where such an area is specified and announced by the Minister for Communications, Marine and Natural Resources as a 'Frontier Area'. This licence type is valid for a period of not less than 15 years and comprises a maximum of 4 phases.

| Licence | Licence Period | Block No. | Area | Participants (* = Operator) | % Interest |
|-----------------------|-------------------------------------|--|--------------------------|--|--------------------------|
| 2/93 Deepwater | 1 January, 1993 — 31 December, 2004 | 18/25 (p), 18/30(p), 27/4, 27/5 (p) & 27/9 (p) | 730.3 km ² | * Shell E& P Ireland Ltd. Statoil Exploration (Ireland) Ltd. Marathon International Petroleum Hibernia Ltd. | 45% 36.5% 18.5% |
| 2/94 Frontier | 15 March, 1994 — 14 March, 2010 | 12/2 (p), 12/3 (p), 12/7 (p), & 12/8 (p) | 465.6 km ² | * Shell E& P Ireland Ltd. Eni Ireland BV OMV (Ireland) Exploration GMBH | 50% 40% 10% |
| 3/94 Frontier | 15 March, 1994 — 14 March, 2010 | 18/14 (p), 18/15 (p), 18/19 (p) & 18/20 (p) | 467.2 km ² | * Shell E& P Ireland Ltd. Statoil Exploration (Ireland) Ltd. Marathon International Petroleum Hibernia Ltd. | 45% 36.5% 18.5% |
| 5/94 Frontier | 15 March, 1994 — 14 March, 2010 | 19/2 (p), 19/3 (p), 19/4 (p), 19/7 (p), 19/8, 19/11 (p), 19/12 (p), 19/16 (p), 19/17 (p) & 19/21 (p) | 1,316.04 km ² | * Statoil Exploration (Ireland) Ltd. Enterprise Energy Ireland Offshore Inc. Murphy Ireland Offshore Ltd. Shell E& P Ireland Ltd. | 30% 30% 25% 15% |
| 7/97 Frontier | 4 June, 1997 — 3 June, 2013 | 11/20, 11/23, 11/24, 11/25, 11/28, 12/11, 12/12 & 12/16 | 1,883.2 km ² | * Eni Ireland BV | 100% |
| 1/99 Frontier | 15 March, 1999 — 14 March, 2014 | 43/19, 43/20, 43/24, 43/25, 43/28 & 43/29 | 1,553.6 km ² | * Eni Ireland BV | 100% |
| 1/04 Frontier | 15 April, 2004 — 14 April, 2019 | 26/27 (p), 26/28, 35/2 (p) & 35/3 (p) | 622.06 km ² | * Island Assets Porcupine Limited X-IPEC Limited Valhalla Oil and Gas A.S. | 40% 35% 25% |

(p) part block

50% of acreage under Frontier Exploration Licence 2/94 was relinquished with effect from 2 June, 2004.

Licensing Options

A licensing option gives the holder the first right to an exploration licence over all or part of the area covered by the option.

| Option No. | Option Period | Blocks | Participants (* = Operator) | % Interest |
|------------|--|---|---|-------------------|
| 00/2 | 1 March, 2000 — 28 February, 2001 (extended to 28 February, 2002) <i>Further authorisation under discussion</i> | 13/7, 13/11 (p) & 13/12 (p) | * Ramco Oil and Gas Ltd. Island Petroleum Developments Ltd. Sunningdale Oils (Ireland) Ltd. | 70% 20% 10% |
| 03/1 | 1 January 2003 — 31 December, 2003 (Extended to 31 December, 2004) | 48/29 (p), 48/30 (p), 49/22 (p), 49/23 (p), 49/26, 49/27 (p), 49/28 (p), 57/4 (p), 57/5 (p) 58/1 (p) & 58/2 (p) | * Providence Resources Plc. Midmar Energy Ltd. | 75% 25% |
| 03/2 | 01 February, 2003 — 31 July, 2004 <i>Extension to authorisation under discussion</i> | 49/11 (p) & 49/12 (p) | * Ramco Oil and Gas Ltd. | 100% |
| 03/3 | 18 August, 2003 — 31 December, 2004 (Extended to 31 December, 2005) | 57/3 (p), 57/4(p), 57/8(p), & 57/9 (p) | * Astral Petroleum Resources (Ireland) Limited | 100% |

Petroleum Prospecting Licences

A petroleum prospecting licence is non-exclusive and confers on the licensee the right to search

for petroleum in any area where an exploration licence, reserved area licence or petroleum lease is not in force.

| Licence No. | No. of Years | Licence From | Licensee |
|-------------|--------------|---|--|
| 3/00 | 3 | 08 June, 2000 (extended to 07 June, 2005) | Shell E & P Ireland Ltd. |
| 1/03 | 3 | 08 March, 2003 | Ramco Oil and Gas Ltd. |
| 3/03 | 3 | 10 June, 2003 | PGS Exploration (UK) Ltd. |
| 4/03 | 3 | 18 August, 2003 | Astral Petroleum Resources (Ireland) Limited |
| 5/03 | 3 | 25 September, 2003 | Island Expro Limited. |
| 1/04 | 3 | 01 January, 2004 | Providence Resources plc |
| 2/04 | 3 | 01 March, 2004 | Circle Oil Company Limited |
| 3/04 | 3 | 1 October, 2004 | Petroceltic International plc |
| 4/04 | 3 | 20 October, 2004 | Black Rock Oil & Gas plc |

Onshore Petroleum Prospecting Licences

| Licence No. | No. of Years | Licence From | Licensee |
|-------------|--------------|----------------|-------------------|
| ON1/04 | 3 | 13 April, 2004 | Finavera Limited. |

Company Addresses

Astral Petroleum Resources (Ireland) Limited, 5 Charterhouse Square, London EC1M 6PX.

Carob Limited, P.O. Box 95, 2A Lord Street, Douglas, Isle of Man

Bexley Investments Limited, Papermill Cottage, East Baldwin, Marown, Isle of Man IM4 5EP

Black Rock Oil & Gas plc, Suite 2, 20 Altona Street, West Perth WA 6005, Australia

Celtex Exploration Services Limited, Bel Royal House, Hilgrove Street, St. Helier, Jersey, Channel Islands

Circle Oil Company Ltd, Crannog, Clonlara, Co. Clare.

Eni Ireland BV, Wellington Circle, Redmoss, Aberdeen, AB12 3JG, Scotland

Shell E & P Ireland Ltd, Corrib House, 52 Lower Leeson Street, Dublin 2

Enterprise Energy Ireland Offshore Inc., London Square, Cross Lanes, Guildford, Surrey, GU1 1UE, England

Finavera Ltd., Alexandra House, The Sweepstakes, Ballsbridge, Dublin 4.

Island Petroleum Developments Ltd, C/O DNO International, Salvesen Tower, Blaikies Quay, Aberdeen AB11 5PW, Scotland.

Island Expro Limited, “Curdarragh”, Annamult, Bennettsbridge, Co. Kilkenny

Island Assets Porcupine Limited, “Currdarragh”, Annamult, Bennettsbridge, Co. Kilkenny

Marathon International Petroleum Hibernia Ltd., Mahon Industrial Estate, Blackrock, Co. Cork

Marathon Oil Ireland Ltd., Mahon Industrial Estate, Blackrock, Co. Cork

Midmar Energy Ltd., 2 Thistle Road, Dyce, Aberdeen, AB21 0NN, Scotland

Murphy Ireland Offshore Ltd., 4 Beaconsfield Road, St Albans, Hertfordshire, AL1 3RH, England

Northern Exploration Ltd., 1 Cornhill, London, EC3V 3ND, England

OMV (Ireland) Exploration GMBH, Gerasdorfer Strasse 151, A — 1090 Vienna, Austria

Petroceltic International plc, 14 Upper Fitzwilliam Street, Dublin 2

PGS Exploration (UK) Ltd., PGS Court, Halfway Green, Walton-on-Thames, Surrey, KT12 1RS, England

Providence Resourcesplc, 60 Merrion Road, Ballsbridge, Dublin 4

Ramco Oil and Gas Ltd., 62 Queen’s Road, Aberdeen, AB15 4YE, Scotland

Ramco Seven Heads Ltd., 62 Queen's Road, Aberdeen, AB15 4YE, Scotland

Statoil Exploration (Ireland) Ltd., Statoil House, 6 George's Dock, IFSC, Dublin 1

Sunningdale Oils (Ireland) Ltd., Sandy Lodge, Sandy Lane, Kingswood, Surrey, KT20 6ND, England

Valhalla Oil and Gas A.S., Coronation House, Guilford Road, Woking, Surrey, GU22 7QD, United Kingdom

X-IPEC Limited, Highlands Farm, Greys Road, Henley-on-Thames, Oxon, RG9 4PR, United Kingdom

Alternative Energy Projects.

272. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the number of alternative energy producers willing to supply national requirements; the most cost effective or with the greatest potential; and if he will make a statement on the matter. [31508/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Conventional wisdom is that renewable energy technologies employed in the electricity market will continue to require special support into the medium term in order to compete in an open competitive electricity market. My Department's support mechanism, the alternative energy requirement programme has operated to date to increase the contribution from renewable energy technologies in electricity production.

The underlying principle of the alternative energy requirement competitions as operated to date is that prospective generators are invited to make a formal application to build, own and operate newly installed renewable energy based electricity generating plant, and to supply electricity from these to the ESB under a power purchase agreement of up to 15 years. Full details of the AER programme, including those producers who took part in the process, are available on my Department's website at www.dcmnr.ie.

Large scale hydro-powered electricity generating stations can compete with conventional fossil fuel technologies in an open competitive environment. In addition, some wind-powered electricity generating plant has been developed in Ireland as merchant plant, that is, without support, in recent years. However, these projects depend on a regulatory code that reassures consumers that the electricity they consume is associated with the generation of an equal amount of electricity from alternative energy sources within a 12-month cycle. This activity was facilitated by the accelerated liberalisation of the electricity market for renewable energy technologies which occurred in February 2000 ahead of full market liberalisation in 2005. I do not have details of the

producers working in this market as they operate outside of the programmes run by my Department.

In general terms, the cost effectiveness league table for alternative non-fossil electrical energy in descending order would be large scale hydro followed by large scale on-shore wind with large scale wind having the greatest untapped potential.

Electricity Generation.

273. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the degree to which cost effectiveness and efficiency have been evaluated in respect of various methods of energy production, having particular regard to the need to protect the environment; and if he will make a statement on the matter. [31509/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): It is not clear what information is being sought by the question. I am taking it that it is mainly about electricity.

It is inherent in the way that the electricity system works that, with some exceptions, such as peat and wind energy which get preferential treatment, generation plant is allowed onto the system in response to fluctuating demand, based on efficiency as represented by cost. This is commonly known in the business as merit order.

Clearly there are issues around whether the cost in each case is fully inclusive of, for example, environmental degradation. The arrival of the emissions trading scheme should increasingly lead to greater transparency in this respect.

I should also point out that with the development of Ireland's gas infrastructure, gas is playing an increasingly important role in power generation. The advent of combined cycle gas turbine technology means that new gas plants are much more energy efficient and less environmentally harmful than the more traditional fossil fuel plants. I understand there is ample information and literature in the public domain around this topic.

Telecommunications Services.

274. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the number of applications as yet unmet for broadband services; and if he will make a statement on the matter. [31510/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of broadband services is a matter for the private sector companies operating in a fully liberalised market, regulated by ComReg, the Commission for Communications Regulation, and I have no function in the matter.

Alternative Energy Projects.

275. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has issued instruction to encourage the generation of alternative energies; and if he will make a statement on the matter. [31511/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): There is already clear Government support for alternative energy. I am currently awaiting reports from the Bioenergy Strategy Group, the Combined Heat and Power Policy Group and the Renewable Energy Development Group. The groups' reports are due very shortly and will form the basis of my future policy decisions on the increased penetration of renewable energy technologies in the electricity market.

Departmental Funding.

276. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the requests from TG4 for extra funding; the extent to which such requests are likely to be met in the context of the Estimates for 2005; and if he will make a statement on the matter. [31512/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The funding of TG4 is decided as part of the annual Estimates process. The recently published Estimates for 2005 included a provision of €24,858,000 for TG4, an increase of €697,000 on 2004.

Renewable Energy Development Group.

277. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he will report on the work of the Renewable Energy Development Group chaired by his Department; and if he will make a statement on the matter. [31513/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Renewable Energy Development Group was established on 6 May of this year. The group is chaired by my Department and comprises relevant experts from the administrative, industry and scientific sector including the Commission for Energy Regulation, Sustainable Energy Ireland, ESB National Grid and the Economic and Social Research Institute, among others. The renewable energy industry is represented on the group through participation of members nominated by an industry sub-group.

The group has been focusing on a number of key issues including the appropriate market mechanism for electricity generated from renewable sources, grid connections for wind energy projects, the renewables directive target including the cost implications, the grid upgrade programme for renewables, net metering, the renewable energy consultation process, and research demonstration and development programmes for

renewable energy technologies, including technologies other than wind.

The group will advise on future options on policies, targets, programmes and support measures to develop the increased use of renewable energy in the electricity market to 2010 and beyond. The group's report, which is a comprehensive review of all pertinent issues, is due shortly and will form the basis of my future policy decisions on the increased penetration of renewable energy technologies in the electricity market.

Offshore Exploration.

278. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources when he intends to announce the next round of licensing in respect of oil, gas or other mineral exploration; and if he will make a statement on the matter. [31514/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Deputy will be aware that Deputy John Browne, Minister of State formerly at my Department, announced details of a licensing round for the North East Rockall on 27 July, with a closing date for applications of 31 March 2005. I am aware of interest in the area by the industry, even before the recent increases in oil prices, and we hope to see a good response and I presently considering further licensing in the region.

There are no exploration rounds for non-petroleum minerals. Exploration for such minerals is undertaken under prospecting licenses which are available for application at any time. Licenses which have been recently surrendered are offered in competition four times a year. The next such competition will be announced on 1 February 2005.

Telecommunications Services.

279. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the way in which it is intended to improve Ireland's position relative to other European countries in the area of telecommunications, with particular reference to the need to meet the ongoing demand of the domestic and business sector; and if he will make a statement on the matter. [31515/04]

280. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the reason Ireland is not better placed in the international league in terms of broadband availability; and if he will make a statement on the matter. [31516/04]

281. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the reason the broadband projections announced in the national development plan have not been achieved in line with expectations; and if he will make a statement on the matter. [31517/04]

282. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if legislative changes are necessary to encourage the promotion of competition and the provision of broadband services throughout the country; and if he will make a statement on the matter. [31518/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 279 to 282, inclusive, together.

Although the telecommunications market is fully liberalised, and the provision of services is driven by commercial imperatives, until early 2003 infrastructure investment by the private sector had failed to keep pace with the demand for broadband.

Recognising the lack of investment by the private sector in high-speed infrastructure, the Government set aside an indicative €200 million under the NDP for infrastructure developments that would enable the provision of services by the sector.

The creation of high-capacity backbone infrastructure and metropolitan area networks, MANs, are the cornerstones of the programme. Nineteen MANs have now been completed, and seven more are under construction. In the next phase of the programme broadband networks will be rolled out in over 90 towns of 1,500 population and more. The MANs are being managed for the State on an open-access basis, and offer private sector telecommunications providers wholesale rates for bandwidth that are on a par with the best available in Europe.

The availability of broadband is increasing. Telecommunications companies are now vigorously marketing digital subscriber line, broadband in all areas, while other broadband technologies such as satellite, wireless and cable are growing in popularity. The number of broadband customers is growing by more than 30% per quarter and has increased 80 fold in the past year to over 105,000 customers today. These figures place Ireland favourably in the league tables, and indicate that the Government's objective is attainable.

283. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the bodies, agencies or groups with which he has had discussions towards the provision of broadband services throughout the country; and if he will make a statement on the matter. [31519/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): My Department's regional broadband programme is rolling out the provision of high-speed infrastructure in all parts of the country that will enable the provision of broadband services by the private sector. The cornerstone of the programme is the metropolitan area networks that are being constructed in association with the local and regional authorities.

My officials are in constant touch with officials in the local authorities, and with the professional bodies that act as my Department's technical and legal consultants on the projects.

Over 50 community groups have made submissions to my Department under the group broadband scheme and my officials are in contact with representatives of these groups.

The broadband for schools project is an €18 million joint venture between my Department, the Department of Education and Science and the Telecommunications and Internet Federation. Regular meetings are held between representatives of all parties involved.

Question No. 284 answered with Question No. 135.

Electricity Generation.

285. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if the objectives set in the Green Paper on renewable energy based electricity generation have been achieved to date; and if he will make a statement on the matter. [31521/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Green Paper on Sustainable Energy (1999) established a target to add 500 megawatts of new renewable energy based electricity generating plant to the electricity network by 2005.

The current capacity of renewable energy based electricity producing plant, constructed since the publication of the Green Paper, amounts to over 165 MW. New wind energy projects, representing approximately 200 MW, are currently under construction. Further projects in all technologies are due to commence construction under the terms and conditions of the AER V and AER VI competitions. Other projects may also be planned, or are under construction, under the liberalised green electricity market, but I have no details of these projects as they operate outside of the programmes run by my Department.

Telecommunications Services.

286. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the number of presentations made to his Department or to the Cabinet in regard to the expansion of broadband facilities; if such discussions took place in the context of the national development plan; and if he will make a statement on the matter. [31522/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): My Department has made no presentations to the full Cabinet in regard to the expansion of broadband facilities. However, a presentation is made at least annually to the Cabinet Sub-Committee on Infrastructure and Public Private Partnership.

[Mr. N. Dempsey.]

My Department receives regular presentations from interested parties regarding expansion of broadband facilities.

287. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has received further reports on the question of health and safety issues raised when television and telecommunication services were discontinued; and if he will make a statement on the matter. [31523/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Questions Nos. 32, 35, 41, 49 and 82 of 21 October 2004. I have no function in the matter raised by the Deputy.

Responsibility for the protection and promotion of consumer interests for electronic communications networks and services and the integrity of the network rests with the Commission for Communications Regulation, ComReg, under the European Communities (Electronic Communications Networks and Services)(Universal Service and Users Rights) Regulation S.I. 308 of 2003. ComReg has statutory independence in the exercise of its functions.

Furthermore, I would bring to the attention of the Deputy a letter which I issued to him on 9 November 2004 in relation to this issue and a report prepared by ComReg on the issue which was appended to my letter.

Electricity Costs.

288. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the reason electricity prices here are more than 20% higher than in most other European countries; and if he will make a statement on the matter. [31524/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function in this matter. By virtue of the Electricity Regulation Act 1999, the statutory responsibility for electricity pricing is a matter solely for the Commission for Energy Regulation.

Ferry Services.

289. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the plans he has for the provision of a service that would accommodate the live cattle export trade, roll on-roll off vessels, which would greatly improve live exports; and the plans he has to seek European Commission approval to allow State-aid in the sector as an island nation. [31533/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I understand the Deputy is referring to the P & O Irish Sea Ferries announcement that in December 2004 it is ending its ferry service between Rosslare and Cherbourg.

The P & O service is provided by its ship, the *European Diplomat*, and cater, *inter alia*, for live cattle exports.

I have already met with my colleague, the Minister for Agriculture and Food, Deputy Coughlan, to consider the implications of the P & O announcement.

The Irish Maritime Development Office, the State's development agency for the shipping and shipping services sector, which reports to me, has been tasked with seeking to facilitate the provision of a similar service.

With representatives of the livestock haulage sector and farmers representatives, the IMDO has been in contact with port and shipping sector interests in the above regard. These contacts are ongoing.

I have not been in communication with the EU Commission regarding the provision of State aid for a new Rosslare-Cherbourg ferry service. There is no reason at this stage to believe that the market cannot provide a suitable ferry service.

Procuring EU Commission approval for any new State aid for our maritime sector would take a long time. I am hopeful that a new ferry service can be introduced without such aid.

290. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if he will list the composition of the Marine Institute membership. [31534/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I presume the Deputy is referring to the membership of the Board of the Marine Institute, which is as follows: Dr. J. P. Crowley, Chairman; Mr. Fergus Cahill; Ms Terry Fleming; Mr. Joey Murrin; Ms Mary Dooley; Capt. Dave Hopkins; Mr. John O'Carroll; Mr. Sean O'Donohue; and Mr. Richie Flynn.

Fishing Fleet Protection.

291. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if he will outline the options for a number of fishermen who find their boats unviable; and if he has plans to support and help small family operations in this regard. [31535/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The current EU rules allow for the grant aiding of fishing vessels for works that do not concern capacity in terms of tonnage or power. A grant aid scheme to support the purchase of safety equipment for fishing vessels, including vessels that have been granted a fishing boat license offer under the special scheme for the licensing of small fishing boats, which have a record of active commercial pot fishing, is being administered by Bord Iascaigh Mhara. This grant scheme covers essential equipment including life-saving, fire fighting, navigation and occupational safety. Details of the grant scheme is available

from BIM and can be downloaded together with application forms from the BIM website at www.bim.ie. I have asked BIM to work closely with the vessel owners concerned in order to ensure that they can avail fully of the scheme.

The EU policy, which precludes the payment of grant aid towards fleet renewal and fleet modernisation, where capacity is involved, is regarded as a cornerstone of the reform of the CFP by the Commission and it has not proposed any change in this policy in the proposals for aid for the fisheries sector for the period 2007-2013, which were published in July 2004. At last week's Fisheries Council, I sought changes to allow for such aid for inshore vessels. While I will continue to pursue this objective, there was significant opposition from member states to any change in the current position on grant aid for fleet renewal and modernisation.

Tourism Industry.

292. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the plans he has for recreational marine activity, including lake angling and those operating angling cruises. [31536/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Department contributes to the development of marine tourism and recreation through the activities of the Marine Institute, which undertakes a programme of research and development in the marine tourism and leisure sector and the regional fisheries boards responsible for the development of all types of recreational angling. The Marine Institute works closely with the sector to disseminate its findings and to give advice and support. The regional fisheries boards invest considerable resources to encourage, promote, market and develop all types of recreational angling through their activities including the provision of facilities and amenities where they think fit.

The Department has a particular role relating to statutory permissions and safety regulation that impact on marine leisure activities, which are kept under continuous review. Changes to this approach in the future will be informed by the recommendations arising from the development of the national Marine Research and Innovation Strategy 2005-2010, which will address, *inter alia*, marine tourism and leisure, and the ongoing independent review of the inland fisheries sector, which is examining the structures that deliver services, including angling development.

Coastal Protection.

293. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the plans he has for a proper EU coastguard in view of the significant level of drug importation into Europe via the sea and the ever growing

threat of terrorism; and the need to police the CFP. [31537/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): My Department has responsibility for marine emergency preparedness and response, ship and port security and the Common Fisheries Policy. A high level of co-operation exists between EU member States relating to these areas. There have been discussion papers and proposals at various stages to establish an EU coastguard aimed especially at drug interdiction and intervention on the high seas. There are, however, no firm proposals at the moment, at European level to develop policies in that direction.

With regard to fisheries control under the Common Fisheries Policy, the EU has decided on the establishment of a Community control agency, which will be based in Spain. Control and enforcement is an important element of the objective to ensure sustainability of fish stocks. Many fish stocks migrate between different jurisdictions of member states and there is, therefore, a requirement for effective co-ordination and co-operation in fisheries control and enforcement. A key objective of the proposed Community fisheries control agency is to improve such co-operation and co-ordination between member states and, accordingly, I welcome the establishment of this agency.

Fisheries Protection.

294. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources his views on the viability of the fishing industry here; the effect of the reduction in the total allowable catch of cod, whiting, prawns and mackerel for conservation reasons which has a negative impact on the livelihoods of fishermen (details supplied); and if he will state the support he will give to the industry. [31539/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): In line with the Government's commitment to setting out a long-term strategy for the sustainable development of the Irish fishing industry, a policy statement on the future directions for the sustainable development of the sea fishing industry was made in June of this year. This statement includes a plan to deliver sustainable fishing for the whitefish fleet, an infrastructural development plan, a management plan for sustainable inshore fishing fleet and outlines the priorities for Ireland within the Common Fisheries Policy. I am committed to the early achievement of these objectives, which will enhance the viability of the industry going forward.

With regard to the total allowable catch for the stocks mentioned by the Deputy, the reduction in the TAC for mackerel for 2005, which was decided in negotiations between the EU, Norway

[Mr. Gallagher.]

and the Faroe Islands, is unfortunate for the fishermen concerned but it is hoped this reduction will prevent the stock falling into difficulty in the future. With regard to the other stocks mentioned, the TACs, and days at sea where applicable, will be decided at Fisheries Council in December, where I will work to achieve the best deal for Irish fishermen consistent with the overriding requirement of ensuring long-term sustainability of fish stocks.

Legal Fees.

295. **Mr. J. O’Keeffe** asked the Minister for Communications, Marine and Natural Resources the composite amount paid to lawyers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the amount paid from 1 January 2004; and if he will make a statement on the matter. [31879/04]

296. **Mr. J. O’Keeffe** asked the Minister for Communications, Marine and Natural Resources the ten highest composite figures paid to barristers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the ten highest figures paid from 1 January 2004; the names of the barristers; and if he will make a statement on the matter. [31893/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 295 and 296 together.

The information sought by the Deputy is not immediately available. I have asked my Department to compile the information and I will issue a comprehensive reply directly to the Deputy as early as possible.

Emigrant Services.

297. **Mr. O’Connor** asked the Minister for Foreign Affairs the position regarding the establishment of the Irish abroad unit, detailing its plans to assist Irish emigrants; his proposals to promote the services of the Irish abroad unit; and if he will make a statement on the matter. [31107/04]

Minister for Foreign Affairs (Mr. D. Ahern): Overall policy on emigrant services is the responsibility of my Department. A dedicated unit — the Irish abroad unit — was established last September to drive progress in this area. This important initiative facilitates the Government’s efforts and relationship with Irish communities abroad. I am delighted that its establishment has been so warmly welcomed by our partners in the voluntary sector.

The needs of our emigrants can best be met by a collective effort involving Governmental and

voluntary agencies. The new unit is giving a fresh impetus and coherency to this collective effort. It is promoting progress on a wide range of initiatives, which build on the report of the task force on policy regarding emigrants. It has responsibility for managing my Department’s financial support for the voluntary organisations engaged in the delivery of front line advice and counselling services to our emigrants, particularly the more vulnerable and marginalised members of our community abroad. I am delighted that the funds available to support the invaluable work of such organisations will again increase substantially next year.

Four members of staff are assigned to the Irish abroad unit, which is headed by a senior Irish diplomat. Officials of the unit are active on the ground in developing contacts with the full range of partners involved in emigrant services. They have to date had meetings with Departments and agencies engaged in the provision of services to emigrants in Ireland. Members of the unit have also had meetings with organisations that provide front line services to Irish people in the USA, London, Birmingham and Coventry. Further meetings are being planned in London and Lancashire before Christmas.

The maintenance and development of such contacts by the unit ensures that the voluntary organisations engaged in the provision of emigrant services are aware they have an effective channel of communication to the Government. In this way, the Irish abroad unit will ensure the needs of our emigrants are accorded the highest priority and that our response to their needs is effective and increases further in the period ahead.

Official Languages Act 2003.

298. **Mr. O’Shea** asked the Minister for Foreign Affairs the amount which has been spent by his Department in 2004 in regard to implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [31142/04]

299. **Mr. O’Shea** asked the Minister for Foreign Affairs the amount which has been spent by public bodies or agencies funded by her Department in 2004 relating to the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [31157/04]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 298 and 299 together.

It was departmental policy, prior to the enactment of the Official Languages Act 2003, to publish most classes of documents intended for public consumption in both Irish and English. This was part of a wider initiative, aimed at developing the Department’s capability to accommodate cus-

tomers who preferred to conduct their business with the Department through Irish. Expenditure by the Department to date in 2004, which can be directly attributed to implementing the provisions of the Act, is €24,642.24. There are no public bodies or agencies under the aegis of the Department.

Emigrant Services.

300. **Mr. J. Higgins** asked the Minister for Foreign Affairs if he will make funding available to CEART to enable it to carry out its work; and if he will make a statement on the matter. [31369/04]

Minister for Foreign Affairs (Mr. D. Ahern): The Government is committed to supporting the welfare of Irish people in Britain by providing grants to a wide range of voluntary organisations engaged in assisting Irish people, in particular the more vulnerable and marginalised. Funding for emigrant welfare support in Britain, known as Díon funding, is allocated on the basis of recommendations from the Díon committee. The committee's role is to advise and report on emigrant welfare services, to make recommendations on the provision of financial assistance and to consider and make recommendations on specific questions at my request.

The organisation referred to by the Deputy might wish to consider submitting an application for Díon funding. Information on submitting such an application is available on my Department's website or by contacting the embassy in London.

Legal Fees.

301. **Mr. J. O'Keefe** asked the Minister for Foreign Affairs the composite amount paid to lawyers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the amount paid from 1 January 2004; and if he will make a statement on the matter. [31885/04]

302. **Mr. J. O'Keefe** asked the Minister for Foreign Affairs the ten highest composite figures paid to barristers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the ten highest figures paid from 1 January 2004; the names of the barristers; and if he will make a statement on the matter. [31899/04]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 301 and 302 together.

The Department of Foreign Affairs is responsible for two Votes, Vote 28, Foreign Affairs, and Vote 29 — International Co-operation. Within Vote 28, legal fees are paid from two subheads. Subhead A3 covers general legal expenses while subhead A6 covers fees paid for advice relating to leasing or purchasing properties, generally to firms abroad. The Department also received legal advice in relation to the development of its automated passport system project. All costs incurred under Vote 29 were incurred overseas and relate to general legal services.

The amounts paid in legal fees for the periods referred to by the Deputy are as follow:

| Vote /Subhead | 2003 | 2004 to date |
|---------------------------|-----------|--------------|
| | € | € |
| Vote 28 — Subhead A3 | 31,758.55 | 105,719.79 |
| Vote 28 — Subhead A6 | 39,995.77 | 30,869.72 |
| Automated Passport System | 9,504.52 | 9,971.85 |
| Vote 29 | 26,157.00 | 25,907.00 |

No distinction is made in many jurisdictions outside Ireland between solicitors and barristers. It is possible, therefore, only to give only the composite amount that was paid to lawyers out of Vote 28 subhead 6 and Vote 29. In 2003, the only payment from subhead A3 to a barrister was a payment of €8,131 paid to Mr. Paul McGarry, barrister at law, for advice provided to delegates to the European Convention. The remaining payments from A3 in 2003 and all payments in 2004 were either paid to firms abroad, to firms of solicitors or, in one case, to an academic. The legal advice in connection with the automated passport system was received also from a firm of solicitors. While all payments in Ireland, apart from the one referred to above, were made to firms of solicitors, the Department would not be aware

whether those who provided advice were also qualified as barristers.

Official Languages Act 2003.

303. **Mr. O'Shea** asked the Minister for Arts, Sport and Tourism the amount spent by public bodies or agencies funded by his Department in 2004 relating to the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [31158/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The allocations to public bodies and agencies funded by my Department are as set out in the Revised Estimates for Public Services for 2004. As at the end of October, expenditure by these public bodies and agencies was, by and

[Mr. O'Donoghue.]
large, in line with profile. At this stage, I expect that all public bodies and agencies will draw down their full allocations by year end.

Departmental Bodies.

304. **Mr. Wall** asked the Minister for Arts, Sport and Tourism the number of personnel appointed by his Department in regard to the proposal of the executive survey of the new horizons for Irish tourism to deal with the wider range analytical skills and competencies needed to advance the way executive Government activities are determined or proposed by the survey; and if he will make a statement on the matter. [31388/04]

305. **Mr. Wall** asked the Minister for Arts, Sport and Tourism the action he has taken or proposes to take to address the proposals in the new horizons for Irish tourism executive survey in relation to strategic success driver eight (details supplied) of the survey; and if he will make a statement on the matter. [31389/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 304 and 305 together.

The report of the tourism policy review group was launched on 30 September 2003. The Government agreed that individual Departments should engage in consultations on the actions recommended by the review group that have implications for them.

As regards my Department, the tourism division was restructured, with the establishment and resourcing of a new impact assessment unit that provides the secretariat to the high level group I appointed in January 2004 to oversee the implementation of the first two-year tourism action plan. The two tourism State agencies and the Irish Tourist Industry Confederation, ITIC, also support the secretariat.

My Department is using the implementation group consultation process, together with its membership of interdepartmental working groups and consultative fora, as a mechanism for more effective interaction with other Departments whose policies impact on tourism. This process has started well with a particularly productive dialogue developing with the Departments of Transport and Finance during the first six months of the plan.

The Department also made a number of contributions to draft submissions to Government on

issues that impact on tourism, for example, the White Paper on Regulation, insurance reform, waste management, housing guidelines and the transport reform agenda, with a view to influencing the wider agenda in favour of tourism development. It has also been agreed that the Department will participate at future meetings of the National Competitiveness Council.

306. **Mr. Wall** asked the Minister for Arts, Sport and Tourism the position of the creation of the education committee of the Arts Council; when it will be put in place; the members that will be selected; and if he will make a statement on the matter. [31406/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I have always stressed the importance I attach to the role of arts in education and this is a matter which I propose to pursue further as a matter of priority. I am still considering the establishment of such a committee under the terms of the Arts Act 2003.

307. **Mr. Kenny** asked the Minister for Arts, Sport and Tourism the number of genealogical centres throughout the country; the number employed part-time and full-time in each; the projections for the future of these centres; the financial allocation for 2004; the projected cost for 2005; and if he will make a statement on the matter. [31528/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Irish Genealogy Limited is in receipt of funding from year to year from my Department. My Department allocated €380,000 in 2004. The financial allocation for 2005 is under consideration. Irish Genealogy Limited provides marketing and information technology support to a network of 35 genealogical centres. It also operates a central index, which is used to direct potential customers to the appropriate centre. I am advised by Irish Genealogy Limited that it employs 51 full-time staff and 20 part-time staff together with 203 trainees. These, staff are funded mainly by FÁS with some funding from local authorities. Each centre makes its own arrangement. In addition, there is considerable voluntary input. Neither my Department nor Irish Genealogy Limited has a direct role in employment at the centres. Irish Genealogy Limited has provided the following listing, giving the staff numbers at individual centres. It is understood that there are other genealogical centres, which do not participate in this project. Numbers employed at 35 IGL supported centres

| Centre | Number Full-time | Number Part-time | Number of FÁS Trainees |
|---------------------|------------------|------------------|------------------------|
| Antrim/Down/Belfast | | | |
| Armagh | 1 | 0 | n/a |
| Carlow | 0 | 0 | 0 |
| Cavan | 3 | 1 | 10 |
| Clare | 2 | 0 | 2 |

| Centre | Number Full-time | Number Part-time | Number of FÁS Trainees |
|------------------|------------------|------------------|------------------------|
| Cork Central | 2 | 0 | 5 |
| Cork North | 1 | 0 | 6 |
| Cork West | — | — | — |
| Derry | 1 | 2 | — |
| Donegal | 4 | — | 11 |
| Dublin North | 1 | 0 | 0 |
| Dublin South | 1 | 0 | 0 |
| Fermanagh/Tyrone | 1 | 2 | — |
| Galway East | 4 | 0 | 17 |
| Galway West | 2 | 0 | 10 |
| Kerry | 1 | 0 | 6 |
| Kildare | 1 | 0 | 11 |
| Kilkenny | 2 | 2 | 13 |
| Laois/Offaly | 2 | 0 | 14 |
| Leitrim | 2 | 1 | 10 |
| Limerick | 0 | 0 | — |
| Longford | 2 | 1 | 12 |
| Louth | 1 | 0 | 0 |
| Mayo North | 1 | 1 | 4 |
| Mayo South | 2 | 0 | 11 |
| Meath | 1 | 1 | 12 |
| Monaghan | 1 | 1 | — |
| Roscommon | 1 | 1 | 3 |
| Sligo | 3 | 3 | 8 |
| Tipp. South | 1 | 0 | 0 |
| Tipp. North | 1 | 1 | 10 |
| Waterford | 1 | 1 | 10 |
| Westmeath | 3 | 0 | 8 |
| Wexford | 1 | 0 | 10 |
| Wicklow | 1 | 2 | — |
| Total | 51 | 20 | 203 |

Legal Fees.

308. **Mr. J. O’Keeffe** asked the Minister for Arts, Sport and Tourism the composite amount paid to lawyers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the amount paid from 1 January 2004; and if he will make a statement on the matter. [31878/04]

309. **Mr. J. O’Keeffe** asked the Minister for Arts, Sport and Tourism the ten highest composite figures paid to barristers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the ten highest figures paid from 1 January 2004; the names of the barristers; and if he will make a statement on the matter. [31892/04]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): I propose to take Questions Nos. 308 and 309 together.

The total amount of money paid out by my Department in the last 12 months in legal fees is €3,346. This was a single payment to Doerner,

Saunders, Daniel and Anderson LLP, 320 South Boston Avenue, Suite 500, Tulsa, Oklahoma. There was one instance where money has been paid out in respect of a legal settlement in the past 12 months. The amount was €15,000. This was the only claim made in the period in question.

Taxi Regulations.

310. **Mr. Stanton** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the increase in charges for inspection of taxi meters by the legal metrology office of the National Standards Authority of Ireland; the details of same; the amount collected in 2003 and the amount estimated to be collected in 2004; and if he will make a statement on the matter. [31023/04]

311. **Mr. Lowry** asked the Minister for Enterprise, Trade and Employment the reason the cost to have a taximeter calibrated has risen by 134% over the past two years; the expected revenue generation from this increase; if he will abolish this stealth tax immediately; and if he will make a statement on the matter. [31332/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 310 and 311 together.

The legal metrology service of the National Standards Authority of Ireland implements the provisions of the Metrology Acts 1980 to 1998. One of the objectives of the legislation is to ensure fair trade and consumer protection by checking the accuracy of measuring instruments used in trade throughout the economy. The law imposes obligations on traders to ensure that the measuring instruments they use in trade are of an approved type and have been verified by the legal metrology service.

Enforcement of metrology law is both a personnel and equipment intensive operation. However, failure to undertake this responsibility to an adequate technical level, as required by law, exposes consumers and traders to unfair competition, misleading trading practices and potential fraud.

Section 4 of the Metrology Act 1996, as amended, provides that the National Standards Authority of Ireland may with the consent of the Minister charge fees for, *inter alia*, verification services. When recently considering the basis for a fee increase, the board of the authority was of the view that the fee set should be such as to fully recover the costs associated with the verification process. These costs have not been fully recovered in previous years. To enable full cost recovery, the board proposed an increase in the verification fee for taxi meters from €32 to €75, excluding VAT, and this increase was consented to.

Verification of taxi meters is required upon initial installation, following repair-adjustment or the installation of a revised schedule of taxi fares. As a result, the number of taxi meters submitted for verification varies from year to year. The revenue from taxi meter verification in 2003 was €203,000 while that for 2004 is estimated at €160,000. Comparisons of revenue generated are not a reliable yardstick as the number of taxis requiring verification in any one year can vary significantly. However, if all licensed taxis were verified, the additional revenue generated by this increase would be €559,000.

Product Safety.

312. **Mr. Gregory** asked the Minister for Enterprise, Trade and Employment the steps that are taken to ensure that the recall of faulty or dangerous goods is monitored to establish that all necessary steps are taken by manufacturers to have such goods removed from sale and retrieved if already sold; and if he will make a statement on the matter. [30970/04]

313. **Mr. Gregory** asked the Minister for Enterprise, Trade and Employment the penalties that apply to manufacturers who supply for sale goods that are subsequently found to be faulty or dangerous; and if he will make a statement on the matter. [30971/04]

314. **Mr. Gregory** asked the Minister for Enterprise, Trade and Employment if a record is kept of all faulty or dangerous goods recalled by manufacturers detailing the reasons for the recall and the numbers sold and subsequently retrieved by the recall; if so, the person who keeps such record; and if he will make a statement on the matter. [30972/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 312 to 314, inclusive, together.

Directive 2001/95/EC of the European Parliament and the Council of 3 December 2001 on general product safety came into force on 15 January 2004. The European Communities (General Product Safety) Regulations 2004 — SI No. 199 of 2004 — which transposed the EU directive into Irish law was signed by the Tánaiste on 4 May 2004.

The new general product safety directive, GPSD, puts the onus on producers to place only safe products on the market. Distributors are obliged to act with due care to help to ensure compliance, in particular by not supplying products which they know or should have presumed on the basis of the information in their possession, do not comply with the applicable safety requirements of the directive. Article 5(3) of the directive requires producers and distributors, if they become aware, that a product which they have placed on the market poses a risk to the consumer that are incompatible with the general safety requirements, they should immediately inform the relevant competent authority. The Director of Consumer Affairs has been designated the relevant authority in Ireland.

The director, in line with the requirements of the general product safety directive, provides details of all notifications of withdrawals-recalls to the European Commission and to all member states, through a rapid alert information procedure called RAPEX. The European Commission updates the notifications received from all member states on a weekly basis on its website, <http://europa.eu.int/comm/consumers/cons—safe/prod—safe/gpsd/rapex—en.htm>

Since the new directive came into force, the director followed up on in excess of 300 notifications compared with 64 last year by conducting searches on the market place and alerting the relevant Irish distributors, wholesalers and retailers of the notifications. During the year the director issued a total of 14 RAPEX and recall notifications ranging from computers to motor cars. All initiatives relating to withdrawals-recalls were taken by the economic operators, without the need for the director to invoke her powers under the general product safety regulations.

There is no requirement under the directive to monitor the effectiveness of recalls. However, the director has drawn up a system whereby recalls will be evaluated on a six monthly basis over a two-year period. As all the recall notices were made to the office in the latter half of the year,

statistical data on the progress on recalls will not be available until next year. In addition to following up on all RAPEX notifications and routine market surveillance, the office undertook two special projects on the safety of lamps under the low voltage directive and the safety of cots under the GPSD. The results of the findings of both projects are available at www.odca.ie.

The new general product safety regulations provide on summary conviction for financial penalties of up to €3,000 or three months imprisonment or both in respect of an operator found to be in breach of the legislation.

Hazardous Substances.

315. **Mr. P. Breen** asked the Minister for Enterprise, Trade and Employment the consultation procedures that are in place for affected landowners in respect of the designation of safety zones for establishments under the terms of the Seveso directive; and if he will make a statement on the matter. [30980/04]

316. **Mr. P. Breen** asked the Minister for Enterprise, Trade and Employment if compensation is available for affected landowners within designated zones established by the Health and Safety Authority under the Seveso directive in like manner to similar landowners affected by the designation of special areas of conservation; and if he will make a statement on the matter. [30981/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): I propose to take Questions Nos. 315 and 316 together.

The Health and Safety Authority is required to provide technical advice to planning authorities or An Bord Pleanála in respect of siting of new establishments, modification of an existing establishment and proposed development in the vicinity of an existing establishment, pursuant to regulation 29 of the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2000, which transpose the Seveso directive into Irish law. That advice is based on a consideration of the hazards and risks to man and the environment arising from major accidents, which pertain to an existing or proposed establishment.

The consultation required by article 12 of the Seveso directive is that between competent authorities and planning authorities and these are reflected in the relevant provisions of the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2000 and the Planning and Development Regulations 2001. Where the HSA has provided general advice for land use planning around an establishment, known as generic advice and distinct from a response to a specific planning application, it is expected this will become part of the development plan for the area, which is subject to a public consultation process.

However, the generation of the advice is a technical exercise based on a consideration of plant and chemical inventories and the advice tendered is from a template which proposes that certain types of development are appropriate for given levels of risk or hazard. This template is used to ensure impartiality and consistency of advice. The HSA facilitates discussions with landowners-developers who have an interest in land that has been covered by land use planning advice and it has a policy of reviewing generic advice on an annual basis to take account of changes that may have taken place since the provision of the advice.

The issue of compensation for matters arising from the provision of land use advice by the HSA is outside the scope of the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2000, SI 476 of 2000, which transpose the current Seveso directive into Irish law. Issues regarding compensation in respect of refusals of permission to develop land, or conditional grants of planning permission, are dealt with under the Planning and Development Act 2000, which is the responsibility of the Department of Environment, Heritage and Local Government.

Community Employment Schemes.

317. **Mr. Ring** asked the Minister for Enterprise, Trade and Employment if he will allow persons with disabilities to remain on FÁS schemes for unlimited periods; his plans in this regard in order that persons with disabilities can remain on the schemes indefinitely; and if he will make a statement on the matter. [30982/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): I announced recently that the three-year cap on participation on community employment was removed for persons aged 55 years or over with effect from 10 November 2004. This arrangement will benefit substantially persons with disabilities who may now extend their time on the programme for a period of six years.

I am informed by FÁS that this extension will immediately benefit 948 persons with disabilities on CE and an additional 618 such persons should benefit over the next five years. The extended time on CE will allow for greater development of the individuals concerned and will help to secure the continuity of community services generally.

318. **Mr. McGuinness** asked the Minister for Enterprise, Trade and Employment if he intends to increase the grant being awarded for persons involved on community employment schemes to recognise the increase of costs such as insurance and so on; the rate of the award; when it was last increased; and if he will make a statement on the matter. [31014/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): I am informed that FÁS is currently examining the level of materials allow-

[Mr. Martin.]
 ance paid on community employment. A materials grant of €15.30 per person per week is payable to sponsors of community employment projects. This allowance has been paid since April 1994 and amounts to an average payment of €11,700 per project on an annual basis. In the current year this amounts to €16 million for all CE projects.

Insurance Industry.

319. **Mr. O'Shea** asked the Minister for Enterprise, Trade and Employment his proposals to regulate motor insurance premiums (details attached); and if he will make a statement on the matter. [31072/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): The pricing and underwriting of insurance is a matter for individual insurance companies and EU law prevents Governments from intervening in the matter. EU law precludes the imposition of price controls on insurance.

I would also like to point out that the Irish Financial Services Regulatory Authority, under the aegis of the Minister for Finance, now regulates and supervises insurance undertakings since its establishment on 1 May 2003. The Minister for Finance retains overall responsibility for policy and legislation on the provision of financial services in Ireland, including insurance.

A key concern to which the Government is giving priority is the cost and availability of insurance. In this context, the Government launched a comprehensive set of inter-related measures, across a number of Departments designed to improve the functioning of the Irish insurance market.

Key initiatives relating to my Department include the establishment of the Personal Injuries Assessment Board, which commenced operations on 1 June 2004, and the undertaking of a joint study into insurance by my Department in conjunction with the Competition Authority.

Key initiatives relating to the Department of Transport include action in the areas of road safety and driver behaviour, for example, the introduction of the penalty points system. A new Road Traffic Bill was published on 11 June 2004 and is currently before the Houses of the Oireachtas. A new road safety strategy was published in September 2004.

Key initiatives relating to the Department of Justice, Equality and Law Reform include reform of the law on personal injury claims. The Civil Liability and Courts Act, which includes measures to tackle fraudulent and exaggerated claims and streamline the law relating to personal injury claims was enacted on 21 July 2004.

The reform programme is contributing to reductions in insurance premia. The CSO consumer price index statistics show that there was a reduction of 19.2% in car insurance between the months of April 2003 and October 2004.

The primary ongoing insurance focus of my Department will be from the horizontal competitiveness perspective and competition, in conjunction with the Competition Authority, and to oversee the PIAB. The Minister for Transport has taken over the lead role on policy and legislation on the availability and cost of motor insurance and any related inter-departmental co-ordination.

Repayment of Grants.

320. **Mr. Naughten** asked the Minister for Enterprise, Trade and Employment further to Parliamentary Question No. 200 of 29 September 2004, the grant aid returned to his Department by the company; the total grant aid awarded to the company in the past ten years; and if he will make a statement on the matter. [31136/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): The total amount of grant aid provided by Enterprise Ireland and its predecessors to the company over the period 1994 to 2004 was €1,155,214.

The position on return of grant aid is unchanged from the information provided to the Deputy on 29 September 2004. No grant aid has yet been returned to Enterprise Ireland as discussions are ongoing between it and the company with regard to the level of liability. The issues are complex and involve other investment plans by the company. However, it is expected that negotiations will be concluded in the near future.

Official Languages Act 2003.

321. **Mr. O'Shea** asked the Minister for Enterprise, Trade and Employment the amount which has been spent by his Department in 2004 in regard to implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [31144/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): It is estimated that €1,627.26 has been spent in 2004 on translating departmental documentation into Irish in compliance with the provisions of the Official Languages Act 2003.

322. **Mr. O'Shea** asked the Minister for Enterprise, Trade and Employment the amount which has been spent by public bodies or agencies funded by his Department in 2004 relating to the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [31159/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): It is estimated that €1,627.26 has been spent in 2004 on translating Departmental documentation into Irish in compliance with the provisions of the Official Languages Act 2003.

Expenditure by public bodies and agencies funded by the Department is a day to day matter

for them and the Minister has no direct function in this regard.

Insurance Industry.

323. **Mr. J. O’Keeffe** asked the Minister for Enterprise, Trade and Employment the person or company who compiled the book of quantum for use by the Personal Injuries Assessment Board; and if he will make a statement on the matter. [31324/04]

324. **Mr. J. O’Keeffe** asked the Minister for Enterprise, Trade and Employment the basis on which the book of quantum for use by the Personal Injuries Assessment Board was compiled; the details of the specifications or guidance given by his Department; and if he will make a statement on the matter. [31325/04]

325. **Mr. J. O’Keeffe** asked the Minister for Enterprise, Trade and Employment the details of the moneys paid to the person or company who compiled the book of quantum for use by the Personal Injuries Assessment Board; and if he will make a statement on the matter. [31326/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 323 to 325, inclusive, together.

The book of quantum is an integral part of the Personal Injuries Assessment Board process, providing a guide to the amounts of compensation that may be payable for particular types of injuries. It was compiled on the basis of data sourced from the Courts Service, the Irish Insurance Federation and the State Claims Agency and reflects the actual levels of awards in this country.

Following an open tendering competition process, which included the contract being advertised in the Official Journal of the European Communities, a UK based company called Insurance Services Office Limited was contracted to compile the book of quantum. ISO was paid €115,000 for producing it. The request for tender documentation included details of specific requirements with regard to its compilation.

Personal Injuries Assessment Board assessors will have regard to the book of quantum in making their decisions. The book of quantum will also aid negotiated settlements.

326. **Mr. J. O’Keeffe** asked the Minister for Enterprise, Trade and Employment the number of cases which have been handled by the Personal Injuries Assessment Board since its establishment; the number of cases currently being handled by the Personal Injuries Assessment Board; and if he will make a statement on the matter. [31327/04]

327. **Mr. J. O’Keeffe** asked the Minister for Enterprise, Trade and Employment the number of persons employed by the Personal Injuries Assessment Board; the monthly wage bill of same; and if he will make a statement on the matter. [31328/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 326 and 327 together.

From 1 June 2004 all personal injury claims arising from workplace accidents, where an employee is seeking compensation from his or her employer, must be referred to the Personal Injuries Assessment Board before legal proceedings are issued. From 22 July 2004 PIAB’s remit was extended to include all personal injury claims apart from those involving medical negligence.

The structure and staffing levels of the PIAB have been agreed. The PIAB, when fully operational, will have a staffing complement of up to 85 in addition to the CEO. The PIAB is also utilising an outsourced service centre to assist injured parties in completion of their claim submissions and ensure a comprehensive, fair and independent service is provided.

The recruitment and remuneration of staff is an operational matter for which the CEO of the Personal Injuries Assessment Board has responsibility. I understand that following a significant recruitment campaign the PIAB has recruited sufficient staff to serve the current needs of its business.

While matters relating to the claims received by PIAB are also an operational matter for which the CEO has responsibility, latest figures available to me indicate that at the beginning of this month 7,475 calls had been received, 467,359 website hits had been recorded, and a total of 1,347 applications for assessment had been made, broken down as follows: 538 employer liability applications, 374 public liability applications and 435 motor accident applications.

The establishment of the PIAB will lead to reduced insurance premia to the benefit of both consumers and businesses alike. By eliminating the need for litigation costs where legal issues are not in dispute, the PIAB will significantly reduce the cost of delivering compensation. The PIAB will also offer speedier assessments to the benefit of claimants.

Training and Employment Schemes.

328. **Ms Enright** asked the Minister for Enterprise, Trade and Employment when a decision will be made on an application by centres (details supplied) to target low income households in rural areas to provide outreach training and employment; and if he will make a statement on the matter. [31335/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): The organisation concerned applied for funding from the European Social Fund through a public call for proposals under the EQUAL programme.

Fifty-nine applications were received in response to this call for proposals. The total amount of ESF aid requested in the applications amounts to €49.4 million. The total amount of

[Mr. Martin.]

ESF support available is approximately €17 million.

Selection of projects for funding will be made by a committee comprising relevant Departments, State agencies and social partner representatives. The selection committee is currently assessing all applications received and will meet formally on 1 December to finalise the approval of projects. It is expected that approximately 20 projects will be approved for ESF funding, given the limited budget available.

All applicants will be advised of the outcome of the selection process by mid-December, with a view to successful projects commencing activity in January 2005.

Bullying in the Workplace.

329. **Ms O. Mitchel** asked the Minister for Enterprise, Trade and Employment if he will ask the expert group examining bullying and the resulting stress in the workplace if they would consider including bullying as one of the areas to be considered under the Equality Act; and the public servants which might have recourse. [31526/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): It is quite within the terms of reference of the expert advisory group on bullying in the workplace and the resulting stress to consider the issue of bullying as it may affect the whole workforce of the country, which, of course, includes public servants. It is also open to the group to consider and report on the issue under any existing legislation, including the Equality Act.

Legal Fees.

330. **Mr. J. O’Keeffe** asked the Minister for Enterprise, Trade and Employment the composite amount paid to lawyers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the amount paid from 1 January 2004; and if he will make a statement on the matter. [31883/04]

331. **Mr. J. O’Keeffe** asked the Minister for Enterprise, Trade and Employment the ten highest composite figures paid to barristers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the ten highest figures paid from 1 January 2004; the names of the barristers; and if he will make a statement on the matter. [31897/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 330 and 331 together.

My Department is currently establishing the amounts paid out by it in respect of the engagement of lawyers and barristers during 2003 and 2004 as requested by the Deputy. It has not been

possible in the time available to collate a complete and accurate reply for the Deputy. My Department will compile the details requested and have them forwarded to the Deputy as soon as possible.

Social Welfare Benefits.

332. **Mr. G. Mitchel** asked the Minister for Social and Family Affairs the reason an application for rental subsidy has been refused to persons (details supplied) in Dublin 8 following their marriage; and if he will make a statement on the matter. [31056/04]

Minister for Social and Family Affairs (Mr. Brennan): With effect from 27 May 2003 rent supplement is no longer payable in respect of a person who is awaiting the outcome of his or her claim for asylum. The accommodation needs of people in these circumstances are provided for through the system of direct provision operated by the Reception and Integration Agency of the Department of Justice, Equality and Law Reform.

The South Western Area Health Board has advised that the application for rent supplement was refused on the grounds that the family in respect of whom the application was made includes a person seeking asylum who arrived in the State after 27 May 2003. The people concerned were advised of their right to appeal against this decision but to date no appeal has been made.

The board has further advised that it informed the family that their accommodation needs fall to be catered for through the system of direct provision operated by the Reception and Integration Agency.

Tax Code.

333. **Ms O. Mitchell** asked the Minister for Social and Family Affairs if he will consider operating a *pro-rata* ceiling on PRSI contributions for the short tax year 2001 to coincide with the change in calculation of the income tax and other tax ceiling limits. [31019/04]

Minister for Social and Family Affairs (Mr. Brennan): A number of special arrangements were put in place in the 2001 short tax year to ensure that no person was disadvantaged from a social protection perspective. This was achieved through the addition of 14 contribution or credits, as appropriate, to the records of all insured persons who have a contribution in 2001.

This measure eliminated the risk of a contributor being deprived of any benefit to which they might otherwise have been entitled, avoided the need for complex legislation and computer programming and minimised the risk of confusion concerning entitlement to social welfare benefits.

It is generally considered that the transition to the newly aligned tax year with the calendar year went smoothly and there are no plans to revisit

the arrangements that were put in place at that time.

Social Welfare Benefits.

334. **Mr. Sargent** asked the Minister for Social and Family Affairs if he will investigate the difficulty which members of the public have in making contact with the child benefit and children's allowance section of his Department in Letterkenny; and if he will put in place additional measures to ensure that phones are answered and callers receive the necessary response. [31062/04]

Minister for Social and Family Affairs (Mr. Brennan): In the months September to November each year, there is a seasonal peak in the volume of claims for children over the age of 16 who resume full-time education and some 66,000 additional claims are received in this period. Staff are redeployed as circumstances allow to deal with the increased volumes of telephone calls but the over-riding priority is to clear the claims as quickly as possible.

The situation is monitored on an ongoing basis and every effort is made to minimise any inconvenience to customers while this seasonal claims influx is being dealt with. The work in question has just been completed and an improvement in the telephone service is expected.

335. **Mr. Durkan** asked the Minister for Social and Family Affairs when disability allowance will be awarded in the case of a person (details supplied) in County Dublin; the reason this was previously refused; and if he will make a statement on the matter. [31089/04]

Minister for Social and Family Affairs (Mr. Brennan): Since 1 May 2004 applicants for social welfare assistance schemes and child benefit are subject to the habitual residence condition. The disability allowance scheme is included among these schemes.

The person concerned made a claim for disability allowance on 21 May 2004 and was deemed not to satisfy the habitual residence condition. This decision was upheld on review. He subsequently appealed the decision and his case has been forwarded to the social welfare appeals office. He will be notified of the outcome of the appeal in due course.

336. **Mr. O'Shea** asked the Minister for Social and Family Affairs his proposals regarding issues arising since persons with an intellectual disability in community housing under the auspices of voluntary services or health boards have become eligible for disability allowance (details attached); and if he will make a statement on the matter. [31091/04]

Minister for Social and Family Affairs (Mr. Brennan): Disability allowance is a weekly allowance paid to people with a disability who are aged between 16 and 66. The disability must be

expected to last for at least one year. The allowance is subject to both medical suitability and a means test. However, under social welfare legislation payment may be made to a person other than the claimant where this is requested or appropriate in certain circumstances. Such persons are appointed to act as agents to, *inter alia*, collect payments on behalf of a claimant. Agents are appointed where a person is unable to cash their payment due to serious illness or loss of mobility. They may also be appointed in cases where a person is permanently unable to act for themselves or discharge responsibility generally due to severe mental incapacity. In many cases parents, guardians or other family members are appointed as agents.

The issue of how much a person in residential care or community housing should contribute to the cost of their care and maintenance is primarily a matter for the health service and the service provider.

It would seem reasonable that those receiving publicly-funded long-term care should make some contribution towards upkeep and maintenance if they can afford to do so, just as they would if they were living in the community. Under the nursing home subvention regulations 1993, a person in full time residential care must be allowed to retain an amount equivalent to one fifth of the amount of the old age non-contributory pension as a personal income.

Budget 2003 provided for the take-over by my Department of the discretionary pocket money allowances paid to people with disabilities in residential care who are not entitled to disability allowance and for the standardisation of the level of these allowances. My Department has undertaken an information gathering process with the health boards with a view to arranging for the transfer of responsibility for the payment of these allowances and of the funds involved. An assessment of the scale of the transfer and its implications for a more general removal of the residential care disqualification for disability allowance purposes will be made in the light of this transfer and having regard to available resources and priorities generally.

Pension Provisions.

337. **Mr. Ring** asked the Minister for Social and Family Affairs the reason the pension of a person (details supplied) in County Mayo was reduced; and if he will provide the complete and detailed breakdown of the calculations in this case. [31096/04]

338. **Mr. Ring** asked the Minister for Social and Family Affairs if the pension application of a person (details supplied) in County Mayo has been approved; and if this person will qualify for either a contributory pension or a non-contributory pension. [31097/04]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 337 and 338 together.

A person age 66 years or over may qualify for an old age non-contributory pension if she or he satisfies a means test. When calculating the means, all income and savings are taken into account including British retirement pension income. In the case of a married couple, the individual means of the husband and wife are taken to be half their joint means.

The wife of the couple in question is currently getting an old age non-contributory pension at a reduced rate of €130.50 per week inclusive of a fuel allowance of €9.00. Her entitlement to this pension is based on her weekly means as derived from her British retirement pension in October 2001 of IR£30.46.

Her husband is currently getting a disability allowance of €109.80 per week. However, his payment will cease in January 2005 when he reaches age 66 as disability allowance is not payable beyond that age. For this reason, he recently applied for an old age non-contributory pension in his own right. This necessitated a review of the couple's financial circumstances by a social welfare inspector. Following this review, a deciding officer assessed each of the couple with weekly means of €78.79 deriving from their two British retirement pensions. On this basis, they are both entitled to an old age non-contributory pension of €81.50 per week. Full details of how the means of the couple were calculated were posted to the Deputy.

I understand that the Deputy also wishes to know if the husband in question would qualify for an old age contributory pension. One of qualifying conditions for receipt of this pension is that the claimant must have a minimum of 260 full rate insurance contributions paid. An examination of his social insurance contribution record indicates that he does not satisfy this condition. For this reason, he would not qualify for this pension.

Student Support Schemes.

339. **Mr. O'Shea** asked the Minister for Social and Family Affairs his proposals to restore eligibility to the back to education allowance to post-graduate students; and if he will make a statement on the matter. [31109/04]

Minister for Social and Family Affairs (Mr. Brennan): The conditions for entitlement to back to education allowance were revised with effect from 1 January 2003. From that date, the scheme does not apply to certain full time postgraduate courses. Those wishing to take up a higher diploma in all disciplines or graduate diploma in primary school teaching were not affected by these changes.

The conditions of the scheme were revised because it was considered that it needed to be refocused towards people who most need additional training or qualifications in order to

gain a foothold in the labour market. People with a primary degree are already in possession of a third level qualification and their academic qualifications should impact positively on their employment prospects.

In a situation where priorities had to be set and choices made, those in greatest need of assistance under the BTEA scheme have been protected. In the circumstances, I do not propose to extend BTEA to people pursuing other post-graduate courses at this time.

Official Languages Act 2003.

340. **Mr. O'Shea** asked the Minister for Social and Family Affairs the amount which has been spent by public bodies or agencies funded by her Department in 2004 relating to the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [31160/04]

Minister for Social and Family Affairs (Mr. Brennan): There are six agencies operating under the aegis of my Department, namely the Combat Poverty Agency, Comhairle, the Family Support Agency, the Social Welfare Tribunal, the Pensions Ombudsman and the Pensions Board.

The estimated amount which has been spent by the Combat Poverty Agency to the end of October 2004 is €2.8 million. The estimated amount which has been spent by Comhairle to 25 November 2004 is €15.8 million. The amount which has been spent by the Family Support Agency to the end of October 2004 is €15.871 million.

The estimated amount which has been spent by the Social Welfare Tribunal to 26 November 2004 is €3,283. The amount which has been spent by the Pensions Ombudsman's office to the end of October 2004 is €395,461.

The Pensions Board is not financed by the Exchequer.

Access to Services.

341. **Mr. Stanton** asked the Minister for Social and Family Affairs the languages that can be used in order to communicate with customers of his Department; if customers of his Department can be communicated with using Braille, large print, audio cassette or computer disk; and if he will make a statement on the matter. [31320/04]

Minister for Social and Family Affairs (Mr. Brennan): My Department endeavours to ensure appropriate access to information on social welfare schemes and services for all customers including those whose first language is not English and those who have special needs.

An interpretation service for the Department's non-English speaking customers is available by way of a three-way telephone link. This service is currently in operation in ten social welfare local offices around the country.

The Department provides cassette recordings of its range of information leaflets on request. In addition, information leaflets and other infor-

mation material is provided in Braille, in large print format and on computer disk on request. A video phone link has been introduced on a pilot basis to help people with hearing difficulties access services. This facility is based in the social welfare local office in Cork and operates in co-operation with the Cork Association for the Deaf.

The Department's website, *www.welfare.ie*, is fully compliant with international disability standards and has a link to the National Association for Deaf People (Ireland). An e-mail address, *info@welfare.ie*, is also available for all queries from members of the public including those with special needs. The installation of counter loop systems is included as part of the planned upgrade of local offices. To date, four local offices have been upgraded with this system.

The national information agency, Comhairle, which comes under the aegis of my Department, is committed to the delivery of a fully accessible information, advice and advocacy service for all citizens. It ensures that its information products and services are disability, poverty and equality proofed. Publications are currently available in a variety of formats. Comhairle offices and the network of Citizen's Information Centres around the country have portable loop systems installed.

Social Welfare Benefits.

342. **Ms Enright** asked the Minister for Social and Family Affairs if he has received an application for rent allowance from a person (details supplied) in County Offaly; when the application will be decided; and if he will make a statement on the matter. [31348/04]

Minister for Social and Family Affairs (Mr. Brennan): Applications for rent supplement are made to the health board and not to my Department.

It is a condition for receipt of rent supplement that the amount of rent payable in the accommodation concerned is subject to a reasonable upper limit, which varies according to household size and region.

The Midland Health Board has advised that the person concerned was refused rent supplement on the ground that the rent being sought for her accommodation is in excess of the relevant limit in its area. The person concerned was unsuccessful in appealing against this decision to the health board appeals officer. The health board further advised that her case has been referred to the chief appeals officer of the social welfare appeals office for adjudication.

343. **Dr. Upton** asked the Minister for Social and Family Affairs if he will give consideration to an application for orphan's allowance for a person (details supplied) in Dublin 10. [31349/04]

Minister for Social and Family Affairs (Mr. Brennan): A claim for orphan's contributory allowance by the person concerned in respect of

a grandchild was refused by a deciding officer on 23 October, 2000 on the grounds that the child was not an orphan within the meaning of the relevant social welfare legislation.

An appeals officer subsequently upheld the deciding officer's decision.

The person concerned re-applied for orphan's contributory allowance on 14 May, 2003. His application was again disallowed by a deciding officer on 21 May 2003 as no new evidence was supplied that might have warranted a revised decision.

The person concerned is currently in receipt of invalidity pension at a rate of €240.40 per week and child dependant allowance increase of €57.90 in respect of three children including the grandchild in respect of whom the orphan's contributory allowance was claimed. He is also in receipt of a fuel allowance of €12.90.

Under social welfare legislation, decisions in regard to claims are made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

344. **Mr. Gilmore** asked the Minister for Social and Family Affairs when payment of one parent family allowance will be restored to a person (details supplied) in County Dublin as all documentation that has been requested has been supplied; the reason this payment was stopped in the first place; the delay in restoring this payment; and if he will make a statement on the matter. [31372/04]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned has been in receipt of one parent family in respect of herself and five children since January 1999. In the context of a review of her means, she was requested on two occasions to provide information necessary to determine her continued entitlement but did not do so. She was advised of the intention to suspend payment if the information requested was not disclosed.

Her case has now been referred to a local social welfare inspector to afford her an opportunity of providing the information requested. On receipt of the officer's report, the claim will be referred to a deciding officer for a formal decision.

Social welfare legislation places an obligation on people applying for a means-tested payment to disclose their full means at the time of application and to notify my Department of any subsequent changes that may arise.

Employment Support Services.

345. **Mr. Ring** asked the Minister for Social and Family Affairs if he will examine the possibility of allowing persons who were in employment and due to either company closures or staff changes were made redundant, that these persons be allowed to qualify immediately for the back to education allowance rather than having to wait 15 months. [31385/04]

Minister for Social and Family Affairs (Mr. Brennan): The back to education allowance is a second chance education opportunities programme designed to encourage and facilitate people on certain social welfare payments to improve their skills and qualifications and, therefore, their prospects of returning to the active work force.

Currently, to qualify for participation an applicant must be, *inter alia*, in receipt of a relevant social welfare payment for at least six months. The qualifying period was increased from six months to 15 months for new applicants who commenced third level courses of study in September 2004.

The focus of the scheme has always been on those who have been out of employment for some time and who find it difficult to get a foothold in the labour market after a lengthy period of unemployment. People who have been recently employed are not in the target group for the scheme.

I am satisfied that, overall, the current arrangements ensure that the scheme supports those

people who are most distant from the labour market and whose need is greatest.

I have undertaken a review of a number of specific social welfare measures that were introduced in 2004, including adjustments to the qualification criteria for the back to education allowance, and I expect that review will be completed shortly and the outcome announced.

Social Welfare Benefits.

346. **Mr. Stanton** asked the Minister for Social and Family Affairs the number receiving the contributory old age and non-contributory old age pension payment in each of the years 1998 to 2004 to date; the number he estimates will receive the payments in 2005; and if he will make a statement on the matter. [31480/04]

Minister for Social and Family Affairs (Mr. Brennan): According to the records of my Department the number of people receiving the means tested non-contributory pension and contributory based pensions, namely, retirement and old age contributory pension, since 1998 is as follows:

| | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 (Oct) |
|-----|--------|--------|--------|--------|---------|---------|------------|
| CP | 71,706 | 76,241 | 86,217 | 94,871 | 105,295 | 113,970 | 117,138 |
| RP | 75,316 | 78,868 | 78,370 | 80,326 | 83,055 | 86,509 | 88,261 |
| OAP | 95,890 | 93,023 | 90,652 | 89,061 | 87,823 | 86,733 | 85,275 |

The movement from non-contributory to contributory pensions reflects the extension over the years of full social insurance coverage to various groups with, for example, the self employed in 1988, part-time workers in 1991 and public servants in 1995 being the most significant. At the same time, a number of special initiatives have been implemented such as the pre-53 pension in 2000, and the special pensions for self employed who were already over 56 years of age when compulsory social insurance was introduced for that group in 1988.

In 2005 it is estimated that the numbers receiving contributory based pensions will increase by some 3.7% while the decrease in non-contributory pension will continue with a further fall off in the region of about 2%.

Legal Fees.

347. **Mr. J. O'Keefe** asked the Minister for Social and Family Affairs the composite amount paid to lawyers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the amount paid from 1 January 2004; and if he will make a statement on the matter. [31888/04]

348. **Mr. J. O'Keefe** asked the Minister for Social and Family Affairs the ten highest composite figures paid to barristers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies,

legislative drafting and other work during 2003; the ten highest figures paid from 1 January 2004; the names of the barristers; and if he will make a statement on the matter. [31902/04]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 347 and 348 together.

Legal advice and support services for my Department in respect of court cases and legal challenges in which the Department is a named party, are supplied by the Office of the Attorney General, the Office of the Chief State Solicitor and the State Claims Agency, as appropriate.

Legal fees paid to the Chief State Solicitor/State Claims Agency in 2003 amounted to €13,144.73 and in 2004 to date to €22,936.22. These legal costs were in respect of personal injury cases taken against the Department.

From 2001 until August 2003, my Department employed a legal adviser, the gross salary for this post for 2003 was €32,003.86. In August 2003, the post was vacated when the serving officer elected to take a career break. The post has not yet been filled and my Department has incurred no other expenditure in seeking legal advice.

Where legal costs were incurred in respect of agencies funded by my Department the details are as follows: Solicitor's fees paid by the Family Support Agency amounted to €12,544.18 in 2004. No barrister's fees were incurred.

Legal fees paid by Comhairle amounted to €34,585.42 in 2003 of which €2,057 was paid to

Mr. Declan McGrath, BL. Fees paid in 2004 to date total €20,809.87 of which €2,117.50 was paid to Mr. Michael J. Howard, BL.

Solicitor's fees paid by the Combat Poverty Agency amounted to €3,074 in 2003 and to €15,683.61 in 2004 to date. No barrister's fees were incurred.

US Immigrations Requirements.

349. **Mr. F. McGrath** asked the Minister for Transport the reason US officials are taking Irish citizens' information and fingerprinting on Irish soil; if this is a breach of the Constitution; and if there is a role for the Council of State on this issue. [31025/04]

Minister for Transport (Mr. Cullen): Under current US Government immigration requirements, all foreign travellers, including Irish travellers, must provide fingerprints and other information to the US immigration authorities for entry to the US.

In Ireland, pre-clearance facilities for US bound passengers exist at Dublin and Shannon Airports. These facilities are operated in accordance with the Air Navigation and Transport (Preinspection) Act 1986 by US immigration personnel. These pre-clearance facilities enable Irish travellers to avoid the often lengthy queues and delays on arrival at US airports where the immigration procedures in question would otherwise be carried out.

The Attorney General's office has advised my Department that the procedures at the Irish pre-clearance facilities come within the scope of the 1986 Act.

Rural Transport Services.

350. **Mr. Wall** asked the Minister for Transport if he will continue funding for the south Kildare transport initiative; the plans to expand the initiative to alternative routes; the success of the present routes; and if he will make a statement on the matter. [31390/04]

351. **Mr. Perry** asked the Minister for Transport if his attention has been drawn to the fact that only €3 million has been allocated in the 2005 Estimates for the rural transport initiative; if his attention has further been drawn to the fact that up to €4.5 million is needed to keep the service operational; if he will seek to have a supplementary estimate put in place to ensure that it can continue; and if he will make a statement on the matter. [30949/04]

364. **Mr. J. Breen** asked the Minister for Transport if, in order to allow the east Clare accessible transport scheme to continue and expand its service, he will increase funding for this worthwhile and valuable transport system; and if he will make a statement on the matter. [31352/04]

368. **Mr. P. Breen** asked the Minister for Transport if he will increase the amount of funding as recommended by the evaluation report on

the RTI by a company (details supplied) as one of its recommendations that the RTI increase its services allocated to East Clare Accessible Transport which provides a very valuable service to the people of east Clare; and if he will make a statement on the matter. [31405/04]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 350, 351, 364 and 368 together.

Area Development Management Limited administers the rural transport initiative on behalf of my Department and makes specific allocations to individual RTI projects from funding provided under my Vote. Under this initiative, 34 rural community groups are currently being financed to operate pilot rural transport services in their areas. It is the function of each RTI group, in conjunction with ADM, to decide on the specific services to be funded from its allocation in line with its agreed business plan.

I should point out that ADM has sole responsibility in deciding on the individual RTI allocations and neither I nor my Department has any function in the matter.

The National Development Plan 2000-2006 makes a provision of €4.4 million for pilot projects under the rural transport initiative. However, given the positive response to the scheme, additional funding has been provided and by the end of this year my Department will have provided €9 million for the RTI in the three years 2002-2004. A full appraisal of the initiative was completed in July this year and in line with its principal recommendation, I recently extended the scheme for a further two years to end 2006.

There is a provisional allocation of €3 million for the RTI in the Abridged Estimates volume. Before the Estimates are finalised, I hope to be in a position to provide some increase to take account of increases in operating costs of the projects involved. This will result in an overall funding commitment of at least €12 million for the RTI to end 2005 which compares very favourably with the total of €4.4 million earmarked for the RTI in the National Development Plan 2000-2006.

It should be borne in mind that the RTI projects also benefit each year from funding provided by the Department of Social and Family Affairs arising from the application of the free travel scheme to the scheme. In addition, I know that some RTI projects are generating additional funds from the provision of transport services to health boards and from other sources.

From the outset, RTI projects have been encouraged to explore innovative ways in which their services can be partly financed from the local economy in which they operate. Indeed, the degree to which prospective RTI groups put forward proposals for co-financing and the securing of additional resources from non-Exchequer sources were among the operational criteria used to assess the original applications.

[Mr. Cullen.]

In deciding on the extension of the RTI to end-2006 I was conscious that many of the pilot projects only became fully operational in 2003. I was also conscious that continuing the RTI to end-2006 will ensure that the lifespan of the initiative will dovetail with the scope of the National Development Plan 2000-2006 in which the initiative was first mooted.

The extension will facilitate a more comprehensive appraisal of the effectiveness of the RTI in addressing the transport needs of rural areas. It will enable the 34 projects to further explore best practice models of transport provision and to strategically develop approaches to planning and co-ordinating transport services in areas where it was traditionally considered difficult to do so.

State Airports.

352. **Mr. P. Breen** asked the Minister for Transport further to Parliamentary Question No. 480 of 16 December 2003, if the red zones at Dublin Airport were designated by way of the documents of March 1968; if, alternatively, such a designation was subsequently implemented by Dublin County Council; if so, the date and means of such implementation; and if he will make a statement on the matter. [30950/04]

Minister for Transport (Mr. Cullen): I refer the Deputy to a reply to a similar question, Question No. 268 given on 12 October 2004, which is set out in full below.

As mentioned in previous replies to the House on this subject, the present red zones were formally established in 1968. On further examination it is not possible to provide a more precise date. The then Department of Transport and Power was originally responsible for proposing the establishment of the zones, which were approved and incorporated in the local authorities' development plans. Development within those red zones is controlled by the local authorities through the Planning Acts.

353. **Mr. P. Breen** asked the Minister for Transport further to the reply of the Minister for Local Government of 13 July 1948 confirming that the then need for cottages in an area (details supplied) adjoining Collinstown had to be met by building outside the radius of two and a half miles from the airport to conform to the requirements of the Department of Industry and Commerce, if he will correct the record of Dáil Éireann as outlined in his reply to Parliamentary Question No. 261 of 9 November 2004 and, accordingly, fully address all the issues raised in the said question; and if he will make a statement on the matter. [30951/04]

354. **Mr. P. Breen** asked the Minister for Transport if, in respect of the land holdings recently offered for public sale by Aer Rianta in the vicinity of Shannon Airport, such holdings or portions thereof were acquired by his Department or any

other arm of the State by compulsory acquisition; if so, the details of the former owner or owners, the date of acquisition and the reason for such acquisition; and if he will make a statement on the matter. [30952/04]

355. **Mr. P. Breen** asked the Minister for Transport further to Parliamentary Question No. 260 of 9 November 2004, the details of the various increases in parking fees at Dublin Airport that have been implemented since 1 April 1977 together with the dates on which all such increases came into effect; and if he will make a statement on the matter. [30953/04]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 353 to 355, inclusive, together.

I have nothing to add to my earlier reply to Question No. 261 of 9 November 2004 which outlined the position with regard to planning issues in the vicinity of Dublin Airport in the 1940s.

I understand from the Dublin Airport Authority that the land holdings which were recently offered for public sale by the former Aer Rianta in the vicinity of Shannon Airport comprised 72 hectares approximately. Of this, about 15 hectares was compulsorily acquired in 1945 to cater for the further expansion of Shannon Airport. I am informed that, according to the Land Registry records, the names of the owners of these 15 hectares prior to 1945 were Ellen Fahey, Patrick Quinlivan and James McMahon. Aer Rianta acquired the remaining 57 acres by negotiation with the local owners.

I understand that the possible sale of the 72 hectares in questions is being reviewed by the Shannon Airport Board in the context of the current business planning process.

With regard to car parking charges at Dublin Airport, the fee rates applicable from 1 April 1977 were set out in the Dublin Airport (Parking Fees) By-Laws 1977, SI No. 92 of 1977. The Airport By-Laws 1994, SI No. 425 of 1994, provided at Regulation 8(9) for the former Aer Rianta to set parking charges at the State Airports, including Dublin Airport, and from that point on, the Minister of the day had no function in regard to the matter.

356. **Mr. P. Breen** asked the Minister for Transport, further to Question No. 329 of 25 May 2004, the number of different maps which were prepared by ERM in respect of each of the State airports over the one year period in question; if he will provide, in tabular form, the details of the level of air traffic movements used by ERM in its analysis for each runway at the airports in question in respect of each such map; and if he will make a statement on the matter. [30954/04]

Minister for Transport (Mr. Cullen): My officials have been in contact with ERM, seeking the information requested by the Deputy.

However, ERM has told my officials that it is not able to gather the information in time for this reply. However, ERM hope to have the information ready before the end of this week, and it will then be forwarded to the Deputy as soon as my officials receive it.

However, regarding the estimated future annual maximum number of aircraft movements at the three State airports, used by ERM in its report, that information was given in an earlier reply on 8 April, and is set out again below for ease of reference.

Cork Airport

| | | | | |
|-------------------|-------|--------|--------|--------|
| Runway | 7 | 25 | 17 | 35 |
| Maximum movements | 7,603 | 36,197 | 62,860 | 46,640 |

Dublin Airport

| | | | | | | |
|-------------------|--------|---------|-------|--------|--------|-------|
| Runway | 10 | 28 | 11 | 29 | 16 | 34 |
| Maximum movements | 45,230 | 154,770 | 4,940 | 20,060 | 20,694 | 9,306 |

Shannon Airport

| | | | | |
|-------------------|--------|--------|--------|--------|
| Runway | 6 | 24 | 13 | 31 |
| Maximum movements | 23,351 | 86,149 | 11,840 | 31,960 |

Air Services.

357. **Mr. P. Breen** asked the Minister for Transport if an airline (details supplied) has made an application for permission to service Ireland in 2005; and if he will make a statement on the matter. [30990/04]

Minister for Transport (Mr. Cullen): I understand the airline in question is considering starting direct scheduled services between the United States and Ireland next summer. My officials are contacting the airline to establish whether it has made a decision on this matter.

Proposed Legislation.

358. **Ms O. Mitchell** asked the Minister for Transport if it is his intention to proceed with the Railway Safety Bill as published, plus amendments; if he will withdraw the Bill and replace it with one which will accommodate the substance of the final EU directive; and if he will make a statement on the matter. [31012/04]

Minister for Transport (Mr. Cullen): It is my intention to take Report and Final Stages of the Railway Safety Bill in Dáil Éireann in the new year session.

The Bill, as amended in the Select Committee on Transport, already takes account of the substance of the railway safety directive which was adopted earlier this year. The remaining technical matters contained in the directive will be handled through the transposition of the directive into Irish law next year.

Road Network.

359. **Mr. English** asked the Minister for Trans-

port the status of the proposed toll bridge on the new N2 motorway between Finglas and Ashbourne on the Meath-Dublin border; and if he will make a statement on the matter. [31057/04]

Minister for Transport (Mr. Cullen): The planning, design and implementation of national road improvement projects is a matter for the National Roads Authority, NRA, and the local authority concerned, in this case Meath County Council.

I understand from the NRA that the design and build contract for the N2, Ashbourne to M50 project, including Ashbourne bypass, was signed in May 2004 and construction has commenced. Project completion is due in August 2006.

In the context of a broader review of the arrangements for the delivery of the roads programme, the NRA has identified a number of options for the development of tolling policy, including the tolling of the N2, Finglas to Ashbourne section, to enable the NRA to raise additional funding for the national roads programme. The proposals submitted by the NRA are currently being considered in my Department.

Rail Services.

360. **Mr. M. Smith** asked the Minister for Transport his proposals to improve the rail service on the Nenagh to Ballybrophy line. [31090/04]

Minister for Transport (Mr. Cullen): The issue of timetabling and scheduling of trains is an operational matter for Iarnród Éireann to consider as it has statutory responsibility in this area. However, Iarnród Éireann has informed me that it has recently assigned a modern diesel rail car train to this line. It stated that this train provides

[Mr. Cullen.]
a good connecting service for passengers from Nenagh to Dublin in the morning and a connection from the Dublin train for passengers returning to Nenagh later in the day.

Driving Licences.

361. **Mr. Naughten** asked the Minister for Transport, further to Parliamentary Question No. 982 of 29 September 2004, the plans he has to issue renewal notices prior to the expiry of full driving licences; the timescale envisaged for their introduction; and if he will make a statement on the matter. [31123/04]

Minister for Transport (Mr. Cullen): My Department is liaising with the Department of the Environment, Heritage and Local Government, which holds and administers the licence records in the national driver file, with a view to having the necessary arrangements for the issue of renewal notices from the national driver file put in place. It is the intention that issue of renewal notices will commence in 2005.

Official Languages Act 2003.

362. **Mr. O'Shea** asked the Minister for Transport the amount which has been spent by his Department in 2004 in regard to implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [31146/04]

363. **Mr. O'Shea** asked the Minister for Transport the amount which has been spent by public bodies or agencies funded by his Department in 2004 relating to the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [31161/04]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 362 and 363 together.

I refer the Deputy to my answer to Question No. 179 of Thursday 25 November 2004 in regard to departmental expenditure in which I stated that expenditure in 2004 amounted to approximately €20,000. Expenditure by the agencies under the aegis of my Department is a day-to-day activity for which I have no function.

Question No. 364 answered with Question No. 350.

Appointments to State Boards.

365. **Ms O. Mitchell** asked the Minister for Transport if the current temporary chairman (details supplied) of the board of Aer Lingus will step down at the end of 2004; if he has decided on a successor; and if he will make a statement on the matter. [31353/04]

Minister for Transport (Mr. Cullen): Following the resignation of the previous Chairman, Mr. Tom Mulcahy, Mr. John Sharman was appointed as acting chairman on 3 July 2004. His term of office in that capacity will expire on 3 January

2005. Mr. Sharman was appointed as a director to the board on 21 March 2003 for a period of three years to 20 March 2006. I am giving careful consideration to the filling of the position of chairman.

Alternative Energy Projects.

366. **Mr. Ferris** asked the Minister for Transport if he will make a statement on his Department's policy on the use of biofuels in public transport. [31362/04]

Minister for Transport (Mr. Cullen): The Department of Communications, Marine and Natural Resources is responsible for the promotion and development of renewable energy, including biofuels. To facilitate the formulation of a national biofuels policy, that Department has established an interdepartmental biofuels group, in which my Department participates.

The use of biofuels in public transport vehicles is an element, which will be considered as part of a national biofuels policy. I understand that biofuels may have the potential to reduce greenhouse gas emissions, particularly from the transport sector, and merit serious consideration if they represent a viable alternative to fossil fuels for public transport purposes. However, particularly in view of the fact that this is an emerging area, there are a range of issues which require consideration before a decision is made to adopt the technology, including fuel supply and distribution issues.

Road Signage.

367. **Mr. Ring** asked the Minister for Transport the legal position in relation to the changing of road signs; the person that has the authority to change the location of a road sign; and if consultation is necessary with any other body before the change in location is made. [31386/04]

Minister for Transport (Mr. Cullen): The legislative framework for the provision of traffic signs is set out in section 95 of the Road Traffic Act 1961, as amended by the Road Traffic Act 1968 and section 37 of the Road Traffic Act 1994. The Road Traffic (Signs) Regulations 1997 to 2004 prescribe regulatory traffic signs, which include upright signs, road markings, traffic lights, and other devices which may be provided on roads by road authorities, to indicate the existence of a road regulation, to implement such a regulation, or to indicate the existence of a provision in an enactment relating to road traffic.

Responsibility for the provision, positioning and maintenance of all traffic signs on non-national roads, which include regulatory signs and road markings, warning and information signs, is a matter for individual road authorities. Responsibility for funding the provision and maintenance of traffic signs on the national roads network is a matter for the National Roads Authority. Where an individual road authority proposes to provide or change a sign on a national

road the authority must consult with the National Roads Authority.

Question No. 368 answered with Question No. 350.

Legal Fees.

369. **Mr. J. O’Keeffe** asked the Minister for Transport the composite amount paid to lawyers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the amount paid from 1 January 2004; and if he will make a statement on the matter. [31889/04]

370. **Mr. J. O’Keeffe** asked the Minister for Transport the ten highest composite figures paid to barristers engaged by or on behalf of the State

in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the ten highest figures paid from 1 January 2004; the names of the barristers; and if he will make a statement on the matter. [31903/04]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 369 and 370 together.

The approximate composite amount paid by my Department to solicitors was €124,800 in 2003 and €205,000 in 2004, in respect of consultancy work and legal advice. In 2003, my Department paid a total of approximately €12,000 to two barristers in respect of consultancy work and legal advice. In 2004, my Department paid an approximate total of €11,000 to three barristers in respect of assisting in the transposition of EU directives. Details of the payments to barristers are contained in the table following.

| Adviser | Nature of Work | Year Paid | Total amount paid € |
|------------------------|---|-----------|---------------------|
| Paul Anthony McDermott | European Aviation Safety Agency (EASA) Advices | 2003 | 786.50 |
| Eugene Regan | Assisted with drafting of 4th Motor Insurance Directive | 2003 | 11,434.50 |
| Cathal Murphy | Assisting in the transposition of EU Directives | 2004 | 9,075 |
| Noel Whelan | Assisting in the drafting of the EC (EASA) Regulations, 2003 | 2004 | 1,270.50 |
| Denis Kelleher | Assisting in the drafting of the EC Regulations regarding noise-related Operating Restrictions at Airports. | 2004 | 603.79 |

Community Development.

371. **Cecilia Keaveney** asked the Minister for Community, Rural and Gaeltacht Affairs further to his recent announcement, if a county (details supplied) is being considered for funding as part of the new streamlined approach to community and local development moneys recently announced; and if he will make a statement on the matter. [31102/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I refer the Deputy to my replies to Questions Nos. 186, 194, 198, 218 and 228 on 5 October 2004. As I indicated in that reply, in line with the Government decision on the review of local and community development structures, proposals had been received from all city and county development boards, CDBs. At that stage, the proposals had been assessed by an external consultant engaged by my Department and I had been able to approve proposals from Fingal CDB for funding. Other CDBs had been asked to take a more focused look at their proposals and resubmit them to my Department.

Since that reply, my Department received fresh proposals from most CDBs. These have again been assessed by the external consultant and I am pleased to say that, arising from this process, I have been able to approve funding of €2.9 million

for proposals from a wide range of CDBs and from Udarás na Gaeltachta in respect of Gaeltacht areas.

However, arising from the process, I was unable at this stage to commit funding to proposals received from 12 CDBs, including the county referred to by the Deputy. My Department is making arrangements to meet the directors of community and enterprise from each of these CDBs. I hope that the continuation of this engagement between my Department, the CDBs and the local and community development agencies will lead to the development of proposals for which I can provide funding support.

Grant Payments.

372. **Mr. O’Shea** asked the Minister for Community, Rural and Gaeltacht Affairs his proposals to meet the concerns of an organisation (details supplied). [31108/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): My Department has received an application from the organisation in question for a review of the decision in relation to a proposal for grant funding received under the 2004 programme of grants for locally based community and voluntary organisations. This application for review is under consideration.

Official Languages Act 2003.

373. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs the amount which has been spent by his Department in 2004 in regard to implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [31147/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As the Deputy will be aware, my Department has published its scheme under the Official Languages Act. The scheme details specific commitments in relation to improved delivery of our services through the Irish language. These commitments will be delivered from within the overall budget available to my Department in the relevant years and do not create extra costs or require the provision of additional funding.

As Minister for Community, Rural and Gaeltacht Affairs, I have overall responsibility to ensure that the provisions of the Official Languages Act 2003 is implemented and that the primary objective of the Act, which is to ensure better availability and a higher standard of public services through Irish, is achieved. Consequently, my Department has incurred costs in the publication of statutory guidelines as required under section 12 of the Act. In addition, costs were incurred in placing advertisements, requesting submissions on the preparation by my Department of a scheme under the Act. In all, these costs have amounted to some €30,000 to date in 2004. These are once-off costs. In addition, a sum of €373,673 has been spent by Oifig Choimisinéir na dTeangacha Oifigiúla to-date under subhead D of the Vote of my Department.

374. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs the amount which has been spent by public bodies or agencies funded by his Department in 2004 relating to the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [31162/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): It is not possible, in the time available, to compile the information requested by the Deputy. It is currently being collated by my Department and will be forwarded to the Deputy as soon as possible.

Community Development.

375. **Mr. J. Higgins** asked the Minister for Community, Rural and Gaeltacht Affairs the status of the review of the community development programme; the persons or bodies which have been consulted during the review; the persons or bodies which have made submissions regarding the review; and the likely date of the reviews conclusion and publication of recommendations. [31356/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I refer the Deputy to answers to earlier questions on the review of local and community development structures, in particular Questions Nos. 108, 116, 126, 137, 139, and 141 on 26 March 2003; Question No. 429 on 15 April 2003; Question No. 79 on 3 June 2003; Question No. 151 and related questions on 4 February 2004 and Question No. 186 and related questions on 5 October 2004. As is clear from those replies a wide range of parties were consulted.

The Government decision arising from the review of structures as described in the February 2004 reply referred to above envisaged that local and community development groups would be asked to advance proposals for improved alignment of structures in their areas. This exercise was promoted and co-ordinated by county and city development boards, CDBs. Following independent assessment of the proposals received, I have been able to approve funding of €2.9 million for proposals from a wide range of CDBs and from Údarás na Gaeltachta in respect of Gaeltacht areas. Building on the proposals received, I hope to bring further recommendations to Government, which will conclude the review of local and community development structures in the earlier part of next year. I anticipate that Government decisions arising from consideration of such recommendations will be published in due course.

Legal Fees.

376. **Mr. J. O'Keefe** asked the Minister for Community, Rural and Gaeltacht Affairs the composite amount paid to lawyers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the amount paid from 1 January 2004; and if he will make a statement on the matter. [31880/04]

377. **Mr. J. O'Keefe** asked the Minister for Community, Rural and Gaeltacht Affairs the ten highest composite figures paid to barristers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the ten highest figures paid from 1 January 2004; the names of the barristers; and if he will make a statement on the matter. [31894/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 376 and 377 together.

The details requested by the Deputy are set out as follows: Amounts paid to lawyers, including solicitors and barristers, in 2003 was €80,800.57 — for solicitors only — and in 2004 was €26,405.48. The amounts paid to barristers were nil in 2003 and €21,500 in 2004.

In respect of payments to lawyers in 2003, an amount of €65,000 was paid to Arthur Cox for the provision of specialist legal research and assistance concerning a statutory regime for charities regulation and an amount of €15,800.57 was paid to Philip Lee Solicitors in respect of work carried out in respect of the national advisory committee on drugs, NACD.

In respect of payments to barristers in 2004, an amount of €15,000 was paid to Ms Oonagh Breen, BL, in respect of the external report on the public consultation about charities regulation and an amount of €6,500 was paid to Mr Dermot Cahill, BL, in respect of the core information on Irish sectoral regulators — report for the Department.

Grant Payments.

378. **Mr. Crawford** asked the Minister for Agriculture and Food the entitlements, under the single payment scheme, of a person (details supplied) in County Monaghan. [30975/04]

Minister for Agriculture and Food (Mary Coughlan): The provisional entitlement statement, which issued on 6 September 2004 to the person named shows 3.82 entitlements, which amounts to €1,479.10 per annum. Farmers who are not satisfied with their provisional entitlement statement may seek a review on a form which is available from all local offices of my Department and from my Department's website. My intention is that definitive entitlements statements will issue early in 2005.

Disadvantaged Areas Scheme.

379. **Mr. McGuinness** asked the Minister for Agriculture and Food if it is her intention to encourage the EU to review the areas not included in the disadvantaged scheme in order that they might be included in the future should the current scheme be re-opened and expanded; and if she will make a statement on the matter. [31008/04]

Minister for Agriculture and Food (Mary Coughlan): Against the background of an EU Court of Auditors report in 2003 that was very critical of the present designation of disadvantaged areas throughout the Union and of possible resulting overcompensation in those areas, the European Commission published earlier this year a draft regulation on rural development which included, among other elements, proposed new criteria for the designation in member states of disadvantaged areas.

Given that 75% of our utilised agricultural area is designated as disadvantaged, Ireland has signalled strongly to the European Commission its concerns about these proposed new criteria and has sought clarification from the Commission about how precisely they are to be applied. The Commission has promised such clarification for

early 2005 and we must wait until then before commencing substantive negotiations on the application of the proposed criteria. It is too early in the negotiating process to say what the outcome will be. However, I can say that my aim will be to secure detailed criteria for designation which will benefit best all our disadvantaged areas.

Milk Quota.

380. **Mr. McGuinness** asked the Minister for Agriculture and Food the timeframe involved in considering applications for quota from the milk quota appeals tribunal; if a decision will be expedited in the case of a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [31009/04]

Minister for Agriculture and Food (Mary Coughlan): Allocations of milk quota from the national reserve are granted on the basis of recommendations from the milk quota appeals tribunal. The tribunal is a body established to consider and advise on applications for additional quota from individual producers who have suffered severe hardship in the context of the milk quota system. It also examines applications from producers whose herds have been restricted by animal disease in the current quota year.

The tribunal meets to examine applications between October and March each year. The timeframe involved in considering applications depends on the volume received in a given year. However, notification of results is normally issued within two weeks of the tribunal examining a case and making its recommendations.

The person named applied to the tribunal in the last three milk quota years and received an allocation of quota on each occasion. However, there is no record of an application being received from him in the current 2004-05 quota year, but applications are still being processed. The closing date for receipt of applications on the grounds of hardship in respect of the current quota year is Friday, 3 December 2004, and application forms are available from his co-operative. The closing date for applications on the grounds of animal disease is 10 December 2004.

Farm Retirement Scheme.

381. **Mr. P. McGrath** asked the Minister for Agriculture and Food the provision which is made under the proposed decoupling arrangements to ensure that young farmers will be able to make a livelihood from agriculture in relation to farmers who, having availed of the farm retirement scheme, and on completion of this scheme, wish to give their land to a family member. [31022/04]

394. **Mr. Naughten** asked the Minister for Agriculture and Food the plans she has to address the

[Mr. Naughten.]

plight of farmers who entered the early retirement scheme in the late 1990s due to ill health in view of the fact that they have no decoupled entitlements attached to the land and as a consequence their ability to lease the land is extremely limited; and if she will make a statement on the matter. [31411/04]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 381 and 394 together.

In general, the new single payment scheme which will be introduced in Ireland from 1 January 2005, is applicable to farmers who actively farmed during the reference years 2000, 2001 and 2002, who were paid livestock premia and/or arable aid in one or more of those years and who will continue to farm in 2005.

However, during the course of EU negotiations, Ireland secured agreement that farmers who take over a holding, by transfer free of charge or by a lease of five or more years at a nominal amount, a holding that was leased out to a third party during the reference period, may apply to the national reserve for payment entitlements under the single payment scheme. This should be of particular benefit to family members who now take over the holdings of farmers who joined the early retirement scheme before the reference period where the land was leased out to a third party during the reference period.

Farmers who were in receipt of direct payments during the reference period who have already transferred their holdings by deed of transfer or by lease or who will do so by 15 May 2005, may transfer or lease their entitlements with the land by using a private contract clause in the sales contract or lease agreement. This will ensure that the recipients many of whom are young farmers, will have access to the single payment scheme from 2005 onwards. Further details on use of the private contract clause are available on pages 18 and 19 of the explanatory guide on the single payment scheme which was issued by my Department earlier this year.

Under the terms of the scheme of early retirement from farming, the participant is required at all times to have his land leased or transferred to an eligible transferee in order to receive payment of pension. I am conscious of the concerns of retired farmers, particularly of those who entered the first scheme of early retirement and whose leases may now be nearing an end. Discussions are taking place with the European Commission in the hope of finding a solution, within the terms of the relevant EU regulations, to situations such as that in which a participant may experience difficulties in finding a replacement transferee. The rental value of land is, however, a matter that must be determined by the market.

Grant Payments.

382. **Mr. Ring** asked the Minister for Agriculture and Food the grant aid provided to dogs and cats homes and to animal welfare groups over the past three years on a county basis. [31036/04]

Minister for Agriculture and Food (Mary Coughlan): My Department has in recent years made *ex gratia* payments to a number of organisations directly involved in the delivery of animal care. A breakdown of the total amounts paid to organisations in each county for the three years 2001, 2002 and 2003 is as follows:

| County | 3 Year Total € |
|-----------|----------------|
| | € |
| Carlow | 15,000 |
| Cavan | 5,000 |
| Clare | 40,829 |
| Cork | 278,263 |
| Donegal | 17,696 |
| Dublin | 346,968 |
| Galway | 64,606 |
| Kerry | 85,702 |
| Kildare | 164,064 |
| Kilkenny | 10,000 |
| Laois | 28,577 |
| Leitrim | 53,962 |
| Limerick | 57,862 |
| Longford | 67,693 |
| Louth | 79,843 |
| Mayo | 66,406 |
| Meath | 70,123 |
| Monaghan | 23,037 |
| Offaly | 23,037 |
| Roscommon | 46,276 |
| Sligo | 46,925 |
| Tipperary | 83,757 |
| Waterford | 56,154 |
| Westmeath | 82,850 |
| Wexford | 62,273 |
| Wicklow | 123,812 |

383. **Mr. Naughten** asked the Minister for Agriculture and Food, further to Question No. 234 of 29 September 2004, the grant aid returned to her Department by the company; the total grant aid awarded to the company in the past ten years; and if she will make a statement on the matter. [31135/04]

Minister for Agriculture and Food (Mary Coughlan): My Department has made no awards to the company in question in respect of the plant in question in the last ten years. Payments amounting to €1.27 million were made to the company in the period December 1994 to June 1997 in respect of an award made in 1992. My Department, in conjunction with Enterprise Ireland, is examining the position regarding con-

tingent liabilities arising from the plant's closure. The process of recovery of any amounts identified as due will follow upon completion of this exercise.

Official Languages Act 2003.

384. **Mr. O'Shea** asked the Minister for Agriculture and Food the amount which has been

| Year | Body | Amount |
|------|---------------|---------------------|
| | | € |
| 2004 | Teagasc | 9,500.00 (estimate) |
| 2004 | An Bord Bia | 2,776.95 |
| 2004 | An Bord Glas* | 1,319.00 |

* An Bord Glas was amalgamated with An Bord Bia on 1 July 2004.

Farm Retirement Scheme.

385. **Mr. Kehoe** asked the Minister for Agriculture and Food if there are plans to change the regulations whereby a person on a farm retirement scheme will not qualify for decoupling; if there are plans to index-link the farm retirement payment; and if she will make a statement on the matter. [31285/04]

Minister for Agriculture and Food (Mary Coughlan): In general, the new single payment scheme, which will be introduced in Ireland from 1 January 2005, is applicable to farmers who actively farmed during the reference years 2000, 2001 and 2002, who were paid livestock premia and-or arable aid in one or more of those years and who will continue to farm in 2005. However, during the course of EU negotiations, Ireland secured agreement that farmers who take over, by transfer free of charge or by a lease of five or more years at a nominal amount, a holding that was leased out to a third party during the reference period, may apply to the national reserve for payment entitlements under the single payment scheme. This should be of particular benefit to family members who now take over the holdings of farmers who joined the early retirement scheme before the reference period where the land was leased out to a third party during the reference period.

Farmers who were in receipt of direct payments during the reference period who have already transferred their holdings by deed of transfer or by lease or who will do so by 15 May 2005, may transfer or lease their entitlements with the land by using a private contract clause in the sales contract or lease agreement. This will ensure that the recipients many of whom are young farmers, will have access to the single payment scheme from 2005 onwards. Further details on use of the private contract clause are available on pages 18 and 19 of the explanatory guide on the

spent by public bodies or agencies funded by her Department in 2004 relating to the provisions of the Official Languages Act 2003; and if she will make a statement on the matter. [31163/04]

Minister for Agriculture and Food (Mary Coughlan): The following table outlines expenditure by bodies funded by my Department to whom the provisions of the Official Languages Act 2003 apply:

single payment scheme, which was issued by my Department earlier this year.

As regards index-linking of payments, the rate of pension payable under the 1994 scheme of early retirement from farming is the maximum provided for by the EU Council regulation under which the scheme was introduced. The regulation does not provide for indexation of payments. My Department's proposals for the current early retirement scheme, which commenced on 27 November 2000 and is one of the measures in the CAP rural development plan for the period 2000 to 2006 included provision for annual increases in pension over the period of the plan. The European Commission rejected this proposal and insisted on legal grounds that a fixed rate be set instead.

Grant Payments.

386. **Mr. Ferris** asked the Minister for Agriculture and Food if farmers receiving the single farm payment are allowed to grow energy crops and receive her departmental grant. [31287/04]

Minister for Agriculture and Food (Mary Coughlan): Council Regulation EC No. 1782/2003 establishing the single payment scheme introduced an aid of €45 per hectare per year for areas sown under energy crops. The aid is granted in respect of areas where production is covered by a contract between the farmer and a processor, except in the case of processing undertaken by the farmer on the holding. Agricultural raw materials, with the exception of sugar beet, may be grown under the energy crops scheme provided that the crops are intended primarily for use in the production of energy products derived from biofuels or from biomass. In 2004, this energy crop scheme is in addition to the arable aid Scheme. In 2005, the aid will be paid in addition to the single payment.

387. **Mr. Connaughton** asked the Minister for Agriculture and Food if there are grants available for the purchase of slurry equipment such as agri-

[Mr. Connaughton.]
tators and mobile slurry tankers; if so, if they are available only to farmers who are participating in the REP scheme; and if she will make a statement on the matter. [31289/04]

Minister for Agriculture and Food (Mary Coughlan): My Department makes grant aid available for the purchase of mobile slurry equipment, including agitators, under the farm waste management scheme. The maximum amount of investment in mobile equipment eligible for grant aid is €11,000 and the rate of grant is 20%. Participation in the REP scheme is not a pre-condition for such aid.

388. **Mr. Ferris** asked the Minister for Agriculture and Food the number of farmers who have to date taken up her Department's energy crop scheme introduced in March 2004. [31291/04]

Minister for Agriculture and Food (Mary Coughlan): A total of 42 farmers have included areas sown under energy crops in the 2004 area aid applications. Provided that they meet the terms and conditions provided under EU rules for energy crops, they will receive a payment of €45 per hectare in addition to their arable aid payment.

Farm Retirement Scheme.

389. **Dr. Upton** asked the Minister for Agriculture and Food if a person (details supplied) in County Tipperary can avail of the farming retirement scheme; and if she will make a statement on the matter. [31292/04]

Minister for Agriculture and Food (Mary Coughlan): In the absence of a completed application from him, it is not possible for my Department to determine the eligibility of the person named for the early retirement scheme. His agricultural adviser can review his eligibility and assist in the preparation of an application.

Grant Payments.

390. **Dr. Upton** asked the Minister for Agriculture and Food the number of farmers who will be in receipt of the single farm payment, commencing in January 2005; the number of these who will receive between €10,000 and €25,000, between €25,000 and €40,000, between €40,000 and €60,000, between €60,000 and €80,000, and more than €80,000 respectively; and if she will make a statement on the matter. [31293/04]

Minister for Agriculture and Food (Mary Coughlan): My intention is that definitive entitlement statements will issue early in 2005. To date, however, approximately 135,000 provisional entitlement statements have been issued. Of these, 28,015 are between €10,000 and €25,000;

5,943 are between €25,000 and €40,000; 1,886 are between €40,000 and €60,000; 595 are between €60,000 and €80,000; while 490 are valued above €80,000.

Departmental Properties.

391. **Mr. Ferris** asked the Minister for Agriculture and Food the details of the contract of sale between Coillte Teoranta and a company (details supplied) regarding the disposal of 600 acres of hitherto State owned lands in Ballygelly South, Ballinaboy Bridge, County Mayo. [31360/04]

Minister for Agriculture and Food (Mary Coughlan): The sale of the land in question by Coillte Teoranta has been the subject of consideration for the past four years. The contract details of the proposed sale are an operational matter for Coillte Teoranta.

Grant Payments.

392. **Mr. Naughten** asked the Minister for Agriculture and Food when a person (details supplied) in County Roscommon will receive their REPS payment; the reason for the delay in processing same; and if she will make a statement on the matter. [31374/04]

Minister for Agriculture and Food (Mary Coughlan): This application was chosen at random for a pre-payment inspection. The inspection was carried out on 5 October last. Following the on-farm inspection, the applicant's planner was contacted and asked to supply the necessary photographs of natural heritage area lands which were not included in the application. These have not been received to date. When they are received my Department can complete the processing of the application.

Fur Farming.

393. **Mr. Naughten** asked the Minister for Agriculture and Food the situation with regard to fur farming here; the Government's policy in this regard; and if she will make a statement on the matter. [31410/04]

Minister for Agriculture and Food (Mary Coughlan): Fur farming is a legitimate farming activity in this country. Under the Musk Rats Act 1933 (Application to Mink) Order 1965 the keeping of mink is prohibited except under licence from my Department. Licences are issued under this legislation only if the applicant, following an inspection carried out by officials from my Department, is found to be compliant with a number of key conditions.

Licensed fur farms are also inspected by my Department to assess compliance with the Council of Europe recommendations concerning fur animals and Council Directive 98/58/EC con-

cerning the protection of animals kept for farming purposes. These inspections have found that the licensed fur farms have been operating in compliance with current legislation. Inspections have also found that the slaughter methods employed by the licensed fur farms are permitted under the Sixth Schedule of the European Communities (Protection of Animals at Time of Slaughter) Regulations 1995, which gives effect to Council Directive 93/119/EC.

Fur farming is considered to be a legitimate farming activity throughout the vast majority of member states of the European Union. The Government has no plans to ban fur farming in Ireland given that the licensed fur farms operating in this country meet current national and EU requirements. My Department will continue to monitor the operation of the licensed fur farms.

Question No. 394 answered with Question No. 381.

Single Payment Scheme.

395. **Mr. P. Breen** asked the Minister for Agriculture and Food the position regarding the *force majeure* appeal by a person (details supplied) in County Clare; and if she will make a statement on the matter. [31412/04]

Minister for Agriculture and Food (Mary Coughlan): The person named was notified that the circumstances outlined in her application did not satisfy the criteria for *force majeure* or exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003.

My Department has, following a re-examination of the circumstances of this case, including the additional information submitted on appeal, decided that the reference years 2000 and 2001 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 year 2002 only. A statement of provisional entitlements reflecting this position will issue shortly to the person named.

Legal Fees.

396. **Mr. J. O'Keefe** asked the Minister for Agriculture and Food the composite amount paid to lawyers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the amount paid from 1 January 2004; and if she will make a statement on the matter. [31877/04]

397. **Mr. J. O'Keefe** asked the Minister for Agriculture and Food the ten highest composite figures paid to barristers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislat-

ive drafting and other work during 2003; the ten highest figures paid from 1 January 2004; the names of the barristers; and if she will make a statement on the matter. [31891/04]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 396 and 397 together.

The information requested by the Deputy is being compiled and will be sent to him within a week.

Registration of Title.

398. **Mr. Connaughton** asked the Minister for Justice, Equality and Law Reform the status of folio and schedule numbers (details supplied) in so far as an application for registration is concerned with the Irish Land Commission; and if he will make a statement on the matter. [31290/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that the applications referred to by the Deputy are as follows. With regard to application for schedule vested by the Land Commission on 10 May 1988, schedule number 91379 refers, this registration was completed on 26 November 2004.

With regard to application for transmission and transfer which was lodged on 20 January 2004, dealing number D2004GY000715J refers, queries issued to the lodging solicitors about dealing number D2004GY000715J on 26 November 2004 and that this application cannot proceed until these queries have been satisfactorily resolved. On receipt of a satisfactory reply to these queries the matter will receive further attention in the Land Registry.

Sexual Offences.

399. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he can unilaterally or in conjunction with his EU colleagues introduce new measures to combat child pornography through the Internet; and if he will make a statement on the matter. [31499/04]

400. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the alleged increased use of Internet child pornography; if his attention has further been drawn to the potential damage to society of such abuse; the action or actions he can take to counter the problem [31501/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 399 and 400 together.

The Internet is an international phenomenon. It has no borders and there is no single organisation controlling it. Measures to combat child pornography on the Internet are, therefore, hampered by a multiplicity of jurisdictions, differing legal systems and, indeed, differing societal

[Mr. McDowell.]

norms. Furthermore, developments in new communications technologies allow for Internet access from many means other than the traditional personal computer. For the above reasons, combating the production and availability of child pornography requires a combination of responses and the co-operation of all stakeholders at both national and international level — legislators, law enforcement, schools, child protection practitioners and, most importantly, parents and guardians.

In terms of legislation, in the Child Trafficking and Pornography Act 1998, Ireland has already one of the most robust legislative measures anywhere. Under the Act, the possession, distribution, importation and exportation or sale of all forms of child pornography — films, videos or material in written or auditory form, including material produced or transmitted via the Internet — are offences, with penalties of up to 14 years' imprisonment. Mere possession of child pornography can be punishable by imprisonment for up to five years. Using a child or allowing a child to be used for the production of child pornography is also punishable by up to 14 years' imprisonment.

The Garda Síochána is committed to the investigation of all cases of child pornography and the importance of investigating the child protection issues involved in such cases. The paedophile investigation unit, which is located within the domestic violence and sexual assault unit of the national bureau of criminal investigation, is in existence since November 2002. This unit is tasked with the investigation and co-ordination of cases relating to the possession, production and distribution of child pornography and any alleged sexual abuse pertaining to same. It also engages in proactive investigation of intelligence concerning paedophiles and their use of technology. There is continuous co-operation and liaison with other police forces in an effort to investigate and combat these crimes. The Garda Síochána has successfully prosecuted a number of cases under the Child Trafficking and Pornography Act 1998.

On the structural side, the Government established a working group in 1997 to examine and report on the question of the illegal and harmful use of the Internet with particular reference to child pornography. The report of the working group on the illegal and harmful use of the Internet was published in July 1998. The main recommendation of the report was for a system of self regulation by the Internet service provider industry. The components of such a system were to include the following: an Internet advisory board or IAB — established in February 2000 and funded by the Department of Justice, Equality and Law Reform and the information society fund — which promotes awareness of Internet downside issues, co-ordinates efforts to combat

child pornography on the Internet and monitors the effectiveness of self regulation by the Internet service provider industry; a public hotline for reporting child pornography — established 1999 and funded by the industry; and an industry code of practice setting out the duties and responsibilities of each Internet service provider — agreed February 2002.

The Internet advisory board oversees and monitors progress on child pornography measures and supervises a self regulatory regime for the Irish Internet service providers. The self regulation approach to Internet regulation has been adopted worldwide and the board helps and supports the Irish Internet service provider industry to deliver an effective self regulation environment, in accordance with an agreed code of practice and ethics for the industry. The Internet advisory board carried out a review of the code of practice and ethics earlier this year and the findings show that the code is still very relevant and also one of the most advanced ISP industry codes in the European Union. The board's brief also extends to general downside issues on the Internet, including general safety for children.

The hotline — www.hotline.ie — funded by the Internet Service Providers' Association of Ireland with support from the EU safer Internet action plan, was launched in November 1999 and has been operating since that time. Special protocols operate between the Garda and the hotline which maximise co-operation on law enforcement issues so that offences in the area of child pornography can be detected and prosecuted.

The hotline works closely with, and is a founding member of, the international INHOPE Association, www.inhope.org, a network of European hotlines which is expanding to all parts of the world. The INHOPE Association develops procedures and shares information on the best practices for the tracing and tracking of illegal child pornography.

International co-operation is a vital part of the fight against child pornography on the Internet and Ireland is fully committed to playing its part. In September 2001, the Council of Europe Ministers' deputies approved the first international convention on cybercrime. Ireland signed up to the convention in June 2002. The main objective of the convention is to foster international co-operation in protecting society against cybercrime. The convention deals specifically with the distribution of child pornography on the Internet, infringements of copyright, computer related fraud and violations of network security.

The European Union has taken a strong line on combating child pornography on the Internet. Under the safer Internet action plan, the EU is providing financial and other supports for measures in the member states to combat illegal and harmful uses of the Internet, with particular emphasis on protecting children. A new EU

action plan — safer Internet plus — covering the period 2005 to 2008, with a budget of €45 million, has been finalised and is expected to be approved at European Council level in December 2004.

The Council also adopted a framework decision on combating the sexual exploitation of children and child pornography on 22 December 2003. While I have indicated that the Child Trafficking and Pornography Act 1998 is a particularly robust legislative measure, my Department is considering the question of whether additional legislative provisions are required to give effect to this framework decision.

Communications Masts.

401. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the length of time the telecommunications mast on Mountjoy Garda station has been *in situ* at the station; the number and type of antennae attached to the mast which are in use now and have been in use in the recent past; the number of antennae which are for the sole use of Garda communications; the number and type of antennae which belong to commercial mobile phone companies; the date on which the mobile phone antennae were attached to the mast; if emission audits have been carried out on this mast recently; if so, if he will provide this Deputy with copies of same; and if an emissions audit or survey will be carried out on this mast. [30956/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The information requested by the Deputy in respect of Mountjoy Garda station is as follows. The mast at the station was installed in 1985. The following antennae are installed on the mast: five microwave links; six array panels; two AN3U and one CAT 165. The following antennae are in use by the Garda Síochána: two microwave links; two AN3U and one CAT 165. The following antennae were installed in March 1997 by a commercial mobile phone company: three microwave links and six array panels. No emission audits by the Garda Síochána have been carried out on the mast at Mountjoy Garda station.

I outlined the approach being taken by the Garda Síochána to emissions audits on Garda masts generally in my answer to Question No. 168 of 4 November 2004.

Closed Circuit Television Systems.

402. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform when the review group considering requests for the provision of closed circuit television will report its decisions to the Garda Síochána; if a proposal was made by Garda personnel some time ago that Garda closed circuit television be installed on the main bridges of the Dublin city stretch of the Royal Canal and Tolka River, for example, at

locations (details supplied); and, if so, when a decision will be made. [30957/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The CCTV advisory committee that was established by the Garda Commissioner to advise on CCTV matters has received a report from the chief superintendent, Dublin metropolitan region north central division, which encompasses the areas 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.

Garda Deployment.

403. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the number of additional community gardaí being assigned to Fitzgibbon Street Garda station in Dublin 1. [30958/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that on 22 November 2004 an additional four community gardaí were assigned to Fitzgibbon Street Garda station. This brings the number of community gardaí attached to Fitzgibbon Street station to 18 — two sergeants and 16 gardaí.

With regard to Garda resources generally, the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with the An Agreed Programme for Government commitment in this regard. This is a key commitment in the programme for Government and its implementation will significantly strengthen the operational capacity of the force. The commissioner will now draw up plans on how best to distribute and manage these resources.

Clearly, however, the additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies, 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 as part of the new Garda traffic corps. I have already promised that 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.

In each of the next three years there will be an intake of almost 1,100 new recruits per year. The advertisement campaign for this first tranche of 1,100 recruits was launched on Thursday, 25 November 2004.

Garda Communications.

404. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if the concerns of the NRPB regarding possible adverse effects on health were fully considered by the Garda medical director before a decision was made to introduce the TETRA communications system; if the investigation or study under way by the Police Federation of England and Wales was also considered; and if he will make a statement on the matter. [30959/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The RPII, Radiological Protection Institute of Ireland, formally known as NRPB, is the statutory body tasked with ensuring compliance with standards relating to ionising radiation as distinct from non-ionising radiation. Non-ionising radiation is regulated by ComReg, the Commission for Telecommunications Regulations.

An independent engineering company was commissioned by the Garda Síochána to carry out a survey of electromagnetic field strengths on a number of masts; to review human health issues as they pertain to non-ionising radiation; to study research carried out by various groups including IEGMP, Independent Expert Group on Mobile Phones — Stuart report, DSTL, Defence Science and Technology Laboratory, and Imperial College London, which carries out research on behalf of the Home Office, UK; and to report findings to the Garda medical director.

The Garda medical director is satisfied that the best scientific evidence shows that if exposures to non-ionising radiation are kept within International Commission for Non-Ionising Radiation Protection, ICNIRP, guidelines, there is no threat to human health.

Asylum Applications.

405. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the decision he has taken on the application of a person (details supplied) for leave to remain in the State. [30962/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 28 November 2001 and applied for asylum on the same day. She was interviewed about her claim for refugee status on 23 May 2002 by an officer of the Refugee Applications Commissioner. Her claim was subsequently refused on 24 July 2002. The person concerned appealed this decision on 15 August 2002 and had her appeal heard by the Refugee Appeals Tribunal on 23 September 2002. On 17 October 2002 the appeal was rejected.

Subsequently, in accordance with section 3 of the Immigration Act 1999, she was informed by letter, dated 30 December 2002, that the Minister proposed to make a deportation order in respect

of her. She was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State; leaving the State before an order is made; or consenting to the making of a deportation order. Representations have been made to my Department requesting that the person concerned be allowed to remain in the State. I expect the file in the matter to be submitted to me for decision in due course.

Good Friday Agreement.

406. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform if the Good Friday Agreement provides for parity of human rights on both sides of the Border; if all legislation must accordingly comply with such provision; and if he will make a statement on the matter. [30963/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Both Governments are obliged under the terms of the Agreement reached in the multi-party negotiations on Northern Ireland in 1998 to take comparable and complementary steps to further strengthen the protection of human rights in their respective jurisdictions. The relevant details are set out in the section of the Agreement entitled Rights, Safeguards and Equality of Opportunity.

The most important features are that Human Rights Commissions have been established North and South and the European Convention on Human Rights has been incorporated in both jurisdictions. The joint committee of the two Human Rights Commissions is also continuing its work in developing proposals for a charter of rights which will be open to signature by all democratic political parties, reflecting and endorsing agreed measures for the protection of the fundamental rights of everyone living on the island of Ireland. The aim of the Agreement is, therefore, to provide templates to ensure equivalence of human rights protections in both jurisdictions.

As regards the European Convention on Human Rights, all contracting states are required to ensure that their laws are fully compliant with its provisions. Additionally, in our case, we are bound by the fundamental rights provisions of Articles 40 to 44 of the Constitution.

Asylum Applications.

407. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if an appeal on humanitarian grounds will be granted in the name of a person (details supplied) in County Tipperary. [30992/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Applications for refugee status in the State are determined by an independent

process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal, which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted. A final decision on this application will be made upon receipt of the decision of the Refugee Appeals Tribunal.

408. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform the status of an application for family re-unification in the name of a person (details supplied) in County Kilkenny; the timeframe for the decision to be made; and if he will make a statement on the matter. [30993/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for family re-unification was received in my Department from the refugee in question in March 2004. It was forwarded to the Refugee Applications Commissioner for investigation, as required under section 18 of the Refugee Act 1996, as amended. The commissioner has now forwarded a report of the investigation to my Department. Documentation submitted in support of the application is being examined and a decision on the case will be reached as soon as possible.

Citizenship Applications.

409. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform the status of a person (details supplied) in County Carlow; if the appropriate documents will issue to this person; if the case will be expedited; and if he will make a statement on the matter. [30994/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A declaration of acceptance of Irish citizenship as post nuptial citizenship was received in the citizenship section of the Department on 15 April 2004 from the person referred to in the Deputy's question. The current processing time for such declarations is approximately ten months from the date of lodgement. Processing of the declaration of the person concerned has already commenced and I understand that it should be finalised early next year. I will let the Deputy know when the matter has been concluded.

Visa Applications.

410. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if an appeal against a decision by him not to issue a visa in the name of a person (details supplied) will be expedited; the timeframe involved; and if he will make a statement on the matter. [30995/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The visa application in question was to enable a 15 year old female to join a non-EEA national employed in the State under the

work permit scheme. In general, persons employed in the State under the scheme may be joined by their spouse and their minor children after the worker has been employed in the State for one year and has been offered a contract of employment for a further year. The worker must also be able to fully support the family member or members in question without the need to recourse to public funds.

The application was reconsidered by a visa appeals officer who agreed with the concerns of the visa officer that the applicant could have recourse to public funds and confirmed the refusal of the application. The decision was made by the visa appeals officer on 23 November 2004.

Asylum Applications.

411. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform the status of an application in the name of a person (details supplied) in County Kilkenny; the timeframe for dealing with the application; and if he will make a statement on the matter. [30996/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 19 July 2003 and claimed asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

In accordance with section 3 of the Immigration Act 1999, as amended, the person concerned was informed on 11 November 2004 that it was proposed to make a deportation order in respect of him and he was given the following options: to leave the State before the Minister decided whether to make a deportation order in respect of him; to consent to the making of a deportation order in respect of him; or to make written representations within 15 working days to the Minister for Justice, Equality and Law Reform setting out reasons as to why he should not be deported, that is, why he should be allowed to remain temporarily in the State.

His case will be considered in due course under section 3 of the Immigration Act 1999 as amended, and section 5 of the Refugee Act 1996, prohibition of *refoulement*. All representations received from, or on behalf of the person concerned, will be taken into consideration in reaching a decision in his case.

412. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform the status of a person (details supplied) in County Kilkenny; and if a decision in this case will be expedited. [30997/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question arrived in the State on 28 March 2002 and claimed asylum. His application was refused following consideration of his case by the Office of the Refugee

[Mr. McDowell.]

Applications Commissioner and on appeal by the Refugee Appeals Tribunal.

In accordance with section 3 of the Immigration Act 1999, as amended, the person was notified on 28 March 2003 that the Minister was proposing to make a deportation order in respect of him and he was given the following options: to make written representations within 15 working days to the Minister for Justice, Equality and Law Reform setting out the reasons why he should be allowed to remain in the State, to voluntarily leave the State or to consent to a deportation order. An application for leave to remain in the State was received from his legal representative on 10 April 2003.

Following consideration of his case under section 3 of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996, prohibition of *refoulement*, a deportation order was made in respect of him on 30 July 2004. The person concerned failed to report as requested to the Garda national immigration bureau and was recorded as having evaded deportation on 28 September 2004.

As an evader he is liable to arrest and detention under section 5 of the Immigration Act 1999, as amended, for the purposes of ensuring his removal from the State. The person who is the subject of this question would be best advised to present himself without delay to the Garda national immigration bureau for the purpose of making arrangements for his removal from the State.

413. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform when an interview will be arranged for a person (details supplied) in County Kilkenny relative to their application to stay here; the timeframe involved in the process; and if he will make a statement on the matter. [30998/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner, ORAC, and the Refugee Appeals Tribunal, RAT, which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted. While it is not practice to comment in detail on individual asylum applications, I have been informed that an interview will be scheduled by the ORAC for the applicant in question to take place at the end of January 2005.

414. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if a decision will be expedited in the case of a person (details supplied) in County Kilkenny. [30999/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Question No. 492 of 19 October 2004.

On 2 November 2004, representations were received on behalf of the person concerned. This person's case file will now be considered taking account of section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996, prohibition of *refoulement*. The file will be submitted to me for decision shortly and the person concerned will then be informed of the outcome

415. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform the length of time it will take to reach a decision in the case of a person (details supplied) in County Kilkenny; and if a decision will be expedited. [31000/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Under the Refugee Act 1996, two independent statutory offices were established to consider applications or appeals for refugee status and to make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted. These two offices are the Office of the Refugee Applications Commissioner, which considers applications for a declaration as a refugee at first instance, and the Refugee Appeals Tribunal which considers applications for a declaration at appeal stage. A final decision will be made in this case upon receipt of the recommendation of the Refugee Applications Commissioner.

Garda Recruitment.

416. **Mr. Cregan** asked the Minister for Justice, Equality and Law Reform if he will report on his recent announcement regarding extra recruitment of gardaí and changes in the necessity for practical use of the Irish language; if teaching of Irish and the encouragement of its use in Templemore will continue at existing levels for the generality of gardaí; if exceptions will be strictly limited; and if the use and knowledge of Irish will remain a requirement rather than an option for the force in general. [31001/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In the light of the Government's recent decision to approve my proposal to increase the strength of the Garda Síochána to 14,000, I have taken the opportunity to ask the Garda Commissioner to review the eligibility criteria for entry to the force. This is an opportune time to ensure that the criteria for entry meet the needs of the Garda Síochána and the society it serves.

One particular aspect which the Commissioner has already studied is the maximum age of entry to the Garda Síochána. On foot of this, the Government has now approved the Commissioner's proposal to increase the maximum age of entry to the Garda Síochána from 26 years of age

to 35 years of age. This is reflected in the recruitment campaign advertised. There are no other changes to the eligibility criteria for entry to the Garda Síochána as far as the current competition is concerned. The educational requirements with regard to the Irish language remain in place.

As stated previously, it is right that future intakes of recruits to the Garda Síochána should as far as possible reflect the composition of Irish society and I am anxious to see if there are any possible changes to the existing criteria which might facilitate recruitment from different ethnic backgrounds in our community. With this in mind, I have asked the Commissioner, as part of his overall review of the entry requirements for the Garda Síochána, to examine whether any of the existing eligibility criteria militate, however indirectly, against the recruitment of members from ethnic communities in Ireland.

One of the eligibility criteria which could benefit from review in this regard is the requirement for entrants to have an educational qualification in Irish but there may be others which could impact on entrants from ethnic communities. Perhaps there may also be issues not specifically related to entry or eligibility but which might equally raise issues for certain communities. I have, therefore, asked the Commissioner to consult appropriately with representatives of the immigrant community in this regard in the context of his review of the eligibility criteria for entry to the force.

Whatever new arrangements might be put in place in respect of the Irish language specifically in the future, it will continue to have an important place in the Garda Síochána, and everyone who wishes to must be able to communicate with the force through our native language. In this regard, the Garda Síochána has a strong commitment to delivering a service through Irish. Proficiency in Irish is strongly promoted within the force and that will continue to be the case.

Asylum Applications.

417. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform when a decision will be made in the case of a person (details supplied); and if he will make a statement on the matter. [31021/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question arrived in the State on 31 July 2003 and claimed asylum. The Office of the Refugee Applications Commissioner recommended that he should not be declared as a refugee and he was notified of this recommendation on 11 March 2004. He then appealed this recommendation to the Refugee Appeals Tribunal. Following an oral hearing, the original recommendation was affirmed and he was informed of this decision on 24 June 2004.

In accordance with section 3 of the Immigration Act 1999, as amended, the person con-

cerned was informed on 15 October 2004 that it was proposed to make a deportation order in his case. He was given the options of making representations within 15 working days setting out the reasons he should not be deported, leaving the State voluntarily before an order was made or consenting to the making of a deportation order. On 8 November 2004, representations requesting humanitarian leave to remain in the State were received from the legal representatives of the person concerned.

This person's case file will be considered taking account of section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996, which deals with prohibition of *refoulement*. The file will be submitted to me for decision in due course and the person concerned will then be informed of the outcome.

Garda Stations.

418. **Mr. Collins** asked the Minister for Justice, Equality and Law Reform the cost of and the position regarding the completion of the new Abbeyfeale Garda station; if the station will have the facility of the new PULSE computer system; and if he will make a statement on the matter. [31037/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Office of Public Works that the new Garda station in Abbeyfeale will be completed next month. I understand that the cost of the station will be of the order of €1.2 million. I am also advised by the Garda authorities that the necessary internal communications infrastructure to cater for the PULSE system has been provided as part of the build. A decision to extend on-line access of PULSE to the station will be taken in the context of the Garda information and communications technology strategy currently under preparation in the Garda Síochána.

Residency Permits.

419. **Ms Fox** asked the Minister for Justice, Equality and Law Reform if he will investigate the delay in the case of a person (details supplied). [31051/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for permission to remain in the State based on marriage to an Irish national was received from the person concerned in August 2003. Applications of this type are dealt with in chronological order and take approximately 16 months to process.

420. **Ms Fox** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the unsatisfactory delays in the processing of applications for residency, the lack of communication or information from this section of his Department and the hardship it is

[Ms Fox.]
causing many of the applicants; and if he plans to reform this system. [31052/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand that the focus of the Deputy's question is permission to remain in the State on the basis of marriage to an Irish national.

There is an ongoing increase in the number of applications of the type referred to by the Deputy. There were 156 in 2001 and 271 in 2003. The number of applications received for residency based on marriage to an Irish national for the year to date to 31 October is 287. Applications of this type are dealt with on a strict chronological basis and are taking approximately 16 months to process. The resources allocated to process such applications are dependent on the prioritised work requirements of the immigration division of my Department at any one time.

The Deputy will appreciate that the huge increase in the number of non-nationals present in the State in recent times is reflected in the demand for the services of the immigration and citizenship division. My Department is undergoing a review of the resources available in the immigration and asylum areas with a view to redeploying staff to areas most affected by these delays. It should be noted that all applications are acknowledged at the time of receipt and requests are made for documents when the claim is to be further processed.

Child Care Services.

421. **Ms M. Wallace** asked the Minister for Justice, Equality and Law Reform the plans under consideration with regard to development of the child care facilities at a centre (details supplied) as part of the direct provision programme to address the needs of the 100 pre-school children who have no pre-school service; and if he will make a statement on the matter. [31067/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In April 2003 a crèche-pre school facility was established at the centre in

question by the Daughters of Charity, the North Eastern Health Board and the proprietor. The facility caters for three groups of children: a baby group, which is aimed at infants between one and two years of age; a toddler group, which is aimed at children between two and three years of age; and a pre-school, which is aimed at children above three years of age.

The facility provides services for 109 children. Two sessions operate from Monday to Thursday, while a morning session operates on a Friday. Each child enrolled is entitled to three sessions per week. In September a new room was opened and two additional staff were recruited to cater for the baby group and there are now six members of staff and a manager providing the crèche-pre school service. In addition to the crèche-pre school facility, a homework club is provided for children of primary school age. The club operates between 3 p.m. and 5 p.m. from Monday to Thursday and caters for children from the age of six to 12 years. At present, 61 children are enrolled in the club which has 16 staff members who consist, in the main, of volunteers.

The Reception and Integration Agency, which is responsible for the provision of accommodation and ancillary services to asylum seekers, reviews the services provided at all centres on an ongoing basis with a view to improving them where possible and the further improvement of services at the centre in question will be considered in that context.

Garda Deployment.

422. **Mr. S. Ryan** asked the Minister for Justice, Equality and Law Reform the number of gardaí deployed in Garda stations (details supplied) for each year from 2000 to 2004. [31071/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities responsible for the detailed allocation of resources including personnel that the personnel strength of the stations referred to by the Deputy as at 1 January for the years 2000 to 2003, inclusive, and as at 26 November 2004, are as set out in the following table:

| Station | 2000 | 2001 | 2002 | 2003 | 2004 |
|----------|------|------|------|------|------|
| Drogheda | 91 | 90 | 89 | 89 | 91 |
| Dundalk | 99 | 97 | 99 | 96 | 102 |
| Ennis | 79 | 79 | 78 | 79 | 84 |
| Tralee | 78 | 80 | 85 | 86 | 83 |
| Kilkenny | 56 | 62 | 66 | 64 | 65 |
| Sligo | 109 | 114 | 113 | 115 | 119 |
| Navan | 47 | 45 | 44 | 47 | 47 |
| Carlow | 44 | 46 | 46 | 51 | 53 |
| Naas | 76 | 74 | 76 | 78 | 78 |
| Wexford | 69 | 66 | 70 | 68 | 68 |
| Athlone | 46 | 47 | 49 | 46 | 47 |
| Malahide | 39 | 44 | 43 | 43 | 44 |

| Station | 2000 | 2001 | 2002 | 2003 | 2004 |
|------------|------|------|------|------|------|
| Balbriggan | 32 | 32 | 32 | 35 | 34 |
| Swords | 49 | 52 | 54 | 57 | 69 |
| Skerries | 10 | 11 | 11 | 10 | 11 |
| Killarney | 41 | 42 | 48 | 48 | 46 |
| Portlaoise | 102 | 99 | 99 | 99 | 101 |

With regard to Garda resources generally, I am 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.

The additional resources will be targeted at the areas of greatest need, as envisaged in the programme for Government. The programme identifies, in particular, areas with significant drugs problems and a large number of public order offences but it will be possible to address other priorities as well, such as the need to very significantly increase the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. I have already promised that 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.

There will be an intake of almost 1,100 new recruits per year in each of the next three years. The advertisement campaign for this first tranche of 1,100 recruits was launched on Thursday, 25 November 2004.

Crime Levels.

423. **Mr. Coveney** asked the Minister for Justice, Equality and Law Reform the steps he can take to rectify the situation of crime going unreported, due the Garda not having the manpower to follow up on minor crimes. [31087/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): While there are general claims of underreporting of crime, there is no evidence that the level of underreporting now is any greater than in the past or that the proportion of unreported crime in Ireland is any greater than in other jurisdictions. The problems of unreported and unrecorded crime are well documented in the international criminological literature and are in no way unique to this country. Furthermore, the introduction of PULSE has improved the accuracy and comprehensiveness of Garda statistics such as, for example, the system demands that incidents now have to be recorded before particular actions can be taken.

Steps are, however, being taken to obtain a more accurate estimate of the level of victimisation in Ireland. Following a recommendation of the National Crime Council, the Government has agreed that crime victimisation surveys should take place. Following the submission to me in July of its report by the expert group on crime statistics, I decided that the Central Statistics Office should take over the carrying out of these surveys. As a result of these surveys, we will have a greater understanding as to why some victims chose not to report cases to the Garda and what we can do with regard to reduce the level of under-reporting.

I am informed by the Garda authorities that there are sufficient measures in place to facilitate the reporting of all offences. These measures include 999 emergency calls, phone calls and visits to Garda stations and the availability of gardaí on mobile and beat patrols.

With regard to Garda resources generally, I am pleased that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, thereby honouring the commitment in An Agreed Programme for Government 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.

The additional resources will be targeted at the areas of greatest need, as envisaged in the programme for Government. The programme identifies, in particular, areas with significant drugs problems 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 law enforcement duties. I have already promised that the additional gardaí will not be put on administrative duties but will be put directly into frontline, operational, high-visibility policing.

There will be an intake of almost 1,100 new recruits per year in each of the next three years. The advertisement campaign for this first tranche of 1,100 recruits was launched on Thursday, 25 November 2004.

Juvenile Offenders.

424. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform when or the circum-

[Mr. Carey.]
stances in which it is proposed to reactivate a juvenile justice project (details supplied); and if he will make a statement on the matter. [31088/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Garda youth diversion projects — formerly Garda special projects — are funded by my Department. They are a crime prevention initiative designed to engage with young people who have been identified as being at risk of involvement in criminal or anti-social behaviour. Each project is managed by a multi-agency and community-based committee, which is responsible for the strategic direction of the project.

In June 1991, the Ballymun action youth project was established under the acronym BAY. The community-based committee established a limited company, trading as BAY Limited, to act as a management agency to manage the project. In February 2003, this limited company was wound up and the project closed. The community relations section, in conjunction with local Garda management and in the context of available resources, is currently considering the establishment of a new Garda youth diversion project in the Ballymun area.

Residency Permits.

425. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if convictions for drugs and other offences against non-nationals who are at the time applying for residency in this State are considered when determining the applications; and if he will make a statement on the matter. [31093/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): All relevant circumstances, including convictions, representations and papers associated on a persons file, are considered in determining an application from a non-national to reside in the State. Only having considered all matters will a final decision be made.

Registration of Title.

426. **Mr. Connaughton** asked the Minister for Justice, Equality and Law Reform the position regarding an application by a person (details supplied) in County Galway; and if he will make a statement on the matter. [31098/04]

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, that is, acquisition of title by virtue of long possession, under the Registration of Title Act 1964, which was lodged on 20 February 2004. Dealing No. D2004GY002131W refers.

I understand that, 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. Accord-

ingly, it is not possible to estimate a completion date at this stage. I am further informed that the application is receiving attention in the Land Registry and will be completed as soon as possible.

Asylum Applications.

427. **Ms Enright** asked the Minister for Justice, Equality and Law Reform the position regarding an application for voluntary repatriation by persons (details supplied) in County Offaly; and if he will make a statement on the matter. [31099/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The persons in question arrived in the State on 3 April 2003 and claimed asylum. Their applications were refused following consideration of their cases by the Office of the Refugee Applications Commissioner and on appeal by the Office of the Refugee Appeals Tribunal.

In accordance with section 3 of the Immigration Act 1999, as amended, these persons were notified on 9 November 2004 that the Minister was proposing to make deportation orders in respect of them and they were given the following options: to make written representations within 15 working days to the Minister for Justice, Equality and Law Reform setting out reasons they should be allowed to remain in the State; to voluntarily leave the State; or to consent to a deportation order. An application to voluntarily repatriate with practical assistance from the International Organisation for Migration, IOM, was made on 21 October 2004. This application was received by my Department on 26 October 2004. The persons concerned have been approved to voluntarily repatriate to their country of origin. IOM will shortly make arrangements for their departure from the State.

Road Traffic Offences.

428. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform if the computerisation of the penalty points system will be completed by the end of 2004; and if he will make a statement on the matter. [31100/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am advised by the Garda authorities that a live pilot of the fixed charge processing system, which commenced on 30 June last, has been successfully completed. Before nationwide roll-out of the system can take place, legislation to enable the outsourcing of the collection of payments is required to be enacted. This is provided for in the Road Traffic Bill 2004 which is being urgently progressed through the Dáil by the Minister for Transport. In the interim and to maintain the momentum gained from the pilot system, the Garda authorities have decided to extend the system to the Dublin metropolitan

region and this was implemented on 22 November last.

When the necessary legislation is enacted and the requisite systems and procedures to enable outsourced collection of payments, including training of counter staff etc. are in place, nationwide roll-out of the system can take place. This will be done as quickly as possible and in this regard plans are already well advanced. Subject to the legislation being enacted in the current Dáil term, I am advised by the Garda authorities that roll-out will commence early in 2005.

Asylum Applications.

429. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if he will consider giving the right to work to asylum seekers whose applications have not been processed within six months of arrival here. [31110/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Question No. 308 of 9 November. The position remains unchanged and it is not proposed to allow asylum applicants to take up paid employment pending a final decision being made on their applications.

There are a number of key reasons I believe that the current policy in respect of access to work by asylum seekers should not be changed. Section 9 (4)(b) of the Refugee Act 1996, as amended, provides, *inter alia*, that an applicant for asylum shall not seek or enter employment. It must also be borne in mind that, under the 1996 Act, asylum seekers only have temporary permission to remain in the State pending the determination of their applications. However, we must face the fact that, despite its humanitarian purpose, people seek protection under the 1996 Act — which gives effect to the State's obligations under the 1951 Geneva Convention — for the purpose of avoiding legitimate immigration controls to gain a foothold in the State for economic reasons. Similar trends have been experienced by other EU states.

I am convinced that any extension of the right to work arrangement would greatly undermine the considerable progress that has been made in respect of asylum processing arising from the Government's asylum strategy which has resulted in more speedy decisions in relation to applications for refugee status. The continued momentum in processing timescales for asylum applications has resulted, for example, in a situation where prioritised applications receive an interview and decision at first instance within six weeks of application and timescales for considering appeals have also been reduced considerably. The number of applications over six months in the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal at the end of October 2004 stood at 1,396 as com-

pared to some 6,500 at the end of September 2001.

Extending the right to work would have a negative impact on asylum numbers, as was experienced in the aftermath of the July 1999 decision to do so. The immediate effect of that measure was a threefold increase in the average number of applications per month leading to a figure of 1,217 applications in December 1999, compared with an average of 364 per month for the period January to July 1999. Any significant increase in applications would also have a negative impact on our capacity to accommodate asylum applicants while they are awaiting a determination of their claims. As things stand at the moment, the ongoing provision of services to meet the reception, health, welfare and accommodation needs of asylum seekers is an enormous challenge for all the State agencies who work in this area. The total cost to the Exchequer of the provision of services to asylum seekers was approximately €353 million in 2003.

Any proposal to grant asylum seekers access to the labour market would also undermine the current and effective work permit system which provides a comprehensive channel for legal migration to the State. It would further widen the gap in a negative manner in terms of reward between those who access the labour market legally through the work permit and visa channels and those who simply abuse the asylum process to gain entry.

It is a well established fact that those engaged in trafficking and those seeking to access the labour market without going through the appropriate legal channels are very quick to identify any perceived attractiveness of a country as a preferred or easily accessed destination. It is clear from the profile of applicants and the results of the determination process that a significant number of people have sought asylum in Ireland with a view to seeking work. Many people are already working illegally. It is my strong belief that any extension of the right to work along the lines proposed by the Deputy would be portrayed abroad by people traffickers to potential victims as a cast iron guarantee of a right to work.

I firmly believe that the greatest service we can provide to those who should be recognised as refugees is to ensure that their claims are decided speedily and that nothing is done which undermines this policy priority by attracting large numbers of non-genuine applicants to the detriment of genuine applicants. The structures in place provide the State with an asylum system that meets the highest international standards and fulfils our international obligations under the Geneva Convention to those seeking asylum. Overloading the process with large numbers of new applicants who come here under the misguided expectation that they will be able to work would be totally contrary to these obligations and

[Mr. McDowell.]
could completely negate the major investment in effort, time and resources which has gone into bringing our overall strategy to its current status.

Residency Permits.

430. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if he will consider granting residency rights to non-Irish parents with children born here who had applied for residency prior to the Supreme Court decision of January 2003. [31111/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Following the Supreme Court decision in the case of L & O in January 2003, the separate procedure for considering residency applications based solely on parentage of an Irish-born child ceased on 19 February 2003. As regards outstanding claims to reside in the State on the basis of parentage of an Irish-born child, and future claims for leave to remain in the State from the non-national parents of Irish-born children, the Government decided that every such case would be examined and decided individually. A notice to this effect was published on 18 July 2003.

The amendment to the Constitution following the June referendum has allowed the Oireachtas to deal with the issue of citizenship for children of non-national parents. The Irish Nationality and Citizenship Bill 2004 is before the House. Until that legislation is enacted and commenced, the situation on the ground will remain unchanged. Any person born in Ireland is still entitled to Irish citizenship. This continues to be an attraction to persons, with no link to Ireland, to seek to come to Ireland to acquire Irish and EU citizenship for their children. In these circumstances, it would be inappropriate for any change in procedures to be introduced in advance of the establishment of legislation as envisaged by the recent referendum. I have no plans for dealing with all cases on a collective statutory basis. Each case will be dealt with individually.

I indicated at a recent meeting of the Joint Committee on Justice, Equality, Defence and Women's Rights that I will in the near future make public my approach to the resolution of the issues raised in their cases. I have indicated the approach I will take will be on the basis of decency, pragmatism and common sense.

431. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if he will consider granting residency rights to persons who have been waiting more than two years for a decision on their asylum application. [31112/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I do not propose to grant residency rights to persons who have been waiting

more than two years for a decision on their asylum application.

I am convinced that the granting of what would effectively be an amnesty for certain asylum seekers would greatly undermine the considerable progress which has been made in respect of asylum processing arising from the Government's asylum strategy which has resulted in more speedy decisions in relation to applications for refugee status. The continued momentum in processing timescales for asylum applications has resulted, for example, in a situation where prioritised applications receive an interview and decision at first instance within six weeks of application and timescales for considering appeals have also been reduced considerably.

Every effort continues to be made to ensure that the number of applications over six months in the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal is reduced on an ongoing basis. That our strategy in this regard is successful is evidenced by the fact that at the end of October 2004, the number of applications over six months in both these offices stood at 1,396 as compared to 6,500 at the end of September 2001.

Asylum Applications.

432. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if he will consider granting to asylum seekers, who do not qualify for recognition as refugees but who are in need of protection, leave to remain on humanitarian grounds. [31113/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): All applications for asylum in the State 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 contained 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.

Two independent statutory offices were established to consider applications-appeals for refugee status. These two offices are the Office of the Refugee Applications Commissioner, which considers applications for refugee status at first instance, and the Refugee Appeals Tribunal, which considers appeals from negative recommendations of the commissioner. Decisions on asylum applications are made by the Minister for Justice, Equality and Law Reform upon receipt

of the recommendation-decision of the Refugee Applications Commissioner or the Refugee Appeals Tribunal.

In accordance with section 3 of the Immigration Act 1999, as amended, a person who has failed the asylum process and who has been refused refugee status in the State is informed in writing that it is proposed to make a deportation order in respect of him or her and he or she is given the following options: to make written representations within 15 working days to the Minister for Justice, Equality and Law Reform setting out reasons he or she should not be deported; to voluntarily leave the State; or to consent to deportation.

Following consideration of each case under section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996 — which deals prohibition of *refoulement* — a decision is taken whether to deport or to grant temporary leave to remain in the State. Section 3(6) of the Immigration Act 1999, as amended, requires the Minister to consider 11 factors, including representations received by or on behalf of the person, family and domestic circumstances, employment prospects etc., in deciding whether to make a deportation order or to grant temporary leave to remain in the State. Section 5 of the Refugee Act 1996 requires the Minister to satisfy himself as to the safety of returning a person, taking into account protection issues other than those as specified above, before making a deportation order.

Closed Circuit Television Systems.

433. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform, further to Question No. 141 of 25 March 2004, if he is in a position to furnish the information requested; and if he will make a statement on the matter. [31127/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The code of practice for the operation of the community based CCTV scheme has been drawn up by my Department in co-operation with the Office of the Data Protection Commissioner. Detailed technical specifications have been drawn up by the Garda Síochána and are under consideration by officials in my Department.

I expect that both the code of practice and the technical specifications will be finalised by my Department in the coming weeks. At that stage, copies of same, will issue to all communities and organizations who have expressed an interest in the community -based CCTV scheme. Any applications subsequently received will be evaluated and processed in accordance with the conditions set out in the prospectus.

Garda Deployment.

434. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform further to Question No. 1135 of 29 September 2004, when he intends to address the vacancies in the Roscommon and east Galway division; and if he will make a statement on the matter. [31132/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities responsible for the detailed allocation of resources, including personnel, that two gardaí are due to be allocated to fill the vacancies in the divisional traffic unit at Roscommon Garda station with effect from 8 of December 2004.

With regard to Garda resources generally, I am pleased that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, thereby honouring the commitment in An Agreed Programme for Government 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.

The additional resources will be targeted at the areas of greatest need, as envisaged in the programme for Government. The programme identifies, in particular, areas with significant drugs problems 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 duties as part of the new Garda traffic corps. I have already promised that the additional gardaí will not be put on administrative duties. They will be put directly into frontline, operational, high-visibility policing and will have a real impact.

There will be an intake of almost 1,100 new recruits per year in each of the next three years. The advertisement campaign for this first tranche of 1,100 recruits was launched on Thursday, 25 November 2004.

Proposed Legislation.

435. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform, further to Question No. 1055 of 29 September 2004, if he will report on the issue; the plans he has to introduce a family law Bill; and if he will make a statement on the matter. [31133/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As stated in my previous reply, a range of issues was discussed with this group, which represents unmarried and separated

[Mr. McDowell.]

fathers. I will list the developments that have taken place.

In accordance with a commencement order, SI 544 of 2004, which I made on 20 September, section 40 of the Civil Liability and Courts Act 2004, which deals with proceedings heard otherwise than in public, will come into operation on 31 March 2005. The issue of enforcement of access rights was raised with the Garda authorities and it has been confirmed to me that it is being addressed by the Garda Síochána.

I recently established a working group to examine the current level of legal fees and costs arising in civil litigation and the system and arrangements in place relating to the taxation of costs. The group is due to report to me by the end of April 2005.

With regard to the recording of family law proceedings, the position is that the question of audio taping cases in the Circuit Court and the District Court is being examined at present. While this project will be focused initially on criminal cases in the Circuit Court and Central Criminal Court, the question of family law cases will be examined in conjunction with this project. Recommendations requiring legislative change made by the group will be looked at in the context of a family law Bill which I hope to introduce during 2005.

Official Languages Act 2003.

436. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform the amount which has been spent by his Department in 2004 in regard to implementing the provision of the Official Languages Act, 2003; and if he will make a statement on the matter. [31149/04]

437. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform the amount which has been spent by public bodies or agencies funded by her Department in 2004 relating to the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [31164/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 436 and 437 together.

Each business unit within my Department and each public body and agency funded by my Department is responsible for ensuring that it carries out its functions in accordance with the Official Languages Act 2003. Expenditure incurred in 2004 in meeting this obligation is included as part of the overall administrative and operational costs incurred under the various subheads of the budgets concerned.

Official Engagements.

438. **Mr. J. O'Keefe** asked the Minister for

Justice, Equality and Law Reform the number of press conferences, launches and other media events which have been held or organised by his Department since 1 January 2004; the cost of these events to date, if available; if not, the estimated amount spent on these events to date; and if he will make a statement on the matter. [31339/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Since 1 January 2004 to date, my Department has held or organised 17 press conferences, launches and other media events. The estimated total cost to my Department is approximately €6,500. A number of press conferences relating to Ireland's Presidency of the European Union were also held. The majority of these press conferences took place in Brussels and Luxembourg, after Justice and Home Affairs Councils, with no cost to the Irish State. A number of press conferences were also held in Dublin Castle and, as a consequence, only incidental costs arose in respect of these events.

Residency Permits.

439. **Ms Enright** asked the Minister for Justice, Equality and Law Reform when a habitual residency application for a person (details supplied) in County Offaly will be processed; and if he will make a statement on the matter. [31341/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An e-mail query was received in the immigration division of my Department from the person in question concerning her status in the State. A reply issued to her in May 2004 requesting documentation. There is no record of a response to this request. The immigration division has again been in contact with the person concerned requesting documentation. On receipt of same, her case will be fully considered.

Juvenile Offenders.

440. **Mr. M. Smith** asked the Minister for Justice, Equality and Law Reform the resources being dedicated to the Garda youth division project; if he will proceed with an application under the auspices of Roscrea 2000 in this vital area; and if he will make a statement on the success of this project in targeting youth at risk between the ages of 11 and 15 years. [31367/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Garda youth diversion projects are a community-based, multi-agency crime prevention initiative which seek to divert young persons from becoming involved or further involved in anti-social and or criminal behaviour by providing suitable activities to facilitate personal development, promote civic responsibility and improve long-term employability prospects. By doing so, the projects also contribute to improving the quality of life within communities and

enhancing Garda-community relations. I am strongly committed to their continuing development and, as resources permit, their expansion.

The number of projects has grown from 12 in 1997 to 64 at present, a process made possible, in part, by funding under the National Development Plan 2000-2006. The locations of new projects were, decided upon by the Garda authorities in conjunction with my Department.

I am informed by, the Garda authorities that an application for the establishment of a Garda youth diversion project in Roscrea has been received. Proposals made by the Garda Síochána to my Department on establishing further projects are examined within the context of available resources. The possibility of funding of further projects in the future in the light of prevailing budgetary conditions will remain under review.

Garda Stations.

441. **Mr. Stagg** asked the Minister for Justice, Equality and Law Reform his views on whether it is a satisfactory position that the town of Kilcock, County Kildare, only has a local Garda station from 10 a.m. to 1 p.m. six days per week, and outside of these hours the nearest contact is Ashbourne, County Meath, 20 miles from Kilcock; if Garda deployment will be increased in Kilcock and transfer the Kilcock area from the Louth-Meath division to the Carlow-Kildare division where there would be a better outside response time; and if he will make a statement on the matter. [31379/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In the time available for answering parliamentary questions it has not been possible to compile the information necessary to respond to the Deputy. This information is being compiled at present and I will issue a reply to the Deputy shortly.

Visa Applications.

442. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the reason an application for a visa for a person (details supplied) in County Kildare to visit their child and family here, in view of the fact that their grandchild is very sick, was refused; and if he will make a statement on the matter. [31380/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In assessing any visa application, the visa officer will consider various matters, including whether it is reasonable in all the circumstances to conclude that the applicant would fully honour the conditions of the visa, for example, it is unlikely applicant would overstay the length of time applied for. The visa officer will also have regard to information provided and to such factors as the applicant's ties and general circumstances in their country of origin. The

application in question was refused because the visa officer could not reasonably be satisfied, on the basis of the documentation supplied to my Department, that the applicant would observe the conditions of the visa applied for. In particular, it was felt that the applicant had not displayed evidence of her obligations to return home following the proposed visit.

Criminal Prosecutions.

443. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform the number of persons who have been convicted of having drugs with a value of €12,700 or above since the introduction of section 5 of the Criminal Justice Act 1999; the number of persons that have received a ten-year sentence under section 5 of this Act; and if he will make a statement on the matter. [31381/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The provision of mandatory sentencing for drug trafficking offences was introduced under section 5 of the Criminal Justice Act 1999. This provision became law on 26 May 1999 and provides, subject to certain conditions, for a mandatory minimum sentence of ten years' imprisonment for persons convicted of a drug trafficking offence, where the value of the drugs are €13,000 or more.

I have been informed by the Garda authorities that in the period between the introduction of this provision and 29 November 2004, a total of 229 persons have been prosecuted. Of these, 22 persons have received a sentence of ten years or more.

I am satisfied that the provision of the 1999 Act is being implemented by the courts. However, I am considering whether improvements could be made to the provision to strengthen its effect. In this respect I am considering bringing forward proposals to strengthen the provision by way of Committee Stage amendments to the Criminal Justice Bill 2004.

Closed Circuit Television Systems.

444. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the plans he has to provide closed circuit televisions in towns in County Kildare; the meetings he has had with the local authority to discuss such proposals; and if he will make a statement on the matter. [31404/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am advised by the Garda authorities that an offer in principle was made by Naas Town Council to fund a CCTV system from its own resources and to be monitored from Naas Garda station. Similar offers of CCTV systems have been received from a number of statutory and other bodies throughout the country, as well as offers to fund additional cameras for incorporation into Garda CCTV systems.

[Mr. McDowell.]

I have been informed by the Garda authorities that the monitoring and use of privately funded CCTV cameras in Garda stations and as part of Garda CCTV systems has been thoroughly considered by the CCTV advisory committee and I understand that a recommendation on this matter was forwarded to the commissioner. Further to this recommendation I am advised that a comprehensive policy document, detailing the proposed procedures regarding the acceptance of third-party cameras, was prepared and is being carefully considered by the commissioner. Upon receipt of the commissioner's views, I expect to be in a position to decide on this matter.

I am also advised that entities such as chambers of commerce, local authorities and various community groups in Athy, Celbridge, Kill, Maynooth, Naas and Prosperous, have expressed interest in my Department's community-based CCTV scheme. The code of practice for the operation of the community-based CCTV scheme has been drawn up by my Department in co-operation with the Office of the Data Protection Commissioner. Detailed technical specifications have been drawn up by the Garda Síochána and are currently under consideration by officials in my Department.

I expect that both the code of practice and the technical specifications will be finalised by my Department in the coming weeks. At that stage copies of same will issue to all communities and organisations who have expressed an interest in the community-based CCTV scheme. Any applications subsequently received will be evaluated and processed in accordance with the conditions set out in the prospectus.

Legal Fees.

445. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the composite amount paid to lawyers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the amount paid from 1 January 2004; and if he will make a statement on the matter. [31887/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In the time available for answering parliamentary questions it has not been possible to compile the detailed information requested by the Deputy. The information sought is being compiled at present and I will forward it to the Deputy as soon as it is available.

446. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the ten highest composite figures paid to barristers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during

2003; the ten highest figures paid from 1 January 2004; the names of the barristers; and if he will make a statement on the matter. [31901/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In the time available for answering parliamentary questions it has not been possible to compile the detailed information requested by the Deputy. The information sought is being compiled at present and I will forward it to the Deputy as soon as it is available.

Schools Building Projects.

447. **Mr. G. Mitchell** asked the Minister for Education and Science if he has received correspondence from a person of a school (details supplied) in relation to their concerns; if he has responded to the correspondence; the details of his reply, if he has satisfied himself that this fully responds to the issue raised; and if she will make a statement on the matter. [31329/04]

Minister for Education and Science (Ms Hanafin): A response issued to the e-mail referred to by the Deputy on 26 November 2004 outlining the present position. The building project for the school is at an advanced stage of architectural planning and the accommodation includes the provision of a sports hall. Officials of the school planning unit are nearing completion of a review of all building projects which did not proceed to construction as part of the 2004 school building programme including Coláiste Éanna. All building projects are being assessed against the published prioritisation criteria, agreed earlier this year with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

Schools Refurbishment.

448. **Dr. Upton** asked the Minister for Education and Science the position regarding an application for funding from schools (details supplied); and if assistance will be given to these schools urgently. [30984/04]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that the school in question has recently received notification of approval from my Department for the required works.

449. **Mr. Stanton** asked the Minister for Education and Science if her attention has been drawn to the need to expand a school (details supplied) in County Cork; her plans to assist the school; and if she will make a statement on the matter. [30985/04]

Minister for Education and Science (Ms Hanafin): My Department's school planning and

building unit is not in receipt of an application for capital funding towards the provision of an extension at the school to which the Deputy refers. However my Department is aware of potential housing development that is taking place in the area and expects that, in due course, such an application may be made by the school's management authority.

In considering such an application, the school planning section of my Department would consider all the relevant factors, including enrolment and demographic trends, housing developments and the extent of existing school provision in the area in order to determine the provision required for the future. A decision would then be taken on how best to meet emerging demand. The school authority has recently made an application for electrical upgrade works 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.

School Staffing.

450. **Mr. Stanton** asked the Minister for Education and Science if she has received an application for resource teacher assistance for a person (details supplied) in County Cork; if these extra hours can be made available; and if she will make a statement on the matter. [30986/04]

Minister for Education and Science (Ms Hanafin): My Department has sanctioned three hours resource teaching support for the pupil in question. A letter confirming this sanction issued to the school on 24 November 2004.

Schools Building Projects.

451. **Mr. Walsh** asked the Minister for Education and Science if she will approve the commencement of work on an extension to a school (details supplied) in County Cork; and if she will make a statement on the matter. [30987/04]

Minister for Education and Science (Ms Hanafin): The building project for the school referred to by the Deputy is at an advanced 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 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.

Computerisation Programme.

452. **Mr. Ring** asked the Minister for Education and Science when a laptop will be provided to a person (details supplied) in County Mayo. [30988/04]

Minister for Education and Science (Ms Hanafin): I am arranging for my officials to investigate the matter referred to by the Deputy and contact will be made with the school authorities in this regard.

Schools Building Projects.

453. **Mr. P. Breen** asked the Minister for Education and Science the status of a college (details supplied) in County Clare in her capital funding programme; if funding will be made available to deal with the overcrowding and lack of facilities at the school; and if she will make a statement on the matter. [30989/04]

Minister for Education and Science (Ms Hanafin): The application for an extension and refurbishment 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 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. I will be making further announcements on the school building programme in due course.

School Staffing.

454. **Mr. F. McGrath** asked the Minister for Education and Science if urgent assistance will be given to a school (details supplied) due to the threatened loss of one of its teachers; and the action she will take to facilitate this school. [31026/04]

505. **Mr. R. Bruton** asked the Minister for Education and Science if she will review the teacher allocation to a school (details supplied) in Dublin 11 which, since the enrolment date has increased its enrolment, has a planned intake which will see rising pupil numbers over the coming years, and will face very difficult class combinations if the appeal decision is upheld; and the number of teachers released in this academic year by the population dividend. [31525/04]

506. **Mr. Crowe** asked the Minister for Education and Science if she will intervene regarding an issue relating to a school (details supplied) in Glasnevin north where a teacher has been suppressed due to the fact that the school is two children short of the quota. [31532/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 454, 505 and 506 together.

The staffing of a primary school for a particular school year is determined by reference to the enrolment in the school on 30 September of the previous school year. This is in accordance with guidelines agreed between my Department and the education partners. The guidelines can only be deviated from where a school experiences rapid growth in its enrolment. In such cases, an additional post, referred to as a developing school post, may be sanctioned provisionally where the projected enrolment at 30 September of the school year in question equals or exceeds a specified figure. If the specified figure is not achieved on 30 September, sanction for the post is withdrawn. The enrolment in the school referred to by the Deputies on 30 September 2003 was 59 pupils, which warrants a staffing of principal plus two mainstream posts for the 2004-05 school year. On the basis of projected enrolments, a developing school post was approved provisionally. However, the required enrolment figure at 30 September 2004 was not achieved and accordingly sanction for the post was withdrawn.

To ensure openness in the teacher allocation system at primary level, an independent appeals board is now in place to decide on any appeals on mainstream staffing. The staffing of this school for the 2004-05 school year was considered by the appeals board on 21 October 2004. The board, having considered the appeal with regard to the criteria outlined in Department circular 19/02, was satisfied that a departure from the staffing schedule is not warranted in this case. The board of management of the school was notified of the decision of the appeals board on 21 October 2004. I am sure the Deputies will appreciate that it would not be appropriate for me to intervene in the operation of the independent appeals board. One hundred and thirty-two additional teaching posts were created as a result of the application of the mainstream staffing schedule for the current school year.

Schools Amalgamation.

455. **Mr. Ring** asked the Minister for Education and Science her plans for the future of a primary school (details supplied) in County Mayo; the reason this school is being amalgamated when parents do not want this; the further reason amalgamation is deemed necessary; the person who made this decision; and if she will make a statement on the matter. [31033/04]

Minister for Education and Science (Ms Hanafin): No final decision has been made on the future of the school to which the Deputy refers. Officials of my Department have been in correspondence with the patron and management authority of the school, regarding the possible

amalgamation of this school with two other schools in the area. Discussions are ongoing locally between the patron, the board and the school community about the issue of amalgamation. The final decision rests with the patron, subject only to my approval.

Special Educational Needs.

456. **Mr. M. Smith** asked the Minister for Education and Science the improvements undertaken by her in recent years to cater for children in primary schools with autism; and her proposals to enhance these programmes. [31076/04]

Minister for Education and Science (Ms Hanafin): Every effort is made to ensure that children with special educational needs, including children with autistic spectrum disorders, receive an education appropriate to their needs. Decisions regarding the most appropriate model of response in each particular case are based on the professionally assessed needs of the individual child.

Children who have been assessed as having special educational needs, including autism, have access to a range of special support services. The services range from special schools dedicated to particular disability groups, through special classes-units attached to ordinary schools, to placement on an integrated basis in ordinary schools, with special back-up supports. My Department's policy is to ensure the maximum possible integration of children with special educational needs into ordinary mainstream schools. Many children with such needs, including autism, are capable of attending mainstream schools on a fully integrated basis with the support, where necessary, of special resource teachers and-or special needs assistants.

Children with more severe disabilities are catered for in special schools which are dedicated to particular disability groups. There are currently 107 special schools in the country. These schools cater for children from four to 18 years of age and each school enjoys a significantly reduced pupil-teacher ratio and other staffing supports. For example, each class catering for a maximum of six pupils with autism will have a staffing of at least one teacher and two special needs assistants. Additional special needs assistant support is provided if deemed necessary. Special schools also receive increased rates of capitation funding.

Where placement in a special school is not considered necessary, children with special educational needs, including those with autism, can attend special classes attached to ordinary mainstream schools. All special autism classes enjoy the same increased levels of staffing and funding as are made available to the special schools. Children with autism attending special classes attached to ordinary schools may, where appropriate, be integrated into ordinary classes for

periods of the school day and, in that way, benefit from being able to socialise with their non-disabled peers. A total of 139 special classes for autism are in place in the primary system at present. Further special classes for autism may be established nation-wide, as appropriate. While children are awaiting a suitable educational placement, my Department may sanction home tuition as an interim measure, if appropriate. The following dedicated resources are now deployed to support children with special educational needs, including those with autism, in the primary system: — more than 2,600 resource teachers — up from 104 in 1998; — more than 1,500 learning support teachers — up from 1,302 in 1998; — more than 1,000 teachers in special schools; — more than 600 teachers in special classes; — more than 5,000 special needs assistants — up from 300 in 1998; — more than €30 million on school transport for special needs pupils; and — more than €3 million towards specialised equipment and materials — up from €0.8 million in 1998.

To appreciate the scale of improvement in the provision of resources to primary schools for special needs, it is worth reflecting on the fact that, at approximately 10,700, the number of adults providing services to children with special educational needs in primary schools today equates to more than half of the 21,100 primary teaching force in 1998.

My Department is continuing to develop the network of special educational provision for children with autism. The extent of progress can be measured from the fact that, since 1998, when autism was first recognised as a distinct special educational need, the number of dedicated facilities that have been developed is as follows: — eight pre-school classes for children with autism; — 134 special classes for children with autism attached to special schools and mainstream schools; — five special classes for children with Asperger's syndrome; and — eight autism facilities, some of which are providing an applied behavioural analysis model, ABA, of response to children with autism.

Another major landmark in the development of autism specific services was the joint launch last month by my predecessor and the Minister with responsibility for education in Northern Ireland of the Middletown Centre for Autism. This marked the successful completion of the purchase of the former St. Joseph's Adolescent Centre, Middletown, on behalf of the Department of Education in the North and the Department of Education and Science in the South. Both Departments plan to refurbish the property to meet the needs of a centre of excellence for children and young people with autism throughout the island of Ireland. The centre will be dedicated to improving and enriching the educational opportunities of children and young people with autistic spectrum disorders.

Four key services will be provided by the centre: a learning support service on a residential basis; an educational assessment service; a training and advisory service, and; an autism research and information service.

I believe that the steps taken in recent years and those currently in hand represent significant progress in the development of services for children with autism. However, I fully recognise that further progress is required and my Department in consultation with parents and existing service providers will seek to ensure that the recent rate of development is maintained.

Schools Refurbishment.

457. **Mr. M. Smith** asked the Minister for Education and Science if a grant to aid a school (details supplied) will be expedited. [31077/04]

Minister for Education and Science (Ms Hanafin): The management authority of the school to which the Deputy refers recently made an application for roof replacement and upgrade of toilet facilities under the summer works scheme 2005. All applications for the 2005 scheme will be considered in the school planning section of my Department and it is planned to publish the list of successful applicants early in the new year. Grant aid of €9,471 was provided to the school authority last month from my Department's contingency fund for the replacement of a boiler.

Schools Building Projects.

458. **Mr. M. Smith** asked the Minister for Education and Science if she will review the costings in respect of the extension to a school (details supplied) in County Offaly in view of the substantial shortfall in finances; and if she will increase the allocation under the pilot schools building programme to alleviate the hardship caused in this case. [31078/04]

Minister for Education and Science (Ms Hanafin): As part of the expansion of the devolved scheme for primary school building works a grant of €350,000 was sanctioned to enable the management authorities of the school in question to provide additional accommodation. The initiative allows boards of management to address their accommodation and building priorities with a guaranteed amount of funding and gives boards of management control of the building project.

My Department does not intend increasing the amount of the grant offered to the school. This is because a central tenet of the devolved scheme is that the school, granted discretion and funding, must equally accept responsibility for prioritisation, control of costs, and ensuring value for money.

459. **Mr. M. Smith** asked the Minister for Education and Science if she will review the costings in respect of the extension to a school (details supplied) in County Tipperary in view of the substantial shortfall in finances; and if she will increase the allocation under the pilot schools building programme to alleviate the hardship caused in this case. [31079/04]

Minister for Education and Science (Ms Hanafin): As part of the expansion of the devolved scheme for primary school building works a grant of €275,000 was sanctioned to enable the management authorities of the school in question to provide additional accommodation. The initiative allows boards of management to address their accommodation and building priorities with a guaranteed amount of funding and gives boards of management control of the building project.

My Department does not intend increasing the amount of the grant offered to the school. This is because a central tenet of the devolved scheme is that the school, granted discretion and funding, must equally accept responsibility for prioritisation, control of costs, and ensuring value for money.

Schools Refurbishment.

460. **Mr. Carey** asked the Minister for Education and Science if an application has been received from a school (details supplied) in Dublin 9 regarding the upgrading or replacement of the heating system in the school assembly hall; if so, the status of this application; and if she will make a statement on the matter. [31080/04]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that my Department received the application for the replacement of the heating system from the school in question. My Department has informed the school authorities that emergency funding will be provided for the required works.

Schools Building Projects.

461. **Mr. Ó Feargháil** asked the Minister for Education and Science the likely timescale for delivering the new primary school which is proposed for the Sallins Road, Naas; and if she will make a statement on the matter. [31081/04]

Minister for Education and Science (Ms Hanafin): This project is part of the 2004 school building programme and I am pleased to inform the Deputy that construction is underway on this new 16-classroom school for Naas. It is envisaged that the new school will be completed in the latter half of 2005.

462. **Mr. Ó Feargháil** asked the Minister for Education and Science the progress that has been made between her and the Department of

Defence with regard to the provision of improved accommodation for a school (details supplied) in County Kildare. [31105/04]

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.

Disadvantaged Status.

463. **Mr. Gregory** asked the Minister for Education and Science the reason a school (details supplied) in Dublin 7 has not been granted either the Breaking the Cycle or the Early Start programme; if this school has been designated as disadvantaged; if she will review the matter urgently and extend the Breaking the Cycle and Early Start programmes to all disadvantaged primary schools including this one; and if she will make a statement on the matter. [31106/04]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers is currently included in the disadvantaged areas scheme, DAS, and Giving Children an Even Break, GCEB. The disadvantaged areas scheme benefits schools by providing additional capitulation grants of €38 *per capita*, concessionary teaching posts, a refund of the television licence fee and eligibility for 95% building grants for building projects. Designated disadvantaged schools are included in the home-school community liaison scheme.

Giving Children an Even Break subsumes the previous process of designation of schools that serve areas of educational disadvantage and my Department's approach is now refined to ensure that individual "at risk" pupils are targeted. Rather than the old method of designating additional schools, under this scheme my Department provides support that is commensurate with the levels of concentration in schools of pupils with characteristics that are associated with educational disadvantage and early school leaving.

Primary schools participating in Giving Children an Even Break are in receipt of a range of additional supports including teacher posts and other non-teaching supports to be targeted at disadvantaged pupils. The additional supports provided reflect the level of concentration of pupils from educationally disadvantaged back-

grounds in each school invited to participate in the programme. Schools already in the disadvantage areas scheme retain their existing entitlements. 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. Any 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.

Special Educational Needs.

464. **Mr. Naughten** asked the Minister for Education and Science, further to Parliamentary Question No. 403 of 29 September 2004, if resource teacher support will be approved for a person in County Roscommon; and if she will make a statement on the matter. [31121/04]

Minister for Education and Science (Ms Hanafin): As was indicated to the Deputy in Parliamentary Question No. 403 of 29 September 2004, the pupil in question did not meet the criteria for resource teaching. The application will be reconsidered if additional information in support of the pupil's special educational needs is received in my Department. No such information has been received to date.

465. **Mr. Naughten** asked the Minister for Education and Science, further to Parliamentary Question No. 99 of 5 May 2004, if she will report on the current situation; and if she will make a statement on the matter. [31126/04]

Minister for Education and Science (Ms Hanafin): My officials are liaising with the persons in question with a view to arranging a meeting to discuss the situation referred to by the Deputy.

466. **Mr. Naughten** asked the Minister for Education and Science, further to Parliamentary Question No. 118 of 24 June 2004, when the support will be provided; and if she will make a statement on the matter. [31129/04]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that a letter issued to the school on 26 August 2004 confirming that four hours resource teaching support per week was sanctioned for the pupil in question.

Schools Building Projects.

467. **Mr. Naughten** asked the Minister for Education and Science, further to Parliamentary Question No. 293 of 5 October 2004, if funding

for a refurbishment project at the college will be approved; and if she will make a statement on the matter. [31131/04]

501. **Mr. Naughten** asked the Minister for Education and Science if she will approve a revised band rating and associated funding for a school (details supplied) in County Longford; and if she will make a statement on the matter. [31414/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 467 and 501 together.

The application from the school to which the Deputy refers is being considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. Under this review, all projects are being assessed against the published prioritisation criteria which were revised earlier this year following consultation with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

Schools Refurbishment.

468. **Mr. Naughten** asked the Minister for Education and Science, further to Parliamentary Question No. 230 of 10 February 2004, the status of the application to redevelop the hall; and if she will make a statement on the matter. [31137/04]

Minister for Education and Science (Ms Hanafin): Further to Parliamentary Question No. 230 of 10 February 2004, my Department is still awaiting confirmation that a suitable lease agreement has been entered into by the VEC with the parish. When the relevant information is received the matter will be progressed further.

Irish Language.

469. **Mr. O'Shea** asked the Minister for Education and Science the amount which has been spent by her Department in 2004 in regard to implementing the provision of the Official Languages Act 2003; and if she will make a statement on the matter. [31150/04]

Minister for Education and Science (Ms Hanafin): My Department has always been conscious of its remit to actively support the Irish language through the education system. We have a customer base that expects a service in Irish and the provision of Irish versions of application forms, information leaflets or books, annual reports and statistical data is almost automatically assumed. For this reason, it is not possible to easily separate out costings that are attributable to the Official Languages Act 2003.

In 2004, just under €30,000 has been spent so far on translation costs and Irish language training has to date cost €17,201.30. This expenditure

[Ms Hanafin.]

would have occurred at any rate as part of providing services to our customers. These figures relate to administrative costs only and exclude expenditure on the education system.

470. **Mr. O'Shea** asked the Minister for Education and Science the amount which has been spent by public bodies or agencies funded by her Department in 2004 relating to the provisions of the Official Languages Act 2003; and if she will make a statement on the matter. [31165/04]

Minister for Education and Science (Ms Hanafin): Implementing the provisions of the Official Languages Act 2003 will impact on all public bodies under the aegis of my Department. Some agencies, such as the State Examinations Commission, provide services in both Irish and English as a matter of course and the same costs would have occurred, irrespective of the legislation. Information relating to the bodies is being compiled and I will forward it to the Deputy.

Special Educational Needs.

471. **Mr. Allen** asked the Minister for Education and Science when a decision will be made on an application made by a school (details supplied) in County Cork for extra resource time; and the resource list that is available to the school. [31176/04]

472. **Mr. Allen** asked the Minister for Education and Science the reason an application was made for a special needs assistant at a school (details supplied) for a person; and when a decision will be made on the application. [31178/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 471 and 472 together.

I confirm to the Deputy that the school in question has the services of one shared learning support post together with part-time resource teaching hours. The school also has the services of a full-time special needs assistant. On 23 September 2004, my Department conveyed decisions to the school in respect of a number of applications for resource teaching support. An application for one pupil was re-submitted for review on 29 October and a decision on this application will be conveyed to the school shortly.

A decision to submit an application for special educational needs supports is a matter for individual boards of management. My Department has received an application for such support, including special needs assistant support, for the pupil in question. A decision on the outcome of this application will be conveyed to the school authorities in due course.

Higher Education Grants.

473. **Mr. Crawford** asked the Minister for Education and Science the reason a person (details supplied) in County Monaghan has been refused access to a top-up grant for their child; the further reason the person in question, who has paid taxes and PRSI all their life and receives the same amount as a person on disability allowance, is debarred from this and other benefits; and if she will make a statement on the matter. [31303/04]

Minister for Education and Science (Ms Hanafin): The report of the action group on access to third level education made detailed recommendations concerning the introduction of special rates of maintenance grants for disadvantaged students, usually referred to as "top-up" grants. The target group of "those most in need" has been defined in terms of the dependants of people receiving long-term welfare payments where the necessary conditions are fulfilled. The special rates of grant are also available to mature students who meet the prescribed conditions.

In order to qualify for the special rate of maintenance grant a candidate must meet a number of conditions, including the following: he or she must already qualify for one of my Department's ordinary maintenance grants; total reckonable income must not exceed the specified limit for the academic year in question; and on the operative date the income into the household must include one of the specified long-term social welfare payments. The eligible social welfare payment must be classified as a "long-term" welfare payment. The Department of Social and Family Affairs advised that disability benefit is classified as a short-term payment and, therefore, is not included as an eligible payment for the purposes of the special rates of maintenance grant. It is not open to me or to my Department to depart from the terms of the schemes in individual cases.

Special Educational Needs.

474. **Mr. English** asked the Minister for Education and Science when a full-time special needs assistant will be appointed to a person (details supplied) in County Meath; and if she will make a statement on the matter. [31304/04]

Minister for Education and Science (Ms Hanafin): Where a pupil with special educational needs enrolls in a post primary school, it is open to the school to apply to my Department for additional teaching support and-or special needs assistant support for the pupil. My Department allocates additional teaching support and special needs assistant support to second level schools and vocational educational committees to cater for pupils with special educational needs. Each application is considered on the basis of the assessed needs of the pupils involved and the nat-

ure and level of support provided is determined on the advice of the psychological service. The necessary specialist report in respect of the application for the student in question was recently received by my Department. This report is under consideration and the school authority will be notified of the outcome as soon as possible.

Site Acquisitions.

475. **Mr. O'Dowd** asked the Minister for Education and Science if she is examining the report from the Office of Public Works on site acquisition for a new school (details supplied) in County Louth; if so, when she will be in a position to purchase a site and thus permit the planning to progress to build same. [31305/04]

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 at an advanced stage in 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. The question of the provision of new accommodation for the school will be considered further when a site has been acquired.

Schools Refurbishment.

476. **Mr. Kelleher** asked the Minister for Education and Science if she will make funding available to a school (details supplied) in County Cork to carry out urgent and essential structure works to underpin an old stone wall that is in danger of collapse; if her attention has been drawn to the seriousness of the situation; if she will absolve the board of management and trustees of liability if the funding is not immediately forthcoming and the wall falls; if her attention has further been drawn to the fact that a health and safety officer has inspected the wall and expressed serious concern regarding its safety and that the school has had no alternative but to cordon off the area in question from staff and pupils; and if she will make a statement on the matter. [31306/04]

Minister for Education and Science (Ms Hanafin): The building unit of my Department is considering an application from the school in question for funding for this work. The school authorities will be notified of the outcome upon the completion of my Department's assessment of the documentation submitted.

Physical Education Facilities.

477. **Mr. J. Higgins** asked the Minister for Education and Science if she will make funding available to provide adequate physical education

facilities for a school (details supplied). [31307/04]

Minister for Education and Science (Ms Hanafin): The application for a physical education hall from the school to which the Deputy refers is being considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. Under this review, all projects are being assessed against the published 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.

Third Level Fees.

478. **Mr. R. Bruton** asked the Minister for Education and Science the amount received in third level registration fees for each academic year since 2000-01; the number of students who paid in each year; the number of students exempted from paying due to receipt of a third level grant; and if she will make a statement on the matter. [31308/04]

Minister for Education and Science (Ms Hanafin): The student charge is levied by third level institutions to defray the costs of examinations, registration and students services. The student charge is €750 for the 2004-05 academic year. All students who are eligible for means tested student support have the student charge paid on their behalf by the local authorities or vocational education committees, in addition to any maintenance grant and tuition fee grant to which they are entitled. This constitutes approximately 96% of grant holders. Students not eligible under my Department's student support schemes must pay the charge directly to the third level institutions. The following tables set out the total number of students in receipt of funding under the three third level grant schemes, for the 2000-01 to 2002-03 academic years.

The total number of full-time undergraduate students in third level institutions, aided by my Department, from the 2000-01 academic year to the 2002-03 academic year, the latest year for which complete statistics are currently available, was: 2000-2001 — 107,984 (Student Charge of €371); 2001-2002 — 112,285 (Student Charge of €396); and 2002-2003 — 114,082 (Student Charge of €670).

School Services Staff.

479. **Ms Enright** asked the Minister for Education and Science the person who is responsible for the employment of caretakers in schools built under public private partnerships; and if she will make a statement on the matter. [31309/04]

Minister for Education and Science (Ms Hanafin): Where facilities management forms part of a public private partnership, the responsibility for the operation of the asset, including any caretaking staff, lies with the operator. In my Department's first grouped schools PPP project the caretaking staff are now employed by the operator Jarvis.

Schools Refurbishment.

480. **Ms Enright** asked the Minister for Education and Science if, in view of the lack of accommodation and space at a school (details supplied) in County Offaly the school will be granted funding under the summer works scheme; and if she will make a statement on the matter. [31310/04]

Minister for Education and Science (Ms Hanafin): Officials in the school planning section of my Department are assessing all applications received for the summer works scheme 2005 in accordance with the published criteria. The application from the school to which the Deputy refers is included in this process. The list of successful applicants will be published early in the new year.

School Accommodation.

481. **Ms Enright** asked the Minister for Education and Science if she will sanction temporary accommodation for a school (details supplied) in County Kildare; her policy in this regard; and if she will make a statement on the matter. [31311/04]

Minister for Education and Science (Ms Hanafin): An application for temporary accommodation has been received from the school to which the Deputy refers. All applications for temporary accommodation for the 2005-06 school year are being assessed in the school planning section of my Department. These will be considered by reference to the published criteria for the new streamlined temporary accommodation application process announced last September. I intend to publish a list of the successful applicants early in the new year.

Special Educational Needs.

482. **Mr. O'Dowd** asked the Minister for Education and Science, further to Parliamentary Question No. 134 of 12 October 2004, if extra special needs assistance hours will be allocated to persons (details supplied) in County Louth; and if she will make a statement on the matter. [31312/04]

Minister for Education and Science (Ms Hanafin): My Department received applications for an increase in the level of special needs assistant support for the pupils in question. The applications will be considered and a decision will be

conveyed to the school at the earliest possible date.

School Transport.

483. **Mr. Kehoe** asked the Minister for Education and Science when a decision will be taken concerning a new bus route for children who travel from Carlow attending a school (details supplied) in County Kilkenny. [31313/04]

Minister for Education and Science (Ms Hanafin): My Department has requested further information from the transport liaison officer of the relevant vocational education committee. A decision in the case will be conveyed to the transport liaison officer as soon as all the relevant information has been received and assessed.

Schools Building Projects.

484. **Ms Cooper-Flynn** asked the Minister for Education and Science when a school (details supplied) in County Mayo will receive approval for a new school extension. [31314/04]

Minister for Education and Science (Ms Hanafin): The application for an extension-refurbishment at the school to which the Deputy refers is being considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. 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. I will make further announcements on the school building programme in due course.

Physical Education Facilities.

485. **Ms Cooper-Flynn** asked the Minister for Education and Science when the sports hall for a college (details supplied) in County Mayo will move to tender stage in order that construction can begin in 2005. [31315/04]

Minister for Education and Science (Ms Hanafin): The physical education hall building project for the school referred to by the Deputy is at advanced architectural planning and my Department's officials have received a combined stage 4-5, detail design and bill of quantities, submission from the school authorities. My officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme, including the school referred to by the Deputy. All projects are being assessed against the published prioritisation criteria agreed earlier this year with the education partners. Each project will be assigned a band rating and the progress of all projects will

be considered in the context of the programme from 2005 onwards.

Special Educational Needs.

486. **Mr. P. Breen** asked the Minister for Education and Science if she will consider sanctioning a special needs assistant for a person (details supplied) in County Clare; and if she will make a statement on the matter. [31316/04]

Minister for Education and Science (Ms Hanafin): I understand the child referred to by the Deputy is due to enrol in the school in September 2005. My Department has not received an application for special needs assistant support for the child. My officials were in contact with the school authorities and I understand that an application for special needs assistant support will be submitted by the school. Any application received will be considered in the context of the child's care needs and in light of the existing level of special needs assistant support in the school. The responsibility for recruiting special needs assistants rests with the school authorities.

Departmental Agencies.

487. **Ms O'Sullivan** asked the Minister for Education and Science the progress on the staffing and work of the national adult learning council; and if she will make a statement on the matter. [31317/04]

Minister for Education and Science (Ms Hanafin): The national adult learning council was established in March 2002 on an *ad hoc* basis. It had been intended that it would be given statutory functions under section 54 of the Education Act 1998. Arising from concerns that the role and functions envisaged for the council were too wide-ranging and not sufficiently focused, my Department carried out a strategic review of the role of the council, taking account of developments which have taken place in the meantime in other areas relevant to further and adult education. I expect to take a decision shortly with regard to the work and staffing of the council.

Bullying in Schools.

488. **Ms O'Sullivan** asked the Minister for Education and Science if the national guidelines to counter bullying in schools, published in 1993 have been reprinted and made available to schools; and if she will make a statement on the matter. [31318/04]

Minister for Education and Science (Ms Hanafin): The guidelines on countering bullying behaviour in primary and post-primary schools are available on request from the primary administration and post-primary administration sections of my Department. The document is also available on my Department's website. It has not been

necessary to have the document reprinted as the Department has sufficient quantities on hand to meet the level of requests arising.

School Transport.

489. **Mr. Ring** asked the Minister for Education and Science if the school transport service provided to the children of a person (details supplied) in County Mayo can be extended, in a similar way to the service provided many years ago; if her Department received a report on this case from the transport liaison officer as mentioned in the reply to Parliamentary Question No. 558 of 29 September 2004; if this case has been reconsidered; and if so, the decision which was made. [31361/04]

Minister for Education and Science (Ms Hanafin): The children to whom the Deputy refers live one mile from the route of service to the post-primary centre in question. As a rule post-primary school transport routes are planned so that, as far as possible, no eligible child will have more than two miles to travel to a pick-up point. Pupils living off the main route of a service are generally expected to make their own way, or to be brought to convenient pick-up points along the main route. Home pick-ups were never envisaged as being part of the school transport scheme.

Bus Éireann has advised that the road and pick-up point in question are considered no less safe than similar roads and pick-up points used by children throughout the country. My Department has no plans to make alternative transport arrangements for the children concerned as their present level of service is within guidelines.

Schools Building Projects.

490. **Mr. McGinley** asked the Minister for Education and Science if there is an application for the provision of a new vocational school in Stranorlar, County Donegal; the date the application was received; the present position regarding the application; and if she will make a statement on the matter. [31366/04]

Minister for Education and Science (Ms Hanafin): An application for the provision of additional accommodation for Stranorlar was received from Donegal Vocational Education Committee in 2000. In order to determine the accommodation needs of the school a feasibility study was commissioned. As a result of this report, it was decided in January 2002 that a new school building was required and architectural planning commenced. The building project for the new school 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 Stranorlar vocational school.

[Ms Hanafin.]

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.

Physical Education Facilities.

491. **Ms O. Mitchell** asked the Minister for Education and Science if the application from a school (details supplied) in Dublin 16 will be prioritised for a PE hall in view of the growing obesity crisis and the time the school has been awaiting this facility. [31375/04]

Minister for Education and Science (Ms Hanafin): The application for a PE hall from the school to which the Deputy refers is being considered as part of a review of all projects, which did not proceed to construction as part of the 2004 school building programme. Under this review, all projects are being assessed against the published 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.

School Closures.

492. **Mr. Carey** asked the Minister for Education and Science the discussions that have taken place between her Department and the patrons of a school (details supplied) in Dublin 11 in regard to the use of the school buildings and surrounding lands after the school has closed; and if she will make a statement on the matter. [31377/04]

Minister for Education and Science (Ms Hanafin): A decision was taken by the trustees of the school referred to by the Deputy to close the school on a phased basis commencing in September 2003. The future use of the school building and surrounding lands is a matter for its owner, which, in this case, is a religious order. Consequently, my Department is not involved in any discussions on this issue.

School Accommodation.

493. **Mr. Wall** asked the Minister for Education and Science the number of schools that have made contact with her Department stating that due to lack of facilities they now have to use PE facilities to overcome the lack of classrooms; her views as to alternatives for providing PE for the students in such circumstances; if she will provide funding if necessary to board of management where funding is necessary to provide such alter-

native facilities; and if she will make a statement on the matter. [31391/04]

494. **Mr. Wall** asked the Minister for Education and Science the number of applications received by her Department for funding for the provision of PE facilities at primary, secondary and third level schools or institutes; the number of schools with such facilities; the number of schools with PE qualified staff; and if she will make a statement on the matter. [31392/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 493 and 494 together.

The information in the format requested by the Deputy is not readily available in my Department. However, in regard to PE facilities generally, the position is that many primary schools have a general purposes room and practically all schools have outdoor play areas, which are utilised for teaching different aspects of the physical education programme. A similar situation applies to sports halls and outdoor facilities at second level. In addition, many schools use adjacent local facilities, including public parks, playing fields and swimming pools.

The provision of multi-purpose space for primary schools will continue to be considered within the design brief for new schools and/or renovation and extension school building projects. This will also be the case for PE facilities at second level. This will be done in the context of available resources and the published criteria for prioritising school building projects.

A particular difficulty has arisen this year in regard to some schools in need of additional accommodation to facilitate extra teacher appointments. In the context of the available funding for temporary accommodation, and the number of applications for that funding, it was not possible to approve all applications received. As an interim measure some schools have been advised to maximise the use of existing accommodation until my Department is in a position to make extra accommodation available.

The need for additional accommodation at these schools will be considered in the context of a review, which is being undertaken of all projects that did not proceed as part of the 2004 school building programme, with a view to including them as part of a multi-annual school building programme from 2005. My Department has never underestimated the scale of the task and the level of capital funding and other resources required to rectify decades of under investment in school infrastructure. The Government is delivering on its commitment to provide modern facilities in schools and has progressively increased funding in recent years with an aggregate total of almost €2 billion since 1998, the largest investment programme in the history of the State.

In regard to the third level sector, most if not all institutions have facilities for sporting/PE activities. The recent report of the review group on capital projects in the higher education sector, Kelly report, recommends funding in the region of €35 million for development of multi-purpose/PE facilities at nine third level institutions. Many other priority projects identified in the Kelly report and they will all be considered in the context of the overall funding available to me once the multi-annual capital envelope for the education sector is determined in the budget tomorrow.

Career Guidance.

495. **Mr. Wall** asked the Minister for Education and Science if she has satisfied herself with the level of career guidance initiatives at second and third level schools and colleges; the training available to such personnel; the linkages between her Department and other Departments or relevant State agencies in regard to developing policy, seminars, information documentation and so on that will benefit students and guidance counsellors; and if she will make a statement on the matter. [31393/04]

Minister for Education and Science (Ms Hanafin): The provision of guidance in third level colleges is a matter for individual colleges and the Higher Education Authority. At second level all schools have an ex-quota teacher allocation for the provision of guidance and counselling. In the case of schools in the free education scheme, the level of allocation ranges from eight hours per week in the case of schools with enrolments below 200 pupils to 44 hours per week, that is two whole-time posts, in the case of schools with an enrolment of 1,000 pupils or more.

In addition to allocations based on enrolments, 50 whole-time equivalent guidance counselling posts were allocated in the 2001-02 school year under the guidance enhancement initiative, GEI. The focus of this initiative was to enhance the provision of guidance to young people at risk, to improve links between schools and the world of work and to improve the take-up of science subjects. The GEI was recently extended for a further two years and an additional 30 guidance posts were allocated under the initiative from the commencement of the current school year.

Professional training in guidance and counselling for practitioners in second level schools is provided by a number of universities who offer either a one-year full-time or two-year part-time higher diploma in guidance and counselling as a postgraduate course. A Master's degree in education with a specialism in guidance and counselling is available as an alternative route to qualification for second level teachers.

My Department also supports a number of in-service training activities for guidance counsellors

in second level schools. In the main, these activities take the form of seminars, conferences and short courses. In consultation with the Institute of Guidance Counsellors, my Department is working to ensure that in-career development opportunities for guidance counsellors are structured in a way that will adequately address their needs in the context of the changing environment in which guidance and counselling services are delivered.

The National Centre for Guidance in Education, NCGE, is an agency of my Department whose role is to support and develop guidance in all areas of education, and to inform policy in this field. As part of its remit the NCGE develops guidance materials, provides advice on good practice, supports innovation and pilot projects, disseminates information to practitioners and carries out a range of surveys and related research on guidance practice and needs.

My predecessor commissioned a review of guidance and counselling in post-primary schools, which is now near completion. I expect to receive the report of the review in January 2005, and the findings will help to inform strategy on the development of guidance in post-primary schools.

School Accommodation.

496. **Mr. Haughey** asked the Minister for Education and Science if her attention has been drawn to the fact that 25 children attending a primary school (details supplied) in Dublin 5 had to be moved out of old prefabs in view of the fact that they were badly leaking which affected the electrical wiring; if emergency measures can be approved to resolve this serious problem; and if she will make a statement on the matter. [31394/04]

Minister for Education and Science (Ms Hanafin): Officials in the school planning section of my Department have been in contact with the management authority of the school referred to by the Deputy regarding this matter. The school authority advised that it is seeking a temporary solution to the problem within existing accommodation on the school campus. My officials will continue to monitor the situation.

In the meantime, the school's application for replacement accommodation is being considered as part of a review of all projects, which did not proceed to construction as part of the 2004 school building programme. Under this review, all projects are being assessed against the published prioritisation criteria, which were revised earlier this year following consultation with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

Schools Funding.

497. **Mr. Haughey** asked the Minister for Education and Science if extra funding will be provided to voluntary secondary schools for insurance, the wages of secretaries, the wages of caretakers, the cleaning of schools, the upkeep of school buildings and for educational materials in order that there is equality between these schools and community and comprehensive schools; and if she will make a statement on the matter. [31395/04]

507. **Mr. Perry** asked the Minister for Education and Science the reason a number of schools in County Mayo (details supplied) have fallen behind other schools in regard to funding received from her Department towards costs (details supplied); when all non-fee paying second level schools will be treated on an equitable and transparent basis. [31538/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 497 and 507 together.

Funding arrangements for voluntary secondary schools reflect the sectoral division of our second level system and are structured mainly on the basis of capitation grants with additional grants for secretarial and caretaking services.

There have been significant improvements in the level of funding for voluntary secondary schools including those referred to by the Deputy. The standard *per capita* grant now amounts to €274 as against the rate of €224.74 that applied in 1997. I draw the attention of Deputies to my recent announcement, in the context of the 2005 Estimates, to the further increase in this grant to €286 per pupil, with effect from January next. This increase will bring the *per capita* grant in the case of disadvantaged schools to €324 per pupil.

In addition, under the school services support fund initiative, secondary schools have benefited from further significant increases in the support grant. This grant which was introduced in September 2000 has been increased from €25 per pupil to the current rate of €99 per pupil, and will be further increased to €103 from January next.

Funding for voluntary secondary schools has been further enhanced by the introduction of a range of equalisation measures that are designed to reduce the historic anomalies in the funding arrangements for the different school types at second level. Under the terms of recent equalisation measures, the support grant has in the case of voluntary secondary schools been significantly enhanced to €131 per pupil, and from January next will be further increased by €10 per pupil bringing the overall grant for such schools to €145 per pupil.

These increases are in addition to the range of equalisation grants of up to €15,554 per school

per annum that have also been approved for voluntary secondary schools.

For a secondary school with 500 pupils, this amounts to additional funding of up to €119,000 per annum and annual grants of €255,761, €275,000 in the case of disadvantaged schools, towards general expenses and support services. Schools are afforded considerable flexibility in the use of resources to cater for the needs of their pupils. This is in general a preferable approach to putting in place grants for specific cost items, including those referred to by the Deputies.

I was particularly pleased to announce an aggregate increase of €26 per pupil from January next for voluntary secondary schools. Schools have welcomed this increase. These significant increases in the funding of secondary schools are a clear demonstration of my commitment to prioritise available resources to address the needs of schools.

Schools Refurbishment.

498. **Mr. Haughey** asked the Minister for Education and Science if she has received an application from a comprehensive school (details supplied) in Dublin 3 for refurbishment of school buildings; when this work will be sanctioned; and if she will make a statement on the matter. [31396/04]

Minister for Education and Science (Ms Hanafin): The application from the school to which the Deputy refers is being considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. Under this review, all projects are being assessed against the published 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.

Third Level Fees.

499. **Mr. Haughey** asked the Minister for Education and Science if a higher education grant will be awarded to a person who is undertaking a degree course in physiotherapy at UCD even though they were forced previously to give up another degree course due to a brain haemorrhage; and if she will make a statement on the matter. [31397/04]

Minister for Education and Science (Ms Hanafin): Under the terms of my Department's higher education grants scheme a student is not eligible for grant assistance in respect of a second period of study at the same level irrespective of whether or not a grant was paid previously. The scheme also provides that grants may not be paid to candidates who already hold an undergraduate

degree and are pursuing a second undergraduate degree.

Similarly, tuition fees under the free fees initiative are not payable in respect of a second period of college attendance on a course at the same level. These restrictions apply to every student who already holds a qualification at the same level, irrespective of where that qualification was obtained.

My Department understands that the student referred to by the Deputy already holds an undergraduate degree. Accordingly, she is ineligible for a higher education grant or to benefit under the free fees initiative in respect of her current degree course in physiotherapy at UCD.

Tax relief, however, is available in respect of undergraduate fees paid in publicly funded colleges here and in other EU member states, as well as in private colleges in the State. This relief applies at the standard rate of tax and is available to full-time and part-time postgraduate students. Further details and conditions in regard to this tax relief are available from local tax offices.

Apart from the funding provided through the student support maintenance grant schemes, financial assistance is also available from my Department through the student assistance fund. The objective of the fund, which is ESF-aided, is to assist students, in a sensitive and compassionate manner, who might otherwise, due to their financial circumstances, be unable to continue their third level studies. Further information on this fund is available from the student access officer at UCD.

Schools Building Projects.

500. **Mr. Naughten** asked the Minister for Education and Science 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. [31413/04]

Minister for Education and Science (Ms Hanafin): The application for an extension-refurbishment at the school to which the Deputy refers is being considered as part of a review of all projects, which did not proceed to construction as part of the 2004 school building programme.

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. I will be making further announcements on the school building programme in due course.

Question No. 501 answered with Question No. 467.

Clár Tógála Scoileanna.

502. D'fhiafraigh **Mr. McGinley** den Aire Oideachais agus Eolaíochta an bhfuil iarratas ina Roinn le haghaidh foirgnimh úir do Choláiste Ailigh (Leitir Ceanainn), cad é an sórt foirgnimh atá i gceist agus an ndéanfaidh sí ráiteas ina thaobh. [31482/04]

Minister for Education and Science (Ms Hanafin): Tá athbhreithniú cuimsitheach a dhéanamh ar gach tionscadal nach raibh ainmnithe sa chlár tógála scoileanna, 2004. Bronnadh ratú banda ar na tionscadail atá beartaithe de réir na critéir tosaíochta do mhórtionscadail a leasaíodh i gcomhairle leis na páirtithe oideachais níos luaithe sa bhliain. Tá an dul chun cinn i gcás scoil úr a thógáil do Chólaiste Ailigh, mar aon le comhthionscadail eile, á scrúdú faoi láthair i gcomhthéacs an scéim tógála scoile ón bhliain 2005 ar aghaidh. Tá sé i gceist agam eolas breise a sholáthar ar an scéim tógála scoile in am is i dtráth.

503. D'fhiafraigh **Mr. McGinley** den Aire Oideachais agus Eolaíochta an bhfuil iarratas ina Roinn le haghaidh méadú ar Ghairmscoil Chú Uladh, Béal an Átha Móir, agus cén uair a cheadófar deontas ina leith. [31483/04]

Minister for Education and Science (Ms Hanafin): Tá an tionscadal tógála do Ghairmscoil Chú Uladh, Béal an Átha Móir, An Clochar, Condae Dhún na nGall, ag céim luath na pleanála ailtireachta. Tá rátáil banna 2 aige. Faoi láthair tá oifigigh mo Roinnse ag déanamh scrúdú ar aighneacht staid 3 athbhreithnithe agus coinneofar údarais scoile ar an eolas maidir le haon fhorbairtí.

Tá mo chuid oifigeach beagnach críochnaithe ag athbhreithniú na dtionscadal nach ndeachaigh chun cinn lena dtógáil mar chuid de chlár tógála scoileanna 2004 lena n-áirítear Gairmscoil Chú Uladh. Táthar ag déanamh measúnú ar gach tionscadal in aghaidh na gcritéir tosaíochta a comhaontaíodh níos luaithe sa bhliain leis na páirtinéirí oideachais. Sannfar rátáil banna ar gach tionscadal agus breithneofar dul chun cinn gach tionscadail i gcomhthéacs chlár tógála scoileanna 2005 ar aghaidh.

504. D'fhiafraigh **Mr. McGinley** den Aire Oideachais agus Eolaíochta an bhfuil iarratas ina Roinn maidir le Coláiste Pobail Oileán Thoráí, cad iad na háiseanna atá i gceist agus an ndéanfaidh sí ráiteas ina thaobh. [31484/04]

Minister for Education and Science (Ms Hanafin): Tá an phleanáil ailtireachta do thionscadal tógála Choláiste Pobail Oileán Thoráí tugtha chun críche. Tá rátáil banna 2 aige. Tá mo chuid oifigeach beagnach críochnaithe ag athbhreithniú na dtionscadal nach ndeachaigh chun cinn lena dtógáil mar chuid de chlár tógála

[Ms Hanafin.]
scoileanna 2004 lena n-áirítear Coláiste Pobail Oileán Thoraí. Táthar ag déanamh measúnú gach tionscadal in aghaidh na gcritéir tosaíochta a comhaontaíodh níos luaithe sa bhliain leis na páirtnéirí oideachais. Sannfar rátáil banna ar gach tionscadal agus breithneofar dul chun cinn gach tionscadail i gcomhthéacs chlár togála scoileanna 2005 ar aghaidh.

Questions Nos. 505 and 506 answered with Question No. 454.

Question No. 507 answered with Question No. 497.

Legal Fees.

508. **Mr. J. O’Keeffe** asked the Minister for Education and Science the composite amount paid to lawyers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the amount paid from 1 January 2004; and if she will make a statement on the matter. [31882/04]

509. **Mr. J. O’Keeffe** asked the Minister for Education and Science the ten highest composite figures paid to barristers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the ten highest figures paid from 1 January 2004; the names of the barristers; and if she will make a statement on the matter. [31896/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 508 and 509 together.

The Attorney General is responsible for the nomination and payment of barristers acting on my behalf in proceedings before the courts and the costs associated with the Chief State Solicitor are met by him as well. In a small number of instances it is considered appropriate for me to be advised by counsel and solicitors outside that framework.

My Department operates a scheme to meet the costs of solicitors acting on behalf of the parties to the indemnity agreement between certain members of the Conference of the Religious in Ireland and the Government in respect of abuse which occurred in residential institutions. In 2003, €475,281.95 was paid to firms in that regard and in 2004 the figure to date is €936,195.35.

On the advice of the Attorney General I make payments directly to barristers who represent the State in the matters relating to the work of the Commission to Inquire into Child Abuse. The terms and conditions relating to those appointments are agreed in advance with the Attorney General. In 2003, a total of €990,139.47 and in 2004, €756,516.92 was paid to the barristers com-

prising the ten highest earning individuals representing my interests at the Commission to Inquire into Child Abuse. The breakdown of those figures is as follows:

| 2003 | 2004 |
|------------|------------|
| € | € |
| 221,563.71 | 165,059.14 |
| 216,173.16 | 117,067.50 |
| 154,520.64 | 111,727.35 |
| 138,193.35 | 81,437.51 |
| 53,760.94 | 65,414.79 |
| 46,447.67 | 56,654.31 |
| 46,171.37 | 52,068.72 |
| 42,009.99 | 37,928.15 |
| 38,164.00 | 34,673.86 |
| 33,134.64 | 34,485.59 |

In 2003 the individuals concerned, in alphabetical order of surname were Douglas Clarke BL, Wesley Farrell BL, Kim Fitzgerald BL, Doirbhile Flanagan SC, Barry Halton BL, Margaret Levey BL, John MacMenamin SC, Philip O’Brien BL, Ann Power BL, Jim Sharkey BL.

In 2004, again in alphabetical order, they were Elizabeth Cogan BL, Doirbhile Flanagan SC, Mervyn T. Hickey BL, Nicholas Hosey BL, Matthias Kelly QC, John MacMenamin BL, Ann Power BL, Sean Ryan SC, Jim Sharkey BL, Jason Stewart BL.

In one instance my Department has relied on independent counsel to assist in the drafting of a statutory instrument, the European Communities (General System for the Recognition of Higher Ed Diplomas and Professional Education and Training and 2nd General System for the Recognition of General Education and Training) (Amendment) Regulations 2003. This was done on the advice of the Attorney General and a payment of €5,700 was made this year in respect of that assistance. On one occasion in 2004 a firm of solicitors was engaged by my Department to provide assistance with a patent matter and they were paid €383.57.

A barrister, on the advice of the Attorney General, provided training services directly to my Department in 2004 and a payment of €2,721.92 was made to that person. The totals based on the above figures are €1,465,421.42 for 2003 and €1,701,517.76 for 2004. However in the limited time available for the preparation of this answer it has not been possible to collate figures for the expenditure on counsel for the Commission to Inquire into Child Abuse other than the ten highest earners and add those figures to the totals here. The remainder of the information will be prepared and forwarded to the Deputy as soon as possible.

Decentralisation Programme.

510. **Mr. Cregan** asked the Minister for Defence the details of the decentralisation prog-

ramme for his Department; if offices on St. Mobhi Road, Glasnevin, will still be required by his Department; the future plans for this location; the details of the lands at same; if they will be used for sporting, educational or housing purposes; and if he will make a statement on the matter. [31010/04]

Minister for Defence (Mr. O’Dea): The offices of my Department at Coláiste Caoimhín, Glasnevin, are owned by the State, and come under the management of the Office of Public Works. No decisions have yet been taken with regard to the future plans for this location. The offices at Coláiste Caoimhín will not be required by my Department once the transfer of my Department’s Dublin-based staff and Defence Forces’ headquarters takes place to Newbridge and the Curragh, respectively.

Overseas Missions.

511. **Mr. McGinley** asked the Minister for Defence if the Departmental inquiry into the Jadotville Siege has been completed; the findings of the inquiry; and if he intends to publish the report. [31075/04]

512. **Mr. Naughten** asked the Minister for Defence, further to Question No. 222 of 29 September 2004, if he has received a report from the Chief of Staff; if he has considered its recommendations; and if he will make a statement on the matter. [31122/04]

Minister for Defence (Mr. O’Dea): I propose to take Questions Nos. 511 and 512 together.

The Chief of Staff submitted his final report on this issue to me yesterday, 29 November 2004. I will consider the matter and his recommendations in this regard and will make my decision shortly.

Official Languages Act 2003.

513. **Mr. O’Shea** asked the Minister for Defence the amount which has been spent by his Department in 2004 in regard to implementing the provision of the Official Languages Act 2003; and if he will make a statement on the matter. [31151/04]

Minister for Defence (Mr. O’Dea): To date in 2004, a total of €27,080 has been spent by my Department in implementing the provision of the Official Languages Act 2003.

514. **Mr. O’Shea** asked the Minister for Defence the amount which has been spent by public bodies or agencies funded by her Department in 2004 relating to the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [31166/04]

Minister for Defence (Mr. O’Dea): The amount provided in this year’s Defence Vote and the actual amount paid up to 26 November 2004 in respect of public bodies or agencies funded by this Department is as follows:

| | Amount provided in Estimates | Paid up to 26 November 2004 |
|---------------------|------------------------------|-----------------------------|
| | € | € |
| Civil Defence Board | 5,593 | 4,014 |
| Coiste an Asgard | 693 | 633 |

Legal Fees.

515. **Mr. J. O’Keeffe** asked the Minister for Defence the composite amount paid to lawyers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the amount paid from 1 January 2004; and if he will make a statement on the matter. [31881/04]

Minister for Defence (Mr. O’Dea): The composite amounts paid by my Department to lawyers, including those engaged by the State claims agency on its behalf, in 2003 and 2004 to date are as follows:

| | 2003 | 2004 |
|---------|--------|--------|
| | € | € |
| Lawyers | 21,166 | 39,328 |

In all other instances where lawyers have been engaged on behalf of the Department, the legal costs have been charged to the Vote of the Office of the Chief State Solicitor.

Legal Fees.

516. **Mr. J. O’Keeffe** asked the Minister for Defence the ten highest composite figures paid to barristers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the ten highest figures paid from 1 January 2004; the names of the barristers; and if he will make a statement on the matter. [31895/04]

Minister for Defence (Mr. O’Dea): The composite amount paid by the Department of Defence to barristers, including those engaged by the State Claims Agency on its behalf, was €20,430 in 2003 and is €17,033 in 2004 to date. Legal costs have been charged to the Vote of the Office of the Chief State Solicitor in all other instances where barristers have been engaged on behalf of the Department. Apart from €1,800 which was paid to Mr. Ray Byrnes BL in 2004, the remainder of the cost was in respect of barristers engaged by the State Claims Agency. The names of the barristers in question are not available to the Department.

State Airports.

517. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government further to Question No. 361 of 12 October 2004, if he envisages that public safety zones will be introduced at the State airports through local development plans by means of a variation of the relevant county development plans; and if he will make a statement on the matter. [30983/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): As I stated in response to Question No. 361 of 12 October 2004, the issue of public safety zones at State airports was the subject of a study by consultants which was submitted to the Departments of Transport and the Environment, Heritage and Local Government in September 2003. The recommendations in the report are being considered by the Departments with a view to submitting proposals to the Government. If they are approved by the Government, it is envisaged that public safety zones will be implemented through local development plans. The implementation of the zones, whether by variation of a current development plan or inclusion in a draft plan, would be the responsibility of the relevant local authority.

Water and Sewerage Schemes.

518. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government if he will report on the Labasheeda, Carrigaholt and Cooraclare sewerage schemes in County Clare; the status of same; and if he will make a statement on the matter. [30991/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): According to the Department of the Environment, Heritage and Local Government's water services investment programme, the Carrigaholt, Labasheeda and Cooraclare sewerage scheme will commence construction in 2006. Further consideration will be given to the preliminary report submitted by Clare County Council when additional information requested from the council earlier this month is received.

Fire Stations.

519. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government when a new fire station will be provided at Urlingford, County Kilkenny; the status of the application; and if a decision will be expedited. [31013/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keeffe): A proposal from Kilkenny County Council for approval in principle for a new fire station at Urlingford is with the Department of the Environment, Heritage and Local

Government. The proposal will be considered in the context of the fire services capital programme, having regard to the council's priorities and the competing national demands for capital investment in fire services.

Animal Welfare.

520. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the amount spent on dogs and cats homes by his Department over the past three years; and the grant aid which was approved on a county basis. [31034/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Department of the Environment, Heritage and Local Government does not provide grant aid to dogs and cats homes. Local authorities may provide assistance towards such facilities from their resources, at their own discretion. I understand that my colleague, the Minister for Agriculture and Food, operates a system of grant aid that has provided assistance in the past to animal welfare groups which provide sheltered accommodation for cats and dogs.

Water and Sewerage Schemes.

521. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government when he will give approval for the design, build and operate sewerage projects for Kilkerrin, Dunmore and Leenane, County Galway; and if he will make a statement on the matter. [31035/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Dunmore, Kilkerrin and Leenane sewerage schemes have been approved for construction under the rural towns and villages initiative of the Department of the Environment, Heritage and Local Government's water services investment programme. Galway County Council's tender documents for the waste water treatment plants, which will be constructed under a grouped design, build and operate contract, are being examined in the Department and will be dealt with as quickly as possible. The council's tender recommendation in respect of three collection systems will be further considered when additional information requested from the council earlier this month has been received.

Waste Management.

522. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government his plans to put structures in place in line with modern European economies which view waste as a product and raw material rather than a problem; his views on whether each time a shipload of waste is exported, jobs are exported and each

time unprocessed waste is added to a landfill, wealth is buried; and if he will make a statement on the matter. [31038/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): EU and national policy on waste management is firmly grounded on the internationally recognised waste hierarchy, which prioritises waste prevention, minimisation, reuse, recycling, energy recovery and the environmentally sound disposal of residual waste which cannot be recycled or recovered. The policy is reflected in the Department of the Environment, Heritage and Local Government's policy documents, *Changing our Ways*, which was published in 1998, and *Taking Stock, Moving Forward*, which was published earlier this year. The publications are available in the Oireachtas Library.

Ireland is making significant progress towards attaining the targets set in *Changing Our Ways*. The 2002 interim national waste database report, which was published by the EPA, estimated that 20.7% of municipal — household and commercial — waste was recovered for recycling in 2002. That represents an increase on the 1998 rate of 9%. There are indications that the recycling position has improved further since 2002, following the implementation of the local and regional waste management plans. New packaging regulations introduced last year, requiring the segregation and recycling of specified back door packaging waste by producers, have influenced the increased recycling rates in the commercial sector.

Other recent significant initiatives include the establishment of a market development group to identify market opportunities for materials recovered for recycling. It is hoped to publish a market development programme in early 2005. The draft national waste prevention programme, drawn up by a core prevention team established earlier this year in the EPA, has been published. A draft national biodegradable waste strategy, setting out a range of integrated measures aimed at providing an effective basis for the achievement of the 2013 biodegradable waste target, was published earlier this year for public consultation. Initiatives have been proposed for end of life vehicles, waste electrical and electronic equipment, newsprint and tyres.

International trade in waste is not inconsistent with the Government's policy, which clearly prioritises the prevention, reuse and recycling of waste, rather than its disposal. The OECD's decision on the control of transboundary movement of waste destined for recovery operations notes that the recovery of valuable materials and energy from waste is an integral part of the international economic system and that well established markets exist for and can contribute to the

collection and processing of such materials within member countries.

Architectural Heritage.

523. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government his views on whether cafés (details supplied) represent an integral part of the built heritage of Dublin; the measures he will take to ensure that they are kept open; the further measures he will take to ensure that the buildings are maintained in the present form; and if he will make a statement on the matter. [31055/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The statutory protection of architectural heritage is primarily a matter for the planning authorities, which are advised by the Department of the Environment, Heritage and Local Government in the exercise of their functions in that regard, in line with the Planning and Development Act 2000. The importance of the architectural heritage of the buildings in which the cafés referred to in the Deputy's question operate is reflected in their inclusion on Dublin City Council's record of protected structures. Under the 2000 Act, planning permission is required for any works that would materially affect the character of the structures or any element of the structures that contributes to their special interest.

Natural Heritage Areas.

524. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the proportion of the country which is designated as an SPA, an NHA or an SAC or other such areas of conservation or protection, with details on a percentage basis of designation of the total area for each county and nationwide. [31068/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Some 14.1% of the overall land area of the country is designated for nature conservation purposes as a special area of conservation, 3.13% is designated as a special protection area and 1.07% designated as a natural heritage area, under statute. There is a degree of overlap in the designations, as some sites are classified under two or more designations. A more detailed breakdown of the figures, on a county by county basis as requested by the Deputy, is being compiled and will be sent him soon.

Water and Sewerage Schemes.

525. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government the status of an application for funding submitted by Leitrim County Council for the development

[Mr. Naughten.]
of the Rooskey sewerage scheme; and if he will make a statement on the matter. [31124/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Rooskey is included in the County Leitrim towns and villages sewerage scheme, under the water services investment programme of the Department of the Environment, Heritage and Local Government. The scheme will commence construction in 2005 at an estimated cost of €12 million. The Department is awaiting the submission of contract documents for the scheme from Leitrim County Council.

Irish Language.

526. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the amount which has been spent by his Department in 2004 in regard to implementing the provision of the Official Languages Act 2003; and if he will make a statement on the matter. [31152/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Department of the Environment, Heritage and Local Government's 2004 expenditure on the Official Languages Act 2003 relates entirely to translation services. Details of the expenditure are being compiled and will be communicated to the Deputy shortly.

527. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the amount which has been spent by public bodies or agencies funded by her Department in 2004 relating to the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [31167/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The detailed information sought is not available in the Department of the Environment, Heritage and Local Government.

Water and Sewerage Schemes.

528. **Mr. Walsh** asked the Minister for the Environment, Heritage and Local Government if he will provide a reply to Question No. 649 of 23 November 2004. [31295/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under the Department of the Environment, Heritage and Local Government's water services investment programme, the Skibbereen sewerage scheme will commence construction in 2005 at an estimated cost of €13.1 million. The waste water treatment plant is being advanced as a grouped

design, build and operate contract that includes Baltimore, Dunmanway, Schull, and Ballylickey. The Department is awaiting Cork County Council's submission of tender documents for the grouped design, build and operate project and revised contract documents for the Skibbereen collection system, which is being provided by traditional procurement.

Library Projects.

529. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government if he will approve the application from Fingal County Council for the provision of a new library in Rush, County Dublin; and if he will make a statement on the matter. [31296/04]

530. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government if he will approve the application from Fingal County Council to proceed with the provision of library facilities in Skerries, County Dublin; and if he will make a statement on the matter. [31297/04]

531. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government if he will approve the application from Fingal County Council for the provision of a new library in Balbriggan, County Dublin; and if he will make a statement on the matter. [31298/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 529 to 531, inclusive, together.

In October 2002, Fingal County Council submitted an application for approval in principle for the provision of a public library in Rush and an extension to the existing Carnegie library in Skerries. In July 2003, the council submitted an application for approval in principle for an extension to the existing Carnegie library in Balbriggan as part of a larger public private partnership development. The council was advised at the time that as the proposals were not included in the public library capital expenditure programme from 2002 to 2004, they would be considered in the next review of the programme. In January 2004, local authorities were asked to review their capital programmes for library development and to submit a prioritised list of proposals which they wished to have considered by the Department of the Environment, Heritage and Local Government in its current review of the programme. In its submission, Fingal County Council listed Balbriggan second in order of priority and Rush and Skerries joint third. I intend to announce, early in 2005, details of the projects to be included for funding in an expenditure programme from 2005 to 2007.

532. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government if he has received an application to allow a new library to be made available in Youghal, County Cork; and if he will make a statement on the matter. [31299/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In February 2000, Cork County Council submitted an application for approval in principle for a branch library in Youghal. The proposal could not be considered for funding, however, because it did not form part of the public library capital expenditure programme from 1999 to 2002. As the project was rated sixth in order of priority in the council's submission of September 2001, it was not included in the public library capital expenditure programme from 2002 to 2004. In January 2004, local authorities were asked to review their capital programmes for library development and to submit a prioritised list of proposals which they wished to have considered by the Department of the Environment, Heritage and Local Government in its current review of the programme. In its submission, Cork County Council listed Youghal fifth in order of priority. I intend to

announce, early in 2005, details of the projects to be included for funding in an expenditure programme from 2005 to 2007.

Services for People with Disabilities.

533. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government the amount made available to each local authority in 2001, 2002 and 2003 regarding the disabled persons grant; the amount expended by each of the respective local authorities in the respective years; and if he will make a statement on the matter. [31300/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): A separate allocation is not given to local authorities by the Department of the Environment, Heritage and Local Government for the payment of disabled persons grants. A combined allocation was made to local authorities annually, up to and including 2002, in respect of house purchase and improvement loans and disabled persons and essential repairs grants. An annual combined allocation has been made since 2003 in respect of disabled persons and essential repairs grants. The combined allocations to local authorities between 2001 and 2003 are set out in the following table:

| Local Authority | 2001 | 2002 | 2003 |
|------------------------|-----------|-----------|-----------|
| | € | € | € |
| <i>County Council</i> | | | |
| Carlow | 634,869 | 1,173,000 | 477,000 |
| Cavan | 1,472,896 | 1,800,000 | 3,007,000 |
| Clare | 1,015,790 | 700,000 | 579,000 |
| Cork | 2,412,502 | 7,035,000 | 6,409,000 |
| Donegal | 2,285,529 | 6,600,000 | 4,702,000 |
| Dún Laoghaire/Rathdown | 761,843 | 800,000 | 1,554,000 |
| Fingal | 1,523,686 | 2,000,000 | 1,389,000 |
| Galway | 3,047,371 | 2,603,000 | 2,232,000 |
| Kerry | 647,566 | 1,300,000 | 1,378,000 |
| Kildare | 1,269,738 | 1,000,000 | 1,642,000 |
| Kilkenny | 1,904,607 | 3,385,000 | 568,000 |
| Laois | 1,955,397 | 3,350,000 | 676,000 |
| Leitrim | 1,206,251 | 1,300,000 | 1,987,000 |
| Limerick | 1,079,277 | 800,000 | 927,000 |
| Longford | 1,142,764 | 1,800,000 | 834,000 |
| Louth | 761,843 | 554,000 | 676,000 |
| Mayo | 1,206,251 | 2,613,000 | 1,449,000 |
| Meath | 3,809,214 | 2,400,000 | 1,227,000 |
| Monaghan | 888,817 | 800,000 | 1,332,000 |
| North Tipperary | 888,817 | 800,000 | 944,000 |
| Offaly | 634,869 | 1,000,000 | 632,000 |
| Roscommon | 1,015,790 | 2,095,000 | 1,719,000 |
| Sligo | 571,382 | 1,000,000 | 477,000 |
| South Dublin | 1,396,712 | 2,100,000 | 2,340,000 |
| South Tipperary | 1,523,686 | 3,400,000 | 1,255,000 |
| Waterford | 1,015,790 | 800,000 | 912,000 |

| Local Authority | 2001 | 2002 | 2003 |
|-------------------------|-------------------|-------------------|-------------------|
| | € | € | € |
| Westmeath | 507,895 | 800,000 | 1,087,000 |
| Wexford | 1,269,738 | 3,250,000 | 1,043,000 |
| Wicklow | 1,523,686 | 800,000 | 1,564,000 |
| <i>City Councils</i> | | | |
| Cork | 888,817 | 1,000,000 | 977,000 |
| Dublin | 14,348,040 | 10,000,000 | 9,366,000 |
| Galway | 749,145 | 700,000 | 894,000 |
| Limerick | 253,948 | 600,000 | 510,000 |
| Waterford | 507,895 | 1,500,000 | 612,000 |
| <i>Borough Councils</i> | | | |
| Clonmel | 317,435 | 300,000 | 0 |
| Drogheda | 761,843 | 500,000 | 0 |
| Kilkenny | 380,921 | 200,000 | 0 |
| Sligo | 380,921 | 870,000 | 600,000 |
| Wexford | 88,882 | 50,000 | 24,000 |
| <i>Town Councils</i> | | | |
| Athlone | 253,948 | 50,000 | 0 |
| Bray | 50,790 | 20,000 | 0 |
| Dundalk | 0 | 20,000 | 0 |
| Total | 58,357,162 | 74,868,000 | 58,001,000 |

The local authorities can decide on the level of funding to be provided for the disabled persons scheme in their areas from within the allocations.

Information on local authority expenditure on the disabled persons grant scheme is set out in the following table:

Disabled Persons Grants Expenditure 2001 — 2003

| Local Authority | 2001 | 2002 | 2003 |
|------------------------|-----------|-----------|-----------|
| | € | € | € |
| County Council | € | € | € |
| Carlow | 297,838 | 438,255 | 213,045 |
| Cavan | 1,138,614 | 1,624,988 | 1,684,852 |
| Clare | 1,871,325 | 837,784 | 623,016 |
| Cork | 2,943,687 | 5,215,047 | 5,157,423 |
| Donegal | 2,464,756 | 3,406,426 | 3,143,992 |
| Dún Laoghaire/Rathdown | 965,025 | 1,193,655 | 1,751,899 |
| Fingal | 1,070,988 | 1,633,898 | 819,938 |
| Galway | 1,814,938 | 2,186,148 | 1,145,176 |
| Kerry | 916,485 | 1,394,067 | 1,033,939 |
| Kildare | 1,102,355 | 1,047,616 | 1,110,686 |
| Kilkenny | 703,219 | 664,600 | 503,410 |
| Laois | 483,875 | 659,584 | 499,597 |
| Leitrim | 1,011,353 | 1,260,305 | 1,300,488 |
| Limerick | 736,816 | 757,215 | 713,534 |
| Longford | 1,124,550 | 1,180,264 | 914,071 |
| Louth | 611,319 | 800,934 | 576,435 |
| Mayo | 978,784 | 965,322 | 1,366,888 |
| Meath | 1,690,773 | 1,886,467 | 1,353,254 |
| Monaghan | 786,147 | 1,360,730 | 1,421,993 |
| North Tipperary | 1,019,368 | 1,625,281 | 818,982 |
| Offaly | 473,999 | 448,603 | 747,208 |
| Roscommon | 845,313 | 1,543,247 | 1,418,820 |
| Sligo | 254,876 | 777,087 | 470,753 |
| South Dublin | 2,432,911 | 2,005,968 | 2,544,886 |
| South Tipperary | 1,097,044 | 2,036,825 | 927,602 |

| Local Authority | 2001 | 2002 | 2003 |
|-------------------------|------------|------------|------------|
| | € | € | € |
| Waterford | 726,740 | 959,916 | 844,160 |
| Westmeath | 540,000 | 623,700 | 967,940 |
| Wexford | 650,575 | 808,721 | 693,824 |
| Wicklow | 778,824 | 1,432,835 | 1,291,689 |
| <i>City Councils</i> | | | |
| Cork | 925,348 | 1,623,281 | 834,072 |
| Dublin | 7,291,467 | 7,766,039 | 10,993,203 |
| Galway | 654,354 | 661,819 | 902,172 |
| Limerick | 483,988 | 640,259 | 663,313 |
| Waterford | 515,743 | 800,729 | 546,000 |
| <i>Borough Councils</i> | | | |
| Sligo | 332,874 | 330,905 | 457,320 |
| <i>Town Councils</i> | | | |
| Bray | 0 | 0 | 25,378 |
| Total | 41,736,272 | 52,598,520 | 50,480,958 |

Electronic Voting.

534. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government the monthly cost of storing and maintaining electronic voting equipment. [31302/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Returns received in the Department of the Environment, Heritage and Local Government from returning officers indicate that monthly storage costs, including rental, insurance and other costs, in respect of electronic voting equipment amount to €55,000. In some cases, however, the sum includes the provision of dedicated election office space in addition to equipment storage. While the voting machines do not require regular maintenance between polls, the equipment contract negotiated with Nedap-Powervote provides for free servicing and repair, where necessary, of all voting equipment until the end of 2007.

Architectural Heritage.

535. **Mr. Lowry** asked the Minister for the Environment, Heritage and Local Government the Office of Public Works plans for a development (details supplied) in north Tipperary; the amount of funding in place for this project; when work will commence on this project; the reason for the delay in this project; if he will meet with the local group involved in promoting the project; and if he will make a statement on the matter. [31330/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Office of Public Works is carrying out conservation works at the site referred to in the question. Some €27,000 has been spent so far this year. Further work, involving the refurbishment of adjoining houses, was planned by the OPW but it was not pursued because the ownership of the houses has yet to be transferred to the Department of the Environment, Heritage and Local Government.

Outline plans for the provision of new visitor facilities which includes, *inter alia*, acquiring and refurbishing the adjoining houses for the purposes of providing access to the site, have been prepared. I am considering the plans in the context of other demands on the Department's built heritage capital works programme, having regard to the long-term viability of the project. I will be happy to meet with the local group involved in this regard.

Local Authority Orders.

536. **Mr. J. O'Keefe** asked the Minister for the Environment, Heritage and Local Government the number of occasions, during 2003, on which local authorities secured or issued orders under enactments (details supplied); and if he will make a statement on the matter. [31358/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keefe): Local authorities submit data to the Department of the Environment, Heritage and Local Government every six months on their anti-litter enforcement action, including the number of notices issued by them under sections 9, 15, 16, 17 and 20 of the Litter Pollution Act 1997. Some 1,018 such notices were issued in 2003. Information on the number of notices issued under each section is not available in the Department. Regarding housing legislation, I assume the question refers to the Housing (Miscellaneous Provisions) Act 1997. Provisional information available to the Department from local authorities indicates that 55 excluding orders were sought by local authorities from the courts under section 3 of that Act in 2003, of which 24 were granted and 17 enforced.

Urban Renewal Schemes.

537. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government his Department's plans in regard to urban and town renewal progress; if he has satisfied himself with

[Mr. Wall.]

the progress; if the schemes have achieved the stated guidelines set down to redevelop urban and town centres; the plans he has to renew or vary the programmes going forward; and if he will make a statement on the matter. [31398/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The three tax incentive based urban regeneration schemes are the urban and town renewal schemes and the living over the shop scheme. Based on local authority returns, there is evidence that the schemes, which expire on 31 July 2006, have had a significant and beneficial impact throughout the country. It is estimated that total investment under the three schemes will amount to €5.5 billion. I intend to carry out a formal assessment of the full impact of the schemes next year. Pending that assessment and developments at EU level concerning regional aid guidelines for the post-2006 period, firm proposals do not exist for further such urban regeneration schemes.

Archaeological Sites.

538. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the information available to him regarding the archaeological site at Woodstown, County Waterford; and if he will make a statement on the matter. [31409/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Viking site at Woodstown was discovered during the course of archaeological investigations, in advance of the construction of the N25 Waterford bypass, which were being carried out on behalf of Waterford City Council under the auspices of the National Roads Authority. A report on the outcome of the investigations, which identified a previously unknown Viking site, was submitted to the Department of the Environment, Heritage and Local Government and is available on the NRA website. Further archaeological investigations followed aimed at determining the nature and extent of the archaeological features. The investigations included geophysical surveys outside the CPO line, funded by the Department.

The Department issued directions under the National Monuments Acts 1930 to 2004 requiring further studies to be carried out by the road developers to establish the archaeological potential of a marsh area at the western end of the site. These were palaeo-environmental coring to establish the nature and extent of the sediments in this area, archaeo-geophysical prospecting techniques to establish the presence or absence of archaeological features, artefacts etc., and specialised test trenching to establish the archaeological potential of the area. Correspondence was recently received from the NRA enclosing reports on the results of the additional investigations. In accordance with the provisions of the

National Monuments (Amendment) Act 2004 I will consider the reports and consult the National Museum with a view to issuing further directions under the Act to Waterford City Council in relation to the Viking site.

Legal Fees.

539. **Mr. J. O'Keefe** asked the Minister for the Environment, Heritage and Local Government the composite amount paid to lawyers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the amount paid from 1 January 2004; and if he will make a statement on the matter. [31884/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The amount paid from the Vote of the Department of the Environment, Heritage and Local Government for services provided by lawyers in 2003 was €4,233,782.40. The corresponding amount in 2004 so far is €3,505,803.41.

540. **Mr. J. O'Keefe** asked the Minister for the Environment, Heritage and Local Government the ten highest composite figures paid to barristers engaged by or on behalf of the State in any forum or for any purpose, including tribunals, courts, consultancies, legislative drafting and other work during 2003; the ten highest figures paid from 1 January 2004; the names of the barristers; and if he will make a statement on the matter. [31898/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The information requested on expenditure from my Department's vote is set out in the following table.

Barristers' Fees

| 2003 | 2004 |
|------------------------------------|------------------------------------|
| € | € |
| Patricia Dillon S.C. 628,904.41 | John Gallagher S.C. 500,940.00 |
| Patrick Quinn S.C. 626,181.94 | Patrick Quinn S.C. 468,270.00 |
| John Gallagher S.C. 582,557.41 | Patricia Dillon S.C. 457,380.00 |
| Desmond O'Neill S.C. 547,229.38 | Desmond O'Neill S.C. 435,600.00 |
| Mairead Coghlan 407,126.12 | Eunice O'Raw 397,485.00 |
| Eunice O'Raw 405,700.41 | Mairead Coghlan 367,537.50 |
| Phillippe Sands B.L. 318,962.53 | Susan Gilvarry 223,396.25 |
| Susan Gilvarry 246,750.00 | Annette Foley 158,268.00 |
| Vaughan Lowe B.L. 209,727.58 | Máire Áine Howard 122,815.00 |
| Annette Foley 149,193.42 | Adele Murphy 113,619.00 |