



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

*Tuesday, 7 December 2004.*

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## DÁIL ÉIREANN

*Dé Máirt, 7 Nollaig 2004.  
Tuesday, 7 December 2004.*

Chuaigh an Ceann Comhairle i gceannas ar 2.30 p.m.

*Paidir.  
Prayer.*

### Ceisteanna — Questions.

#### Northern Ireland Issues.

1. **Mr. Kenny** asked the Taoiseach if he will report on his recent contacts with the political parties in Northern Ireland; and if he will make a statement on the matter. [27909/04]

2. **Mr. Kenny** asked the Taoiseach if he will report on his meeting with the British Prime Minister at the recent European Council meeting in Brussels; and if he will make a statement on the matter. [27910/04]

3. **Mr. F. McGrath** asked the Taoiseach the position regarding the Northern Ireland talks. [28626/04]

4. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his most recent contacts with the British Prime Minister, Mr. Tony Blair, in relation to the peace process; and if he will make a statement on the matter. [28846/04]

5. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his meeting with the British Prime Minister, Mr. Tony Blair on the margins of the recent European Council meeting in Brussels. [28847/04]

6. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his recent contacts with political parties in Northern Ireland. [28848/04]

7. **Mr. J. Higgins** asked the Taoiseach if he will report on his recent contacts with the political parties in Northern Ireland. [30197/04]

8. **Mr. J. Higgins** asked the Taoiseach if he will report on his meeting with the US civil rights campaigner, Reverend Jesse Jackson. [30200/04]

9. **Mr. Sargent** asked the Taoiseach if he will report on his recent contacts with the political parties in Northern Ireland; and if he will make a statement on the matter. [30931/04]

10. **Mr. Sargent** asked the Taoiseach if he will report on his recent contacts with the British

Prime Minister in relation to the peace process; and if he will make a statement on the matter. [30932/04]

11. **Mr. Kenny** asked the Taoiseach if he will report on his meeting on 22 November 2004 with the SDLP leader, Mark Durkan; and if he will make a statement on the matter. [30933/04]

12. **Mr. Kenny** asked the Taoiseach if he will report on his discussions with the British Prime Minister in London on 24 November 2004; and if he will make a statement on the matter. [30934/04]

13. **Mr. Rabbitte** asked the Taoiseach the matters discussed and conclusions reached at his meeting with an SDLP delegation on 22 November 2004; if his attention has been drawn to the concerns expressed by the SDLP that it has not been fully involved in recent negotiations regarding possible moves to restore the institutions in Northern Ireland; and if he will make a statement on the matter. [30939/04]

14. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his meeting with the British Prime Minister, Mr. Tony Blair, on 24 November 2004. [30940/04]

15. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his meeting with the British Prime Minister, Tony Blair, in London on 24 November 2004; and if he will make a statement on the matter. [31170/04]

16. **Mr. J. Higgins** asked the Taoiseach if he will report on his meeting with the British Prime Minister, Mr. Tony Blair. [31284/04]

17. **Mr. Sargent** asked the Taoiseach if he will report on his meeting with a person (details supplied); and if he will make a statement on the matter. [32413/04]

**The Taoiseach:** I propose to take Questions Nos. 1 to 17 together.

I met the British Prime Minister, Mr. Blair, on Friday, 5 November in Brussels. I met a Sinn Féin delegation led by Gerry Adams on Wednesday, 17 November and an SDLP delegation led by Mark Durkan on Monday, 22 November. I met Mr. Blair again in London on Wednesday, 24 November. I had an opportunity, during my visit to London, to have further contacts with the leaders of Sinn Féin and the SDLP, as well as the Rev. Ian Paisley. I met Gerry Adams and Martin McGuinness again last week. We have maintained contact with the other Northern Ireland parties, including the UUP, throughout this process. I had a meeting with David Trimble in Dublin.

The two Governments and the parties have worked hard together to resolve and bring fair closure to all the outstanding issues. In recent days, the Governments have provided final versions of the documents which we hope will comprise the agreement we are seeking to achieve. The agreement, if accepted, will open the way to

[The Taoiseach.]  
a comprehensive partnership on the basis of the Good Friday Agreement. As it offers an opportunity to consolidate peace and political stability in Northern Ireland, we have strongly recommended its acceptance. Later this evening, we expect to be advised on whether agreement has finally been reached. If an agreement has been reached, we expect that it will be revealed tomorrow. In any event, I will meet the British Prime Minister, Mr. Blair, tomorrow afternoon in Belfast. We will have an opportunity to review and assess the position at that time.

I met the Rev. Jesse Jackson on Monday, 8 November, when we discussed his visit to Northern Ireland later that week.

**Mr. Kenny:** I thank the Taoiseach for his reply. I am conscious this is a critical time in respect of the negotiations and the Good Friday Agreement. I wish the Taoiseach well in the concluding hours before the deadline is reached.

I obviously have a very different view from the Taoiseach on the recommendation he may make in respect of the early release of the killers of Jerry McCabe. I regard this matter as entirely separate to that of the Good Friday Agreement. That the Taoiseach made a commitment regarding the release of the killers of Jerry McCabe undermines his own office as Taoiseach. Will he confirm that the early release of the killers of Jerry McCabe was the subject of a Cabinet discussion? On Sunday night, the Tánaiste indicated clearly that it was not.

Documentation from the Department of Justice, Equality and Law Reform made it very clear that the original position on the release of the killers of Jerry McCabe was part of a need to ensure public support for the terms of the Good Friday Agreement. In other words, the Government was very clear about its intent regarding the specific exclusion of these prisoners under the Agreement's regulations on early release. Will the Taoiseach state the status of the on-the-run prisoners in this regard? I understand that there are two, one of whom is in Nicaragua and the other of whom is in either Portugal or Spain.

From his negotiations with Sinn Féin leaders, why does the Taoiseach consider that the release of the four McCabe killers is so important to Sinn Féin that it might hold up the Agreement completely, bearing in mind that the killers were disowned by the republican movement after they gunned down detective Garda McCabe and that the incident involved the robbery of old age pension money outside a post office in Adare, County Limerick, resulting in tragic consequences? Does the Taoiseach have a view on why Sinn Féin personnel regard this matter as important enough to be on top of their agenda? It has apparently been conceded by the Taoiseach as being part of his agenda also.

**The Taoiseach:** I thank Deputy Kenny for wishing me well in the overall negotiations. We

will see in the next 24 hours how they proceed and whether it is possible to reach a conclusion. There is still a number of outstanding issues, some of which are in the public domain and are fairly obvious. This is not related to the question the Deputy asked, but we will continue over the next day or so to try to bring about satisfactory conclusions. To be frank, there is not much of a role left for the Irish Government in that it has completed its work. It is now a matter for the parties and we are keeping in touch with as many parties as we possibly can.

I accept that Deputy Kenny has a different view from me on the release of prisoners. He asked if the Government had discussed the issue. It has done so many times, including many times recently. What the Tánaiste said is that the Government has not made a final decision. We cannot make a final decision until there is a final agreement and we know the position. Obviously, these are all big issues and the decision in question is not the only one to be made. There are not many people on the run. Most of the cases involving people on the run who were not charged in this jurisdiction relate to the early 1970s, almost 30 years ago. Many of those people have set up new lives in other countries. The whereabouts of some of them are hearsay. The Deputy mentioned two but there might be only one. The story is that they are in South America, one in Nicaragua and the other elsewhere. If we deal with one person on the run we deal with all of them. The list of known people on the run in this jurisdiction is short. What will happen ultimately and what protections we put in for them have yet to be finalised. We have said we would sign up for that and that question has been on the agenda for several years.

In response to Deputy Kenny's other questions, we released approximately 67 prisoners under the Good Friday Agreement. They were not all allowed out in April 1998 but over the end of that year and into 1999. Approximately 20 of those had very long sentences, many of them were in for the capital murders of Garda Hand and Garda Quaid. Many would not have been released until 2025, approximately 20 would not be released for another ten years from now. Each of those decisions was very difficult. The reason we made an exception for the killers of Garda McCabe was that at that stage they had not been charged, the case was pending. The IRA first stated that the killers were not its members, that it had no involvement with them. That changed and the IRA said the killing was not sanctioned, then said it the Munster brigade had sanctioned it. The story has changed several times over the years.

I held the view strongly that they should not be released and it is a bit ironic — it just shows how things move on — that I defended myself against many parties in this House and outside the House at that time for not releasing them. The only time during the peace process all the parties in the North, Unionist, loyalist, republican and

Nationalist condemned me was on that issue because they said this was drawing a distinction between the 50 or so people who had murdered RUC and Army officers who were all getting out. I was asked why we drew this distinction: we drew it for those reasons. This is all on record, I read the quotes in recent days. We stuck firmly to that stance for several years. I am on record several times as saying that and the letter that the former Minister for Justice, Equality and Law Reform sent in December 1999 followed that position.

While Deputy Kenny takes a different view on this issue, he will appreciate that this process, like any other process, does not stay still. The change occurred in this issue when we wanted to move on and achieve acts of completion two years ago because the process was so slow and we set out what acts of completion were. We put many factors into the negotiations, mainly the International Monitoring Commission, where we drew a distinction between what was in the Good Friday Agreement and in the discussions at that time. We changed what became the famous “paragraph 13” and broadened the area. Naturally then everybody else expanded issues too. That is not a surprise to anybody. They broadened the terms, and Sinn Féin continued on its campaign, which, quite frankly, it had not stopped. The Deputy asked my opinion on Sinn Féin. I will quote from what I said in the House over six months ago.

Sinn Féin has made it clear that it is unable to convince the IRA leadership to take the necessary steps without the situation of the Castlereagh prisoners being resolved.

Let me be clear that, for its part, the Government can consider the early release of these prisoners only in the context where the achievement of all other acts of completion, as set out, was assured. This means assurance of the complete ending of paramilitarism by the IRA, and decommissioning. This is something that we have been trying to achieve through intense engagement over the past two years and more. It is a goal for which successive Irish Governments have been striving since the foundation of the State, and it remains our goal.

That is what I said on 11 May 2004, six and a half months ago, and that remains the position. I do not deal with the IRA, but with the leadership of Sinn Féin, which said to me that there was no possibility of ever being able to bring decommissioning to finality, to get new instructions to volunteers or to be able to move to the process that we want if we do not consider the acts of completion from their side. There were approximately 125 or 126 issues to discuss on acts of completion, but we had three — that is what the Government had to deal with. Those were the issues from the report of the All-Party Oireachtas Committee on the Constitution. Northern representatives from all parties should be able to attend infrequent debates of committees of the

House at which they would deal with these issues. The second issue concerned IRA volunteers on the run and, third, the killers of Garda Jerry McCabe, who were subsequently charged with manslaughter and brought before the courts.

That is the position. We have worked on the basis of trying — time will tell whether we succeed — to complete this. I am not arguing with Deputy Kenny about this, but from listening to the comments people ask how can one switch from one position to another. We could have finalised matters. The other morning I heard Deputy Noonan on the radio making the point that, as a good negotiator, one should take the issue off. If I were playing with a pay deal or conditions of employment, that would be a good point, but in trying to bring about finality, we must bring to the International Monitoring Commission issues not covered in the Good Friday Agreement. Paragraph 13 of the Joint Declaration states:

Paramilitarism and sectarian violence, therefore, must be brought to an end, from whichever part of the community they come. We need to see an immediate, full and permanent cessation of all paramilitary activity, including military attacks, training, targeting, intelligence gathering, acquisition or development of arms or weapons, other preparations for terrorist campaigns, punishment beatings and attacks and involvement in riots. Moreover, the practice of exiling must come to an end and the exiled must feel free to return in safety. Similarly, sectarian attacks and intimidation directed at vulnerable communities must cease.

We threw the kitchen sink into paragraph 13, which was not part of earlier agreements or negotiations. Each of those matters is important to achieve an end to criminality rather than simply ending the other activities. That is what we did, and it was the right thing to do. However, that opened up the question of other matters being dealt with, and that is why we got into that position. If we ever want to see — I do not say this to Members of this House, but I will give them my best judgment, which is correct in this instance — the end of the IRA as constituted at present and for the past few decades, if we want to bring this phase to finality, we must do these things. If we do not, we may fall short.

No one would be happier to fall short on IMC issues than Sinn Féin, which abhors it and is totally opposed to everything about it. Sinn Féin would be delighted if I took some of those matters from the table, but we would fall short, and that would not be negotiating comprehensive acts of completion. It is hard and, having met the Garda Representative Association, I know that people get upset. I am very sorry for the position that Ann McCabe is in, as I am for that of other families. I did not feel great the day of the release, as a result of an agreement I made, of those responsible for the death of Garda Quaid, who were not due to be let out until 2025. That

[The Taoiseach.]

was not easy either. I do not want to forget those people, but this is the reality of the situation. If we want to bring this issue to an end, we will have to do something about it. We will not bring it to an end by wishing we will do so.

**Mr. F. McGrath:** I wish the Taoiseach well in the Northern talks, particularly over the next few days. It is a difficult time. We need cool heads and decisive leadership, and I wish him well. Does the Taoiseach agree that in any peace process or peace negotiations humiliation of any party does not contribute to the development of the process? Will he convey the views of the broad Nationalist family in regard to Dr. Paisley, a man who has made a major contribution to conflict? Is the Taoiseach aware that former loyalist prisoners have said that they would not have got involved in sectarian killings if they had not been influenced by people like Dr. Paisley? Does the Taoiseach agree that many people are sick of the hypocrisy of Dr. Paisley, his gun certificate waving and his third force pals in regard to debate, guns and violence? Will the Taoiseach remind all those at the talks that one makes peace with one's enemies, not one's friends? Will he ensure that all victims of the conflict are treated with the same respect and dignity and that no one side has a monopoly on grief and suffering? I agree with the Taoiseach that the peace process should not stop or stay still, it is constantly changing and evolving, and we should all be part of that process.

**The Taoiseach:** I thank Deputy McGrath for his comments and good wishes. As he said, we should all keep cool heads, and I had better do so as well. Naturally, many of the things that have been said in the recent days have not been easy, although I understand the position.

I had the pleasure of sitting down with Dr. Paisley. I was a small boy when Dr. Paisley first hit national prominence in the country and I have listened to him all my life. As I said to him across the table — he would not mind my saying this on the floor of the Dáil — he was not my favourite Irish character over the generations. I fully understand what he has to do, where he is at and the steps he has to take. As he explained to me, he spent practically every day for a quarter of a century going to a house of somebody who was killed, somebody whom he directly knew or a constituent. He recited to me at length burials he attended of good friends and members of his church, people closely associated with his political party whom he saw killed. He said he hated everything Sinn Féin ever stood for, and the IRA even more. Now he has to contemplate not alone forgetting and forgiving that, but becoming part of an administration with its members. Deputy McGrath will acknowledge that is a big step. As Dr. Paisley reminded me recently, he is 78 or 79 years of age, and it is even a bigger step for a man of his age who has fixed views. These are huge steps.

To answer the Deputy, in respect of some of the things that have been said, the more one tries

to move and look for something such as surrender, the less likely it is one will get it. One would not win that game, no more than I would if I tried to run a campaign of surrender and humiliation. That moves around every way. I will make these points again, I do not think it is necessary, but I will do so. On a number of occasions I have given my homily to Sinn Féin, loyalists and others in negotiations, particularly Sinn Féin because of its association with the Provisional IRA, the cross, opposite sides of the one coin and so on. They must also understand the difficulties. The current issue is the pressure on Mrs. Anne McCabe and her family and on the families of other gardaí who were shot — I refer to Garda Quaid and Garda Hand. There has not been a day when I have not dealt with Northern Ireland, and in all that time I have dealt with many sad cases. I have met RUC widows, the Omagh victims, as has Deputy Kenny, and the family of Seamus Ludlow. More recently I met the families of the victims of the Pettigo murders. I met families in Offaly and in Tipperary. I met the RUC Officers Association, now the PSNI. I met the families of British Army soldiers who were shot. Last week I again met victims of the Dublin and Monaghan bombings who still cannot understand why the great sovereign Government of this country closed the file on the bombings in August 1974, a few months later. The number of people I have met is endless, not to mention the number of individual cases. I met the family of Sean Browne recently in Croke Park, and those of several other people who were killed in the Troubles.

I accept that people have different views on this, but we can either try to bring this to finality this week or some other week or just go on and other killings will happen and a new generation will return to the old ways. That is what we face, and Deputy Finian McGrath is right on that point. We will just go down the slippery slope again. Not one of the cases mentioned is easy. I could tell horrifying stories about any one of them and put all the emotion one likes into them. However, that will not bring finality to the Agreement.

**Caoimhghín Ó Caoláin:** I assure the Taoiseach that he should have no doubt that we in Sinn Féin fully understand the difficulties of others. He should also note, and he should make no mistake about it, that what is being addressed presents enormous difficulties for republicans too. They have also suffered.

I commend the efforts of all those who are striving to ensure the full implementation of the Good Friday Agreement and, on the basis of equality and inclusivity, to allow for a successful conclusion to the current process of engagement. I hope that sufficient progress will be made in the coming hours to ensure that can be done at the earliest possible opportunity.

I wish to raise one important issue that is central to all of this, namely collusion between the armed forces of the British Government and loyalist paramilitaries. The Taoiseach will recall that

the British Government at Weston Park agreed, “In the event that a public inquiry is recommended in any case, the relevant Government will implement that recommendation”. The Taoiseach will also recall that Judge Cory recommended a public inquiry.

**An Ceann Comhairle:** The Deputy should ask a question.

**Caoimhghín Ó Caoláin:** It is a question. Does the Taoiseach recall that Judge Cory recommended a public inquiry into the killing of Pat Finucane and identified the basic requirements for a public inquiry, one of which was that “the tribunal should have full power to subpoena witnesses and documents together with all the powers usually exercised in a public inquiry”?

**An Ceann Comhairle:** Will the Deputy please ask a question?

**Caoimhghín Ó Caoláin:** I have a further question. Is the Taoiseach aware, and did he raise with Tony Blair at the opportunities on which these questions are based, that the British Government’s new Inquiries Bill is a wholesale departure from the commitment made at Weston Park and also recommended by Judge Cory? Is the Taoiseach aware that the central tenet of the Inquiries Bill is to afford the British Government the power to determine when the inquiry sits in private and what material is to be held? Does the Taoiseach not agree that this is a mockery of any inquiry process? Has the Taoiseach raised this matter in his recent engagements with Tony Blair, given that all of this is hanging on the need for and the proposals around an inquiry into the murder of Pat Finucane? Is the Taoiseach aware that the Finucane family has stated they will not cooperate with any such so-called inquiry established under this new British legislation because it would effectively be a gag on the inquiry?

**The Taoiseach:** The Deputy asked three questions on three different areas. I acknowledge that a significant proportion of the 3,000 people who died and of the tens of thousands who were injured, many seriously and many of whom were incapacitated for life, during the Troubles in Northern Ireland were republicans or members of republican families. I know that the trauma of this continues for many families.

With mentioning a name, I think Deputy Ó Caoláin acknowledged the issues that affect the McCabe family and he would understand the concern surrounding those who are in prison for that crime and for whom his party seeks early release. There is great concern as to why these people acted as they did on that day and, if it was a robbery, why they could not have acted in another way. There are deeply held views on this matter among the community and the membership of the Garda Síochána. Whether these issues are dealt with now or in the long term, they remain to be

dealt with, and whether those in prison serve a short sentence, if there is a deal, or a long sentence, there will be concern in the community in this regard. It is important that Sinn Féin, which has influence over these people through the IRA, seriously considers the question of whether they are released now or in the future. The Deputy knows of the concerns in regard to others who were released early.

I met Geraldine Finucane and her family recently and I arranged for the British Prime Minister to meet the Finucane family. I also discussed the issue with a senior representative of the British Government, Lord Falconer, and told him that Geraldine Finucane would not agree if the legislation fell short. I reminded Lord Falconer of the commitment made at Weston Park to set up the Cory inquiry into the six cases, which led to a wider inquiry. Geraldine Finucane, having watched her husband shot in front of her children, has lived for 15 years on the basis that she would get justice. She is not prepared to settle on the basis of this legislation because she wants the issues examined in an open and honest way. While she wants to be helpful, she wants the inquiry to be dealt with properly. We have proceeded here in dealing with the case of Chief Superintendent Breen and Superintendent Buchanan, and other cases will have to be dealt with during the inquiries.

We will continue to support Geraldine Finucane because we believe right is on her side. If the legislation is inadequate, as it currently is, we must try to have changes made to it and we have continued to lobby for this. If the legislation comes before the House of Commons, we will use whatever influence we have to work with those who can try to change it.

**Mr. Rabbitte:** I have some sympathy with the position in which the Taoiseach finds himself. However, notwithstanding informative replies, I am not sure I understand or that he has made clear why he finds himself in this position. Will the Taoiseach explain why he allowed the issue of the killers of Detective Garda Jerry McCabe to remain on the table? It cannot be dismissed on the basis that it is not a pay agreement. The real crime here is the murder of a garda, although, through intimidation, it emerged as convictions for unlawful killing. The overwhelming majority of our citizens, including the Taoiseach’s supporters, find this a bridge too far and very difficult to stomach. Why did the Taoiseach allow this to stay on the table? Was it because Mr. Adams said this was the priority of the republican movement? At any stage since the institutions collapsed, surely it should and could have been made clear that whatever else happened, the undertakings given to the McCabe family would be observed. I do not think the Taoiseach has explained to the House why this remained on the table and why he is now in this position. It is a position of which I have some understanding.

[Mr. Rabbitte.]

Has the IRA met General de Chastelain? Is there a direct offer on decommissioning on the table from the IRA or are the Governments relying on a nod and wink from Sinn Féin? In the event there is no agreement, is it the intention of the two Governments to publish their proposals on a take it or leave it basis?

In terms of the Taoiseach's expectations about the situation we are now in, has the decommissioning issue been reduced not to a question of "when" or "if", but to a question of verification? Having regard to the fact that on the last occasion, General de Chastelain was not enabled to explain in any comprehensive fashion the decommissioning which had taken place because he was under an imposition of confidentiality imposed on him by the IRA, would it be helpful in the present circumstances if as a unilateral gesture the IRA removed the general from that imposition so that he could spell out in some considerable detail the historical decommissioning which has taken place? That might be a positive factor in the environment we are now in and in which verification again seems to be the issue rather than decommissioning itself.

**The Taoiseach:** I will try to answer all those questions. In regard to the first issue, I do not say it in terms of it being a pay agreement. I am saying that in the negotiations on this, the stakes have been entirely different and far more complex. Sinn Féin has always sought, as many others did at the time of the Good Friday Agreement, that these prisoners should be entitled to be out. Many argued the opposite, including the Government and others in this House.

**Mr. Rabbitte:** Who are the others?

**The Taoiseach:** Who argued the opposite?

**Mr. Rabbitte:** No. Who argued they should be out?

**The Taoiseach:** There was strong opinion in Northern Ireland at the time that everybody should be released under the Good Friday Agreement and that a murder in one case should not be distinguished from a murder elsewhere. Those remarks were made in this House as well. People were just making, I think, a balanced argument. The point was made in Northern Ireland and it was criticised strongly there. I looked back at the quotes from all parties because, as I said, one is taking the one case. In Northern Ireland, the murderers of 13 RUC officers, 16 UDR members, five ex-UDR members, ten army soldiers and two prisoners were released. My defence at that time was that we released several prisoners who were in for capital murder. Listening to the comments in the past few days, people forget that. The people who killed Garda Henry Byrne, Garda Seamus Quaid and Garda Francis Hand were released. Quite a large number of people were

released who had been serving sentences for capital murder and would not have been due for release until 2025, not 2007 or 2008.

I want to answer Deputy Rabbitte's questions as fully as possible. Sinn Féin representatives never ceased looking for the release of these men but they were at all times refused and will still be refused until they comply with what we have stated — full decommissioning, new instructions to the IRA, and the IRA moving into peaceful mode. The IICD and the International Monitoring Commission will call the decommissioning issues, not the Governments. John de Chastelain will do so, as he has done previously. There is no question of prisoners being released until both those agencies have given their views. It is not a question of the deal being done tomorrow and those prisoners being released the following day — that is not the position. If the IICD says there has been full decommissioning of what is held by general headquarters and the IRA leadership, and the IMC says that new instructions have been issued to the volunteers, those are the terms of it.

Deputy Rabbitte asked why we did not say to Sinn Féin that we would not deal with this issue under any circumstances. The Supreme Court said this was a political issue for the Government ultimately to deal with. When we went to acts of completion — I will not go through the list again but it is set out in paragraph 13 — we said it was not good enough just to have a ceasefire when punishment beatings and other criminality, including targeting, was going on. We then changed our position stating that these issues all had to be dealt with in their totality if we were to bring about acts of completion. One of the acts of completion — it was the most important one for the Irish Government out of approximately 126 or 127 issues — was the release of these prisoners. Deputy Rabbitte posed a fair question: why did we not say that, while we wanted all the acts of completion, we would still not consider releasing them? As I said in the House six months ago, Sinn Féin made it absolutely clear that it was unable to convince the IRA leadership to take the necessary steps without the situation of the Castlerea prisoners being resolved. Without that, there would be no more progress on decommissioning, policing or other issues. I have dealt with Sinn Féin long enough to know that that was it — we were not going to make any progress and, therefore, these issues were not going to be addressed in a meaningful way. We always said that as part of a comprehensive deal everybody would state their positions. We made it absolutely clear — strongly and firmly — that we would not release them until these issues came about. It was not done on a nod and wink basis.

Deputy Rabbitte's second question was about decommissioning. There has been a meeting with the IRA representative and John de Chastelain. As I understand it, those meetings are ongoing and, although progress has been made, a number of issues has not been resolved. There are technical issues that must be dealt with and it is a matter

for the international commission how these matters are undertaken. I do not want to be any more forthcoming than that about it. It is a matter for General de Chastelain who must decide how these matters are dealt with. Then there is the question of witnesses and verification. Most of that has been resolved but there is one major difficulty and I do not see the resolution of that. Deputy Rabbitte is aware of that difficulty and how the two sides perceive it. Both parties have strong, determined views on how they see it but I do not know where the trains meet on this one. I have been concerned for some weeks as to how that issue can be resolved. From the point of view of transparency and accountability, John de Chastelain, having had difficulty the last time, has been far more stringent this time for obvious reasons. We must remember that our objective is to achieve the full decommissioning of general headquarters arms. We are talking about different levels than where we were before. This technical work is at a different level.

It will be all or nothing if we do not get to that position. For reasons of transparency, the Irish Government has taken a middle view on that, which will become clear. If it does not work, my view is that this will not come around again for some considerable time for the reasons I have said before. This is not just my view but is based on what I have heard from the parties. If it does not work in the next 48 hours or less, we will be in a difficult position. People will pull back from their stated positions. It will be difficult to get back to where we are for many reasons, which I will say if that happens. I feel restricted from voicing them now.

I know the views of both sides on these issues and that both sides feel they have gone out on a limb. I have my view regarding the positions with which I agree or disagree but that does not help the process at this stage. My view is that we should publish at least most of the papers. It is important that the public see where we are at. From my own position, I would like such information to be made available as it would stop anybody saying that I was prepared to release the killers of Detective Garda McCabe for nothing.

**An Ceann Comhairle:** That concludes Taoiseach's questions.

**Mr. J. Higgins:** Considering that Taoiseach's questions began five minutes late, a little leeway should be given on the other side.

**An Ceann Comhairle:** We have already gone beyond the time set for the beginning of questions to the Minister for Transport. Standing Order 45 is quite specific.

**Mr. J. Higgins:** It is disrespectful to those Deputies who have been waiting to address questions to the Taoiseach.

**An Ceann Comhairle:** I appreciate that Deputies Joe Higgins and Sargent have submitted questions and that other Members have their names on the list.

**Mr. Sargent:** I wish to make a point of order. In keeping order in the House, the Ceann Comhairle might remind Members that a number of Deputies have questions on this matter. It is obvious that questioners and those answering, especially the Taoiseach, could be more succinct.

**An Ceann Comhairle:** The Chair does its best to ensure that Members submit questions. The Chair has no control over a Minister answering questions.

**Mr. Sargent:** A word in the right direction would be appropriate.

### Priority Questions.

#### Public Transport.

46. **Ms O. Mitchell** asked the Minister for Transport if it is his intention to introduce bus competition, given that Dublin Bus does not have sufficient capacity to meet demand for bus services; and if he will make a statement on the matter. [32404/04]

**Minister for Transport (Mr. Cullen):** I understand the management of Dublin Bus is examining ways of maximising the utilisation of the existing bus fleet in light of the significant investment made to date under the national development plan and the ongoing changes in demand patterns in Dublin. It would clearly be premature to make any decisions on investment in additional capacity until my Department is satisfied that existing resources are being utilised in the most efficient and effective manner.

I am continuing to review the work undertaken by my Department on the reform of the bus market. I have also had a number of useful meetings with key stakeholders, such as the CIE unions and the management of Dublin Bus and Bus Éireann. I welcome the consensus shown by those I have met to date that both State-owned and private bus companies have a valuable role to play in delivering the future public transport needs of Dublin.

In this context, I have asked the management of Dublin Bus and other stakeholders to submit their views on how best to give effect to Government policy in this area. I look forward to receiving these views. When I have considered them and completed my review of the work undertaken by my Department, I will, in a spirit of partnership, decide how best to proceed to give effect to the Government commitment to reform.

**Ms O. Mitchell:** I am amazed by the Minister's answer that he is now seeking views and will



[Ms O. Mitchell.]  
make decisions in the future. All these decisions have been made. The national development plan included a commitment to provide Dublin Bus with 250 additional buses. Is the Minister aware that Dublin Bus has received no new buses since the 93 that were provided in 2000? Now we discover there will be no new buses in 2005. These buses were promised as part of the national development plan. Why is there a delay?

Why do we need further reviews? Is it because the Minister has not decided whether to introduce competition? Deputy Cullen is the third Minister to talk about reform and regulated competition. This is *Aer Lingus* all over again. We have neither competition nor a properly resourced state system. We must have one or the other.

There is no prospect of relieving congestion in Dublin from any source other than the bus service. God knows if any of us will live to see the metro. New services will not be provided unless they are extra bus services. When will we have a decision? How many more reviews and Ministers will we go through before we see additional buses? What has happened to the promises made in the national development plan?

**Mr. Cullen:** I do not agree with Deputy Mitchell. Perhaps she has misinterpreted what I said. There is already competition. The Luas has brought competition to Dublin Bus on certain routes. There is competition from DART and also from other new services. I have had good discussions with the participants and I am pleased that all sides agree with me that the commitment to market opening in the programme for Government must become a reality. Everyone accepts that the future transport needs of Dublin can be provided by a combination of public and private operators.

I want to make sure we get the best outcome for the customer. The customer wants, needs and demands the best service that can be put in place, irrespective of who delivers it. I am engaged in providing that at present. In that process, the issues of rolling stock and new buses for Dublin Bus arise. I am anxious to deal with those issues but I also want to make sure that we are getting the absolute maximum value for money from what has already been provided. I have been actively engaged on this issue for only a few weeks and I will bring it to conclusion early in the new year.

**Ms O. Mitchell:** I do not doubt the Minister's good intentions. However, we have a five year envelope for investment in public transport, a national development plan and a platform for change for Dublin. All of these are now up in the air and none are being pursued as envisaged. What is the point of talking about envelopes of funding going forward when the content, the programme, the budget and the timing are all

changed at the whim of every Minister who comes along?

**Mr. Cullen:** I am not changing anything on my whim. I disagree that I have shelved any of the projects to which Deputy Mitchell referred. I have not. I want to move them on and have decisions taken on them. However, I am conscious of the process and of understanding what outcome we can derive from each project. I am not going to do something for the sake of some perceived ideological outcome. I want an outcome which delivers real benefit to public transport in Dublin. That is at the core of what I am saying.

The discussions I have had with management and unions have been very good. There is an all round acceptance of market opening. I want to see what some particular aspects of market opening will deliver. When we go down this road it is important that we can clearly demonstrate to the paying customer who wants to use public transport that this is an enhancement of the public transport service and that everyone is a winner as a result. My efforts are focused on the customer.

#### **Road Safety.**

47. **Ms Shortall** asked the Minister for Transport his plans in respect of the provision of central crash barriers on the M50. [32531/04]

48. **Mr. Crowe** asked the Minister for Transport the steps he intends to take to ensure the provision of central crash barriers on the M50 following the recent serious accident on that stretch of motorway. [32402/04]

**Mr. Cullen:** I propose to take Questions Nos. 47 and 48 together.

**An Ceann Comhairle:** Is that agreed? Agreed. The time allowed for two oral questions is not more than 12 minutes.

**Mr. Cullen:** The provision of median barriers on national roads is a matter for the National Roads Authority, NRA, having regard to best practice in road safety and EU standard for safety barriers of this type.

The position generally in regard to the provision of median barriers on national roads is that: median barriers are currently being provided on all new motorways and dual carriageways irrespective of the median width and; median barriers are being retro-fitted on all existing inter-urban motorways and dual carriageways irrespective of median width and this work is expected to be completed by mid-2005 with the exception of the M50.

In the case of the M50, it had been intended by the NRA that median barriers would be provided in the context of the upgrade project which is due to get under way, subject to An Bord Pleanála approval, on a phased basis in late 2005 for Phase 1 and in 2006 for Phase 2.

However, in light of the recent crossover accident on the M50, in which a young woman tragically lost her life — I offer the family of the young woman my condolences and those of the Government — the NRA is now considering the options for providing median barriers in advance of the M50 upgrade. The NRA has been asked to inform my Department of the outcome of its considerations of this matter as soon as possible.

**Ms Shortall:** In light of the two recent serious cross-over accidents on the M1 and the M50, does the Minister accept that the safety policy on our motorways is no longer acceptable? Why is the Minister passing the buck by saying this is a matter for the NRA? It is a matter for the Minister to set down policy in this area and for the NRA to carry out that policy. I ask the Minister to get off the fence on this matter and give us his own view of what should happen in respect of central median barriers.

Now that the NRA has finally accepted the need for central barriers, is the Minister aware that the authority proposes to use low containment wire rope, which is the lowest EU grade of barrier? Is he aware of the many problems associated with that? Low containment wire rope does not prevent any kind of heavy vehicle crossing over into the oncoming traffic and poses very real dangers to motorcyclists. Does the Minister realise that practically every other EU country uses the more substantial H2 category of barrier, which provides cushioning and will provide safety against impact for even the heaviest vehicle? What does the Minister propose to do to ensure that our motorways become more safe?

**Mr. Cullen:** There is already a substantial programme in place for the introduction of median barriers. They are being installed on all new motorways and dual carriageways and retro-fitting has begun on all inter-urban motorways and dual carriageways. Because a major upgrading of the capacity of the M50 is to begin next year, it was decided not to install the barriers until then. However, in the light of the recent accident I have asked the NRA to review that decision.

While not lessening one aspect or the other, it is equally important to state that we all have a responsibility while driving. It is wrong to suggest that barriers would suddenly stop all accidents.

**Ms Shortall:** I am not suggesting that. However engineering solutions are required.

**Mr. Cullen:** I do not say Deputy Shortall is suggesting that. I merely make that point. I do not like the idea of the focus being taken off safe driving. I do not say Deputy Shortall has done that.

**Ms Shortall:** The Minister is taking the focus off the NRA.

**Mr. Cullen:** In the context of refitting the M50 and on foot of what has happened, I have asked

the NRA to come back to me on this matter as quickly as it can. I am waiting for that report.

**Mr. Crowe:** I join the Minister in sending my sympathy to the family of the young woman who was killed in the recent accident on the M50 and to those who were seriously injured. I passed the scene of the accident approximately one hour after it happened and I was shocked to see the state of the cars involved.

The Minister says the NRA is considering the installation of median barriers on the M50 and that this will be done as soon as possible. Can he give the House a time scale for that? When will this happen?

On the day of the accident I noticed a car travelling on the M50 at approximately 30 miles per hour and displaying large L plates, people using mobile 'phones while driving and children unrestrained in the front seats of cars. On the day that was in it, it was very disappointing to see that. While the barriers alone will not solve the problem, they will clearly go some way to doing so. Everybody who has passed by that road or read about it in the newspapers is concerned and wants to see it happening as soon as possible. What has brought about the change? Is it because the young woman died? We will see increasing numbers of such accidents unless we upgrade and install barriers on such roads. If the NRA in its wisdom decides to proceed, when will barriers be put on that road?

**Mr. Cullen:** I reiterate what I said, median barriers are being provided on all new motorways and dual carriageways irrespective of the median width. Median barriers are being retrofitted on all existing inter-urban motorways and dual carriageways irrespective of median width and this work is expected to be completed by mid-2005 with the exception of the M50. The M50 will have a very substantial upgrade starting next year. The NRA is aware of the urgency of this matter and I want to hear from it as quickly as possible. I want, and the Government is determined, to have the best standards of safety possible on all our roads, motorways etc. Such standards do not of themselves stop what happened recently on the M50. I understand that if a barrier had been in place, unfortunately, it would have made no difference.

**Ms Shortall:** Who said that, the NRA?

**Mr. Cullen:** I am merely telling the Deputy that I understand a barrier would not have made that much difference. However, that is to speculate. The point is that to present these in this way is wrong.

**Ms O. Mitchell:** The Garda has made a report.

**Ms Shortall:** I ask the Minister to tell us who said that. I cannot imagine any expert in this field making such a claim and I ask the Minister to substantiate it. The question specifically referred

[Ms Shortall.]  
to the M50. Last week on the "Prime Time" programme the Minister of State, Deputy Callely, said that the central crash barrier will not be provided on the M50 until the upgrading work is completed. The Minister today said something different, that he is considering it. When does the Minister expect to take a decision on providing a much-needed central crash barrier on the M50? It is important for him to let us know and stop kicking to touch on the matter.

In my previous question I asked the Minister to comment on the fact that on many of our motorways the NRA is using wire rope, which is completely unsatisfactory, unsafe and poses serious dangers to motorcyclists. What is the Minister's view on the fact that the NRA is using the lowest grade central crash barrier when all other European countries are using the much safer higher-grade barrier?

**Mr. Cullen:** I understand very different types of barrier are used on various motorways with different road design throughout Europe, not just in Ireland. The NRA has used different types of barriers. The M50 upgrade in terms of putting the barriers in place is to happen.

**Ms Shortall:** When?

**Mr. Cullen:** As soon as the NRA can tell me it can do it. I cannot just click my fingers.

**Ms Shortall:** Will it happen before the upgrade?

**Mr. Cullen:** I have asked the NRA if that would be possible.

**Ms Shortall:** Can the Minister not instruct the NRA?

**Mr. Cullen:** The amount and speed of traffic on the M50 may be reduced very significantly because of the substantial upgrade of the M50.

**Ms Shortall:** Where will that traffic go?

**Mr. Cullen:** As I am not an engineer, I need to be advised by the NRA engineers as to what is possible in advance of the upgrade.

**Ms Shortall:** The problem seems to be cost.

**Mr. Cullen:** If it can be done it will be done. I have asked the NRA to respond to me as quickly as possible.

**Ms Shortall:** The Minister will fund it.

**Mr. Cullen:** While the Deputy may not have made such comments, much of the comment in recent days has suggested that these barriers of themselves solve the problem. That is not the case as the problem lies with speed, drink and drugs.

**Ms Shortall:** The central crash barrier provides protection for other people.

**Mr. Cullen:** They are the key issues endangering lives on the roads.

**Ms O. Mitchell:** That is true of any road.

**Mr. Cullen:** The person killed in that accident was going about her daily business acting correctly within the law when another vehicle caused the accident.

**Ms Shortall:** Does the Minister accept that a central crash barrier would have prevented the accident?

**Ms O. Mitchell:** It should not happen anyway.

**Mr. Cullen:** I do not know the answer to that question, nor does the Deputy.

**Ms Shortall:** The Minister has just said the reverse. He said there is a view—

**Mr. Cullen:** Let us be clear about this matter. I said that I understood the vehicle was in mid-air when passing the point at which the barrier would have been located and it would have had no effect on the vehicle.

**Ms Shortall:** What about the M1 crash two weeks earlier and the issue of chicken wire?

#### **Air Services.**

49. **Ms O. Mitchell** asked the Minister for Transport if it remains Government policy to support the development of a second terminal at Dublin Airport; the progress which has been made to implement this policy; and if he will make a statement on the matter. [32405/04]

**Mr. Cullen:** I assume the Deputy is referring to the concept of an independent second terminal at Dublin Airport and, in this regard, I am not aware of any decision in support of that concept announced by the former Minister for Public Enterprise. As the Deputy will be aware, An Agreed Programme for Government includes a commitment to examine proposals for a new independent terminal at the airport and to progress such proposals if the evidence suggests that such a terminal will deliver significant benefits.

Passenger traffic through Dublin Airport is expected to grow from last year's level of almost 16 million passengers to 30 million by approximately 2018. New infrastructure capacity and facilities, both airside and landside, will be needed to cater for this growth. Further terminal capacity will be needed in the next few years. The question at issue is not whether new terminal capacity should be provided at Dublin Airport, but rather the most appropriate mechanisms for providing such capacity.

Last year a report by a panel of experts chaired by Mr. Paddy Mullarkey assessed the indepen-

dent terminal concept taking account of the expressions of interest submitted to my Department on the development of an independent, competing terminal at Dublin Airport. I recognise that an early decision is necessary on this matter so that, regardless of how it is provided, adequate terminal capacity is in place at Dublin Airport when required to meet the growth in passenger traffic. In this regard, my Department is consulting the new board of the Dublin Airport Authority and I intend to bring proposals on the matter to Government very shortly.

**Ms O. Mitchell:** I am again somewhat bemused by the Minister's statement that no commitment was given by previous Ministers. The Minister is the third Minister to promise to bring proposals to Cabinet shortly. Why is further consultation on this matter needed given that the Minister has already advertised for expressions of interest and that commitments were given by the former Minister for Public Enterprise, Senator O'Rourke, the former Minister for Transport, Deputy Brennan, and now by the present Minister for Transport? It is not a question of capacity being needed in 2018, capacity is needed now and was needed years ago. Anybody who has travelled through Dublin Airport will know that it is dangerous at times given the overcrowding. When will a decision be made and is the Government committed to allowing a second terminal to proceed?

**Mr. Cullen:** I may surprise the Deputy when we get a few decisions in the very near future. Given that I have only been Minister for Transport for six or seven weeks, I will not promise the House to make decisions very shortly and spend the rest of my two and a half years defending why I have not done so.

**Mr. Naughten:** The Minister's predecessor had made approximately 15 decisions by that stage in office.

**Mr. Cullen:** The Deputy can take it for certain that I will bring this matter to Government. I fully accept that a new terminal is needed at Dublin Airport — that is no longer even a debating point. The new board has recently been appointed and I have had discussions with the chairman. I want to move the matter off the agenda. The chairman is considering certain issues from the authority's perspective. I have my own views and I have had discussions with my officials on the matter. I want to get a clear picture and go back to Government as quickly as possible. I agree with the Deputy that the travelling public needs a decision made so that this facility can be put in place. It is needed for the sake of tourism, not just to facilitate the airlines. I have no difference with the Deputy on this issue.

**Ms O. Mitchell:** I was delighted with Ryanair's recent decision to create a hub at Shannon. However, it is telling that no capacity exists for

further growth at Dublin Airport. That emphasises the urgency of making a decision on Dublin Airport. It is the airport of our capital city and will always serve the largest centre of population. While we do not know how the airline business might change in coming years a decision is critical if Dublin is to become a hub for any airline in the future. I ask the Minister to make an early decision on the matter.

**Mr. Cullen:** The future of air travel to and from this country is extremely upbeat. I believe the evidence is clear that all the airports in the country will experience huge growth. Aer Lingus and other airlines will have huge opportunities. Dublin is our capital city and Dublin Airport is and will continue to be our main airport and there are capacity issues there. The sooner there is a decision on this matter, the better so we can move forward. Everyone who flies into and travels out of this country will be delighted to see a second terminal in place in Dublin Airport. We can do this quickly.

#### **Rail Network.**

50. **Ms Shortall** asked the Minister for Transport his views on proposals from Irish Rail for the Dublin rail plan and interconnector; and his plans, in the context of these, in respect of plans to link the two Luas lines. [32527/04]

**Mr. Cullen:** To provide an integrated rail network in the greater Dublin area, Irish Rail submitted proposals to my Department in July 2004 for a €3.5 billion investment to four-track the Kildare line, electrify the Kildare and Maynooth lines, build an interconnector tunnel linking Heuston to the Docklands, construct a spur off the Maynooth line to Dunboyne and expand the capacity of the DART.

The Irish Rail proposals are being assessed by my Department at present, although, in the case of the DART, the capacity of the system is currently being increased.

In addition, the Railway Procurement Agency has submitted to my Department a detailed business case for a metro-based transit system serving north Dublin and is advancing plans for extension of the Luas to the docklands and Cherrywood. The Department is awaiting business plans from the RPA in order to assist in its evaluation of both Luas extensions. The RPA has also considered a preliminary analysis of the feasibility and cost of linking both Luas lines in the city centre and a more detailed proposal is now being prepared for consideration by the RPA board before its submission to my Department.

Overall, these various proposals are being considered in the context of the developing needs of public transport in the greater Dublin area, the framework outlined in the Dublin Transportation Office's "Platform for Change", the recently adopted regional planning guidelines for the greater Dublin area and the extended ten year multi-annual capital investment envelope for

[Mr. Cullen.]

transport announced by the Minister for Finance in his Budget Statement. These offer a great opportunity to plan the future transport needs of Dublin and the rest of the country.

**Ms Shortall:** Does the Minister accept that the existing rail system in the Dublin area is close to capacity? The Iarnród Éireann plan is not an optional matter, we must go ahead with its development plan if we are to continue to provide additional capacity in the rail area. Its plan for an interconnector links Connolly and Spencer Dock with Heuston Station via St. Stephen's Green, the most sensible route because it provides additional capacity on all lines and links the two Luas lines.

It was strange that one of the first announcements the Minister made when he came to office was that it was his intention to link the two Luas lines. In the context of the possibility that the interconnector will go ahead, it does not make sense to spend a substantial amount in the short-term on linking the two lines by extension to the Luas. It makes more sense to implement the full interconnector rail plan that will provide the critical link between the two Luas lines.

**Mr. Cullen:** The plans submitted by Irish Rail are exciting, valuable and deliver in terms of capacity of movement of people around Dublin. They form a backdrop to all of the other plans and, equally, what is already in place.

We have almost reached capacity on Irish Rail, particularly trying to get into Dublin. The interconnector that Irish Rail proposed has merit, as do the other proposals. A ten year plan and funding envelope are necessary to create what we need. I do not want to work on a piecemeal basis, where I talk about one project at a time to the exclusion of everything else.

**Ms Shortall:** That is what happened with Luas.

**Mr. Cullen:** I used the connection of the two Luas lines as an illustrative backdrop about interconnectivity in the various modes of public transport. Extraordinarily, people in the media decided if the two Luas lines were connected, there would be no metro. The connection between the two issues is beyond me, they are completely separate and I want to get away from that sort of talk.

The Irish Rail proposals make a valuable contribution and are worthy of serious consideration. There are other projects and plans and it is my job to link them in the best possible way to secure an outcome where in ten years we will have a completely different transport infrastructure in Dublin. The ten year envelop presents a huge opportunity for transport. Instead of building one project now and in 2010 deciding to do another and going through another five years planning, we can do a great deal now. We must cost the projects to secure value for money in terms of passenger use, connection and function for each

of the different modes. I want to ensure Dublin Bus, Luas, DART, Irish Rail and RPA projects all fit into this so the picture is clear for everyone.

**Ms Shortall:** The concern about the Minister's proposal to link the Luas lines was based on the fact that the northside of Dublin has completely lost out on any new rail initiative. Most of us were horrified that the Department would consider doing something else on the southside of the city without first putting an initiative in place on the northside, as the Minister of State, Deputy Callely, would agree.

After the Minister's answer, I am still no clearer about his intentions. Does he accept that it makes sense to consider the plan from Iarnród Éireann and decide what he will do on that before he starts to fly kites on the possibility of linking the two Luas lines? This will provide the link if he goes ahead with it. How long will it take to make a decision on this?

**Mr. Cullen:** I am not going to consider the Irish Rail plans in isolation from everything else. It is the wrong thing to do. We have been doing things on a project by project basis for the last five years and I want to pull everything together.

**Ms O. Mitchell:** The Minister dropped one link for a better one and then dropped the better one as well.

**Mr. Cullen:** I have already spent hours looking at these with officials and experts. I am asking the hard questions about where this connects to which element, how it all works if x, y and z are done and what capacity will be delivered into the system. Now we have the envelop in place it is possible to do this.

As someone who is not from Dublin, it strikes me as extraordinary that all of the main public transport developments have been on the southside, particularly when the Taoiseach is from north Dublin. It is a sign of his generosity to the southside but I am conscious of the need for a transport solution for north Dublin.

**Ms Shortall:** When will the Minister make a decision?

**Mr. Cullen:** I hope to decide in the next few months because I want to cost it.

### Other Questions.

#### Schools Transport.

51. **Mr. Naughten** asked the Minister for Transport his plans to review the regulations governing school buses; if he will review the 3:2 ratio on school buses; if he has satisfied himself with the level of overcrowding on post-primary buses; if he has reviewed this situation; and if he will make a statement on the matter. [32023/04]

**Minister of State at the Department of Transport (Mr. Callyey):** All buses, including school buses, are required to comply with the standards set out in the Road Traffic (Construction, Equipment and Use of Vehicles) Regulations and the Road Traffic (Public Service Vehicles) Regulations. Under the 3:2 provision, three children may be reckoned as two passengers when determining the passenger capacity of a bus being used to carry children to and from school or school-related physical activities.

The Department of Education and Science has overall responsibility for the administration of the school transport service, while Bus Éireann is responsible for the day-to-day operation of the service. I am advised that the Department of Education and Science is satisfied, on the basis of the information available from Bus Éireann, that school buses are being operated in accordance with the requirements of the road traffic law and that great care is taken to ensure that the loading of school buses does not exceed the maximum legal carrying capacity on each vehicle in use.

EU Directive 2003/20 provides for the mandatory wearing of seat belts by passengers in a wide range of vehicles, including buses fitted with seat belts. The implementation of the directive, which must take place from 2006 onwards, will effectively remove the three for two concession for new buses used as school buses after 2007.

In June 2003, the European Commission published proposals that provide, *inter alia*, for the mandatory fitment of seat belts in buses and coaches at manufacturing stage. Under the proposals it would be a requirement for the registration, sale and entry into service of new buses and coaches, from 1 January 2006 that their safety belts, restraint systems, seats and the anchorages for these would conform to the technical requirements specified in the proposed directives. Ireland actively supports the proposed measures with the intention that they will be implemented at the earliest possible date after their adoption to maximise the benefits of the requirement to use seat belts where they are fitted in vehicles, including in school buses.

In 2002 my Department published a discussion paper on school bus safety. A range of possible safety related enhancements covering vehicles, passenger related measures, and the road traffic environment in which school buses operate were identified in the paper. The purpose of the paper was to give the public an opportunity to put forward their views and suggestions on enhancing school bus safety. The responses to the discussion document are being reviewed by my Department with a view to identifying the most cost-effective approach to enhancing road safety for school transport taking into account the obligations and timing of EU requirements and proposed requirements.

**Mr. Naughten:** The Minister of State crammed as much into his reply as children are crammed into buses. Is it the case that the new EU regu-

lations will not be implemented on the Irish school bus fleet until at least 2023 when passenger vehicles from the Expressway fleet transfer to the school bus fleet? The last new school buses dedicated to the school transport service were provided in the 1960s. In light of that and given that 78 children are crammed into 52 seater buses, there are more regulations and standards governing the overcrowding and transportation of cattle than there are for schoolchildren. This issue needs to be addressed today, not in 2023.

**Mr. Callyey:** It will not be as late as 2023. In regard to the Deputy's phrase about children being crammed into buses, I reiterate that Bus Éireann is responsible for the day-to-day operation of the service. I am advised that the Department of Education and Science is satisfied on the basis of the information available that school buses are operated in accordance with the requirement of the road traffic law and that great care is taken to ensure that the loading of school buses does not exceed the maximum legal carrying capacity on each vehicle in use. That is important. I indicated to the Deputy that the directive on the three for two concession must be implemented from 2006 onwards, that is, on all school buses after 2007.

**Mr. Naughten:** Are they new school buses?

**Mr. Callyey:** Yes. I have had discussions with Bus Éireann on the issue of school buses. It has informed me that in recent years it has taken obsolete buses off the road and replaced them with a more modern fleet. It is satisfied with the current fleet and the proposal to enhance and develop further the number of buses and their carrying capacity as well as the safety requirement on such buses.

**Mr. Naughten:** The law is the difficulty in that it allows three 17 and 18 year olds to be crammed into two seats on a bus. Is that acceptable? Is it acceptable that three adults are crammed into two seats and that their schoolbags and sports bags are also crammed into the bus? Some 78 children are crammed into a 52 seater bus. Does the Minister of State believe the law is correct in allowing that number to be carried on a 52 seater bus? Does he have any plans to amend the law given that there will be no new school buses in either my lifetime or that of the Minister of State?

**Mr. Callyey:** I do not know where the Deputy's questions are leading.

**Mr. Naughten:** I am trying to reduce the 3:2 ratio.

**Mr. Callyey:** I have already answered the question on the 3:2 concession. The safety record of school transport in Ireland is good compared with other modes of road transport and stands up well

[Mr. Callely.]  
to international comparisons. On the issue of 3:2 concession and including bags as well——

**Mr. Naughten:** I will give the Minister of State an invitation to come and see some of these school buses if he wishes.

**Mr. Callely:** The Deputy appears to indicate there may be an issue in regard to the safety record.

**Mr. Naughten:** Will the Minister of State take up my invitation?

**Mr. Callely:** EU Directive 2003/20 provides for the mandatory wearing of seat belts by passengers and the directive must be implemented from 2006 onwards.

**Mr. Naughten:** In reality it is 2030.

**Mr. Callely:** That will effectively remove the 3:2 concession.

**Mr. Naughten:** In 2023.

#### Public Transport.

52. **Mr. Stanton** asked the Minister for Transport the extra funding that will be made available to enable his Department's sectorial plan for accessible public transport to be developed; the way in which this extra funding will be spent; and if he will make a statement on the matter. [32387/04]

**Mr. Callely:** I am happy to respond to this question as I have good news for the Deputy. My Department has embarked upon a major programme of investment in public transport which involves €2.5 billion up to 2009. It is a requirement of my Department that all new public transport projects submitted for Exchequer or EU financing include proposals to incorporate into the design and construction of the project full accessibility to approved standards or best practice. State bodies submitting projects for approval are no longer asked to identify the additional cost of incorporating full accessibility standards or best practice. Such standards are now treated as the norm. Actual funding will be made contingent on the companies concerned demonstrating that the projects are developed in compliance with best practice in this regard.

Good progress on accessible public transport is being made. I recently attended a European conference in Dublin Castle where Ireland was applauded on the progress being made. The Irish position in that regard is set out in the outline sectorial plan published in September 2004. I have had discussions with my Department officials to open this plan for discussion with all the relevant stakeholders. I would be happy to hear the views of Deputy Stanton as we progress that discussion in early 2005.

**Mr. Stanton:** I wish the Minister of State well with the project. When will the Dublin Bus fleet be fully accessible? I note a target that 60% of the fleet will be accessible by 2005. However, his Department's sectorial plan contains no targets as to when the fleet will be fully accessible. When does he expect the fleet will be fully accessible? Will the Minister of State update me on the progress being made at railway stations? His plan states that 134 stations are taking part in a new refurbishment programme. How many stations are accessible? Will he give a timescale as to when he expects all the stations to be fully accessible?

**Mr. Callely:** Close to 50% of the Bus Átha Cliath fleet are low floor wheelchair accessible vehicles. The policy of only purchasing such vehicles will continue. Not only are the buses running but we are now putting in the Kassell kerbing at all the bus stops. So far as I am aware, all bus stations are fully accessible. Great progress has been made in that area. On the issue of train stations, it is somewhat more difficult to make the transformation at some of the older Victorian stations but we are making progress in that area also.

**Mr. Stanton:** What is the timeframe for train stations to be accessible? How many are accessible at present? Can the Minister give details of the timeframe envisaged in the plan? If he cannot give such details now, perhaps he can pass on the information at a later stage. When will Dublin Bus have a fully accessible fleet? What targets are in place in that regard?

**Mr. Callely:** I have already said that progress has been made and that approximately 50% of Dublin Bus's fleet is accessible. I will continue to pursue the programme as best I can in 2005. Bus Éireann is engaged in an accelerated investment programme to make all bus stations fully accessible by 2006. I hope we will be in a strong position by the end of 2006. New facilities such as Luas are also fully accessible.

The Deputy asked about the overall timeframe. I remind him that there will be a review at the end of 2006 to see what is left. I hope the review will be concluded by 2007. It is envisaged that almost 50% of rolling stock on inter-city railway services will be fully accessible by 2007. The railway station refurbishment programme, which covers all stations, is being implemented at present but it is more difficult, as I mentioned earlier.

**Mr. Stanton:** What about the timeframe?

**Mr. Callely:** The timeframe will be 2007 and onwards.

#### National Development Plan.

53. **Mr. Coveney** asked the Minister for Trans-

port the steps he intends to take to ensure that all public transport targets contained in the NDP for the BMW region are reached; and if he will make a statement on the matter. [32038/04]

**Mr. Cullen:** Under the national development plan, €206 million was invested directly in public transport projects in the BMW region between 2000 and 2003. Further expenditure in the region is resulting in continuous improvements to bus and rail services there. For example, all railway track in the region has been upgraded to continuous welded rail on concrete sleepers, the resignalling of the Galway-Dublin line has been completed, the Sligo-Dublin line is on target for completion in 2005 and the resignalling of the Ballina and Westport lines will be completed in 2007. All rail lines in the region will have been resignalled by that time. When new rolling stock is introduced late next year to replace Iarnród Éireann's old rolling stock and to expand the fleet, customers will see additional improvements in services in the BMW region. Expenditure on certain projects, such as the diesel rail depot at Drogheda, upgrading and improvements at Heuston Station and large investment in new rolling stock, has huge benefits for the region, such as additional capacity, shorter journey times and improved quality of service. The Department of Transport is developing a ten-year investment programme for transport, in consultation with the relevant agencies. The programme will take account of the public transport needs of all regions and will have regard to the regional planning guidelines which were recently approved.

**Ms O. Mitchell:** I am sure the Minister is aware that the mid-term review of the national development plan revealed that there had been an underspend on public transport of approximately €230 million in the BMW region. Just 43% of the allocated moneys had been spent. Can the Minister promise that specific targets, for example in respect of Iarnród Éireann projects, will be met? Will he give a commitment that the money agreed under the national development plan will be spent before 2006? Is there a commitment to meet the full target?

**Mr. Cullen:** There certainly is such a commitment. When the programme has been completed, I expect that we will have spent the moneys we said at the outset we would spend. The underspend that arises from time to time does not necessarily arise from a failure to make the necessary money available. The resources have been made available, but planning and development problems have arisen. I am conscious that I am not just the Minister for Dublin — there are real issues in the BMW region and the rest of the country. The ten-year envelope will allow us to examine all parts of the country. Deputy Olivia Mitchell is probably aware that Iarnród Éireann and other companies have submitted proposals for new and refurbished railway links, some of which are in the BMW region. I am anxious to

bring the feasibility studies on some of the proposed lines to a conclusion. If we can proceed with such developments, we should do so. I expect to be able to spend the entire envelope.

**Ms O. Mitchell:** Perhaps I am not making the point I want to make. It is now the end of 2004 — the national development plan will draw to a close in 2006. The Minister said that Iarnród Éireann has submitted proposals. I have asked if projects have been agreed, planned and funded. Will such projects be completed, or at least be well under way, by the end of 2006?

**Mr. Cullen:** Projects have been——

**Ms O. Mitchell:** Can the Minister provide details of the projects?

**Mr. Cullen:** I do not have any details of the many projects in front of me. I can give a copy of the programme to the Deputy. That is not an issue.

**Ms O. Mitchell:** I thank the Minister. I would appreciate that.

**Mr. Cullen:** There is no problem with that.

#### Public Transport.

54. **Mr. P. Breen** asked the Minister for Transport the fare increases which have been sought by State public transport companies for 2005; his views on such increases; and if he will make a statement on the matter. [32033/04]

80. **Ms Lynch** asked the Minister for Transport his views on the application for an 8% fare increase from CIE across its three divisions, Iarnród Éireann, Dublin Bus, and Bus Éireann; and if he will make a statement on the matter. [32335/04]

**Mr. Cullen:** I propose to take Questions Nos. 54 and 80 together.

The Department of Transport recently received fare increase applications from each of the CIE operating companies. Bus Éireann is seeking an increase of 8.5%, Iarnród Éireann is seeking an increase of 8.2% and Dublin Bus is seeking an increase of 8%. The main rationale for the applications is the increased operating costs faced by the companies, particularly relating to pay and fuel costs. The applications are being examined by the Department. I expect to make a decision on them shortly.

**Ms O. Mitchell:** I am amused by the number of decisions the Minister plans to make shortly. He will have a very busy Christmas. I am appalled by the prospect of an increase of 8% or 9% in the fares charged by the various CIE companies, as such an increase would be much greater than the rate of inflation. While I accept that fuel costs have increased this year, the reality is that fuel



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prices are now tumbling. There is no justification for the proposed increase in fares.

We discussed earlier the lack of competition in the Dublin bus sector. There is no incentive for Dublin Bus to reduce prices or to introduce efficiencies which might result in a decrease in prices. Inflation in this sector should be controlled at the level of inflation in the general economy. A special level of inflation should not be put aside for public transport simply because there is no competition in the sector. Does the Minister intend to contemplate an increase of that magnitude?

**Mr. Cullen:** The applications I have received are just applications. I subscribe to the view that all businesses in the public and private sectors have to be cost-efficient. They have to deliver the best results they can from the resources at their disposal. I expect that the three operating companies — Bus Éireann, Iarnród Éireann and Dublin Bus — are taking such factors into account. Many organisations and companies are facing cost increases for the same reasons. The increase in the price of fuel has affected everybody this year. I am not sure that everybody is considering an increase of 8% to compensate for it, however.

**Ms O. Mitchell:** Precisely.

**Mr. Cullen:** I am examining the applications to try to understand the reasons for them. I would like to hear what the companies can do to manage the cost increases we all face. The Government does not want to punish customers. I want to ensure that customers enjoy real and direct benefits, to encourage more people to use public transport and to make it as cost-efficient as possible.

**Ms O. Mitchell:** Does the Minister realise that much of that is in his own hands?

**Mr. Stanton:** Does the Minister intend to demand that initiatives are introduced to ensure that fares do not increase? I refer to initiatives such as integrated ticketing, which has been promised for years by the Minister's two immediate predecessors. When will it be introduced?

**Mr. Cullen:** It has already been initiated. I will give more details on the matter shortly, in response to Question No. 62. I hope we will reach that question. Integrated ticketing will be introduced on the Luas system in January. I have told all the companies, including Dublin Bus, that I would like them to introduce integrated ticketing in 2005. I agree with the Deputy in this regard. I strongly believe that people would like to see integrated public transport. The introduction of a smart card ticket will be a significant step in that direction. I want the process to be completed in 2005.

**Mr. Stanton:** Will that include Iarnród Éireann?

**Mr. Cullen:** I have spoken to representatives of Iarnród Éireann. The system will be introduced soon by Dublin Bus and Luas. I would like Iarnród Éireann to be part of that process. I will give further details in response to Question No. 62. I will deal with it.

### National Development Plan.

55. **Mr. Durkan** asked the Minister for Transport the extent to which targets set by his Department in the national development plan have been achieved to date or are achievable with cost and time projections; and if he will make a statement on the matter. [32384/04]

222. **Mr. Durkan** asked the Minister for Transport the extent to which he has examined the achievements to date in regard to the targets set by his Department in the context of the national development plan; if he proposes action to expedite delivery in this regard; and if he will make a statement on the matter. [32546/04]

**Mr. Cullen:** I propose to take Questions Nos. 55 and 122 together.

Good progress is being made in achieving the targets set for the transport sector under the national development plan. This was confirmed by the independent mid-term evaluation of the plan undertaken last year, which included an evaluation of both the roads and public transport programmes.

The first round of projects approved under the regional airports measures of the BMW and the south and east regional operational programmes was completed on time and within cost estimates. A further round of projects is being considered and I hope to be in a position to announce allocations shortly.

The bus network in the greater Dublin area has been significantly upgraded and expanded and the provision of quality bus corridors has helped improve bus journey times. Services have been expanded on the DART system and on the outer suburban rail network and further expansion is planned next year. The opening of both Luas lines has met a strong positive response from the travelling public, and further extensions to the network are being considered. New rail services have been introduced between Cork and Cobh and Limerick and Ennis and the delivery next year of 67 new rail carriages and an additional 36 rail cars will further enhance rail services outside the greater Dublin area. Bus services in Cork, Galway, Limerick and Waterford have also been significantly enhanced while expenditure to date under the rural transport initiative, at €9 million, is more than double the allocation under the national development plan.

The objectives of the national development plan regarding mainline rail included completion of the Railway Safety Programme 1999-2003 and reconstitution before the end of 2003 of the railway safety task force to prepare recommendations for a second five-year safety programme. Both objectives were met. The reconstituted railway safety task force has completed its work and

its recommendations will shortly be submitted to Government.

Good progress has been made regarding the implementation of the national roads upgrade programme provided for in the national development plan. To date, 46 projects have been completed, resulting in a total of 327 km. of roadway, including 93 km. to motorway standard and 94 km. to dual carriageway standard. In addition, work is under way on 21 projects totalling 203 km., including 140 km. to motorway-dual carriageway standard. Another 12 projects, amounting to a total of 167 km. of roadway, are at tender stage.

The key NDP mid-term target to achieve 30% completion of the five major inter-urban routes by the end of 2003 was met, and work is under way on approximately another 12% of this work.

**Ms O. Mitchell:** To labour the point, the Minister is incorrect in saying that the Dublin Bus fleet has been expanded. The reality is that Dublin Bus is behind target by 160 buses because it has only received 90 of the promised 250 buses. The last additional bus was received in 2000.

It is well known that almost every project is overrunning in terms of time and cost. Has the Minister any plans to ensure greater certainty? The point of a national development plan is to have certainty regarding timetables and budgets, yet the five-year envelope was changed to a six-year envelope and then to a ten-year envelope, and the nature of the projects under the development plan have been changed. Does the Minister not realise this is why no project is ever on time or within budget? As long as these circumstances obtain — I am not blaming the Minister specifically because I realise there is a long history of overruns — we will never have projects completed on time.

**Mr. Cullen:** I hope we can maintain the current position, which is such that projects are being completed ahead of schedule. The Monasterevin bypass was completed 12 months ahead of schedule and the Cashel bypass was completed ten months ahead of schedule. I hope these will set the standard for all future projects.

**Ms O. Mitchell:** That is always the case regarding building projects, but I am referring to projects that are being planned.

**Mr. Cullen:** I know that. I will address the Dublin Bus issue in case I leave it go by default. Under the national development plan, Dublin Bus has purchased 460 new buses to date——

**Ms O. Mitchell:** Replacement buses.

**Mr. Cullen:** ——of which 93 are additional.

**Ms O. Mitchell:** Additional buses are needed to expand services. The population is expanding and we need expanded services.

**Mr. Cullen:** I accept that.

**Mr. Callely:** That is what the Minister is saying.

**Ms O. Mitchell:** If the population has not received a single additional bus, how on earth can we provide services?

**Mr. Cullen:** Ninety-three of the buses are additional and 367——

**Ms O. Mitchell:** The Minister will not allow competition to take place.

**Mr. Cullen:** A short time ago, Deputy Olivia Mitchell stated in the House that competition was a solution, yet she is now saying all the resources should be given to Dublin Bus.

**Ms O. Mitchell:** That is not what I am saying. I am saying the Minister should do one or the other.

**An Ceann Comhairle:** The Deputy should allow the Minister to respond.

**Ms O. Mitchell:** He should not dither endlessly.

**Mr. Cullen:** I am not dithering.

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

**Mr. Cullen:** It is certain that I will not dither. The point is that both the public sector and private sector comprise the solution to the public transport problem in Dublin. Both sectors accept this, as I know from meetings I have had with them. I want to realise the solution. When I know what each sector is prepared to commit to, I will be able to commit more buses to Dublin Bus.

The Deputy is incorrect to suggest that all the buses are replacements. There has been a great investment by the taxpayer resulting in the purchase of 460 new buses by Dublin Bus. I accept that 93 of these are additional. That represents a considerable upgrade to the fleet and increase therein. We will do more to meet the company's requirements.

*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 McGuinness — the urgent need to resolve the crisis at Kilkenny VEC; (2) Deputy Deenihan — the need to advance stages 2 and 3 of the extension to a school (details supplied) to provide proper facilities for autistic children; (3) Deputy Enright — that the Minister outline the steps she intends to take to provide new school buildings at Tullamore College; (4) Deputy

[An Ceann Comhairle.]

Gregory — the commitment made in the Dáil debate on flooding to pursue unfair treatment by insurance companies of home owners; (5) Deputy Broughan — if the Minister will use the powers available to him to take action in the current dispute at a company (details supplied); (6) Deputy Moynihan-Cronin — the need to provide the necessary funding for the provision of urgently needed facilities at a school (details supplied); (7) Deputy Finneran — that the Minister give an update on a school (details supplied) for the refurbishment and provision of extra accommodation; (8) Deputy Paddy McHugh — to discuss the ongoing difficulties and disruptions at An Post; (9) Deputy O'Shea — the need for the planned extension at Saint Mary's National School, Ballygunner, to be included in the building programme for 2005; (10) Deputy Cowley — if the Minister will take immediate steps to ameliorate the circumstances of a person (details supplied); (11) Deputy Neville — a report on service provision in the eastern region by an association (details supplied); (12) Deputy Jim O'Keeffe — that the Minister make a statement to the House on the possible imminent release of the killers of detective Garda Jerry McCabe; and (13) Deputy Crowe — the need to prevent the proposed cutting of six of only 13 emergency places for newly homeless children in the eastern region.

The matters raised by Deputies McHugh, Jim O'Keeffe, Finneran and O'Shea have been selected for discussion.

### Leaders' Questions.

**Mr. Kenny:** Six weeks ago I raised with the Taoiseach the question of the charging, since 2001, of elderly patients in public nursing homes. He and the Tánaiste, who is now advising him on this matter, are aware that, prior to 2001, health boards were legally entitled to seek a contribution from medical card holders in long-term care. However, the Health (Miscellaneous Provisions) Bill 2001 conferred full eligibility to free in-patient services for all those over 70 years of age. Despite this legislative provision, contributions have continued to be taken from elderly long-stay patients. The Taoiseach indicated six weeks ago that the Attorney General was advising the Government on this matter. The Tánaiste said legislation would be brought before the House prior to Christmas, but there are only five sitting days left before the recess. Today's newspapers state that more than 16,000 long-stay patients could be entitled to free care, which could expose the Exchequer to a possible bill of at least €400 million. Will the Taoiseach respond in respect of what he said he would do six weeks ago and come clean on this issue? Is the advice of the Attorney General that the payments extracted from the long-stay patients since 2001 were illegal? Does the Government intend to make repayments where applicable, bearing in

mind the recommendations in respect of overcharging by AIB? If the Tánaiste wishes to respond to my queries, she might do so.

**The Taoiseach:** Deputy Kenny raised this matter with me. The Attorney General has considered it and reported to the Tánaiste a few weeks ago. The Tánaiste is drafting relevant legislation. It will not be introduced in the House before the Christmas recess but will be published in January in time for the spring session. As I understand it, there will be no retrospective element in the legislation. There are some legal difficulties pertaining to patients not staying in public accommodation and these will have to be examined to determine whether there is a way in which they can be dealt with. The legislation should be before the House shortly.

**Mr. Kenny:** The Tánaiste indicated on a number of occasions that this Bill would be before the House before Christmas. Obviously, certain drafting difficulties have arisen. Any legislation introduced is introduced for a purpose. What is the purpose of the legislation being drafted? Is it because the Attorney General has given advice to the Government that contributions taken from long-stay patients in public beds in long-stay units are illegal? Does the Taoiseach not agree that, because the Minister for Health and Children needs to draft legislation to deal with this matter, retrospective retribution should be made to patients or their next of kin where illegal charges have been imposed?

This issue has been topical for quite some time. The Tánaiste gave specific guarantees on at least four occasions that the legislation would be introduced in the House before Christmas. It will not be in the House until February and published before then. Will the Taoiseach tell us the essence of the legal advice from the Attorney General? Are these payments illegal? What is the purpose of the legislation to be drafted? What outstanding legal difficulties does the Tánaiste face, to which the Taoiseach has referred? The Taoiseach might answer these questions and ease the minds and concern of those patients in long-stay care from whom payments are being extracted.

**The Taoiseach:** The Attorney General reported on this matter only a few weeks ago and the Tánaiste gave an undertaking the legislation would be ready as soon as possible and if it is not drafted by Christmas it will be ready shortly afterwards. Without going through the contents of the legislation the Attorney General advises that what happens is governed by the 1976 regulations but this should be done by primary legislation. To deal with this issue we must have primary legislation. There is no retrospective factor in the legislation which is never the case anyway — we do not have retrospective legislation. Whatever happens in the future will be set out in the legislation when published.

**Mr. Rabbitte:** Did the Taoiseach watch last night's "Prime Time" television programme on Irish emigrants, especially those in Britain? This matter was the subject of Labour Party Private Member's business approximately a year ago. There was an earlier, comprehensive "Prime Time" programme about the 700,000 people whom we shipped out of this country in the 1950s and 1960s. Many of them did not have the opportunity to acquire any level of formal education. Some have fallen on very hard times. Some live in isolation and are not supported — this area is the responsibility of the Minister for Foreign Affairs and he might do me the courtesy of listening — and some people live in squalor and in difficult circumstances in British cities.

It is estimated that these people remitted altogether £3.5 billion to this country when we badly needed it. The Taoiseach's Government set up a task force to examine this which reported after the most significant boom this country has ever seen. It recommended the provision of certain services, including setting up an agency to deal with the issue and the provision of €18 million by 2003 rising to €34 million in 2005, a very small amount. Deputies Stagg, Sean Ryan and I met some of the people featured on last night's programme. They raised very small issues such as free travel for people who return here, access to Irish television, the holiday week recommended in Fr. Paul Byrne's report to the task force. We met Bishop Hegarty who is concerned with the same issue on behalf of the Irish bishops. He too believes that the capacity to fund people and organisations working with the Irish in these circumstances in British cities is not sufficiently funded and that more outreach workers and so on could be provided. Will the Taoiseach tell us his response to this, given there was no provision in the budget except an amount that will bring the total allocation for next year to €8 million at a time when his task force recommended €34 million?

**The Taoiseach:** I recall discussion on this issue at the beginning of the year. We are all aware that there is a section of Irish emigrants in Britain who live in difficult circumstances and are not covered by British pension provisions. Many were in the construction industry in Britain as highlighted and were not covered by insurance or pension provision. In one year we have doubled the aid programme to €8 million. That is a 100% increase on last year. This is to assist the various schemes. Almost no resources were spent on this until the past few years. The former Minister for Foreign Affairs, Deputy Cowen, originally gave money for workers and aid workers and last year he went to see what was happening in this area. A few years ago we also extended the pre-1953 pensions for many of these people who were not receiving pensions. Now an additional €72 million is paid from our social welfare budget to assist these people. We set up the unit for the Irish abroad in the Department of Foreign Affairs

which now works and deals with them. The previous Minister, Deputy Cowen, and his successor Deputy Dermot Ahern have kept in touch with this issue. Deputy Dermot Ahern is meeting the groups next week in London.

We considered free travel a few years ago. This cannot be given in isolation just to Irish people abroad. It must be extended on a Europe-wide basis. We examined this in some detail regarding people in Britain and Northern Ireland but it was impossible. A substantial amount has been done in one year in this area. We have always worked with the local authorities in Britain as well and put in resources through the Díon grants to assist them in working on the various schemes. Now a high proportion of this money will be paid by individuals. The resources paid in pensions, the €8 million in funding and the effort that is being put in by the Irish abroad unit in the Department of Foreign Affairs are improving this position.

**Mr. Rabbitte:** The record shows that when the Minister for Foreign Affairs took the report of the task force €1 million was being allocated in 2002 and the response was to cut that for 2003. After the Labour Party motion on Private Member's business €5 million was provided and next year it will be €8 million. Bishop Hegarty and others working with the Irish in difficult, stressful circumstances in British cities acknowledge that much could be done were it funded. The Taoiseach says that the Government has dealt with the pre-1953 pensioners. They paid for their pensions; they are receiving their entitlement. In terms of free travel, the notion of EU citizens over 65, with senior citizen status, coming here for free travel is simply not realistic. This is a modest demand from the people concerned and there is no impediment in the way of the pre-1953 pensioners receiving it.

The issue for Bishop Hegarty and others is whether they can get multi-annual budgeting so that they can plan the expansion of the services over the years ahead. Within ten years, in the nature of things, most of these people will have departed. It is a problem for a certain generation category. Some of these people live in appalling circumstances, some remitted their pay to their families in this country when it was badly needed. They can no longer work on building sites and some live in appalling conditions in London. The bishop and others need to be able to plan the capacity of the organisations dealing with them, to employ more outreach workers and for that reason a commitment to multi-annual budgeting would help alleviate the hardship they are enduring.

**The Taoiseach:** The Irish abroad unit was set up to liaise and work with the groups abroad. The Minister for Foreign Affairs, Deputy Dermot Ahern, tells me that most of the groups involved are very complimentary of the work being done and the resources provided. There has been an increase of approximately 800% in this budget

[The Taoiseach.]  
over the past few years, and an increase of 100%, from €4 million to €8 million, to help those people. They are directly involved in helping those people. I have addressed the issue of travel. When studying the 1953 pension issue we showed that when we brought in the changes 70% of recipients were in Britain.

**Mr. Stagg:** They paid for it.

**The Taoiseach:** No, they did not.

**An Ceann Comhairle:** I am sorry, Deputy Stagg, but it is Deputy Rabbitte's question.

**The Taoiseach:** They were in the United Kingdom and were not paying contributions. They do not have an insurance element and that is why we brought in the pre-1953 scheme. A sum of €72 million is going into that scheme to help them, apart from the fact that our pensions are far better than those in the UK. We are assisting those people, as is the Irish Abroad unit, both with resources and through the contacts that it has built up with such groups. I am not saying that there are not very sad cases, because there are, but we are going some way towards helping Father Hegarty and all the other groups active in this area for many years, and we will continue to do so.

**Caoimhghín Ó Caoláin:** Does the Taoiseach agree that the postal service is an essential element not only of the economic infrastructure but of the social infrastructure? Will he instruct the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, to address the ongoing and developing crisis in the postal service as proactively as necessary? Today is the eve of a day of industrial action by thousands of postal workers throughout the State as a direct result of a serious breakdown in relations between staff and management in An Post.

Does the Taoiseach accept that there are serious questions for management to answer regarding the management and the presentation of An Post's finances? Is he aware that An Post has failed to honour a string of national agreements with the trade unions representing its workers? What is the Taoiseach's position regarding what has been described as wanton destruction of the postal service by current management? Does he accept that a national asset and service that has been available throughout the State for generations should now be downgraded, with reduced opening hours, a contraction in deliveries to rural houses and the shutdown of SDS, with the loss of hundreds of jobs? That will have a great effect, particularly on small businesses outside the major population centres—

**An Ceann Comhairle:** The Deputy's two minutes are concluded.

**Caoimhghín Ó Caoláin:** —that are dependent on the postal service. Will the Taoiseach advise the House of the steps he and the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, propose on what I have described as the eve of a day of industrial unrest within this essential service?

**The Taoiseach:** There are difficulties in An Post, and I answered a question on this about a month ago. At that stage I urged management and staff to work through the established industrial relations machinery to resolve the areas of disagreement rather than resort to unnecessary industrial action. The financial position of An Post has been precarious last year and this year. The volume of post has dropped by 7% in real terms and that is creating problems for management and staff. Last year there were operational losses of €43 million, following losses of €24 million the previous year. The company will make an operational profit this year by not implementing the increase agreed under Sustaining Progress and cutting back on non-pay costs. That is the only way it is surviving.

The company will probably record a loss and its provision regarding the costs associated with the closure of SDS will be included in the accounts. An Post and the communication workers have agreed Christmas delivery arrangements in a deal brokered by the Labour Relations Commission, which covers overtime, casual workers and extra deliveries. Problems with the agreed Christmas arrangements that arose in Galway are being discussed today in the Labour Relations Commission.

Regarding the industrial action and unrest tomorrow, the Communication Workers Union has obtained a mandate from its membership for strike action, starting with a one-day strike tomorrow. It is not clear what will happen thereafter. Naturally, the Minister is concerned, as are the board, staff and trade unions. Big challenges lie ahead for An Post, such as the structural decline in mail volume. If one has less work and less business, one must start doing something with one's company.

There is enormous competition from the express sector. Technology is eating into An Post's business through e-mailing and texting. Obviously, the long history of partnership with no real change delivered is creating problems, and I hope that the two sides can resolve those interests. I need hardly say it, since they both know it themselves, but if one is losing business and has a great deal of competition, the one really busy period of the year for postal management is the last time to close one's services to the public, since they will move on.

**Mr. F. McGrath:** Workers are owed their money.

**An Ceann Comhairle:** Deputy McGrath, please allow the Taoiseach to speak without interruption.

**The Taoiseach:** I hope that they can resolve their difficulties as quickly as possible.

**Caoimhghín Ó Caoláin:** I am sorry to say that the Taoiseach has neither indicated what steps he is prepared to take to address the crisis nor properly explained to the House how the crisis arose. Is the Taoiseach aware of the great discrepancies in the financial figures presented by An Post management? In July 2003, the then management stated that by year end it would record a profit of €1 million. Three months later, a new CEO said that there would be a loss of €46 million. That has never been properly explained. Has the Taoiseach, the Minister or the latter's predecessor made inquiries regarding those major discrepancies?

The Taoiseach made the point that volumes have dropped, but I wonder if that holds up statistically for today's significant use of the postal service today in terms of advertising and promotional mail, which I believe is operating in unprecedented volumes. We need to know the statistical facts.

**An Ceann Comhairle:** The Deputy's minute is concluded.

**Caoimhghín Ó Caoláin:** Recognising that the postal service is of such importance to people the length and breadth of the jurisdiction, does the Taoiseach not recognise that any further contraction in the service will be a major blow to isolated and elderly people, particularly in rural Ireland, who depend on the contribution of the postal service, not only to the economic infrastructure but also the social infrastructure? Why would a self-proclaimed socialist Taoiseach—

**An Ceann Comhairle:** The Deputy's time is concluded.

**Caoimhghín Ó Caoláin:** —preside over a situation where the most profitable public services are gobbled up by private contractors, leaving services such as An Post, which is of great importance to everyone in the economy—

**An Ceann Comhairle:** I ask the Deputy to give way to the Taoiseach.

**Caoimhghín Ó Caoláin:** —and is facing severe contraction?

**The Taoiseach:** I repeat there are serious issues. The Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, has been in touch with the board, management and unions. The important message that we should give them is that they should try to resolve those difficulties. Whatever the argument about the statistics, the audited figures show that An

Post had operational losses of €43 million last year, on top of a loss the previous year of €24 million, making a total of €67 million. This year it is only managing to keep its service going by not paying increases under Sustaining Progress under the inability to pay clause. Therefore, the company has problems, some of which I mentioned. One cannot force people to post letters or use technology, including e-mail. One cannot intimidate people into doing that. We have the lowest use of post per head of population in the European Union. People are communicating the way they want to. That structural decline has resulted in a decrease by 7% in the volume of mail, which is serious. I need not tell the Deputy that if there is nothing to be delivered, one cannot deliver it. That is the difficulty. The last thing the management and workers should do at the one time of the year when the company is busy, due to the tradition of sending Christmas cards, letters and parcels, is to close the company. I hope all sides, board, management and unions, will try to resolve these issues — which is what the Government urges them to do — and to continue to deliver the good service to people that they did in the past.

#### **Requests to move Adjournment of Dáil under Standing Order 31.**

**An Ceann Comhairle:** Before coming to the Order of Business I propose to deal with a number of notices under Standing Order 31. I call Deputy Connolly.

**Mr. Connolly:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of urgent public and national concern, namely, the proposal to outsource more than 100 rural postal routes to private operators, thereby resulting in the loss of the local postman together with his social contribution to society and a consequent reduced quality of postal service to rural Ireland.

**Mr. McHugh:** I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of urgent national importance, namely, the need to discuss the ongoing difficulties and disruptions at An Post, specifically the need for a public inquiry into An Post's finances and to debate the type of postal service we need here in the future.

**Mr. Broughan:** In accordance with the terms of Standing Order 31, I seek to move the adjournment of the Dáil to discuss the following specific and important matter, namely, the serious implications for Irish exports and labour relations in general of the current dispute in Irish Ferries arising from the decision of the company to make almost 200 workers redundant and employ replacement contract workers at inferior wage rates and conditions, which has led to the suspension of all Irish ferry services, and the urgent need for Government intervention to bring about an

[Mr. Broughan.]  
end to the dispute and the restoration of full services.

**Mr. Crowe:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the need for direct intervention to prevent the proposed cutting from tomorrow, 8 December, of six of only 13 emergency places for newly homeless children in the eastern region, consisting of counties Dublin, Wicklow and Kildare, and the need to ensure that this cut is not allowed to plunge more children into chronic homelessness.

**Caoimhghín Ó Caoláin:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of urgent public importance, namely, the crisis in An Post, including the downgrading of this vital public service, cuts to services provided by An Post, especially in rural Ireland, the failure of management to honour agreements with the workforce, the decision to close the SDS service, the major questions over the presentation of the state of the company's finances by management and the need for the Government to take seriously its obligation to the State-owned service on the eve of a State-wide stoppage by An Post workers tomorrow, 8 December.

**Mr. Neville:** I propose the adjournment of the Dáil under Standing Order 31 to discuss the following matter of urgent national importance, namely, a study of suicides in Kildare between 1995 and 2002 which showed that the most likely group to die by suicide are young men under the age of 30 who are unemployed and suffering from undiagnosed depression.

**Mr. Boyle:** I seek that the business of the House be adjourned to discuss a matter of urgent and specific national importance, namely, that a debate be held into the findings of the Irish Financial and Regulatory Services Authority report into activities at Allied Irish Bank and the impact these findings may have for public confidence in the financial services industry.

**Mr. Cuffe:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, if the Minister for the Environment, Heritage and Local Government will make a statement on the employment of consultants during the tenure of the former Minister, his immediate predecessor.

**Mr. Durkan:** I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of vital national interest, namely, the increasing serious situation at An Post, which will this week see a loss of service to customers with consequent hardship, and the need for the Minister to look again with renewed urgency at the situation in An Post with a view to taking initiatives to bring about industrial peace, the restructuring of the

company and the continuation of vital and necessary services to the consumer.

**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. 10, motion re leave to introduce Supplementary Estimates [Votes 6 and 26]; No. 11, motion re referral of Supplementary Estimates [Votes 6 and 26] to select committee; No. 12, Excess Votes relating to 2003 [Votes 16 and 17]; No. 13, motion re 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, back from committee; and No. 20, Road Traffic Bill 2004 — Order for Report, Report and Final Stages.

It is proposed, notwithstanding anything in Standing Orders, that: (1) the Dáil shall sit later than 8.30 p.m. tonight and business shall be interrupted not later than 10.30 p.m.; (2) No. 10, and subject to the agreement of No. 10, No. 11, referral to select committee, and Nos. 12 and 13 shall be decided without debate, and in the case of No. 12 excess Votes relating to 2003 [Votes 16 and 17] shall be moved together and decided by one question which shall be put from the Chair, and any divisions demanded on Nos. 10, 11 and 12 shall be taken forthwith; and (3) Report and Final Stages of No. 20 shall be taken today and the proceedings thereon 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 Transport. Private Members' business shall be No. 44, motion re overseas development aid.

**An Ceann Comhairle:** There are three proposals to put to the House. Is the proposal for dealing with the late sitting agreed? Agreed. Is the proposal for dealing with Nos. 10, 11, 12 and 13 without debate, namely, motions re Supplementary Estimates and excess Votes and motion re proposed approval by Dáil Éireann of draft decision of the Council agreed to?

**Caoimhghín Ó Caoláin:** It is not agreed. In respect of No. 13, this motion is to facilitate the removal of the requirement for unanimity in the areas of immigration and asylum policy and to replace that with the unequal process of qualified majority voting. This clearly would move us closer to the EU superstate model that is promoted by some voices in Europe and at home. This point was acknowledged in correspondence from the Minister for Justice, Equality and Law Reform to Sinn Féin only two years ago. It is also

part of the Hague programme which the Government has refused to debate in the House at any time. Clearly, it fits into the fortress Europe agenda. This motion should be debated in the House. It is imperative that we properly discuss the ramifications of qualified majority voting in this area, which has already created such debate and interest and in respect of which concern has been voiced at home. The relinquishing of unanimity in the area of immigration and asylum policy is something that merits a full Dáil address. I object to this motion being proceeded with without further debate.

Question put: "That the proposal for dealing with Nos. 10, 11, 12 and 13 without debate be agreed to."

**Deputies:** Vótáil.

**An Ceann Comhairle:** Will the Deputies claiming a division please rise?

*Deputies Ó Caoláin, Ó Snodaigh, Crowe, Finian McGrath, Gregory, Joe Higgins and Healy rose.*

**An Ceann Comhairle:** As fewer than ten Members have risen, I declare the question carried. In accordance with Standing Order 68, the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Question declared carried.

**An Ceann Comhairle:** Is the proposal for dealing with No. 20, conclusion of Report and Final Stages of the Road Traffic Bill 2004, agreed?

**Mr. Kenny:** I do not wish to unduly hold up the business of the House or to push this to a vote. While a guillotine is proposed, I understand from Opposition speakers that the Bill may not go the full distance. I remind the Chief Whip that we do not like Government guillotines in principle but, given the occasion, I register my objection to it without pushing for a vote.

**Mr. Roche:** That is the spirit of Christmas.

**Caoimhghín Ó Caoláin:** To be consistent, I must also record my objection to the application of a guillotine in this instance. I made an appeal in this regard and, to be fair to the Chief Whip, in the period since the commencement of this term, this was not the pattern until recent weeks. It should be noted that there were no votes on the Order of Business until recent weeks, which is surely the way we want business to proceed. The way to do this is to allow adequate time for all Members who wish to participate. I strongly recommend a revisitation of the Chief Whip's previous practice.

**An Ceann Comhairle:** Is the Deputy pressing a vote?

**Caoimhghín Ó Caoláin:** I will not press a vote but record my objection to the guillotine.

**Mr. Stagg:** In case the House might think the Labour Party was in favour of guillotines, we made our case very strongly at the Whips' meeting. We understood the position put forward by the Chief Whip who endeavoured to reduce the number of guillotines where possible and who has been successful for a considerable period up to now. However, the pressures of Christmas are probably catching up with him.

**An Ceann Comhairle:** Is the proposal for dealing with No. 20 agreed? Agreed. I call Deputy Kenny on the Order of Business.

**Mr. Kenny:** Have the heads of the strategic national infrastructure Bill been approved by Government? Is there substance to the rumour that the Bill is being held up by a senior Minister?

**The Taoiseach:** The draft heads of the Bill are being considered before resubmission to Government. Therefore, it will be next year before the Bill is approved.

**Mr. Rabbitte:** Is the Taoiseach planning a constitutional referendum for next year? I refer in particular to reports at the weekend that the Government proposes to give a right of audience in this House to some elected members from Northern Ireland. Is there any basis to these reports?

**An Ceann Comhairle:** The Taoiseach should reply on promised legislation.

**The Taoiseach:** The Seanad report and the All-Party Committee on the Constitution report propose that any change to the seats normally given to Members from Northern Ireland in recent years would require an extension of the Seanad. This issue has to be discussed by the political parties. However, if that were agreed by the parties, I understand it would require a constitutional amendment.

**Ms Burton:** That has nothing to do with a right of audience.

**Mr. Sargent:** The budget did not refer to the issue of alcohol abuse, as is normally the case with budgets. Given the increasing problem of alcohol abuse, will the Government step in, perhaps in the context of the Intoxicating Liquor Bill? Is priority being given to this issue on the basis of the reports—

**An Ceann Comhairle:** That question was asked by the Deputy last Thursday.

**Mr. Sargent:** That was in regard to other legislation while I am asking about separate legislation. While it is the same issue, there are many Bills.



**The Taoiseach:** The Intoxicating Liquor Bill will return to the House in 2005.

**Ms McManus:** An undertaking was made by the Tánaiste and Minister for Health and Children that she would try to introduce legislation before Christmas to bring in the yellow pack medical cards. I appreciate that time is running out. When will this legislation be introduced? In the meantime, will the Taoiseach delay the introduction of increased charges for those on low incomes who do not at present qualify but who will have to pay increased charges for drugs?

**An Ceann Comhairle:** The Taoiseach should reply on the first question only as the second question does not arise on the Order of Business.

**The Taoiseach:** We hope to bring forward the relevant statutory instruments as soon as possible.

**Caoimhghín Ó Caoláin:** With the publication today of the final report by IFSRA into the over-charging of customers in regard to foreign exchange transactions and the clear indication that there was foreknowledge by senior members of staff and management——

**An Ceann Comhairle:** Has the Deputy a question?

**Caoimhghín Ó Caoláin:** ——does the Government propose to consider the need for legislation in the area of the regulation of banks and financial institutions in regard to charging?

**The Taoiseach:** The legislation is already in place.

**Mr. Gilmore:** Some weeks ago, when I asked the Taoiseach about the report of the All-Party Committee on the Constitution relating to the price of building land, he undertook that he would intervene with the Whips to see whether we could have a debate in the House on the matter. In view of the reports today that a number of land speculators, none of whom appears to be a house builder, have made a significant killing on the sale of a site in my constituency, when are we likely to have a debate in the House on the report of the all-party committee in regard to building land?

**The Taoiseach:** The Chief Whip will include that in the next session. We want to deal with the matter in conjunction with the other reports, of which there are three. The last report, the National Economic and Social Council report, is to be published shortly.

**Mr. Gilmore:** That is not acceptable. The all-party committee report has been published——

**An Ceann Comhairle:** We cannot have a debate on it. We must move on.

**Mr. Gilmore:** ——one of the other two reports has been buried by the Government and the third report has not been published yet.

**An Ceann Comhairle:** That does not arise at this stage. The Deputy should submit a question to the Minister.

**The Taoiseach:** The debate will be next session in any case.

#### **Supplementary Estimates 2004: Motion.**

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

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

Vote 6 — (Office of the Minister for Finance) (*Supplementary Estimate*).

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

Question put and agreed to.

#### **Estimates for Public Services 2004: Referral to Select Committee.**

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** 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 6 — (Office of the Minister for Finance) (*Supplementary Estimate*) — Select Committee on Finance and the Public Service.

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

Question put and agreed to.

#### **Estimates for Public Services 2003: Motion.**

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I move:

Vote 16 (Civil Service Commission).

That a sum not exceeding €46,177 be granted to make good an excess on the grant for the Civil Service Commission for the year ending on the 31st day of December 2003.

Vote 17 (Office of the Ombudsman).

That a sum not exceeding €25,103 be granted to make good an excess on the grant for the Office of the Ombudsman for the year ending on the 31st day of December 2003.

Question put and agreed to.

### Treaty of Amsterdam: Motion.

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

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.

Question put and agreed to.

### Private Notice Questions.

#### Industrial Disputes.

**An Ceann Comhairle:** In allowing this Private Notice Question to be taken, I am conscious that the next item of business, the Road Traffic Bill 2004, is subject to a guillotine. Leaders' Questions have a time limit of seven minutes and priority questions have a time limit of six minutes for a single question and 18 minutes for three or more questions. The Chair believes that 30 minutes is sufficient for a Private Notice Question. Deputy Broughan has submitted one question. I propose to take one round of questions from the main parties following the contribution of Deputy Broughan.

**Mr. Broughan** asked the Minister for Enterprise, Trade and Employment if he will use the powers available to him under the Industrial Relations Act 1990 to intervene in the current dispute at Irish Ferries arising from the decision of the company to make almost 200 permanent workers redundant and its plans to replace them with contract workers from abroad, in view of the consequences for labour relations generally and for the future of the workers at Irish Ferries, in particular, and all workers in the Irish marine sector; and if he will make a statement on the matter.

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The system of industrial relations in Ireland is essentially voluntary in nature. Responsibility for the resolution of industrial disputes lies with the parties concerned. However, for cases where the parties have failed to find a solution to an industrial dispute, the State provides the dispute settling machinery of the Labour Relations Commission and the Labour Court. The experience and expertise of these services are available free of charge to parties in dispute. Ultimately, however, it remains the responsibility of the parties concerned to ensure that agreement is reached.

In the case of this particular dispute at Irish Ferries, the Labour Relations Commission and the Labour Court have been in close contact with the dispute. These services have been available to the parties and remain available to them. In the circumstances, it would be inappropriate for me to use the powers available to me under section 38(1) of the Industrial Relations Act 1990 to refer the matter to the commission or the court.

**Mr. Broughan:** Does the Minister accept that what has happened in the past few days is, essentially, a lockout of workers by Irish Ferries in Pembroke and Holyhead? Is that not particularly inappropriate and unfortunate since those workers and their trade union, SIPTU, delivered savings of €3.5 million earlier this year to a very profitable company? In that context, is it not wrong that Irish Ferries acted so precipitately in November by proceeding to install outsourced or foreign workers on the *MV Normandy* ferry?

Does the Minister agree the outsourcing or "yellow packing" of workers from eastern Europe on the *MV Normandy* is a practice to which the union and the marine workforce generally is rightly opposed? There is the example of the constant struggle to get minimum wages and conditions on the vessel operating between Swansea and Cork. Given that is the case, is it not regrettable and wrong that the company has proceeded with this outsourcing or "yellow packing" of workers? Does the Minister accept this outsourcing is unnecessary as Irish Ferries is a very profitable company? After all, it is only a few months since the chief executive, Mr. Rothwell, gave himself a bonus of €500,000 due to the great profits being earned on the four main ships of this line.

As has been argued, does the Minister accept there is a problem with competition in respect of the Rosslare to France line as the competitor, Brittany Ferries, is subsidised by the regional government of Brittany? Is it true the Minister's colleague, the Minister of State, Deputy Gallagher, has explored ways with SIPTU in which it might be possible to assist Irish marine companies generally with training and other assistance? Does the Minister accept it is a disaster for an island nation which, I think, is the greatest trading nation in the world and which depends on seafarers and the seafaring industry for its exports

[Mr. Broughan.] and imports? The Minister for Communications, Marine and Natural Resources recently opened the Irish maritime college in Cork to provide a marine workforce.

Is it true that under the Industrial Relations Act 1990, the Minister may, if of the opinion that a trade dispute, actual or apprehended, affects the public interest, refer the matter to the commission or the court which shall endeavour to resolve the dispute? Does the Minister not have a direct responsibility to get the parties to the table at the Labour Relations Commission to resolve these matters and to ensure the “yellow packing” of our marine workforce by a company which was formerly a State one, acquired for £1——

**An Ceann Comhairle:** The Deputy should confine himself to questions. There are other Deputies offering.

**Mr. Broughan:** I accept that, but it is my Private Notice Question. Will the Minister intervene under the 1990 Act?

**Mr. Martin:** The key issue is that we get both sides into the industrial relations machinery to resolve this dispute. There is no point in me engaging in post mortems at this stage or trying to unravel what happened over the weekend, or indeed prior to the events of the weekend. This is damaging to the Irish economy generally. It is a significant infrastructural service for business and employment generally. It is a very damaging dispute and has the potential to become even more damaging. That is why I implore both sides to avail of the sophisticated industrial relations machinery and the expertise and experience available to resolve this dispute.

Both sides have very strongly held perspectives on this dispute and have fears in terms of its wider implications, real or unreal. For example, there is in place a registered employment agreement between Irish Ferries and SIPTU, which dates back to 1994. If one side is of the view the agreement has been breached, there are set procedures laid down as to how it can be pursued through the Labour Court and so forth.

The Deputy is correct that the issue of competition has been raised. In September 2004 my colleague, the Minister of State, Deputy Gallagher, and indeed prior to that the former Minister, Deputy Dermot Ahern, raised this issue of competition with Brittany Ferries on the Ireland-France route with the Commissioner. The Commissioner responded by indicating that no proof of improper payment of state aid had been found, nor offered by the complainants. The Minister of State, Deputy Gallagher, is continuing to pursue the state aid matter with the new Commissioner and has sought a meeting with her following further discussions with the company on its state aid complaint. More work must be undertaken in

regard to pursuing the complaint *vis-à-vis* state aid or unfair competition in this market.

The Department of Communications, Marine and Natural Resources is very keen to provide additional support and to encourage and nurture seafarer employment. Government has been involved in developing fiscal and social insurance relief for ship operators and for seafarers——

**Mr. Broughan:** Why allow the “yellow packing” of workers?

**Mr. Martin:** As the Deputy knows, the Department recently obtained Department of Finance approval for the reintroduction of the employers of seafarers PRSI refund scheme with effect from 1 January 2004 for a period of seven years. That is going through the EU for permission. As the Deputy knows, a unique income tax relief for seafarers has been in place since 1998. There is also the seafarer’s €6,350 income tax allowance, for which many people lobbied. The Government facilitated the establishment of a public private partnership which resulted in the €51 million maritime college located in Ringaskiddy. All these measures are designed to create a viable seafarers sector.

**Mr. Broughan:** Where are they all going to work if the jobs are gone?

**Mr. Martin:** It is regretted that this decision by the company has resulted in the loss of up to 200 jobs. Given that it is a stated Government objective to create a viable sector in terms of employment and given that this is a maritime nation, it is not something about which we are pleased. Equally, we are very anxious to maintain these services for the benefit of Irish industry and so forth.

**Mr. Howlin:** There will not be an Irish seafarer in five years’ time.

**Mr. Martin:** The Deputy concluded by referring to the utilisation of the unique power I have under the 1990 Act. That power has not been used in decades. I said in my reply that at this stage and in the circumstances, I do not propose to intervene. Our preference is that the Labour Relations Commission and the Labour Court would be utilised by both sides to effect a resolution of this dispute.

**Mr. Perry:** Given the impact on the economy of an island nation, has this issue not been allowed to drift for months without action? The warning signs were clearly identified. Is the Minister not disappointed that Irish Ferries is the only company operating an all year round service not only for business but for tourism? From a commercial point of view, this is the busiest time. Is this dispute not having a huge impact on retail outlets? I visited the new state-of-the-art maritime college in Cork in which €51 million has been invested. Is it not remiss of us that we do

not have a policy in regard to seafarers as we face a challenging time with Brittany Ferries enjoying a subsidy of which Irish Ferries cannot avail?

**Mr. Martin:** I made the point about the competition argument. There is a procedure in place. If a complaint is made that there is unfair competition or illegal utilisation of state aid, then one pursues that. I understand a complaint was made and, as I said, I have been advised that the commissioner responded to earlier representations made by the former Minister for Communications, Marine and Natural Resources, Deputy Dermot Ahern, when he raised the issue of state aids with former Commissioner de Palacio in January of this year. The response was that no proof of any improper payment of State aid had been found, nor offered by the complainant. The Minister of State, Deputy Gallagher, is pursuing this matter with the new commissioner with responsibility for State aids. He has also been in further discussions with the company about the State aid complaint. It is one thing to make a complaint or a general allegation but it should be followed up with evidence to prove it. Our position is that there should be a level playing pitch in this area.

**Mr. Perry:** There is an allegation concerning State aid but does the Minister not feel it is unfair when services are cherry-picked? I know this matter will go to the Labour Relations Commission but does the Minister not see a justification for Ireland, as an island nation, to be entitled to compete in such a manner? Irish Ferries was under State ownership until it was sold off some years ago. Is it not a loss that the State does not have some involvement in the direct management of the company?

**Mr. Martin:** Is the Deputy saying there is a case for State ownership?

**Mr. Perry:** As an island nation, is the State not restricted somewhat by not having a direct involvement in the ownership or operation of such a company?

**Mr. M. Ahern:** Should we still have one?

**Mr. Martin:** Not necessarily. Many companies have availed of international maritime agreements and Deputy Broughan referred to the Cork-Swansea route in this regard. We have to watch what is happening globally in terms of building up a viable seafaring sector.

**Mr. Perry:** Yes.

**Mr. Martin:** There are many challenges that fuelled some of the reliefs that were introduced earlier by previous Ministers for Finance and the Marine in collaboration with each other. A State takeover of the company is not on the agenda. The key point from my perspective is that there should be a level playing pitch. If there are complaints about State aid they should be pursued

vigorously and proof of illegal State aid should be provided to the commission.

**Mr. Perry:** Will the Minister investigate that?

**Mr. Martin:** The Minister of State, Deputy Gallagher, who has specific responsibility for the matter is pursuing that. The previous Minister for Communications, Marine and Natural Resources, Deputy Dermot Ahern pursued it and received a negative response from the commission, which said it had no proof.

**Mr. Sargent:** Would the Minister accept that there is very little spare capacity for exporters on any other ferry services? Has his Department undertaken any evaluation of the consequences for business and jobs generally — above and beyond the 140 staff laid off from Irish Ferries — if the dispute continues or escalates? If such an evaluation has not already been done, does the Minister intend to undertake one and, if so, when?

I was interested to hear the Minister state that he is keen to see a level playing pitch. Will he take up the issue of Brittany Ferries, which, as has been mentioned, is being subsidised by local and regional authorities in France? Does Irish Ferries need, at the very least, an indication of political commitment that Ireland would maintain the necessary seafaring trade routes that have already been established and that are important for Irish trade? Will the Minister meet the company or the unions to express the political commitment, whatever about the financial commitment, which would seem to be warranted if he is determined to have a level playing pitch?

**Mr. Martin:** I have answered the question about State aid. I repeat that a complaint has been made and the previous Minister, Deputy Dermot Ahern, raised the matter with the European Commission. The commission said it had no proof and the company that made the complaint has not offered any proof. The Minister of State, Deputy Gallagher, is in discussion with Irish Ferries about the complaint and will pursue it with the new commissioner for State aids. That is the position and, as it relates to Brittany Ferries' argument, the Government is committed to pursuing that issue with the commission to ensure that there is a level pitch.

The Deputy raised the issue of spare capacity and clearly this is having a damaging effect on Irish exports. The Government is not particularly happy about that. Wearing various hats over the years, I have been involved in trying to resolve different types of industrial relations disputes. It is not always the best solution to have Ministers rushing in to resolve disputes. In recent years, we have developed good industrial relations machinery that works if it is used effectively, by both sides putting aside their conditions and talking to try to achieve a resolution.

[Mr. Martin.]

While dealing with workers' fears and concerns on the one hand, and the requirements of the company and its business on the other, there is room to resolve this dispute. The first issue must be to find a basis on which both sides can approach the Labour Relations Commission. Both sides should work with the commission to try to establish a basis for negotiations and should then engage to get this dispute resolved because it is damaging the economy. I will evaluate the day-to-day impact of the dispute. Companies have already articulated their concerns to my Department, so I am under no illusion that this dispute is having a damaging effect.

Under the various social partnership agreements we have had a good record of industrial relations. In the past decade there has been a significant reduction in the number of working days lost through disputes. That has created a good image for Ireland internationally as well as creating a good atmosphere for inward investment. The secondary damage of a dispute like this one is that it has a ripple effect on that perception of Ireland. I urge both sides to get into the talks process at the Labour Relations Commission quickly.

**Caoimhghín Ó Caoláin:** Noting the Minister's earlier reply to Deputy Broughan, what further deterioration does he believe must occur before he will intervene in the dispute at Irish Ferries? Does he accept that the recruitment by Irish Ferries of cheap overseas labour is yet another exposure of Irish management's scant regard for Irish workers and for the economy as a whole, and that it is both foolish and short-sighted?

**Mr. Martin:** As regards the Deputy's question on intervention, I do not know the exact period but it is quite a long time since that method was used. I do not want to say that the dispute must get to a certain degree of severity before there will be ministerial intervention. I am appealing to both sides to enter the process and start talking. They owe that to themselves and to the country. They should stop sparring and saying "We can't go in because of what you have done". They should get into the talks process and resolve the dispute.

**Caoimhghín Ó Caoláin:** What about the recruitment of non-union labour?

**Mr. Martin:** I have already stated my view on that. I regret what has happened in terms of the jobs lost. There are international maritime agreements whereby companies can work under different flags of convenience, thus enabling them to engage in this kind of activity. I am concerned about it because it has implications for maritime policy to create a vibrant seafaring sector, which I will have to study. Obviously, it is not something that I welcome.

**Mr. J. Higgins:** How can the Minister answer questions on the Irish Ferries strike as if he was commenting on a rather dull football match or watching paint dry? Does he know why the workers had no option but to go on strike? Does he accept that ferry transport generally is a life-line for trade in goods and services, as well as passenger transport, for an island nation such as ours? Why, therefore, will the Minister not condemn the bosses at Irish Ferries who treat the staff as if the ships were banana boats on an unimportant fruit run? Is the Minister aware that the owners of Irish Ferries, beginning with the *Normandy*, are replacing permanent, pensionable jobs with positions for unfortunate, unemployed east European workers? The latter are being treated as coolie labour with slave wages, no pensions and no social protection. Does the Minister accept it is nothing but sheer greed that is driving the owners of Irish Ferries to replace staff with crucial sea-faring skills, which will be lost forever, with lesser-trained, cheap, yellow pack personnel? Will the Minister get off the fence and stand by workers' rights, which is the issue at the core of this dispute?

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

**Mr. Martin:** My position is to stand by workers. I am not interested in grandstanding—

**Mr. J. Higgins:** The Minister should just stand for a start.

**Mr. Martin:** I am interested in being effective for Irish workers, not in making great grandstanding speeches—

**Mr. J. Higgins:** The Minister is grandstanding.

**An Ceann Comhairle:** I ask Deputy Joe Higgins to allow the Minister to continue.

**Mr. Martin:** If I were to make a speech similar to that of Deputy Joe Higgins, I would put resolution of the dispute further down the road. I am interested in achieving a resolution of the conflict. I am aware, as is Deputy Joe Higgins, of the importance of this issue and its significance for the economy and for the workers concerned. I do not need lectures from Deputy Joe Higgins in this regard.

**Mr. J. Higgins:** If that is the case, why does the Minister not speak out? He should condemn the situation.

**Mr. Martin:** Many Members on this side of the House, including me, come from a working-class tradition. I ask Deputy Joe Higgins not to lecture me on workers' rights.

**Mr. J. Higgins:** In that case, the Minister should condemn the owners of Irish Ferries.

**An Ceann Comhairle:** Deputy Joe Higgins should allow the Minister to continue without interruption. He should resume his seat or I will move on to the next business.

**Mr. Martin:** Members on this side of the House have improved the quality of life for workers.

There is already a registered agreement between the employers and the workers in this case, which was hammered out as far back as 1994. A procedure was established for dealing with any breach of that agreement but this has not been followed for one reason or another. The option is there of making a formal complaint to the industrial relations machinery of an alleged breach of an agreement. It has not been taken up.

Irrespective of that, there is still an opportunity for resolution. The workers have genuine fears regarding what may happen elsewhere in the firm. Ultimately, those fears and concerns must be resolved in the context of the industrial relations machinery. I am saying to both sides that they must stop the sparring, get on with resolving the situation and approach either the Labour Relations Commission or the Labour Court. This is the only way to resolve the dispute. There cannot be a scenario whereby the Minister gets involved in every dispute that arises. That will not happen.

**Mr. J. Higgins:** The bottom line is that the Minister should condemn exploitation.

**Mr. Broughan:** I thank the Ceann Comhairle for allowing this debate and the Minister for coming into the House to respond. The key principle of this dispute, and the reason workers felt desperate enough to go out on the streets last Thursday and that the company locked them out, is the issue of outsourcing or “yellow-packing” of a key skill in the economy. It is the function of the Minister for Enterprise, Trade and Employment to ensure that highly skilled, maritime jobs remain in this country. It is ludicrous that the maritime college is being built in the Minister’s constituency while we face the prospect that there will be no maritime jobs. The workers are desperate. They predict that this outsourcing will spread throughout the entire workforce of 1,200 at Irish Ferries and those of other marine companies. It is incumbent on the Minister to take action in this matter.

Under the 1990 Act, the Minister has the power to intervene in a dispute of special importance. This dispute qualifies as such. As mariners say, “if you bought it, a ship brought it”. Our trade is dependent on ships. In this context, it is incumbent on the Minister to order an inquiry and ask the LRC to get involved. The situation must be resolved as quickly as possible so that no more Irish trade is affected and high-quality Irish jobs are retained in the maritime sector.

**Mr. Martin:** Under the Merchantile Marine Act 1955, ferry companies are in a position to do what

Irish Ferries has done in this case. The Government and I are concerned with any widespread or wholesale use of this procedure. However, there is an existing agreement between the unions and the company in this case, which dealt with pay and the rights and conditions of workers. If the allegation is that there has been a breach of that registered employment agreement—

**Mr. Broughan:** The company broke off its dialogue with the workers on 20 October.

**Mr. Martin:** A procedure including the provision of penalties can be utilised to follow through on the complaint. This procedure has not been availed of for various reasons but it exists under the legislation and should be utilised. I have already stated that I have appealed to both sides to set forth their positions. It is incumbent on both sides to get involved with the LRC to resolve this and establish a basis for agreement.

I understand the workers’ fears in terms of the potential ripple effect arising from this situation. Some 80% of workers have already accepted the severance arrangements offered. The real issue is a consideration of the potential fall-out for the remaining workers. One way to bed that down is to initiate a process that can fix reassurances for the time being. I thank Deputy Broughan for raising the issue and will keep in contact with him regarding developments.

**Mr. Broughan:** The Minister should take the initiative in this matter.

**Mr. Costello:** Thankfully, as Deputies have observed, we are now a nation of imports and exports in trade rather than an exporter of people. It is important that we have control of our air and sea routes. The air route is already in jeopardy as a result of some of the developments with which it has been threatened recently.

The Minister cannot simply say that he is imploring both sides to avail of the necessary machinery. Can he take a proactive step by publicly inviting the chief executive officer of the LRC to invite both sides for talks on a resolution? Such an approach would represent the Minister taking an initiative by pointing to the fine tradition of the LRC in resolving disputes, and in formally calling on the CEO to bring both sides together to resolve the matter.

**Mr. Kehoe:** Irish Ferries first began employing yellow pack workers in my constituency of County Wexford. I recall what the Minister said several weeks ago regarding jobs for the county but will not go into that now. The most serious aspect of this situation is its possible spin-off effect for Irish Ferries and for those companies dependent on its business, including engineering, cleaning and cash and carry firms. Irish Ferries spent millions or thousands every year on the services provided by such companies but that has

[Mr. Kehoe.]  
ceased. Irish Ferries will attain such services from companies outside Ireland.

The Minister of State, Deputy Gallagher, spoke at the weekend of his direct involvement with the management and unions. Did the Minister offer his assistance to the Minister of State in getting directly involved in this effort to initiate negotiations?

**Mr. Martin:** Ministers do not get involved in the daily resolution of disputes.

**Mr. Kehoe:** The Minister should do so. It is about time he did.

**Mr. Martin:** I have been involved in some serious industrial relations issues in recent years. A Minister rushing to get involved would have been unhelpful to the ultimate resolution of those disputes. One must judge when an intervention will be most helpful. Deputy Costello asked if I would publicly invite the CEO of the LRC to become involved. I do not have to do so.

**Mr. Costello:** The Minister should give some indication that the LRC should become involved.

**Mr. Martin:** That would only be for the optics. It would look and sound grand but would have no effect.

**Mr. Costello:** The Minister will do nothing.

**Mr. Martin:** Both sides have had discussions with the Labour Relations Commission with a view to finding a formal basis for getting involved. The process for resolving industrial disputes does not involve weekly grandstand gestures which, in the newspapers and on television, looks as if one is intervening.

**Mr. Kehoe:** There is a lack of leadership.

**Mr. Martin:** In reality, that type of contact is happening.

**Mr. Costello:** The Minister is doing nothing.

**Mr. Martin:** That is why we established the Labour Relations Commission and the Labour Court.

**Mr. Broughan:** Every day counts.

**Mr. Martin:** I know that. This dispute will be resolved within the confines of the Labour Relations Commission or the Labour Court. That is the key point.

**Mr. Kehoe:** Will the yellow pack workers still come in?

**Mr. Martin:** I have been involved in a number of disputes and I have some idea how to approach these issues. It is important not to undermine the

institutions that have the expertise, skills and experience to resolve these complex industrial relations disputes. One does not undermine those institutions for the sake of good publicity.

#### **Road Traffic Bill, 2004: Report Stage.**

**An Leas-Cheann Comhairle:** I advise Members that a printing error has resulted in incorrect line references in pages 5, 6, 13, 18, 20, 23 and 25 of the Bill, which affect amendments Nos. 1 to 3, inclusive, 21 and 24 to 26, inclusive. In the case of these amendments, Members are advised that the line references referred to relate to the actual number of lines of text contained in the relevant pages of the Bill and not the incorrect numbers printed in the Bill.

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

In page 5, line 6, to delete “2003 AND TO AMEND” and substitute “2003.”

This amendment provides for a clearer statement of the part of the Title to the Bill relating to the legislation to which it relates. It is a technical amendment.

Amendment agreed to.

**Mr. Cullen:** I move amendment No. 2:

In page 5, line 15, to delete “therefore” and substitute “therefor”.

This amendment is to correct a typographical error, noted in subsection (1), that “therefor” is incorrectly spelt.

Amendment agreed to.

**Mr. Cullen:** I move amendment No. 3:

In page 5, line 28, to delete “2002” and substitute “2001”.

As was noted during the debate on Committee Stage and was the subject of a proposed amendment by Deputy Olivia Mitchell, the reference in the text of the Bill to the legislative provision relating to the definition of “administrative area” is incorrect. It should refer to the Act of 2001. I thank Deputy Mitchell for that observation.

Amendment agreed to.

**Ms Shortall:** I move amendment No. 4:

In page 6, between lines 29 and 30, to insert the following:

4.—Section 12(1) of the Road Traffic Act 1994 as amended by section 2 of the Road Traffic Act 2003 (which permits breath testing of certain persons who in the opinion of a member of the Garda Síochána are intoxicated or committing an offence etc.) is hereby extended so as to apply to any person

in charge of a mechanically propelled vehicle in a public place.

I spoke on this issue at length on Committee Stage. It is one about which I feel very strongly. The Government has been talking for years about introducing random breath testing. It was promised as far back as 1999. As far as I can see, no progress has been made on the matter. The Minister and his two predecessors said they would look at this matter and take legal advice on it.

The abuse of alcohol is a major contributory factor in 40% of serious road accidents. The culture of alcohol is a problem in Ireland. People still go out, get tanked up and drive cars. It is time to end that and to introduce random breath testing. That is the only way to end the culture of drink driving. I will press the amendment.

**Mr. Cullen:** I appreciate how strongly Deputy Shortall feels about this issue. We are all in that same space. The key issue is to ensure that the most appropriate way of achieving the objectives set out in the road safety strategy to combat drink driving is identified and pursued. The strategy identifies a level of enforcement to be achieved within its lifetime, based on the number of vehicles to be screened on an annual basis. The level determined, which will see the drivers of more than 46,000 vehicles being checked annually, will place us on a par with countries such as Sweden and Finland, which are the best performing states in the EU in terms of drink driving enforcement.

The first step in providing for the extension of the powers of the Garda to test for drink driving has been put in place. The gardaí are now empowered to check all drivers involved in road collisions or detected committing a traffic offence, in addition to the power to demand a test of a driver who, in the opinion of a garda, has consumed alcohol. The range of powers now available reflects the position in the United Kingdom.

The introduction of full random breath testing is a matter which must be considered with great care. I do not intend to pursue a policy which would give rise to questions in relation to the overall powers currently available to the gardaí to test for drink driving. Acceptance of the proposal presented in the amendment before the House could create such a situation. Experience has shown that virtually every initiative taken on drink driving has been the subject of intense scrutiny in the courts. From a legislation perspective, such scrutiny is to be welcomed in that it either provides confirmation of the legislative measures or leads to their improvement. The principle of ensuring that the existing provisions relating to the preliminary testing of drivers are maintained will inform my pursuit of the question of the introduction of an additional and more broadly based option for the taking of such tests.

During the debate on Committee Stage I referred to the consultation process in which I am engaged with the Attorney General. That process

is at a very advanced stage and if the outcome supports the further extension of the grounds for the pursuit of preliminary testing, I will introduce the appropriate legislation as soon as possible.

**Ms Shortall:** I do not know what the Minister means when he says we are all in the same space. What on earth does that mean? The Minister is in a position to do something about this matter. He has access to legal advice, as had his predecessors, and has failed to act.

I do not accept what the Minister says about European rates of enforcement. We are nowhere close to those and we will not be, even with the additional gardaí being provided. The only way to clamp down on the widespread problem of drink driving, which is a major contributory factor to our high levels of road deaths, is to allow for the introduction of random breath testing. That has been accepted time and again. It was recommended in the previous road safety strategy and in the current one.

I do not accept what the Minister has said. He has had sufficient time to do something about this problem, as had his predecessors. He knew we would deal with this legislation and he had notice of my amendment. I would have been happy to withdraw the amendment if the Minister had presented his own wording. I want to see this matter dealt with and I do not want to see any more foot dragging by the Government, particularly the Minister for Transport, on this serious issue. It is time we tackled it. I am pressing the amendment.

**Mr. Cullen:** What I meant is that we all have the same concerns with regard to the abuse of alcohol and driving.

**Ms Shortall:** The Minister can do something about it.

**Mr. Cullen:** Deputy Shortall knows I am not in a position to bring defective legislation before the House.

**Ms Shortall:** The Minister has not given one legal reason for not doing so.

**Mr. Cullen:** I cannot bring legislation before the House unless it has been cleared by the Office of the Attorney General. It is not in my power or in the gift of Deputy Shortall to do so.

**Ms Shortall:** There is clearly no urgency about this matter.

**Mr. Cullen:** I would like this matter to be resolved. I would like to present to the House the legislative basis for the measure proposed by Deputy Shortall, which all Members would like to see, but I do not have clearance to do that. As soon as I have clearance from the legal experts in



[Mr. Cullen.]  
the Attorney General's office that such a measure is as safe as it can be, I will introduce it.

**Ms Shortall:** Has the Minister received advice on the matter.

**Mr. Cullen:** I am in negotiation at present.

**Ms Shortall:** I am fed up with this situation. Negotiations between the Minister's Department and the Attorney General's office have been

going on for years. There is clearly no political will to tackle this problem. If this matter had been addressed when it was first promised in 1999 and the Government had introduced random breath testing, several hundred people would still be alive today and several hundred others would not have sustained serious injuries. I am forcing the issue today as I have had enough of the excuses of various Ministers on the matter. Clearly no political will exists to tackle the huge problem of alcohol abuse and drink driving.

Amendment put.

The Dáil divided: Tá, 27; Níl, 69.

Tá

Boyle, Dan.  
Broughan, Thomas P.  
Burton, Joan.  
Costello, Joe.  
Crowe, Seán.  
Gilmore, Eamon.  
Gregory, Tony.  
Healy, Seamus.  
Higgins, Michael D.  
Howlin, Brendan.  
Lynch, Kathleen.  
McManus, Liz.  
Moynihan-Cronin, Breeda.

Ó Caoláin, Caoimhghín.  
O'Shea, Brian.  
O'Sullivan, Jan.  
Pattison, Seamus.  
Penrose, Willie.  
Quinn, Ruairí.  
Rabbitte, Pat.  
Ryan, Seán.  
Sargent, Trevor.  
Sherlock, Joe.  
Shortall, Róisín.  
Stagg, Emmet.  
Upton, Mary.  
Wall, Jack.

Níl

Ahern, Bertie.  
Ahern, Dermot.  
Ahern, Michael.  
Ahern, Noel.  
Andrews, Barry.  
Ardagh, Seán.  
Brady, Johnny.  
Brady, Martin.  
Browne, John.  
Callanan, Joe.  
Callely, Ivor.  
Carty, John.  
Cassidy, Donie.  
Collins, Michael.  
Coughlan, Mary.  
Cregan, John.  
Cullen, Martin.  
Curran, John.  
de Valera, Síle.  
Dempsey, Noel.  
Dempsey, Tony.  
Dennehy, John.  
Devins, Jimmy.  
Fahey, Frank.  
Finneran, Michael.  
Fitzpatrick, Dermot.  
Gallagher, Pat The Cope.  
Glennon, Jim.  
Grealish, Noel.  
Hanafin, Mary.  
Harney, Mary.  
Haughey, Seán.  
Hoctor, Máire.  
Jacob, Joe.

Keaveney, Cecilia.  
Kelleher, Billy.  
Kelly, Peter.  
Kitt, Tom.  
Lenihan, Brian.  
Lenihan, Conor.  
McDaid, James.  
McEllistrim, Thomas.  
McGuinness, John.  
Moloney, John.  
Moynihan, Donal.  
Moynihan, Michael.  
Mulcahy, Michael.  
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'Keeffe, Batt.  
O'Keeffe, Ned.  
Power, Peter.  
Power, Seán.  
Roche, Dick.  
Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Wallace, Dan.  
Wallace, Mary.  
Walsh, Joe.  
Wilkinson, Ollie.  
Woods, Michael.  
Wright, G. V.

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

Amendment declared lost.

**Ms Shortall:** I move amendment No. 5:

In page 6, between lines 29 and 30, to insert the following:

“4.—A person who is driving or attempting to drive a mechanically propelled vehicle (other than one used in the course of the activities of the Garda Síochána or emergency services) and who uses a mobile telephone other than a hands-free telephone shall be guilty of an offence and shall be liable to like penalties as a person guilty of the offence of driving without due care and attention.”.

This amendment relates to problem of hand-held mobile telephone use while in charge of a car, which has been identified by the Road Safety Council and other bodies as a major problem, and all of the attendant dangers involved. This was discussed on Committee Stage and, like the question of random breath testing, the Minister and his predecessor put it on the long finger and spoke of legal difficulties. No legal advice has been published, however, and the Minister has not come up with a single reason we cannot ban hand-held mobile telephones. The Minister raised the dangers associated with hands-free telephone sets but those can be dealt with another time. Now we have the opportunity to deal with the pressing problem of hand-held mobile telephones where people try to control a car with one hand.

**Ms O. Mitchell:** I agree that this matter must be addressed now. The Minister said he does not like to bring forward defective legislation and his predecessor, when newly appointed  
6 o'clock two and a half years ago, brought forward such legislation in a rush of blood to the head, found it was unworkable and withdrew it temporarily, but it still has not been sorted out. The Minister said on Committee Stage that it is an offence to drive dangerously, but many people still use hand-held mobile telephones. When they hold them in their hands, they are at their safest. The most disturbing thing is seeing someone trying to catch a telephone between his shoulder and his ear while turning corners and manoeuvring.

**Mr. Deasy:** Or texting.

**Mr. Cullen:** Or putting on make-up and shaving.

**Ms O. Mitchell:** If the fact that it is careless driving were sufficient, we would not see it so often. The public do not know it is an offence to use a hand-held mobile telephone when driving or, if they do, we are not a law-abiding people. It cannot be that difficult to introduce legislation to deal with hand-held mobile telephones. We should keep it simple.

**Mr. Cullen:** I said I would think about this after the debate on Committee Stage. The 2002 regulations that prohibit the use of hand-held mobile telephones while driving may now be *ultra vires*. The Attorney General has advised that in 1961, the Oireachtas would not have envisaged the need to regulate for mobile telephone use in vehicles. As a result, the power to make regulations under the 1961 Road Traffic Act would not extend to the regulation of mobile telephone use.

My Department has considered how to frame appropriate primary legislation to address the mobile telephone issue. The legislation will have to be non-specific to take account of the proliferation of vehicle-based information and communication technologies now and in the future. In-car navigation aids, vehicle tracking for logistics companies, active cruise control and other vehicle safety measures are all based on applications of mobile telephone technology. The advent of Bluetooth access in vehicles to mobile information and communication devices is a further complication.

In addition, research evidence indicates that it is not holding the telephone that poses the main hazard for a driver. It is the distraction created by having a telephone conversation with someone unseen while driving that creates the greater risk. A prohibition on hand-held telephones might not address the main road safety concern with such equipment. Legislation to deal with mobile phone use by drivers must have a wide scope while dealing positively with the road safety aspects.

I am currently developing proposals for such a broad based legislative framework with a view to inclusion in the new road traffic Bill. I, therefore, ask the Deputy to withdraw her amendment. Notwithstanding the doubt concerning the validity of the mobile phone regulations, drivers who use mobile phones in a way that constitutes careless or dangerous driving leave themselves open to prosecution with the possibility of penalty points. That is the honest position. I cannot put it any clearer than that. The issue is not just related to holding the mobile phone it relates to the technologies involved which are included in all the other activities one does in a car. I thought I would come back with an honest and full approach as to where we are but it appears all these factors are driven by the same technology that is used in mobile phones.

**Ms Shortall:** I cannot accept that it is beyond the ability of the Attorney General's office and the Parliamentary Counsel to come up with a definition of a hand-held mobile phone. Deputy Mitchell said this goes back two years. Originally penalty points were to attach to the use of mobile phones in cars as part of the 1998 road safety strategy. What we need is a definition. We are not talking about all the other activities people do in cars but the specific difficulty related to the prevalence of people holding a mobile phone in one hand and having a telephone conversation

[Ms Shortall.]  
while driving a car. It is a matter of coming up with a definition for a hand-held mobile phone. It is not enough for the Minister to say he will look at this issue. There is no sense of urgency in what the Minister has said. If he is prepared to give an undertaking in respect of a time frame I will consider withdrawing the amendment. We cannot be fobbed off any longer as the Minister's predecessor fobbed us off during the past two-and-a-half years.

**Mr. Cullen:** I appreciate the points the Deputy has made. I have tried to demonstrate that I would prefer to deal with this issue. There is no gain for me in not being able to do so. While the Deputy narrows down the issue to the actual holding of a mobile phone the bottom line is that will not stand up in law. I said earlier that we are trying to develop a wider framework to capture all the safety technology which is driven by the same technology as that used in mobile phones. I propose to agree the legislative framework for the road traffic Bill and to introduce it next year. That is the Bill to which I referred on Committee Stage. I have no problem with the issue. The Deputy may be frustrated as I am. I have told the House what is driving this issue. The more one examines the issue the more it becomes clear that the technology is the issue rather than the physical holding of a mobile phone.

**Ms Shortall:** It is a definition.

**Mr. Cullen:** I knew Deputy Shorthall would say it was a simple and straightforward matter to legislate for holding a mobile phone. I have given the answer as to why it is not a simple matter. However, I am giving an undertaking that I want it to be part of the next Bill. Rather than deal with the narrow definition, which is not possible, I am trying to work out a broad legislative framework to capture all the technology so that it will stand up. That may be the way to get it done.

**Ms Shortall:** I shall withdraw the amendment for the time being. I will give the Minister six months to see what he will come up with from the Attorney General's office. In the event that there is no progress at that stage I will introduce a Labour Party Bill on the issue.

**Mr. Cullen:** I appreciate that.

Amendment, by leave, withdrawn.

**Mr. Cullen:** I move amendment No. 6:

In page 8, to delete lines 8 to 16 and substitute the following:

“areas, and

(b) the Commissioner, and shall consider any representations made in writing by any such council or the Commissioner where they are received within the period

(not being less than one month after the date of service of the notice) specified in the notice.”.

The purpose of this amendment is to restate the provisions relating to the consultation that must be pursued by local authorities in making special speed limit by-laws with other local authorities and the Garda. The changes are purely of a formatting nature and have no impact on the substantive issue presented in the section.

Amendment agreed to.

**Ms Shortall:** I move amendment No. 7:

In page 10, line 41, before “that” to insert the following:

“subject to *section 4(2) and (3) and 9(8)(b) of the Road Traffic Act 2004,*”.

**Mr. Cullen:** As I outlined in response to this proposal during the deliberations by the select committee, the reference to the establishment of offences in this section are consistent with the approach adopted in the past in regard to speeding offences. In the case of section 4, which relates to ordinary speed limits, the actual speed limits are established by way of regulations. Section 11, which provides for the substitution of the current section that establishes the offences of breaching speed limits, refers to a speed limit that applies in respect of a vehicle. It would not be appropriate to add a reference to the speed limit in question being subject to regulations made under section 4 as it is the regulations that establish the speed limits for selected vehicle classes in the first instance. In the same manner where a regulation is made under section 9(8) that would change a special speed limit referred to in subsection (2), that subsection continues to have effect, albeit in accordance with that regulation. Where such a regulation is made the parameters of the offence are established with reference to that regulation. However, the offence is still one of breaching a special speed limit.

Amendment, by leave, withdrawn.

**An Leas-Cheann Comhairle:** Amendments Nos. 8 and 9 are related.

**Ms Shortall:** I move amendment No. 8:

In page 11, line 9, to delete “that”.

These are drafting amendments. Will the Minister accept them?

**Mr. Cullen:** Following the consideration of the Bill by the select committee I was in contact with the office of the Parliamentary Counsel on the points raised by Deputy Shortall. I have been assured that the current text of the section provides for the appropriate approach to the references to section 9. From the Parliamentary Counsel's point of view it is as it is.

**Ms Shortall:** I bow to the superior knowledge.

Amendment, by leave, withdrawn.

Amendment No. 9 not moved.

**Ms O. Mitchell:** I move amendment No. 10:

In page 15, lines 21 to 29, to delete all words from and including “it” in line 21 down to and including “made” in line 29 and substitute the following:

“, the relevant notice under this section shall be addressed to that person and shall be given to the person in one of the following ways—

(a) by delivering it to the person,

(b) by leaving it at the address at which the person ordinarily resides or carries on business,

(c) by sending it by post in a pre-paid registered letter addressed to the person at the address at which the person ordinarily resides or carries on business.

I tabled this amendment on Committee Stage. Under this section the Minister is being empowered to engage a company who will be paid to issue notices and receive payments on behalf of the Minister. Yet in a subsection of the same section the company or the Minister is being absolved from taking any action. Effectively they can sit back and do nothing. The presumption is that the notice will have been deemed to have been served and the person deemed to have refused to pay. I recognise that people will go to court about almost any issue in terms of the Road Traffic Act. I am not seeking proof that the notices were actually delivered but that there is an attempt to deliver them. The subsection appears to remove that requirement. It is an intolerable position and it is not common in legislation to have a presumption.

**Mr. Cullen:** The section provides that the notice has to be served. I note that the amendment proposed by Deputy Mitchell relates to a notice under the section being issued in regard to a prosecution for a fixed charge offence. The notice referred to in the section is the notice of the fixed charge offence. That notice is served either on the accused person, the registered owner, or is placed on the vehicle. As I indicated during the debate on Committee Stage the section is relatively silent on the various methods of service, some of which are referred to in the Deputy’s amendment. I did not think it was appropriate to place any limitations on the possible methods of service. That remains the position. I do not think the Deputy and I have differing views on the issue but we are coming at it from different angles. I do not wish to limit the methods of service but the section provides that a notice must be served. That meets the same point.

**Ms O. Mitchell:** I have debated this issue at length on Committee Stage so I will not pursue it. If anything is challenged in this section it will be that presumption.

Amendment, by leave, withdrawn.

**Ms O. Mitchell:** I move amendment No. 11:

In page 15, after line 48, to insert the following:

“(c) The financial terms of an agreement under this section shall not be dependent on, or have regard to quantity of items or cases processed.”.

I think the Minister is in agreement with the intent if not the content of this amendment. The purpose of this amendment is to rule out any doubts about agreements with any out-sourcing company that it would be paid on a commission basis, in other words, that any companies employed would be paid but the payment would not be related to the actual number of cases dealt with for fear of the course of justice being subverted by the need to raise revenue. It is something we should include in the legislation. Regardless of what the Minister thinks at the moment, we may well see in years to come that companies will negotiate such contracts, for example on the grounds of efficiency. It has been noted that such contracts generate public resentment. A contract that was negotiated in respect of clamping comes to mind. Although the companies in question deny that the revenue they raise was part of the deal, it is clear that it was. The general level of respect for the law is diminished when gardaí are required to reach a certain level of detection, because one assumes that gardaí should be involved in prevention rather than detection.

The provisions of this amendment should be included in the Bill. I know the Minister agrees with the intent of the amendment, but I would like it to be part of the legislation.

**Mr. Cullen:** The point the Deputy made would be relevant if we were going to the next step, where there is a real danger.

**Ms O. Mitchell:** Yes.

**Mr. Cullen:** I am familiar with the public’s view on the matter. The Deputy rightly cited the example of the public’s perception of clamping. There is no relationship with the administration of the scheme in this instance, however, because the Garda will become involved when an offence is committed. The Garda will be responsible at that level. The administration system relates to administration only, so there is no relationship. The administrative side of this will not receive a specific fee and no built-in system is being put in place to encourage it. It will not be able to make any more money from it because it does not have any role in charging in the first instance. The

[Mr. Cullen.]

Deputy's amendment would be appropriate if I was proposing to outsource the task of catching people. This is the next step, at which a real danger would arise. I am conscious that we should not allow that to happen if we move to the next step. It is not relevant at the moment, however.

**Ms O. Mitchell:** Is there any suggestion that outsourcing will involve the management and maintenance of the cameras?

**Mr. Cullen:** No, definitely not.

**Ms O. Mitchell:** If such matters are involved, there is a danger that——

**Mr. Cullen:** That would require further legislation.

Amendment, by leave, withdrawn.

**An Leas-Cheann Comhairle:** As amendments Nos. 13 to 18, inclusive, are related to amendment No. 12, amendments Nos. 12 to 18, inclusive, may be taken together, by agreement.

**Mr. Cullen:** I move amendment No. 12:

In page 16, lines 22 to 24, to delete all words from and including "1992," in line 22 down to and including "offence," in line 24 and substitute the following:

"1992—

(i) subject to *subparagraph (ii)*, the individual who most recently applied to have the vehicle licensed before the commission of the alleged offence, or

(ii) where ownership of the vehicle has been transferred from another person to the owner before the commission of the alleged offence and the registered owner as the new owner of the vehicle has not applied to have it licensed under the Regulations of 1992, the individual who signed as the new owner of the vehicle the notification of transfer of vehicle ownership under the Regulations of 1992 relating to the vehicle."

A group of technical amendments is being taken together. The amendments——

**Ms Shortall:** They are agreed.

Amendment agreed to.

**Mr. Cullen:** I move amendment No. 13:

In page 17, lines 5 to 9, to delete all words from and including "a" in line 5 down to and including "1992," in line 9 and substitute "the vehicle concerned."

Amendment agreed to.

**Mr. Cullen:** I move amendment No. 14:

In page 17, line 11, to delete "a registered owner" and substitute the following:

"the registered owner concerned".

Amendment agreed to.

**Mr. Cullen:** I move amendment No. 15:

In page 17, line 15, after "with" to insert the following:

"a relevant document referred to in *subsection (2)(iii)* or".

Amendment agreed to.

**Mr. Cullen:** I move amendment No. 16:

In page 17, line 19, to delete "€1,000" and substitute "€3,000".

Amendment agreed to.

**Mr. Cullen:** I move amendment No. 17:

In page 17, between lines 28 and 29, to insert the following:

"'document' includes any book, record or any other written or printed material in any form including any information stored, maintained or reserved by means of any mechanical or electronic device, whether or not stored, maintained or preserved in a legible form;".

Amendment agreed to.

**Mr. Cullen:** I move amendment No. 18:

In page 17, line 29, to delete "Vehicle" and substitute "Vehicles".

Amendment agreed to.

**Mr. Cullen:** I move amendment No. 19:

In page 18, line 19, to delete "subsection (1)" and substitute "subsection (2)".

Amendment agreed to.

**Ms Shortall:** I move amendment No. 20:

In page 18, lines 20 and 21, to delete all words from and including "in" in line 20 down to and including "(1)" in line 21 and substitute the following:

"under subsection (1) recording whether or not a licence has been produced".

Amendment, by leave, withdrawn.

**Mr. Cullen:** I move amendment No. 21:

In page 20, line 28, to delete “Court” and substitute “Courts”.

Amendment agreed to.

**Mr. Deasy:** I move amendment No. 22:

In page 21, between lines 20 and 21, to insert the following:

“27.—(1) It shall be an offence for a person, without lawful authority, to park in or obstruct a parking space which is designated as a disabled parking space.

(2) Within three months of the passing of this Act, the Minister shall by regulations, provide a special increased administrative fine in respect of this offence, such a sum being not less than €100.”.

The Minister is aware of what is entailed in this amendment, the history of which I will outline. When I was in the square in Dungarvan three or four years ago, a relative of a disabled driver approached me. I was informed that the driver in question found it hard to locate an unoccupied disabled parking space in the square because able-bodied people were constantly taking such spaces. The person I met argued that the existing fine did not act as a deterrent for able-bodied drivers. The person felt that it should be considered as a serious quality of life issue for disabled drivers, rather than simply as a case of their being inconvenienced.

I was surprised, when I checked the matter out, to find that the fine imposed on those who commit such acts is similar to a regular parking fine. When I spoke to traffic wardens, gardaí and representatives of disabled drivers, it became clear that the problem is found not only in my home town, but throughout the country. In many cases, local authorities have not provided enough spaces for disabled drivers.

When I have raised this matter on previous occasions, I have been told by representatives of the Government that those who do not pay the fine go to court, where it is doubled or trebled to a maximum of €800. It is argued that such a fine acts as a disincentive, but that it not really the case. Disabled parking spaces are often found in key locations in towns, such as near banks, post offices and newsagents, so that people can access them easily. They are being abused.

I understand that the Minister will not accept my amendment. I appreciate his comment on Committee Stage that he would not have any difficulty with dealing with this matter by regulation. The previous Minister did not respond to my request in any great detail. He did not suggest a comprehensive solution to the problem when we discussed it on a number of occasions. The Minister, Deputy Cullen, is aware that steps have been taken in this regard by Dungarvan Town Council, Tramore Town Council, Waterford City Council and Waterford County Council.

The Disabled Drivers’ Association of Ireland and the Irish Wheelchair Association support my solution to this problem, which continues to arise quite often. It is a quality of life issue for disabled drivers. My amendment proposes a simple measure that will act as a deterrent to those who take parking spaces they are not entitled to use. If the Government accepts it, it will benefit the lives of people who find it difficult to get around on a day-to-day basis. I appreciate the Minister’s previous comments on the matter. I hope he can take action by means of regulation as soon as possible.

**Mr. Cullen:** I appreciate the Deputy’s decision to raise this subject again. We had a good discussion on the matter on Committee Stage. We are in agreement about the effects of able-bodied people parking cars in disabled parking spaces on those who badly need such spaces, which are properly provided by local authorities to assist those who need to access many facilities. The spaces are often provided in the locations that are easiest for people with disabilities to access successfully. It is absolutely disgraceful that people who are not disabled abuse those who are disabled by parking in spaces which have clearly been provided to assist the latter group, for example by helping them to enjoy a better quality of life.

When Deputies Olivia Mitchell and Shortall spoke about this matter on Committee Stage, I indicated that the fine suggested was too high because it would not be possible for the courts to impose it. I confirm that the fine suggested in Deputy Deasy’s amendment is close to the fine I am considering. I intend to pitch the fine at a high level that is similar to the figure mentioned in the amendment. I appreciate the Deputy’s comments. I assure him that I will take steps in this regard in the New Year. The measures I will introduce will be of great benefit to disabled people throughout the country. It is right that people who park in disabled parking spaces should feel the pain of an on-the-spot fine.

**Mr. Deasy:** I thank the Minister.

Amendment, by leave, withdrawn.

**Ms O. Mitchell:** I move amendment No. 23:

In page 22, line 10, to delete “6” and substitute “12”.

This amendment seeks to increase the prison sentence that will be imposed on those who sell cars to young people under the age of—

**Ms Shortall:** To minors.

**Ms O. Mitchell:** I am not sure whether the Bill refers to those under the age of 16 or 17. I understand that the maximum fine of €3,000 provided for in the Bill cannot be increased, but I would like the Minister to consider increasing to 12 months the prison sentence for this serious

[Ms O. Mitchell.]  
 offence, which can have tragic consequences. We have to stamp out the practice of allowing minors to access cars, leaving cars for minors to pick up or selling cars to such people. The amendment I have proposed conveys the seriousness with which we view the offence and recognises the damage it can cause.

**Mr. Cullen:** Deputy Olivia Mitchell will recall that the select committee accepted my proposal to apply a maximum fine of €3,000, with a possible prison term of six months, for the offence of supplying a mechanically propelled vehicle to a minor. This proposal was on foot of comments made by all Deputies, including Deputy Olivia Mitchell, on Second Stage. When making this agreement, I considered whether it would be possible to include a prison term of 12 months rather than six months, but the reality is that six months is generally accepted as the term of imprisonment that applies in such cases.

Amendment, by leave, withdrawn.

**An Leas-Cheann Comhairle:** Amendment No. 25 is an alternative to amendment No. 24 and they are to be discussed together.

**Ms Shortall:** I move amendment No. 24:

In page 23, to delete lines 3 to 50, to delete page 24 and in page 25, to delete lines 1 to 10.

The proposal my amendment seeks to rectify was sprung on the Opposition spokespersons without notice at the beginning of Committee Stage. There was no debate on it and no justification therefor. I understood at the time that the Minister undertook to withdraw it to consider it further and therefore I was very surprised to see it in the amended version of the Bill.

I am totally opposed to the proposal and it indicates a totally unprecedented development regarding insurance. We are being asked to buy a pig in poke such that the Minister of the day can set a limit on the amount of compensation that can be claimed in personal injury cases. This has never occurred before. People have bought insurance and have agreed contracts with their insurance companies on the basis of open cover in the event of personal injury. It has always been the case that the courts decided the appropriate level of compensation in such circumstances.

I feel very strongly that the Minister has completely mishandled this matter and I can only conclude that he has been put under great pressure by the insurance industry. There is no other justification. The proposal represents an entirely new departure in the area of insurance. On Committee Stage, the Minister provided no justification for it. He stated he was uncomfortable with it and it seemed to have been sprung on him. He said there was a need to examine such matters thoroughly and to obtain proper legal advice thereon. It is quite clear that he has not done so

in respect of this proposal. That is not the way to make good legislation.

I have been contacted by a number of legal representatives on this issue in recent days and they are extremely concerned about the proposal. I contend that it is unconstitutional. I have serious reservations about it and I am totally opposed to proceeding along these lines. It is a very bad way to do business.

**Ms O. Mitchell:** I am completely opposed to the Minister's amendment and could not support it under any circumstances. I ask him, in the strongest possible way, to withdraw it and allow some public debate on the matter.

The Minister said this matter was sprung on him but it was sprung on the Opposition in a completely unacceptable matter. That we were first made aware of such a new departure in the area of personal injury insurance at 12.50 p.m. on budget day is unacceptable. Even if I agreed with the provision in question, I would have to admit that the drafting of this legislation is quite sloppy. The Bill fails to state what the Insurance Federation has asked the Minister to produce for it and I do not know if it states what the Minister believes it states or what he had hoped it would state. Certainly, it is not what the Insurance Federation put to his Department, regardless of whether he agrees with it.

I do not know, and I am not sure if the Minister knows, why there is a complete change of direction regarding personal injury insurance. It was suggested to the Minister during Committee Stage that the change in direction resulted from matters arising from the events of 11 September 2001. From my inquiries, I note that it has nothing to do with those events but arises from very serious train crashes in Great Britain, in which region the insurers were unwilling to accept completely unlimited liability.

Apart from criticising the sloppiness of the legislation, the legal representatives to whom I have spoken have, in the main, stated that the Bill, if passed, will be completely unconstitutional. Apparently the proposal to which I object is at the behest of the insurance companies, which have said, either to the Minister or his Department, that they cannot obtain re-insurance and want their liability to be limited because their re-insurers want their liability to be limited. The problem is that the poor, unfortunate consumer who buys insurance does not have limited liability.

If one crashed into the Luas — this seems to happen quite often — set it on fire and injured many people, is there any guarantee that every single victim would be covered, irrespective of the exposure of the driver of the car? The reality is that in extreme circumstances — I realise I am depicting a worst-case scenario — everybody would not be covered.

The Minister may recall that, in 1996, a report by Deloitte & Touche was issued on the capping of insurance liability. The purpose of the report was to determine whether this would reduce insurance premia. The report indicated that capping would not only fail to reduce premia but

would be an injustice to both the insurance industry and victims. It therefore strongly recommended against it. The Minister should recognise that our job as legislators is to protect the consumer and ensure that he has insurance. The Minister may be correct when he states that, to safeguard the availability of any kind of insurance, we must introduce the kind of amendment he proposes. That may be the case, but the only evidence we have to corroborate it is that the insurance companies say so. That is not sufficient. We need a public debate on the issue and to take independent and disinterested advice on behalf of the public, who require the kind of insurance to which I refer and who have been able to avail of it traditionally. The Minister should consider this matter seriously and withdraw his amendment.

We all understand that people need to be covered by insurance. If it is the case that circumstances have changed, we will reconsider our position, but we are being rushed into making legislative changes at the behest of the insurance companies, which do not even seem to know the full implications of this legislation. I ask the Minister to withdraw his amendment and consider the matter in calmer times with a level head and with the benefit of expert advice other than that of the insurance companies.

**Mr. Cullen:** Representatives of insurance companies have not spoken to me directly on this matter, nor have they put me under pressure. I was aware that information on the subject had come into the Department before I took up office. No so-called insurance friend sat down with me and told me that this has to be done.

**Ms Shortall:** Where did it come from in that case?

**Mr. Cullen:** It did not happen and I have not been engaged on it.

**Ms O. Mitchell:** Why was it not in the Bill in that case? Why was it introduced by way of amendment at the last minute?

**Mr. Cullen:** I will try to explain my position to the Deputy because I was uneasy about the matter myself. I am making absolutely no change to the current position. Furthermore, I have tried to reflect the concerns that Deputies had on Committee Stage. My amendment makes no change whatsoever.

**Ms Shortall:** It does in respect of personal injuries.

**An Leas-Cheann Comhairle:** Order, please, we are not on Committee Stage.

**Mr. Cullen:** It does not. I am not making any changes to the position of anybody in this country by introducing the section in question. I tabled my amendment so one could be absolutely clear about that. I am stating in law that I cannot make

any changes until the Houses of the Oireachtas agree to those changes.

On Committee Stage, I undertook to reflect on statements made by Members about replacing the requirement to have unlimited motor insurance cover with some specified limit. As a result, I am now proposing a further amendment to deal with the concerns identified by Members. I share these concerns and note that they need to be addressed. My amendment provides that the regulations to specify an upper limit on the amount of motor insurance cover required by law would be subject to the approval of both Houses of the Oireachtas before they could take effect. We cannot do anything until that happens. Members' perceptions on Committee Stage and media reports notwithstanding, the amendment is not intended to give comfort to the insurance industry by capping the cost of claims. The question of a limit arises only in the context of ensuring that motorists continue to have an adequate level of insurance cover.

The reason for this amendment is that the Irish Insurance Federation made repeated representations to the Minister for Transport to set an upper limit on the amount of insurance cover required by law. Until now insurance companies have provided unlimited cover in respect of personal injury by spreading their exposure through reinsurance. However, reinsurers world-wide are reported as declining to carry unlimited risks any longer. The industry claims that if companies are refused reinsurance cover they will not be in a position to provide unlimited cover to motorists. I recognise the benefits of unlimited liability cover for personal injury but I must ensure adequate levels of cover will be available in the event of substantial reinsurance difficulties. For that reason it is prudent to provide for a legal framework to deal with a situation where insurance companies could no longer provide unlimited cover. If this happens I must come back to the House, so I am giving comfort to the Opposition that I cannot lay these regulations out alone. It must be decided by a vote of the Oireachtas.

The limit will be set at a level far in excess of any settled or outstanding claim or group of claims. The amendment would require the agreement of both Houses of the Oireachtas before any change could take effect. That procedure will ensure that a limit is introduced only after the Minister and the two Houses are satisfied that it is necessary and set an acceptable amount. This procedure for change will set a high bar for the insurance industry of seeking a limit. The industry will have to make a sound case for change if it expects to convince the Minister and both Houses. It will also need to have its advance planning in order so that due process will apply to any change it might seek.

In consolidating section 56 of the Road Traffic Act 1961 the increased penalty for uninsured driving up from €2,500 to €3,000 has been incorporated in subsection (4). Consequently, it is no longer necessary or correct to include for this penalty in section 23 of the Road Traffic Act 2002. The present amendment, coupled with the Committee Stage amendment, can meet the con-



[Mr. Cullen.]  
cerns of the Houses while dealing with the likelihood of an unlimited cover ceasing to be available to motorists. I am trying to be as prudent as possible.

**Ms Shortall:** I do not accept what the Minister is saying. He said at the outset that this would not bring about change to anybody's insurance and that is not true. He proposes to be given the power to make regulations to limit the amount of compensation that can be paid in the case of personal injury. That has never happened before. Under this amendment the Minister will have the power to do that.

The section states that:

The insurance required by this section may be subject to the following limitations and the following exception or any of them—

(a) it may in so far as it relates to—

(i) injury to a person, be limited to such sum as the Minister specifies in regulations,

**Mr. Cullen:** I am ceding the power. That is what I am doing with the amendment.

**Ms Shortall:** The Minister proposes giving himself power to make regulations to limit the level of payment made in personal injury cases.

**Mr. Cullen:** I do not. What I have done is to meet the Deputy's point and the issue that concerned me on Committee Stage. I cannot now make that regulation. I must come back to the Houses. Only the Oireachtas can make the regulation.

**Ms Shortall:** That is a side issue. The Minister's amendment seeks to give him the power to limit personal injury compensation. He makes a minor concession by saying that both Houses of the Oireachtas must approve the regulations. We know how things work here. The Minister has a majority to force this through and he will have a majority to force through whatever regulations he publishes. The concession is a minor point. This makes a fundamental change to the nature of the car insurance that we all have. It is completely unacceptable that the Minister would seek to do that without having any discussion on the issue.

I accept the Minister's point that there are important issues surrounding the level of insurance world-wide and the level of cover that insurance companies have. That needs to be discussed in an open forum so that we can examine how best to deal with it through legislation. The case must be made for this change. The Minister has made no case so far. He proposes to cap compensation. Has he considered the massive profits that insurance companies make? He is tipping his cap to the insurance companies, doing their bidding it would seem but completely neglecting the needs of drivers. This cannot be accepted under any circumstances.

The Minister has given no indication of the levels of compensation payment which he would contemplate. He seeks the legal power to restrict this by regulation but he has given us no idea how he is thinking. What is a fair sum of money? What about a multiple car crash where several people may lose their lives or several people be rendered quadriplegic? Do they not have the right to receive substantial compensation payments? We do not know what the Minister thinks about that. He is asking us to buy a pig in a poke on this and give him the power to decide what is an appropriate level of compensation. We are not prepared to do that.

The Minister should take back his amendment, examine the issue properly at the Oireachtas Joint Committee on Transport or any of the other committees to which it would be appropriate. Let us have a proper debate, hear all the interests involved and come back to it another time in the Bill the Minister plans to introduce next year.

**Ms O. Mitchell:** This concession is not really a concession at all. It is merely intended to give the Oireachtas some say in the level of the limit being placed on compensation. We object to the concept of placing a limit on it. This is a most fundamental change, and is extremely far reaching. People may be left without insurance cover, no matter how the Minister dresses it up, changes it or says people will not be affected. I accept that is the worst case but it could emerge. It must be debated. We must consider it in greater detail. The Minister says this was in his Department for a long time. If that is so why are we looking at it in the context of a Bill about metrification? It is a Bill in itself. It is a major issue which changes insurance for personal injuries as we have known it for as long as we have had personal injury insurance. It cannot be pushed through as part of a Bill on metrification. I am utterly opposed to it.

**Mr. Cullen:** I will not, and do not want to, take this power away. I am now in the invidious position of putting this out but I run the risk that no motorist will have insurance. I cannot allow that situation to evolve.

**Ms O. Mitchell:** The Minister is putting a gun to people's heads. That will not happen.

**Mr. Cullen:** I am not making any change to the law on this. It is an enabling Bill. Deputy Shortall asked what limit I am thinking about. The figure would have to be in the region of €100 million.

**Ms O. Mitchell:** The Minister says he is "thinking about" this. Has any expert other than the insurance industry advised him?

**Mr. Cullen:** Unlimited liability is a thing of the past. It is gone.

**Ms O. Mitchell:** Who told the Minister that?

**Mr. Cullen:** I have only to look at the market. I am trying to head off the prospect that we all wake up in the morning and find motorists cannot

get insurance. I made the point, which I accepted when the Deputies spoke on Committee Stage, that it should be a matter for the Oireachtas to debate at length. I have no issue with that. I am removing the ability to make that regulation on my own.

**Ms Shortall:** This is an outrageous proposition and any right thinking person in this House

should vote against it. The amendment is being pressed.

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

The Dáil divided.

The Dáil divided: Tá, 68; Níl, 44.

Tá

Ahern, Dermot.  
Ahern, Michael.  
Ahern, Noel.  
Andrews, Barry.  
Ardagh, Seán.  
Brady, Johnny.  
Brady, Martin.  
Browne, John.  
Callanan, Joe.  
Callely, Ivor.  
Carey, Pat.  
Carty, John.  
Cassidy, Donie.  
Collins, Michael.  
Coughlan, Mary.  
Cregan, John.  
Cullen, Martin.  
Curran, John.  
de Valera, Síle.  
Dempsey, Tony.  
Dennehy, John.  
Devins, Jimmy.  
Finneran, Michael.  
Fitzpatrick, Dermot.  
Gallagher, Pat The Cope.  
Glennon, Jim.  
Grealish, Noel.  
Hanafin, Mary.  
Harney, Mary.  
Haughey, Seán.  
Hoctor, Máire.  
Jacob, Joe.  
Keaveney, Cecilia.  
Kelleher, Billy.

Kelly, Peter.  
Kitt, Tom.  
Lenihan, Brian.  
Lenihan, Conor.  
McDowell, Michael.  
McEllistrim, Thomas.  
McGuinness, John.  
Martin, Micheál.  
Moloney, John.  
Moynihan, Donal.  
Moynihan, Michael.  
Mulcahy, Michael.  
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'Keeffe, Batt.  
O'Keeffe, Ned.  
Power, Peter.  
Power, Seán.  
Roche, Dick.  
Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Wallace, Dan.  
Wallace, Mary.  
Walsh, Joe.  
Wilkinson, Ollie.  
Woods, Michael.  
Wright, G. V.

Níl

Allen, Bernard.  
Boyle, Dan.  
Broughan, Thomas P.  
Connaughton, Paul.  
Costello, Joe.  
Cowley, Jerry.  
Crowe, Seán.  
Deasy, John.  
Deenihan, Jimmy.  
Durkan, Bernard J.  
English, Damien.  
Enright, Olwyn.  
Gilmore, Eamon.  
Gregory, Tony.  
Healy, Seamus.  
Higgins, Joe.  
Higgins, Michael D.  
Howlin, Brendan.  
Lynch, Kathleen.  
McGinley, Dinny.  
McGrath, Paul.  
McManus, Liz.

Mitchell, Olivia.  
Moynihan-Cronin, Breeda.  
Murphy, Gerard.  
Naughten, Denis.  
Neville, Dan.  
Noonan, Michael.  
Ó Caoláin, Caoimhghín.  
O'Keeffe, Jim.  
O'Shea, Brian.  
O'Sullivan, Jan.  
Pattison, Seamus.  
Penrose, Willie.  
Perry, John.  
Rabbitte, Pat.  
Ryan, Seán.  
Sherlock, Joe.  
Shortall, Róisín.  
Stagg, Emmet.  
Stanton, David.  
Twomey, Liam.  
Upton, Mary.  
Wall, Jack.

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

Question declared carried.

Amendment declared lost.

### Business of Dáil.

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** It is proposed, notwithstanding anything in Standing Orders and the order of the House of today, that Private Members' business shall be taken on the conclusion of No. 20, Road Traffic Bill 2004, for 90 minutes.

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

### Road Traffic Bill 2004: Report Stage (Resumed) and Final Stage.

**Minister for Transport (Mr. Cullen):** I move amendment No. 25:

In page 23, between lines 38 and 39, to insert the following:

“(2A)(a) A draft of every regulation proposed to be made under subsection (2)(a)(i) of this section shall be laid before each House of the Oireachtas and the regulation shall not be made until a resolution approving of the draft has been passed by each such House.

(b) Section 5(2) of this Act does not apply to a regulation made under subsection (2)(a)(i) of this section.”.

Amendment agreed to.

**Ms Shortall:** I move amendment No. 26:

In page 25, to delete lines 17 to 32.

I tabled this amendment to ensure that we took seriously the issue of taxi licence holders having a criminal record because that deserves to be taken seriously. However, on reading the amendment, it seems that we are using a blunt instrument to deal with this problem. My concern was that the amendment would preclude certain categories of minor offenders from holding a licence. However, having spoken to the officials about this matter and having received correspondence, I am happy to withdraw the amendment.

**Mr. Cullen:** I thank the Deputy for that.

Amendment, by leave, withdrawn.

Bill received for final consideration and passed.

### Messages from Select Committees.

**An Ceann Comhairle:** The Select Committee on Justice, Equality, Defence and Women's Rights has completed its consideration of the Adoptive Leave Bill 2004 and has made amendments thereto.

The Select Committee on Health and Children has completed its consideration of the Health Bill 2004 and has made amendments thereto.

### Estimates for Public Services 2004: Message from Select Committee.

**An Ceann Comhairle:** The Select Committee on Arts, Sport Tourism, Community, Rural and Gaeltacht Affairs has completed its consideration of the following Estimates for Public Service for the service of the year ending on 31 December 2004 — Votes 27 and 35.

### Private Members' Business.

#### Overseas Development Aid: Motion.

**Mr. Allen:** I move:

That Dáil Éireann,

- recognising that 1.3 billion people live in severe poverty, that 500 million are chronically malnourished, that access to safe drinking water is denied to over 1 billion people, that more than 840 million adults are illiterate, and that more than 93% of those living with HIV/AIDS are in developing countries;
- identifying Ireland's contribution to overseas development aid as vital to the effort to tackle these global problems;
- acknowledging the absolute commitment made by the Taoiseach at the United Nations Millennium Summit in 2000 that Ireland would meet the UN target of 0.7% of GNP for overseas development aid by 2007;
- aware that this absolute commitment was confirmed by the Taoiseach at the World Summit on Sustainable Development in 2002;
- noting that this absolute commitment was restated on October 15th during a meeting between the Government and the Secretary General of the United Nations; but,
- deeply disappointed at the decision to now renege upon this absolute commitment,

calls upon the Government to:

- honour the absolute commitment made to reach the United Nations target of 0.7% of GNP for overseas development aid by 2007; and
- introduce legislation, to operate in a similar way to the National Pension Reserve Fund Act, to place a statutory

obligation on the Government to allocate a sum of 0.7% of GNP from the Exchequer towards overseas development aid on an annual basis.

I wish to share time with Deputies Michael Higgins and Sargent.

**An Ceann Comhairle:** That is agreed.

**Mr. Allen:** Four years ago when the Taoiseach stood before the international community at the United Nations Millennium Summit, he did more than make a firm commitment that Ireland would meet the target of 0.7% of GNP for overseas development aid by 2007.

In his address to the Millennium Summit, the Taoiseach also outlined the need for aid and the reason wealthy countries like Ireland must work to end human poverty, illness and suffering. He referred to the appalling situation that sees over 1 billion people living on less than \$1 a day, and 250 million children under the age of 14 forced to work to keep body and soul together. However, most importantly, he put the commitment that his Government was making to meet the target for aid in a historical context that struck a chord with every Irish person. He called to mind the time of the Famine in Ireland, and juxtaposed those dark days with our new position of growth and prosperity at the heart of the European Union.

Speaking at the summit, the Taoiseach was clear and unequivocal. He stated:

Ireland's current prosperity places a particular responsibility on our shoulders . . . Our history should make us generous . . . On behalf of the Government and people of Ireland, I wish in this forum publicly to make a commitment to fully meeting the United Nations target of spending 0.7% of GNP on Official Development Assistance . . . We will reach the UN target by the end of 2007.

Echoing these sentiments, the then PD Minister of State with responsibility for overseas aid said of the decision that "our economic success made it imperative." Reporting on this promise, a commentator wrote in one of our national newspapers that sometimes undertakings are given in such solemn circumstances and on matters of such gravity that to break them would be unthinkable. Let us think the unthinkable. It is precisely this promise made at this forum and before the international community which has become the latest casualty of this Government's selfish short-sightedness. At the time this commitment was made, Ireland was jockeying for a temporary position on the UN Security Council which was granted one month after the promise on aid was declared. It would be unthinkable if the aid commitment had been given with one eye on this council seat.

Concern about the priority this Government was giving to meeting the target for aid has been widespread for some time. Even though the commitment was reiterated many times, including in the joint programme for Government agreed between Fianna Fáil and the Progressive Democrats and at the World Summit on Sustainable Development in Johannesburg in 2002, fault lines soon appeared in the Taoiseach's commitment to honour his promise. The cut in aid of €32 million in 2002 was a bad start for the Government. This was followed by a consistent under-investment in overseas aid so that for 2002 only 0.39% of gross national product, GNP, was devoted to aid, far below the interim target of 0.45% promised only two years earlier. There was only a very slight improvement in 2003 to 0.4%, leading the OECD to express concern regarding the likelihood of Ireland meeting the 2007 target.

The United Nations Millennium Summit in 2000 was the largest gathering of world leaders to take place. The most important outcome of this summit was the unanimous adoption of the Millennium Declaration. That confirmed that all signatories would "spare no effort to free our fellow men, women and children from the abject and dehumanising conditions of extreme poverty, to which more than a billion of them are currently subjected". The millennium development goals commit the international community to eradicating extreme poverty and hunger, achieving universal primary education, promoting gender equality and empowering women, reducing child mortality, improving maternal health, combating HIV-AIDS, malaria and other diseases, ensuring environmental sustainability and developing a global partnership for development. Moreover, the goals set timeframes for this work to be done, and we have only a little more than ten years to realise these aims. However, without a solid commitment from countries such as Ireland to keep the promises they have made on aid, these goals will not be reached.

Overseas development aid is one of the most fundamentally important ways in which wealthy countries such as Ireland can assist those which need help, and aid has a proven track record in improving global health and welfare. For example, from the late 1960s, more than \$100 million was spent tackling smallpox with the result that the disease was eradicated within ten years. Additionally, as Oxfam has pointed out in a report on aid published yesterday, many of our European neighbours benefited from a generous aid package after the Second World War that amounted to \$75 billion in today's terms.

Aid helps to rebuild countries ravaged by war, puts millions of children through school, tackles infant and maternal mortality and fights the spread of HIV-AIDS. Last week, on world AIDS day, we heard that more than 8,000 people die every day from AIDS. Obviously, the problems

[Mr. Allen.]

of the world exist on a global scale and so much more needs to be done, yet even the revised lower target for aid will not be reached. During the recent Estimates speeches, the Minister for Finance withdrew the Government commitment to meet the UN target on aid. A new lower target of 0.5% to be reached by 2007 was set. However, it has since been confirmed that the Government will only reach the figure of 0.43% by 2007, signalling an even more dramatic U-turn on this issue.

The recent figures released by the Government for the next three years' spending on official development aid were €535 million in 2005, €600 million in 2006 and €655 million in 2007. However, the figures announced in last week's budget were €122 billion in 2004, €132 billion in 2005, €142 billion in 2006 and €153 billion in 2007. This illustrates that the 2007 figure will be 0.43% of GNP, €100 million short of the figure promised by the Minister for Finance in his Estimates only two or three weeks ago. How wealthy must we be before we make good our repeated promises on overseas development aid?

Meeting our promise to reach the UN target of 0.7% of GNP for ODA by 2007 is the best thing we can do to address hunger, poverty and human suffering. For this reason, Fine Gael calls on the Government to introduce legislation that would place a statutory obligation on the Government to allocate a sum of 0.7% of GNP from the Exchequer towards ODA on an annual basis.

If we are serious about our aid commitments, then we should be prepared to back up these commitments with legislation. Setting aside a fixed percentage of GNP for a specific purpose is not a new concept, and what Fine Gael is calling for is already in place in a number of other areas. Most recently, the national pension reserve fund was established and, under the legislation that underpins this fund, a set amount of 1% of GNP is automatically diverted from the Exchequer annually. This does not require Dáil approval on an annual basis as the amounts are set out in the legislation.

By bringing forward an overseas development aid Bill and specifying that a sum of 0.7% of GNP would be allocated to aid from the Exchequer each year, the Government could copperfasten Ireland's commitment to meeting its international responsibilities. Only the Government can introduce legislation of this type as it would be classified as a money Bill and would not be accepted from Opposition parties in Private Members' time.

In 2001, one year after the Taoiseach had made the commitment to meet the 0.7% target, in his address to the Argentine Council for International Relations he stated: "Ireland is putting its money where its mouth is." Now it seems the commitment to meet the aid target by 2007 was

an empty one. However, the Government still has the chance to live up to its word on this important issue, and it can do this by legislating for aid as called for in this motion.

I can predict, with a great degree of certainty, some of the points Government speakers will make regarding Ireland's contribution to ODA. The amount of aid has increased, progress is being made in the countries that are targeted for Irish aid and more money is being devoted to aid than at any other time. However, it is disingenuous in the extreme to fail to recognise that in recent years we have seen the most radical expansion of our economy. We have at our command a greater amount of accumulated wealth than at any other time in the history of the State. It was in the context of Ireland's success and wealth that a promise on ODA was made. In 2000, it seemed we had the will and the resources to make and keep this promise. Now, it appears that only the resources are available and the will has vanished.

The Government speakers will also attempt to distract from this broken promise on aid by pouring scorn on what previous Governments achieved in times when resources were much scarcer than they are now. Between 1994 and 1997, ODA increased by more than 60%. Fine Gael has always been committed to the importance of overseas assistance. Five years ago, before the Taoiseach made his commitment at the United Nations, Fine Gael called for the UN target to be met and set out proposals on how this could be achieved through legislation.

In failing to meet the promise made in 2000, the Government has used every excuse it could think of. It has been suggested that aid agencies cannot spend the money allocated. However, given the volume of work to be done, we know this is not the case. Moreover, the Joint Committee on Foreign Affairs was firmly told by the agencies that they could spend the promised funding. It has been suggested that because the economy has grown at such a pace, the amount of money to be allocated is increasing at too fast a rate. Given that if we were to meet the UN target we would still hold 99.3% of our GNP, this excuse would be laughable if this matter was not so serious.

The Government's stance on the issue of overseas development aid could have served as a beacon to other countries to follow our example. Instead, we have abandoned the promise made to the poorest of the world. This should be and is a matter of shame and embarrassment on an international scale. The United Nations target of setting aside 0.7% of income for aid has been in place for decades. In 1970, almost 35 years ago, the G8 countries agreed to meet this target but, since then, none of them have kept their word on aid. Four years ago, Ireland joined these countries in pledging to meet the target on aid but,

three weeks ago, Ireland joined them in reneging on the promises we made.

**Mr. M. Higgins:** Undoubtedly, the worst aspects of the Government's failure so far to meet the commitments solemnly given to the United Nations General Assembly in September 2000 are the betrayal of trust involved and the bad example it gives not only to fellow members of the European Union but to the entire international community. Ireland was held up as an example to other countries when the Taoiseach stated unequivocally that we would reach the UN target of 0.7% of GNP in 2007. Our commitment was particularly appreciated in continents such as Africa, which desperately need untied aid and genuine assistance with their task of development. However, we will be remembered as the country that became too rich to keep its promise to the poorest of the world.

The world that has been made, and that we are now in the process of remaking, is one that is increasing its military expenditure and reducing its expenditure at a global level on aid. In 1995, global military expenditure was \$864 billion while the estimated global expenditure on the treatment of AIDS, TB and malaria was \$15 billion. Between 1945 and 1995, 23 million people, military and civilian, died due to war. In the same period, 150 million died due to AIDS, TB and malaria. Every day, 3,000 die from malaria, of which three out of four are children. Some 1.5 million per year die from TB and some 8 million are infected. These are just some of the features towards which our commitment was addressed in September 2000 and powerfully supported across the board by all parties and the general public in Ireland.

We made a commitment to address these issues. The effect of our broken promise will be of particular significance in the light of the millennium declaration to reduce poverty and hunger throughout the world, which was endorsed by all 189 members of the United Nations at the meeting in September 2000 at which the declaration was adopted. It was drafted at a time when there was much discussion on security and when the seeds of a politics of fear were being sown throughout the world. The eight millennium development goals which formed the declaration were seen as the best possible approach to building peace and security.

While they remain to be achieved, the goals propose: the reduction by half, of those living in poverty and hunger by 2015, the achievement of universal primary education, the elimination of gender disparity in primary and secondary education by 2005 and at all levels by 2015, the reduction of child mortality of those under five years by two thirds, the reduction of the maternal mortality ratio by three quarters, the halting of the spread of HIV-AIDS, TB, measles and

malaria, the ending of environmental degradation and the achievement of a sustainable environment and the creation of a fair global partnership for development. These are tasks set for 2015, on which we will report progress next year. At that stage we will assess the state of the commitments made by different countries.

That the goals had just been announced was the context in which the Taoiseach made his solemn commitment in front of the United Nations in September 2000. Next year, there will be a review as to the state of the commitments. The special representative appointed by the UN Secretary General to foster the millennium development goals, Ms Eveline Herfkens, herself a former development minister, stated shortly after Mr. Annan's recent visit to Ireland her deep disappointment that Ireland will not meet its commitment. Those who had welcomed Ireland's commitment will receive this breach of trust and bad example as little less than a betrayal.

At other levels, there is already a shortfall on the commitments made towards fulfilling the eight millennium development goals. While the Minister of State at the Department of Foreign Affairs, Deputy Conor Lenihan, may correct me, it is my belief that what has been committed in regard to HIV-AIDS elimination in Africa is running at less than 50% of what is needed. With others failing in their commitments, we join in with our broken commitment. No longer do we spur others to perform and achieve their commitments to the millennium development goals. Instead, we are leading the rearguard action.

As the directors of a number of non-governmental organisations have pointed out, the day of the Government's broken promise happened to be world AIDS day. Given that more than 8,000 people die from AIDS every day, the director of the umbrella organisation that represents 34 development organisations described the decision as a shameful breach of faith with the world's poorest people.

When the Government announced its commitment in September 2000, a commitment that it repeated as late as last year's 58th General Assembly of the United Nations, it was included in the Government's electoral programme and the programme it negotiated with the trade union movement. After September 2000, the assumption was always that the mid-point of the achievement would be 0.45% of GNP. The likelihood is now that the Government will not achieve what it originally stated it would because it has broken its promise to reach 0.5% by 2007. Instead, it will reach 0.43% in 2007.

We heard from Deputy Allen how the figures are calculated, namely, that they are expressed as a proportion of GNP. When the Minister of State and others are preparing their comments, I expect to hear of the 1997 figure achieved under the previous Government. The appropriate calculation is

[Mr. M. Higgins.]

the same — the gross figure as a proportion of GNP — and the percentage at that time was 0.31%.

The Minister for Finance just two weeks ago referred to the figure of 0.5%. However, the GNP forecasts announced later in the budget were €122 billion for 2004, €132 billion for 2005, €142 billion for 2006 and €153 billion for 2007. I do not hope the economy will go into recession so that the Government figures will come right but merely that the Government will honour its commitment. In any event, the rudimentary calculation will give us a figure of 0.43% of GNP for 2007, €100 million short of the broken promise figure to which the Minister of Finance referred two weeks ago.

Does the Government that produced such a broken promise realise what support exists in this country in all respects for honouring our commitments on aid, being a leader in the case of fair trade, implementing a meaningful cancellation of debt and being courageous in initiatives such as the Tobin tax, for which there is support? There is much evidence that the public has a morally more advanced position than the Government on each of these dimensions. Tonight, we are discussing aid and broken promises, but we should remember that in some of the poorest countries, their debt service exceeds the combined health and education budgets with the consequence that there is a loss of life, particularly among young children. There are many countries in Africa where if one could reduce even by 1% the proportion of gross national product spent on debt service, one would reduce the infant mortality rate. However, that is a matter for another day.

As I said, tonight we are discussing aid but we should remember that debt burden is of crucial importance. The three great hinges that link the south to the north in global economic terms are aid, trade and debt. If the developing countries increased their share of world exports at 1999 prices by 5%, it would be worth \$350 billion, or seven times total aid. A 1% export increase would reduce world poverty by 12%, according to UN calculations. What we do in aid, even if it is untied, is but a portion of what an unequal world of trade and a pernicious world of debt is robbing from the developing world. I dispose of the suggestion that we would not be able to spend this additional aid effectively. All those who work in development tell us we could. Not only that, but the way in which we have been spending our aid has, according to the OECD peer group on development, been among the most effective in the world. We could spend the money well where it is needed now.

When Trócaire made its submission to the Oireachtas Joint Committee on Foreign Affairs in November 2004, it said, *inter alia*, that in the context of achieving the millennium development

goals, the World Bank and IMF have estimated that at least \$30 billion could be absorbed by poor countries immediately rising to over \$50 billion per year in the medium term. The World Bank and IMF have found that an immediate doubling of aid could be used effectively in Ethiopia. This would allow Ethiopia to meet the millennium development goals on poverty, hunger, school enrolment, water, sanitation and HIV-AIDS. Ethiopia is a priority country to Ireland and currently receives 10% of Irish aid, €24 million. In addition, Tanzania, Mozambique and Uganda could make effective use of an increase of 60% of aid in the medium term, according to the World Bank and IMF — hardly radical views of the left. The phasing and actual amounts would depend on the strengthening of institutional human capacities and the expansion of domestic resource bases.

All the non-governmental organisations involved in development aid and the Government's advisory committee on aid have called on the Government — it is the unanimous view of the Joint Committee on Foreign Affairs — to honour its pledge made not only on its own behalf, but on behalf of all the people in the face of those who should give but, more importantly, those who are in desperate need. Even now the Government should remember that it was supported for membership of the UN Security Council by those who believed it would meet its commitment, that it would give a lead on this issue in establishing trust and commitment. We do not want to be remembered as the country that became too rich to meet its solemn commitment to the poorest of the poor in the world at a time of greatest need when good example and leadership would suggest we do otherwise.

**Mr. Sargent:** Gabhaim buíochas le Fine Gael as a chuid ama a roinnt. This motion, supported by Fine Gael, the Labour Party and my party, the Green Party, Comhaontas Glas, should be unnecessary. In any fair-minded assessment of politics, it should be unnecessary to have to come back to a promise made solemnly on an international stage. On 6 September 2000 in New York, the Taoiseach made a commitment to which anybody listening would have regarded as watertight. It is shameful that we must remind the Government of those words expressed clearly by the Taoiseach in the United Nations. He stated:

The statistics of poverty and inequality in our world are shocking and shameful. Half the world's population is struggling on less than \$2 a day; over a billion on less than \$1.

He further stated: "Today, on behalf of the Government and the people of Ireland, I wish in this forum publicly to make a commitment to fully meeting the United Nations target of spending 0.7% of GNP on Official Development

Assistance”, a figure that was to be achieved by 2007. That is a shameful statement in the context of this debate. That statement was followed up by a similar one a year after the atrocities of 11 September at the Johannesburg World Summit on Sustainable Development to copperfasten the solemn promise made by the Taoiseach on behalf of the people.

The Government has gone from giving 0.3% of gross national product in 2000 to 0.41% in 2005. We have, in effect, cheated the poor countries of their votes, countries which were led to believe, as one would expect, that the Irish Government would keep its promise. In return, they voted for us to become a member of the UN Security Council for a two year term just one month after that promise was first made.

It is important to make a comparison because not all politics is of a standard as low as the Taoiseach's. Denmark, Norway, Luxembourg, the Netherlands and Sweden have reached the target of 0.7% of GNP. Other countries took it seriously enough to state that they would reach the target of 0.7% of GNP by a particular date. Belgium stated it would reach 0.7% of GNP by 2010, Spain and France by 2012 and the UK by 2013. However, we still have not got an answer from the Government on the year 0.7% of GNP will be attained. We have received replies from the Minister of State, Deputy Conor Lenihan, who I am glad is here for the debate. In the context of an accident and emergency department, one would wonder what would happen if a doctor gave a reply such as that given by the Minister of State to somebody whose life was in peril. He said it is hoped that increased allocations, the scale and timing of which would be considered on an ongoing basis, will be possible over the coming years with a view to achieving our objective. That does not sound like comfort to a person suffering from AIDS in a poor country or who faces starvation and badly needs a meagre amount of money from the point of view of our overall wealth.

Any concern expressed by the Government about the plight of the world's poor, of which I am sure there will be much during this debate, will ring hollow in the context of that broken promise. For many people in NGOs, there is the feeling that Ireland has lost something of its soul, the soul which gave us such selfless dedication over many years and continues to do so through religious orders and NGOs working against the odds among some of the world's poorest people.

The Government supports trade rules which impoverish the poor further. Rwanda depends on coffee for three quarters of its export earnings. However, the average price for commodity products have halved in ten years so Rwanda must sell twice as much to buy the same amount of imports. Indeed, we applaud towns which are dedicated to becoming fair trade towns in spite

of Government trade policy. Trócaire stated that Africa's share of world exports fell from 6% to 2% between 1980 and 2000. Even an increase of 1% in Africa's share of global exports would translate into a dividend of over \$70 billion, six times what Africa receives in aid from the international community.

Meanwhile, the Government needs to start thinking and acting as if it understood that we are living on a planet with finite resources and that all of us are part of a global community that requires a basic dignity of life. In that context, Spain has passed domestic laws that could be applied internationally as a sensible way of promoting renewable energies. Under Spanish law each new house is required to use solar energy. Such a demonstration of commitment to sustainable development in one's own country is easier to transpose as an example for other countries.

The old saying goes that if one gives somebody a fish he can live for a day, but if one gives him a fishing rod he will have a livelihood from which he can live indefinitely. Unfortunately, in the context of overseas aid, the Government is not even managing to provide a fish, never mind a fishing rod that would provide a life of dignity.

**Mr. Allen:** They have the hook, all right.

**Mr. Sargent:** According to the NGOs, unjust trade rules are effectively robbing poor countries of the equivalent of €2 billion every day. We are not just talking about meanness and broken promises, we are talking about robbing the world's poor through our trade rules. If one adds the impact of climate change — and this country has been criminal in its abuse of the basic requirements to limit and address climate change — we are sentencing people in poor countries to miserable, short lives.

One third of the world's population is living directly on nature, so if they cannot grow their crops they will starve. If they do not have trees they will not have shelter and fuel. In that context, the Government has a great deal for which to answer. As well as perpetrating robbery through trade rules, we are talking about the Taoiseach breaking promises that, if they were made in a court of law, would amount to perjury. Bob Geldof said that when promises made by the strong and healthy to the weak and hungry are broken, it is the equivalent of bullying. There is quite a litany of shameful charges against the Government, including robbery, perjury and bullying. If ever there was an example of low standards in high places it is the Government's deplorable record on overseas development aid. The Government should address the basic question: if not in 2007, when. Once that question is answered we can begin to restore some credibility in the international community as regards how we



[Mr. Sargent.]  
address the poorest countries. Currently, however, that credibility is in shreds.

On the Government side, Deputy O'Donnell has been scathing of the Minister of State, Deputy Conor Lenihan, for not even having put up a fight on overseas development aid, but having caved in before the arguments were made in Cabinet. A hell of a lot of work is required to make up for that shameful record. The Minister of State should indicate what he is prepared to do to make up for that deplorable record with which he has begun. It is a record which, I am sure, he wants to try to forget.

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** I move amendment No. 1:

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

- recognises the enormous challenge of global poverty in all its manifestations of hunger, disease, ill health, poor or no access to basic social services and the terribly destructive effects that these have on human well-being and productivity;
- reaffirms the importance which it attaches to the millennium development goals in the global partnership to attack indicators of poverty such as inadequate incomes, widespread hunger, gender inequality, environmental degradation, lack of education, health care, HIV-AIDS and clean water;
- acknowledges the excellent international reputation of the Government's official aid programme, Development Co-operation Ireland, including as evaluated independently by the Development Assistance Committee (DAC) of the Organisation for Economic Co-operation and Development (OECD);
- pays tribute to the superb work of Ireland's development partners in tackling endemic poverty and humanitarian emergencies. These partnerships with NGOs, UN agencies, civil society, local and national authorities are the cornerstone of Ireland's development co-operation success;
- welcomes the enormous aid funding increases which have been channelled to some of the poorest countries of the world over the past ten years and which has made Ireland the world's eighth largest aid donor on a *per capita* basis. The aid programme has grown from

€96 million in 1994 to approximately €475 million in 2004, thereby placing Ireland among the top donors in the world and well ahead of the EU average;

- welcomes the recently announced aid increases of at least €190 million over the next three years, which will bring Ireland's spending on overseas aid to €665 million in 2007, an historic high and an increase of 40% on current spending; and
- reaffirms Ireland's commitment to continuing to address the needs of the poorest people in the world, to making progress towards the millennium development goals and to reaching the target 0.7% of GNP."

I wish to share my time with Deputies Andrews and O'Connor.

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

**Mr. C. Lenihan:** I will deal with the last point first in as up-front and direct a way as possible. It is important to qualify what Deputy Sargent has said because he has created the impression that, in some way, the Government is cutting the aid budget.

**Mr. Sargent:** A promise was made.

**Mr. C. Lenihan:** I do not believe he shares the sentiments expressed by my Progressive Democrats colleague. The package announced in the Estimates, which I secured by hard negotiation, is the largest ever increase in overseas aid in the history of the State.

**Mr. Connaughton:** The Minister of State threw in the towel before he started.

**Mr. C. Lenihan:** This basic fact seems to have escaped Deputy Sargent in his contribution.

**Mr. Boyle:** We are a wealthy country.

**Mr. C. Lenihan:** It is the largest single increase in overseas aid ever negotiated in this State. As a Minister of State who is just two months in this job, I am proud to have negotiated that huge, healthy increase in hard cash.

**Mr. Connaughton:** The Minister of State has reduced it.

**Mr. C. Lenihan:** It seems to me that some people are dazzled by percentages and forget about the hard cash increases we have secured through the Estimates process. It was further confirmed in the budget. The people opposite also seem to forget or omit some inconvenient facts.

The most spectacular of these facts is that overseas aid has tripled since the Government in which I am proud to serve took office in 1997.

**Mr. Connaughton:** Sure and why not?

**Mr. C. Lenihan:** That record compares favourably with that of the Labour Party. When Deputy Michael D. Higgins sat in Government he promised 0.5%, yet failed to deliver it. He promised it for every year that Government was in office but it never happened.

**Mr. M. Higgins:** There was an increase every year.

**Mr. C. Lenihan:** It simply did not happen. We will not have Deputy Michael D. Higgins lecturing us on the subject of overseas aid.

**Mr. M. Higgins:** The Minister of State should not chance his arm.

**Mr. C. Lenihan:** When you had your chance you simply did not deliver.

**Mr. M. Higgins:** Do not chance your arm.

**An Ceann Comhairle:** The Minister of State should address his remarks through the Chair. He is inviting interruptions.

**Mr. M. Higgins:** He has done enough damage.

**Mr. C. Lenihan:** He sat in Cabinet and coat tailed around after Marlon Brando but he certainly did not deliver on overseas aid.

**Mr. Allen:** The Minister of State dropped the ball at the kick-off.

**Mr. C. Lenihan:** Deputy Michael D. Higgins delivered nothing in terms of his own Cabinet's promises on overseas aid.

**Mr. M. Higgins:** Who made that promise?

*(Interruptions).*

**An Ceann Comhairle:** Please allow the Minister of State to continue without interruption

**Mr. C. Lenihan:** Deputy Michael D. Higgins's contribution typifies the art of selective quotation. He quoted the advisory board that advises me, as Minister of State. However, he conveniently forgot to point out that in a report to me in my first week in office, the advisory board advised me that the timeframe should be revised and that a realistic approach should be taken.

**Mr. Allen:** That is rubbish. That is not what it said.

**Mr. C. Lenihan:** It is and I can quote it, if the Deputy so wishes.

**Mr. M. Higgins:** Why did the Minister of State not do it?

**Mr. C. Lenihan:** Michael D. does not listen, even when he is in the Committee on Foreign Affairs.

**An Ceann Comhairle:** The Minister of State should refer to the Deputy as Deputy Michael D. Higgins.

**Mr. C. Lenihan:** Deputy Michael D. Higgins was on the Committee on Foreign Affairs when the former Deputy Chris Flood, who was then Chairman of the committee, made that statement. He proffered the advice to me through his report from the advisory board. That is simply a case of selective quotation but we are used to that at this stage. It is important, however, that the pernicious untruth that the Government is not increasing the volume of overseas development aid should be put to bed once and for all.

**Mr. Boyle:** We did not say that.

**Mr. C. Lenihan:** We are not damaged in international terms. Our reputation stands as one of the eight largest donors in the world. Ireland holds a proud record in providing overseas aid, which has tripled since we came into Government in 1997. In the short 30-year life-span of this programme there have been non-stop volume increases. This should be contrasted with the record of other developed countries. Only this week, Oxfam International reported that the overall volumes from developed countries were falling, yet in Ireland we bucked that trend. Aid volumes have been increasing consistently here over the past 20 or 30 years and in the past seven years they have done so spectacularly. Aid levels have tripled since the alternative, rainbow Coalition left office.

I am happy to have the opportunity to speak about the Government's programme of development co-operation, its growing size and volume, and its internationally recognised reputation for quality and excellence. I will also address the issue of the recent allocations for development assistance in the budget. Ireland's programme of development co-operation celebrates its 30th anniversary this year. From modest beginnings in 1974 when expenditure was less than €2 million, the programme has grown exponentially to approximately €475 million this year. The rapid growth has occurred with no loss of quality. Exacting peer reviews carried out by the development assistance committee of the Organisation for Economic Co-operation and Development, the OECD, have consistently lauded the Irish aid programme.

[Mr. C. Lenihan.]

Our official aid programme is a clear expression of our solidarity with the poor and marginalised in the world. In many ways the programme also expresses our idealism as a people. The Irish people privately respond time and time again to humanitarian disasters and emergencies throughout the world. The current crisis in the Darfur region of western Sudan is but one example of this generosity.

While we may have started this debate on a controversial note, I accept the right of the Members opposite to express their opinions but I object to any overstatement of their case. We should recognise that Irish aid volumes have increased consistently over several years. That should be openly acknowledged if we want to improve our performance on development issues.

**Mr. Boyle:** We should keep our promises.

**Mr. C. Lenihan:** Another manifestation of our solidarity has been the active engagement by so many missionaries and lay people in development activities in poor countries. NGOs such as Concern, Goal, Trócaire, Self Help Development International, Christian Aid, Gorta, and others are known for their effectiveness and partnerships with local communities in the developing world. In addition, certain development issues have aroused great interest and evoked a strong response from the public over the years. I refer to the examples of the anti-apartheid movement, the campaign for debt relief and support for East Timor. This public interest and support provides a firm bedrock on which the Government's programme will continue to build.

The aim of our development programme is relatively simple. It is the reduction of poverty in the developing world. This overall objective is in line with the achievement of the millennium development goals, which were set by the international community as a framework by which the commitment to reduce poverty in the world can be judged. I attended a meeting with my European colleagues recently at which significant concern was expressed that these targets are not being achieved on a global basis. I share the concerns expressed by Opposition Members in this regard, and concur especially with the idealism expressed by Deputy Michael D. Higgins. It is a tragedy that this is occurring and that other countries have been unable to increase their aid contribution to the same extent as Ireland.

We are ahead of the pack in terms of making the ultimate demand of the international community. We are not laggards in this regard. We are up there with the best in terms of both the practice and development of our overseas aid policy. I say this not as a member of the Government but as an item of pride as an Irish citizen. The objective of our programme is to reduce pov-

erty. We do not want merely to attack the symptoms of underdevelopment, but rather to contribute to the medium and long-term solution of the underlying problems. There is recognition of the importance of good governance, inclusive political processes and human rights for development. I hosted a conference last weekend at which I stated that we must increasingly link our human rights policies with our aid policies. This is a sentiment that all Members will share. We must create an integrated package whereby we apply the strictest rules of governance and the strictest expectations in terms of the conduct of human rights in countries which are the recipients of our aid.

Development encompasses not only material well-being but also the ability of poor people to assert their rights. The scourge of HIV-AIDS, which has the possibility of undermining all development gains, receives particular attention in the programme. I share Deputy Michael D. Higgins's concern regarding the underfunding of the global fund for AIDS. However, let it be heard clearly and loudly in this House that Ireland has not been a laggard in this regard. We have increased ten-fold our contribution to AIDS relief in the last seven or ten years. Ireland is regarded internationally as a model UN citizen. Such a commendation was stated directly before the Minister for Foreign Affairs and I during Mr. Kofi Annan's recent visit. We are considered a model UN country precisely because we are striving to meet our ambitious targets. I accept we must live up to the promises we have made.

As I have said, the core of our efforts is concentrated on contributing to the solution of the underlying causes of poverty. The focus is on economic growth as well as the provision of basic services. We have only to look at our own situation to understand the importance of the engine of growth in enhancing the lives and well-being of people. We also recognise the importance of good governance, democracy and human rights. Our development activities concentrate not only on the achievement of social and economic progress but also on the empowerment of people. Giving people choices is essential. Dire poverty comes with a sense of a total lack of power over one's life.

Both Deputies Michael D. Higgins and Sargent raised the issue of trade. Developing countries gain seven times more from trade than aid and it is proper that this be emphasised. For all the volume increases we have achieved in Ireland, if we do not tackle the underlying problems of distortion created by trade policies, our efforts will be wasted and akin to throwing money into a bottomless pit. That is accepted on a cross-party basis in this House. I remind Deputies that Ireland has a proud record in championing this issue. For instance, my Department provides a statement within the Department of Enterprise,

Trade and Employment's trade statement on development issues. Significant pressure is coming both from Europe and from my Department to encourage more of this coherence between development aid policies and trade policies. Current trade practices contribute significantly to the disempowerment of developing countries.

Empowerment is a real driver of change in people's lives. Some years ago, a study entitled "Voices of the Poor" brought together the views of 60,000 poor men and women in 60 countries. What they had to tell is shocking in the 21st century, in a world of seeming abundance. The experience of poverty across the continents reveals a great commonality of hunger, deprivation, powerlessness, resilience, social isolation, resourcefulness and gender inequity. When asked what would make the greatest difference in their lives, the poor replied that they do not want charity, but opportunity. They want organisations of their own so they can negotiate with governments, NGOs and traders. They require community-driven programmes that allow them to shape their own destinies. Their objective is local ownership of the development process and they want governments, NGOs and other powerful groups to be accountable to them. The Irish programme is responsive to the needs expressed in this survey. That is the view of the OECD, the Paris-based organisation that evaluates our programme at an international level.

In concentrating on long-term solutions to seemingly intractable development problems, we must not forget to provide immediate relief to those suffering from conflict, disaster and famine. There are many organisations that do this effectively and considerable sums are expended from the programme to assist such organisations. Ireland has responded rapidly and effectively to the crisis in Darfur, Sudan, from which a team from the Department of Foreign Affairs has recently returned. We are planning our assistance for 2005, having delivered approximately €10 million this year, a significant contribution. I had the honour of announcing further assistance in the last number of weeks in the vital area of civil rights monitoring to prevent the type of shocking abuses that have taken place in Darfur.

It is important to note that Ireland is making a progressive contribution in this area, in line with the demand in this regard from Mr. Kofi Annan during his recent visit. I emphasise again that Mr. Annan's comments regarding our aid programme and our membership of the UN were not qualified. He regards Ireland as a model member and expressed the opinion to Minister Dermot Ahern and I that other countries would follow Ireland's example.

**Mr. Allen:** The Government misled Mr. Annan in Dublin Castle.

**Mr. Connaughton:** The Government should bring Mr. Annan back next year and hear what he has to say then.

**An Ceann Comhairle:** The Minister of State should be allowed to continue without interruption.

**Mr. C. Lenihan:** Our development programme is set on a clear track of sustained and consistent growth over the next three years. Quality aid requires planned and consistent growth to enable effective planning, implementation and monitoring. The increases of at least €190 million over the next three years will facilitate a thorough planning cycle. By 2007, we will be spending about €665 million per annum.

Yesterday, I was privileged to meet some of those who represent Ireland formally in the diplomatic and aid sense in candidate countries. One of these diplomats made the point strongly that we should not be concerned merely to increase volumes in a careless fashion. In his many years of development experience, he had observed countries which, in their race to increase their aid budgets to the 0.7% target, managed to achieve a result opposite to that intended. Some of these are countries to which Members pointed as stellar examples. In some cases, they achieved bad value and were forced to pull out of programmes instead of developing them in a consistent manner.

This is the critical point. The Government's aim, one which is shared by all Members, is to continue to maintain our reputation for value, consistency and delivery to the most needy. Resources should not be frittered. All in this House are aware of the capacity for wastage in this country. Our infrastructure programme has achieved bad value over the years.

**Mr. Naughten:** The Government was responsible for squandering those resources.

**Mr. C. Lenihan:** There could be greater difficulties in this regard in the context of the developing world.

**Mr. M. Higgins:** There is no fear that such difficulties will arise.

**Mr. C. Lenihan:** Our cumulative spending between 2005 and 2007 will be close to €1.8 billion. This is a significant expenditure figure which remains untied in that it is not linked to the provision of Irish goods and services. These resources are to be focused on reducing poverty and distress. Ireland remains one of only a handful of countries to have surpassed the target of contributing 0.15% of GNP to least developed countries, a figure that is never quoted in the debate about the 0.7% target. This is arguably a

[Mr. C. Lenihan.]

far more solid target that has already been achieved.

It is interesting to note that the latest LDC report by the United Nations Conference on Trade and Development, UNCTAD, states that Ireland increased its assistance to LDCs by 899% between 1990 and 2002. The nearest other donor is Luxembourg with an increase of 481%. It is, arguably, as important to consider the amount of aid going directly to the poorest countries of the world as it is to examine overall aid flows. We score highly on these criteria. Our funding is helping the poorest. We join Norway, Denmark, Luxembourg, the Netherlands and Sweden in the select group of countries which have delivered 0.15% of GDP to the poorest of the poor and least developed countries. That should be a matter of pride when people are bandying percentages in the House.

I noted yesterday the Oxfam report on international aid flows and that organisation's view that "the wealthier countries have become, the less they have given in aid". Between 8 o'clock 1960 and 1965 the developed world spent an average of 0.48% of national incomes on aid. Between 1980 and 1985 they spent 0.34%. By 2003 the average was as low as 0.24%. I am not suggesting that Ireland has the monopoly on a rapidly expanding aid programme but it should be acknowledged by Oxfam that Ireland has increased its volume and percentage of aid at a time when aid flows seemed to be diminishing internationally.

I accept that there are those who believe that the increases in the aid allocations should have been higher. I respect their concerns and I share their objectives of meeting the UN target of 0.7%. However, these increases came at a time when there are many demands on the Exchequer and they are a clear indication of a commitment to the UN target.

In response to Deputy Allen's remarks, I firmly believe we will achieve the 0.5% figure in 2007. I define the 0.5% figure as coming within the definition I set down in the first week or two in office and before the Joint Committee on Foreign Affairs. It represents, for me at least, striking distance of the 0.7% figure. It is an aim and ambition of mine and I believe it is shared by the Taoiseach and by many members of the Government.

**Mr. Boyle:** The Government's figures do not add up.

**Mr. C. Lenihan:** We will and can achieve that figure. It appears to have escaped the attention of many of the Members opposite that a clear commitment has been given to me publicly by the Taoiseach and the Cabinet on this matter.

**Mr. Neville:** The Government has reduced its target. The commitment has been abandoned.

**Mr. C. Lenihan:** The Government's commitment is that the multi-annual programme of three year increases, which I have achieved in the past two months, can be increased. The figure has not been capped. The three year multi-annual programme, which I have secured, was sought by everyone in the development sector. That commitment can be increased. We are not in a golden cage.

**An Ceann Comhairle:** There are 12 minutes remaining in this slot. I remind the Minister of State that he has agreed to share time with Deputy Andrews.

**Mr. Neville:** The Ceann Comhairle has had enough.

**Mr. C. Lenihan:** As part of its commitment, the Government intends to conduct a broad consultative process over the next year which will lead to a White Paper on the future direction of development co-operation policy. This consultative process will give aid stakeholders, organisations and the people of Ireland a chance to contribute to a national debate on the priorities of our development co-operation policy over the coming years. This does not mean I will stop making decisions in my Department. The White Paper is modelled on the process about which some people, particularly the mandarins in the Department of Foreign Affairs, were sceptical, initiated by the then Deputy Spring in his White Paper. It is time for a White Paper on overseas development to clarify the fundamental principles in which we believe.

**Mr. M. Higgins:** As long as it is not a distraction.

**Mr. Neville:** Exactly.

**Mr. Connaughton:** Yet another White Paper.

**Mr. C. Lenihan:** Central to this is the notion that our aid should not be tampered with but should always be untied and given freely and fairly. This is an important principle which needs to be incorporated fully into the White Paper and, if it receives the support of the Members opposite, in legislation. We should not tie our aid. The international trend, as Deputy Michael D. Higgins rightly said, is the opposite, with wealthier countries tending to tie overseas aid to other areas of economic activity.

In my first few weeks as Minister of State I pointed out that we will not reach the 0.7% target by 2007. This commitment was honestly entered into by the Taoiseach in 2000.

**Mr. Boyle:** Were his other commitments dishonest?

**Mr. C. Lenihan:** It was an ambitious target which garnered broad public support, but more importantly gave a focus to all in the development aid sector, including my Department. It also

resulted in large scale increases, the largest the programme has ever experienced over its 30 year life.

Despite these increases I share the disappointment of those NGOs, citizens and Members opposite who hoped to see the target achieved by 2007. My role as a new Minister of State in this portfolio is to seek to reinstate a realistic timeframe within which the 0.7% of GNP can be achieved. This is the priority for me as a Minister of State.

**Mr. Neville:** Was it not realistic when the Taoiseach announced it?

**Mr. C. Lenihan:** In the new year we will establish a new and realistic timeframe in which we will achieve the target.

**Mr. Connaughton:** We believe the Minister of State.

**Mr. Neville:** What about the commitment of September 2000?

**Mr. C. Lenihan:** We need an element of realism. I have already discussed the question of a timeframe with the Taoiseach, my senior colleague Deputy Dermot Ahern and the Minister for Finance. Before Christmas and in the new year I will continue to negotiate directly with them to establish an honest timeframe within which that commitment can be met. It is important that we set out a timeframe and honour that by achieving it. It is important that we do that in a focused manner and that we maintain the quality and value for which our development programme is renowned. We will maintain its value for money, its efficacy, its concentration on the least developed countries—

**Mr. Neville:** Its reneging on the Government's promises.

**Mr. C. Lenihan:** —and, most importantly, the fact that it is untied and is not linked to any commercial interest gaining as a result of our generosity.

**Mr. Connaughton:** It is not the Government's generosity, it is the people's money.

**Mr. Neville:** The people supported the commitment of 0.7%.

**Mr. C. Lenihan:** I apologise to the House that I cannot be here tomorrow to hear the views of Members because I will be visiting Africa and some countries which are recipients of our aid.

**Mr. Connaughton:** I am sure they will be delighted to see the Minister of State.

**Mr. C. Lenihan:** I value the contributions made by Members and the views that have been

expressed. We can and will put this matter beyond doubt with a new timeframe.

**Mr. Andrews:** I thank the Minister of State for allowing me time to make a small contribution.

**Mr. Connaughton:** A small one.

**Mr. Andrews:** I am amazed at the amount of money we give in overseas development aid and at the increase in those figures.

**Mr. Neville:** Deputy Andrews has credibility. He should not throw it away.

**Mr. Andrews:** I ask the Members opposite to allow me the four remaining minutes to make a contribution.

**Mr. Neville:** It was not our fault.

**An Ceann Comhairle:** Deputy Neville, your colleague, Deputy Allen, was allowed to make a contribution without interruption. You will have an opportunity to make a contribution in due course.

**Mr. Andrews:** I thank Deputy Neville. He is a gentleman.

Like everyone else, I am disappointed that our foreign aid budget has not reached 0.7% of GDP. It is a matter of grave disappointment to everyone that the target has not been reached. In his honest moments, even Deputy Neville might also acknowledge that we have made great strides in this area.

What amazes me is how little people know about this issue. I have had the honour of visiting some projects of Ireland Aid, now Development Co-operation Ireland, during holidays in Africa. The real issues of overseas aid have been touched upon by the Minister of State and by other contributors to the debate. The issue of coherence must be faced. It is not comfortable for any Member of Dáil Éireann to talk about how Ireland's agriculture budget would have to be emasculated to allow a level of coherence in our all-party commitment to overseas development aid. No one would expect to win support for reducing Ireland's agriculture budget—

**Mr. Connaughton:** It is happening anyway.

**Mr. Neville:** It certainly is.

**Mr. Andrews:** —to acknowledge the serious trade problems. That issue must be accepted and dealt with head-on.

The issue of co-financing must also be faced. Should we go down that road? Should we have donor management of projects? Should we adopt multilateral as opposed to bilateral aid? Many people are not aware of these issues. A couple of weeks ago I was interviewed by a journalist who did not know what Development Co-operation Ireland was. She was prepared to give me a hard

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time about the 0.7% target but she did not know what DCI was. I do not criticise that journalist for her ignorance but she was prepared to criticise me for our failure to meet the 0.7% target, although she did not really know what it was all about. I dare say she is not alone in that.

People do not know how much we contribute and how the increases have occurred. I was in Mozambique when Ireland Aid managed our overseas aid programme. We have increased our aid to that country from €5 million in 1996 to €30 million in 2003. That can only be described as a dramatic increase and we should congratulate ourselves on it, while always accepting that what we have failed to do is always a disappointment, a failure and a mark against the Government. There is no other way to characterise it. The Opposition can bathe itself in piety, tell us that we form the worst Government ever and make moral arguments that we have failed in all our commitments. If it wants to do so, fair enough.

I do not want to monopolise the defence of the Minister of State, Deputy Conor Lenihan. I am sure Deputy O'Connor will ably stand in in that regard.

**Mr. Connaughton:** I have no doubt he will.

**Mr. Neville:** Deputy O'Connor will want the fund transferred to Tallaght.

**Mr. Andrews:** When the Minister of State took responsibility for this issue, he acknowledged something that was already known in Government circles. However, some inappropriate personal comment has been made. People are entitled to courtesy. I make that comment in defence of the Minister of State, Deputy Conor Lenihan.

**Mr. O'Connor:** I thank those prominent Members of the Opposition who have stayed to hear my few words. Like other colleagues, I wish the Minister of State, Deputy Conor Lenihan, well. We need to understand the difficult job he has. He has my strong support at all levels and particularly in this brief. We should support what is being done.

I hope I am allowed to say this. I come from a generation which brought the penny to school for the black babies and I am proud that we grew up in that kind of environment. Like Deputy Andrews, I have had the opportunity to go to Africa, particularly Zambia and Lesotho, on a number of occasions in recent times. I was hugely impressed by what I saw and the efforts made by Ireland Aid and now by its successor, Development Cooperation Ireland. In that regard I take the opportunity to applaud the work of Irish missionaries.

The Ceann Comhairle will know of a colleague of mine, who begged me not to mention her name on the Dáil record. She is an African missionary, who on her last visit here had the good fortune

to meet the Cheann Comhairle. She has told me many stories of what goes on and shares many concerns. All of us who have contact with missionaries and others involved in that kind of work know the tremendous efforts they have made for generations. Their work is well worthy of support. I hope that in the future the Department will look in a different way at how we treat our missionaries. Colleagues have often spoken of the difficult circumstances under which they operate.

In that regard many of them make the point that if they were serving the community here they would be able to avail of medical care, medical cards etc. As they are abroad they cannot do so, which makes life more difficult for them. I hope the Minister of State can consider the matter and understand the issues they have. A clear need exists in this regard.

I hope the Minister of State will consider the point made by them and by many other organisations about the funding of Development Cooperation Ireland projects. As other Deputies have said tremendous funding is going to the Third World. They continue to make a case to the Department for the need for staff funding. A friend of mine worked on a project that received Irish aid to build a community centre, which was opened by President McAleese in the presence of the then Minister of State, Deputy O'Donnell, in October 2001. Problems are now being encountered with the cost of maintenance and it would be fair for us to look at that. The Minister of State, Deputy Conor Lenihan, has shown a deep commitment to this brief. I ask him to consider these points and see how we can help such projects in a practical way.

We should not be ashamed to applaud the efforts of people like Bono and Bob Geldof. I watched last night's BBC programme, which sent a very strong message on aid to Africa. When the programme is repeated everybody should watch it. One of my lasting memories of the programme is seeing the person who was the face of Band Aid in 1985 visiting London for the new Band Aid recording. That young person had an opportunity to meet the personalities involved. It was amazing to watch famous rock stars shed tears, as we all should.

I support the Minister of State, Deputy Conor Lenihan, in his efforts and those of his Department to continue to bring badly needed aid to the Third World. I wish him well in that regard.

**Mr. Neville:** I wish to share time with Deputies Naughten and Connaughton.

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

**Mr. Neville:** I welcome the opportunity to speak on this important subject. I regret that the Minister of State in his first statement and again brazenly tonight defended reneging on a long-term commitment by the Government on behalf of the people. We promised to allocate 0.7% of

our GDP by 2007 to alleviate illness and the other human effects of poverty in other countries. I was surprised when the Minister of State made his announcement, as I had understood it was a firm commitment on the part of the Government and all parties.

Following the economic success and the amounts of revenue coming into the Exchequer, which we all recognise, it was an achievable objective to direct such an amount to that international area of responsibility. Ireland, as one of the wealthiest countries in Europe, has a duty to the poorest areas. When this country was poor it recognised that. Previous speakers have referred to our missionaries' work. When we had no money they gave education and brought our values to the Third World. Now that we have money, which they need, we are renegeing on our responsibility. We are renegeing on investing in the primary education so badly needed in the Third World.

Some 150 years ago we had very high child mortality. Now that we are in a position to help address child mortality elsewhere we have renegeed on our responsibility. It seems that the more wealth we have the less we are prepared to contribute to the countries in greatest need.

**Mr. C. Lenihan:** That is not the case.

**Mr. Neville:** It is the case. The greater our relative wealth the less we are prepared to honour our commitments. On 6 September 2000 the Taoiseach addressed the UN Millennium Summit and said:

We are putting in place an interim target for the expansion of the [development assistance] programme by the end of 2002 of 0.45% of GNP and we will reach the UN target by the end of 2007.

We are renegeing on this promise at a time when the Government tells us we are flush with funds. At the meeting of the Oireachtas Joint Committee on Foreign Affairs on 12 October, the former Minister of State, Deputy O'Donnell said:

As a former Minister of State with responsibility for this area, I was particularly disappointed to note the renegeing on the Government commitment to reach the target of 0.7% of GNP by 2007 which commitment was politically driven. It was part of a political agreement between the two parties in government. For the new Minister to renege on this commitment in a public way without consultation between the two parties in government was unwise. There has to be further discussion... It [the commitment] was received with great acclaim and was very much part of our campaign for a seat on the UN Security Council. It was directly related to the African vote for Ireland holding up in that election.

The Minister of State is now renegeing on that commitment given during our campaign for a seat on the UN Security Council.

Overseas aid is not an abstract concept or simply a column in the Estimates. It is the most important political way in which the people through the Government can assist those who need most help. Some 1.3 billion people in the world live in severe poverty. Some 800 million people do not get enough food and 500 million are chronically malnourished. Of the 23 million people with HIV/AIDS, more than 93% live in the developing world. Shockingly, over the past decade, 2 million children have died in armed conflicts. The Government and the west in general should respond to the AIDS crisis in sub-Saharan Africa. I attended a conference on AIDS in Durban a few years ago and saw at first hand the difficulties they face in the area and how they can be addressed. I was in Lusaka, where 30% of the population is HIV positive, and saw the problems people face and the neglect of the situation by the western world. We have a moral duty to address these issues instead of announcing a cutback of the commitments we freely entered into.

**Mr. C. Lenihan:** There have been no cutbacks, the Deputy is incorrect.

**Mr. Neville:** We have a moral obligation to honour commitments repeatedly made by the Minister of State's predecessors, including the former Minister of State, Deputy O'Donnell, who threatened to resign rather than renege on the promise. The current Minister of State was appointed and immediately decided to announce a reduction where she had placed her political future on the line.

**Mr. Naughten:** I welcome the opportunity to speak on this motion. This is not the first time the Government has attacked some of the most vulnerable or those people who are working abroad with Irish agencies for the good of those who are not as fortunate as ourselves. It is important to remind the House of the impact of the social welfare changes on 1 May, when the Government discontinued the non-contributory old age pension payments for Irish missionaries visiting home. Irish missionaries have travelled throughout the world, doing tremendous work to promote this country while helping the most disadvantaged communities on earth. When they came home to visit, however, the Government had discontinued their non-contributory old age pensions.

That was a mean cut that attacked some of the most vulnerable in our society and now the Government, with the cutback in overseas development aid, is attacking the most vulnerable in the world.



**Mr. C. Lenihan:** There are no cutbacks, that is factually incorrect. There have been substantial increases in aid.

**Mr. Naughten:** The religious orders were attacked earlier this year. Many of the other people who give of their time voluntarily, who go abroad for two years to contribute to the tremendous work going on, are also being kicked in the teeth by this Government's reduction of the percentage of GNP it will dedicate to overseas development aid.

**Mr. C. Lenihan:** We are increasing the amount we are giving.

**Mr. Naughten:** The Government and the Taoiseach have reneged on the commitment to reach the target of 0.7% of GNP in overseas development aid by 2007. The Taoiseach gave a firm commitment in 2000 and he has reneged on it. The Government was making poor progress towards that target and has now acknowledged it will not meet it. It has now set a revised target of 0.5% which may be reached by 2007. We still have no new timeframe for meeting the 0.7% of GNP target. This is the second year in succession that the percentage of GNP going to overseas development aid has fallen.

The Minister of State said that the funding itself has increased but it was recognised until now that Ireland was leading the world and would reach this target. Many volunteers received recognition for that, whether they were receiving direct aid from the Government or not. It was something of which Irish people could be proud. People will now be organising fundraisers for many disadvantaged communities throughout the world knowing that the aid budget is being cut-back from 0.7% to 0.5%.

**Mr. C. Lenihan:** It is not a cutback, this is a complete misrepresentation of the facts.

**Mr. Naughten:** A cutback in the target from 0.7% to 0.5% of GNP is a slap in the face to people who will be fundraising over Christmas.

I was fortunate to visit the Imizamo Yethu township in South Africa where the Irish volunteer builders built 50 houses within a week. A quarter of the children there are HIV positive. The volunteers do tremendous work and the Government's reduction of the target is a slap in the face to those who worked in that township and the in many other voluntary organisations in this country that send volunteers out to Chernobyl, South Africa and elsewhere. It is a huge disappointment when Ireland is one of the wealthiest countries in the European Union, when we should be setting an example and not turning our backs on the most vulnerable across the world, that we are reducing that target.

Those builders went out to South Africa and gave of their time. They saw the conditions of the local school in the township and they put their

hands into their own pockets, having already paid €5,000 to get out there, and gathered €3,000 for it. It could not be accepted by the school principal because her grant aid would be reduced. The builders, having spent all day building in the township, went away and bought equipment, pencils and copy books for the school.

Great work is being done by Irish people throughout the world. I ask the Minister of State to look at the proposal set out by Deputy Allen for legislation that would enable us to meet our target.

**Mr. C. Lenihan:** I will look at it.

**Mr. Naughten:** We are prepared to introduce legislation for the national pension reserve fund and set aside a target of 1% of GNP every year. It makes no difference how much GNP increases by or how tight our budgets are, we are tied into that and the commitment is given. The sands are shifting, however, on these proposals because none of those people will ever have a vote or decide the Government in this country.

**Mr. Connaughton:** The new Minister of State is the only boxer I ever saw getting knocked out on his way into the ring. He did not even get a chance to fight his corner. He was two days in the job and he took what was coming. He put up no fight at all.

**Mr. C. Lenihan:** I did, I secured the biggest package in the history of the State.

**Mr. Connaughton:** The Minister of State is interested in the area but he could not have got off to a worse start. Of course, it is the Taoiseach's fault but why did the Minister of State not ensure that he got a commitment on when the 0.7% figure would be reached if he could not achieve what the Government promised to the world? People would accept that but the Minister of State is unable to tell the House when it will be reached because he was told like a messenger boy to take the figures and make what he could of them.

**Mr. C. Lenihan:** It will be decided early next year.

**Mr. Connaughton:** He took it lying down, that is the problem — that is what people are saying throughout the country.

Why was it necessary for the Taoiseach to go on the greatest world stage and give this commitment on my behalf and on behalf of the 4 million people in Ireland?

**Mr. C. Lenihan:** Does the Deputy want me to respond?

**An Leas-Cheann Comhairle:** Order, please.

**Mr. Connaughton:** The Minister of State will get his opportunity to reply. I ask him to have manners and sit down.

**Mr. C. Lenihan:** The Deputy asked me to answer and I am rising to do so.

**An Leas-Cheann Comhairle:** It is not in order for the Minister of State to reply. Deputy Connaughton to continue without interruption.

**Mr. Connaughton:** We have had enough of that carry-on. You will get your chance to answer.

**An Leas-Cheann Comhairle:** Deputy Connaughton, please address the Chair.

**Mr. Connaughton:** I have several more questions for the Minister of State and we will see how he answers them. Why, on the greatest world stage, did the Taoiseach see fit to give that commitment on behalf of the Irish people? Having done so, why did he then decide he could not go ahead with it? Was it the short-term expediency that he wanted to get votes for the United Nations? If it was for the purpose of the Security Council there is no sincerity in what is being done in Ireland from the top to the bottom. Let there be no question about it. It appears as if that was the intention. There was no need for him to make that commitment if he thought he could not deliver on it. That puts the Minister of State in a particularly difficult position because nobody will believe he is hurling on their behalf. As my colleagues pointed out, we became famous for the poorest around the world. Of course we never put more money in and there is no doubt the figures are impressive. If that is the case why was there never more hunger? Why is it that there was never more misplaced people?

While we are talking about putting money into overseas development aid, where is the balance? It was not for no reason the United Nations, in its wisdom, suggested and demanded that countries put 0.7% of their GNP into the system. It knew the pendulum was going the wrong way. Every day there are more people hungry, and there will be more people hungry tomorrow. Irrespective of how one massages the figures, that is what has happened. I ask the Minister of State not to side-step the issue in that way.

**Mr. C. Lenihan:** Will the Deputy allow me to answer the questions?

**Mr. Connaughton:** No, the Minister of State will have his opportunity to reply.

**Mr. Naughten:** The Minister of State was never shy.

**Mr. Connaughton:** That is not one of his characteristics.

**Mr. C. Lenihan:** The Deputy asked me to reply.

**An Leas-Cheann Comhairle:** Order, please.

**Mr. Connaughton:** On the issue of overseas aid we have a moral responsibility.

**Mr. C. Lenihan:** Naturally.

**Mr. Connaughton:** We also have a moral responsibility to our emigrants in Britain. I have just returned from Camden Town where I met all the people on the front line on Saturday and Sunday last. They are not happy with the Minister of State because the task force suggested, given all the debate two years ago, they should get over €30 million, but in the budget the Government gave them €8 million.

**Mr. C. Lenihan:** That was a doubling on the—

**Mr. Connaughton:** That is the gap. It makes no difference to the people I met on the front line. There are people in Camden Town from all over Ireland who have spent a lifetime in the trenches and in the worst of conditions, who are beginning to ask what their Irish nationality means to them. They have been let down. Given that they have been let down, and they are our own people, what can those in foreign countries expect?

**An Leas-Cheann Comhairle:** Will the Deputy conclude?

**Mr. Connaughton:** I am sorry I do not have more time because I have many questions to put to the Minister of State.

**Mr. C. Lenihan:** I would like to answer them if the Deputy would give me a chance to do so.

**Mr. Connaughton:** I wish the Minister of State well because he has a difficult task but he got the worst possible start. While it is not in his blood to go down without a fight, he let this issue go over his head.

**Mr. C. Lenihan:** Not at all. It is a flying start.

**Mr. Neville:** He lost the war without fighting the battle.

**An Leas-Cheann Comhairle:** There are four minutes for a Government speaker.

**Mr. Naughten:** The Minister of State, Deputy Lenihan.

**An Leas-Cheann Comhairle:** No, he has contributed.

**Mr. C. Lenihan:** I understand we have exhausted our allocated time.

**An Leas-Cheann Comhairle:** No, there are four minutes remaining.

**Mr. C. Lenihan:** It may be that the four minutes belong to the Opposition. With your indulgence, I would like to respond to some of the questions.

**An Leas-Cheann Comhairle:** No, that would be completely out of order.

**Mr. C. Lenihan:** I understand this is Opposition time, not Government time.

**An Leas-Cheann Comhairle:** The Minister cannot contribute twice to the same debate. It is completely out of order.

**Mr. C. Lenihan:** I understand that the Opposition is ceding time.

**Mr. Connaughton:** No.

**An Leas-Cheann Comhairle:** It is not in order.

**Mr. Connaughton:** If the Government does not have speakers we have. I suggest our side will use the four minutes if the Government is not prepared to provide a speaker.

**Mr. Neville:** The Government is wasting time.

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** This is an extremely important debate and it is an opportunity for the Government to outline clearly to the House and to the people and the developing countries the contribution the Irish have made in the past, not only by the State but by the many voluntary organisations. I avail of this opportunity to thank those voluntary organisations for what they have done for the developing countries. We in Ireland are possibly victims of our success. We can look back at the modest beginnings in 1974 and the Irish Government's official development co-operation programme. In 2004 we provided €475 million and between 2005 and 2007 we will provide a minimum of €1.8 billion on development assistance to the poorest development countries in the world. We can look to other countries for the benchmark but this will place Ireland among the world's most generous donor countries. While there was a commitment to contribute 0.7% we should be realistic and look at the amounts we have contributed

**Mr. Neville:** Does the Minister of State believe that?

**Mr. Gallagher:** Were it not for the economic growth for which the Government is responsible since 1997, everyone would be happy if we provided 0.7% of what was available to Ireland in the 1980s when we were not in government. The Government is being honest. Of course we must have aspirations to reach this target but it is

better that the Government make it abundantly clear what we can provide.

Debate adjourned.

### Adjournment Debate.

#### Industrial Disputes.

**Mr. McHugh:** I thank the Leas-Cheann Comhairle for allowing me to raise this important issue. Tomorrow we are faced with a nationwide postal strike which will bring the whole postal service to a halt and will affect all sectors of society. Tomorrow's action is not an isolated occurrence but follows a recent weekend action and previous industrial disputes, all of which indicate an unhealthy situation at An Post and that it is vital that determined action is taken now to ensure a damaging dispute is avoided. It appears there is a total breakdown of trust between management and unions at An Post. The Minister and his colleague in the Department have a responsibility in this regard. A hands-on approach is needed to ensure normal relations are restored and that normal services are provided.

There are many conflicting views emanating about the financial position of An Post. If negotiations or plans for the future are to have any chance of success they must be based on trust and carried out in an environment where full information is made available on the state of An Post. Obviously the financial state of the company is central to negotiations. It is disturbing, therefore, that the forecast made three months before his departure by the former chief executive officer, Mr. John Hynes — that An Post would have a profit of €1 million in 2003 — was rubbished three months later by the new CEO, Mr. Donal Curtin, who made a new forecast of a loss of approximately €46 million. The CEOs contradictory forecasts, which did nothing to create confidence, were so disparate that they warrant a full public inquiry to establish the truth about An Post's finances. I ask the Minister for Communications, Marine and Natural Resources to instigate such an inquiry.

I am also concerned about the proposed closure of SDS. All actions being taken to facilitate the closure of SDS should be suspended, pending an independent investigation of the parcel wing of An Post to establish the exact state of its finances. The figures provided by the management of SDS are contradicted by the projections of financial consultants who have been engaged by the Communications Workers Union of Ireland. The union's consultants have forecast that SDS will break even this year, or even make a small profit.

I would like to speak about some of the restructuring proposals made by the management of An Post. As a Deputy who represents a mainly rural constituency, I am alarmed by the proposal

to privatise rural deliveries. I oppose the proposal because I foresee that the delivery service provided after privatisation has taken place will be substandard when compared to the service provided at present. People in rural areas are entitled to the same level of service as people in urban areas. The Minister has a role in this regard. Under its universal service obligation, An Post must deliver post to all areas regardless of the cost. A State subvention should be paid to An Post to help it to meet its universal service obligation function. Such a subvention would ensure that An Post's postmen and postwomen can continue to provide rural deliveries in the professional manner we have enjoyed over the years.

The proposed restructuring of An Post will lead to the rationalisation of many delivery offices. The subsequent closure of some post offices and relocation of other post offices to adjacent towns and villages would eventually cause the closure of the entire rural post office network. As a result, local mail would not be sorted in, or delivered from, local post offices. The number of mailbox collection points is to be restricted.

Recent events at An Post are frightening. Trust between management and unions has broken down and there is a lack of clarity about the finances of SDS and the larger An Post group. I question the rationale underlying many of the proposals made by An Post's management, which is refusing to meet the terms of Sustaining Progress. Its denial of cost of living increases constitutes a reduction in wages, in effect. The CEO of An Post has been accused of dismantling partnership, clashing with the company's unions and replacing negotiation and consensus with confrontation. It is time for the Minister for Communications, Marine and Natural Resources to intervene to bring sanity to this case before it is too late.

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

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** I thank Deputy McHugh for raising this important issue. I apologise on behalf of the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, who cannot be in the House this evening.

I wish to be helpful by outlining the state of the postal sector at this time. The sector has changed significantly in recent years, as the European postal market has been liberalised and postal operators have moved from national to international markets. An Post faces challenges such as increased competition, which arises from the liberalisation of the market, as well as falling mail volumes and competition from electronic substitution. As it operates in a more competitive market, An Post will need to offer high-quality postal products and services to consumers who, increasingly, will be able to choose from a range of postal providers. We can expect such a postal

market in the future. As the full liberalisation of the sector by 2009 is a real possibility, An Post must start to prepare to ensure that it can continue to be a strong player in the Irish postal market.

The state of An Post's finances is clear and unambiguous. The company's audited accounts show losses of €43 million in 2003, following losses of €24 million between 2001 and 2002. The only conclusion that can be drawn from such losses is that there is an immediate need for the company's management and trade unions to agree and implement a recovery strategy if the company is to return to financial stability and to continue to provide customer focused services and sustainable employment for its staff.

The recovery strategy approved by the board of An Post in October 2003 sets out the basis on which the company can make progress, in partnership with the trade unions. The management of An Post has been involved for several months in a process of negotiation with the company's unions, including the Communications Workers Union of Ireland which is the main union in the company, under the auspices of the Labour Relations Commission in an attempt to make progress with the required restructuring. Restructuring proposals, which have been brokered by the commission, have been put to An Post's employees. The result of the ballot is expected this week. Both parties have agreed that unresolved issues relating to the proposed closure of SDS will be dealt in under talks chaired by Mr. Peter Cassells. That process is continuing. An Post and the union agreed arrangements for Christmas delivery in a deal brokered by the commission. Specific local difficulties with the agreed arrangements that arose in Galway were resolved today in the commission.

I wish to speak about the general industrial relations unrest. The Communication Workers Union of Ireland has obtained a mandate for strike action from its membership. The first manifestation of the action is a one-day strike scheduled for tomorrow, 8 December 2004. An Post anticipates that there will be no postal deliveries tomorrow and that the company's post offices will be closed. The extensive sub-post office network will remain open. Arrangements have been put in place to ensure there is minimum disruption to social welfare recipients during tomorrow's stoppage.

It is clear that An Post's deep-seated problems will not be resolved by strike action. The only way forward is for both sides to communicate and to use the State's industrial relations machinery to tackle the outstanding issues. The critically important objective of restructuring the company remains an imperative. All parties have agreed that change is necessary if the company is to be financially viable and to meet the competitive challenges that are expected to intensify in the months and years to come. Rather than engaging in activity that might distract the board, the management, the unions and the shareholder from

[Mr. Gallagher.]

the key objective of turning the company around, there should be a focus on implementing the necessary changes through the restructuring process.

I urge the members of the union, along with management officials, to use the established industrial relations procedures to resolve the remaining areas of disagreement. Negotiations between the parties provide a far superior basis than strike action for solving the company's problems. An Post's customers and the community as a whole are entitled to a postal service, especially at Christmas. I sincerely hope all parties involved will ensure that no further disruption of postal deliveries takes place.

### Prisoner Releases.

**Mr. J. O'Keeffe:** I want to raise with the Minister for Justice, Equality and Law Reform the major public concern about reports of the possible conclusion of an agreement that might involve the imminent release of the killers of Detective Garda Jerry McCabe. Others are seeking special concessionary arrangements in connection with the killing. I hope the discussions on Northern Ireland will reach a successful conclusion tomorrow. However, I must draw the attention of the Minister for Justice, Equality and Law Reform to the great public concern and anger over the prospect that common killers of a Garda officer could possibly avail of a peace settlement to obtain early release. That prospect is anathema to most decent people in this country. It is true that the dignity of Mrs. Ann McCabe has had a huge impact on people, as had the restrained, but very clear, response of the members of the Garda Representative Association and AGSI. However, the Government should be aware that this issue has struck a chord among the public, including me, to an extent that I have not witnessed for some time.

There is an absolute need for complete honesty and transparency on the part of the members of the Government, particularly the Minister for Justice, Equality and Law Reform. We are not just talking about extra medical cards or promises in that regard but about matters of far greater importance that go to the root of the sovereign existence of an independent republic. To put it very simply, most people feel it repugnant that common criminals who happen to have had some association with the IRA and Sinn Féin, and who may still have for all I know, will be freed in spite of killing a member of the Garda Síochána. It is repugnant that witnesses who were to attend the trial of the killers were intimidated and that the killers could plead a reduced charge. It is particularly repugnant that they may be able to avail of early release.

The members of the Government, particularly the Minister for Justice, Equality and Law Reform, have a duty to the public and to the members of the Garda Síochána and Mrs. Ann McCabe in particular, to make a complete state-

ment on all the issues associated with the killers of Garda Jerry McCabe and their possible early release. The Minister must make it clear that the early release of the killers never came within the terms of the Good Friday Agreement. That was stated by the Taoiseach and others before and after the conclusion of the Agreement. It was stated within and without the Dáil, both verbally and in writing, including in a letter sent on behalf of the Government to Mrs. McCabe. The position was also made absolutely clear by the High Court and the Supreme Court, where it was stated that the Government's power to release is "a quintessentially executive function" and that the decision "that the applicants would not be entitled to consideration for release under the Good Friday Agreement was a policy choice which was entirely within the discretion of the executive to make".

One must ask why members of Sinn Féin are still claiming, despite the Supreme Court decision, that release of the killers comes within the terms of the Good Friday Agreement. Does the Minister agree with me and is he willing to state categorically that these killers do not qualify for early release under the Good Friday Agreement? One must also ask why the freedom of these killers is such an issue for Sinn Féin. According to the Government, it was not an issue that prevented Sinn Féin signing up to the Good Friday Agreement. Why is it an issue now? Was the question of early release in the pipeline at all times?

I was particularly struck by comments by Stephen Collins in *The Sunday Tribune* of 5 December. He referred to the possibility that "Sinn Féin is attempting to force the Irish state to accept the view that the killing of a garda was in some sense a legitimate political act". If that is what Sinn Féin is about, we are in very dangerous territory. Stephen Collins referred to the release of Jerry McCabe's killers as "part of a political deal [that] would amount to a retrospective justification of their action". Furthermore, he stated: "It would be a betrayal of a servant of the state who died in our defence and would amount to nothing less than the legitimisation of evil."

Is it of significance that in April 1998 Martin Ferris, then a released IRA gun-runner and now a Sinn Féin Deputy, made it clear on the record to Brian Carroll, the current deputy editor of *The Examiner*, that Sinn Féin wanted the killers of Garda Jerry McCabe released and that there would be no agreement on the North until that happened. That is another issue that should be clarified.

Why is the Government now apparently prepared to agree to the killers' release. Mrs. McCabe, members of the Garda and the public are entitled to know the exact arrangements that will apply if the Government agrees to early release. Will there be a question of time? Is it possible that the prisoners could be released for Christmas? If not, when? Will the Minister apply certain tests before release? If so, what will those

tests be? There is a need for total clarity in this regard.

What is the position on the two men wanted in connection with the killing who have not been located and who are believed to be abroad? Fine Gael does not believe that there is a case for the early release of Garda McCabe's killers. No such case has been made to satisfy any reasonable person. If the Minister is of a different view, it is up to him to fully explain his position. He should do so now and should not use language such as "making the happiest journey of my life". In the circumstances, such an approach shows a complete lack of sensitivity to the Garda and the public, and to Mrs. McCabe in particular.

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Last May, when this matter was discussed in detail in the Seanad, I laid out the position of the Government. It was fully debated in the House and a resolution approving that position was adopted therein. Nothing has changed since then and the Taoiseach said in a reply to Deputy Kenny on budget day that we stated the position that obtained last May. I have therefore arranged, for the information of the House, to have the comprehensive statement I made on this issue on 19 May 2004 made available to all Deputies.

I have correctly stated that the position has not changed. The Taoiseach and I said that only in the context of acts of completion being achieved that would lead to nothing less than the definitive end of the Northern question, including, among other things, complete decommissioning of all PIRA arms, the end of paramilitarism and the ending of IRA criminality, could the question of the prisoners come into prospect, and that remains the position.

The actions of the offenders in Adare in June 1996 were cold, callous and cowardly. Detective Garda Jerry McCabe was shot twice and Detective Garda Ben O'Sullivan was hit by no less than nine bullets. Let me be absolutely clear that the Government would prefer to see the prisoners serve their full sentences. The Government has never chosen to deal with these issues as a matter of choice in the current political talks. It was an issue raised by Sinn Féin. The Government has consistently maintained that the prisoners do not qualify for release under the Good Friday Agreement, and that remains our position. I have checked that with officials in my Department, and at the talks in Castle buildings it was made abundantly clear that the prisoners would not avail of the provisions set out in the Agreement.

The Government has contested the contrary view in the courts, including the Supreme Court, and has won in the latter court, as Deputy Jim O'Keeffe acknowledged. If the prisoners had qualified under the terms of the Agreement, they would not still be in jail. The basis of the Supreme Court decision has been the subject of gross and deliberately dishonest misrepresentation by senior Sinn Féin figures in recent days.

It is now over six years since the signing of the Good Friday Agreement. It could be argued by some that some of the language contained in the Agreement was ambiguous and that varying interpretations allowed all parties to deflect from their ultimate responsibilities to implement that Agreement. When the Agreement was clearly perceived as being in danger of atrophying, the two Governments tabled the concept of "acts of completion" to achieve a lasting and comprehensive settlement. The idea behind this concept was not to abandon the Good Friday Agreement but to bring about certainty regarding what each party understood as being required to achieve a final settlement and return to devolved Government in Northern Ireland. It quickly became clear that although Sinn Féin and the IRA were in a position to choose to move on decommissioning and end paramilitary activity, they refused to do so while some of their members remained behind bars. They stated that to do so was an impossibility.

The Governments' requirements for acts of completion by the Provisional IRA are as follows: independently verified decommissioning of all weapons, a complete and total end to paramilitarism and unambiguous ends to all forms of IRA criminality. Total decommissioning of weapons would have to be verified by the Independent International Commission on Decommissioning and the ending of all paramilitary activity and engagement in criminal activity would have to be verified by the Independent Monitoring Commission. The Government formed the view that if all these pieces fell into place it would consider the release of these four men. Their release would not be considered under the Good Friday Agreement but under the Offences Against the State Act and subject to conditions and in the context only of a comprehensive and final settlement and bedding down of political stability in Northern Ireland.

If it came to pass that the Government was obliged by circumstances to face up to that possibility in the context of the acts of completion I have mentioned, none of this would have been on foot of the Good Friday Agreement and it would not be an unconditional release. If it did come to pass that the prisoners were released it would be painful and distressing for Mrs. Anne McCabe and her family, and for Ben O'Sullivan and his family. I can only hope that there will be some consolation in the fact that from then on other gardaí would face fewer weapons and less threat of paramilitarism.

If the release of the prisoners ever does come into prospect I will have the obligation to speak first to Mrs. McCabe and Ben O'Sullivan and the Garda representative bodies as I have solemnly promised to do. I do not intend to provide further detail on the matter of those releases or the conditions to be attached to them before speaking to those people, if those circumstances arise. I met the Association of Garda Sergeants and Inspec-

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tors and the Taoiseach and I met the Garda Representative Association today to brief both organisations on the position. The purpose of those meetings was not to fulfil my promise to consult with them on the release of prisoners. The occasion for that has not arisen.

I am also mindful of the concerns of the people on the possible release of the four men imprisoned. This is not an isolated arbitrary Government decision in circumstances where other reasonable alternatives were open to us. The Government signalled that if, in order to stand up the Good Friday Agreement and to achieve acts of completion it was possible to transform the political, social and economic prospect, and the only thing that stood between us and achieving that was the early release of these four prisoners we would be willing to consider that option. This is as difficult a decision as any Government has had to face. There is no self-interest or votes in it for the Government but sometimes one has to rise above the rank of politician and aspire to be a statesman. One must look forward to the possible position in five or ten years and back at the decisions made on a particular occasion and ask did one put the interests of the people first. The record will show that the Government has always striven to do that and that others have let down the process.

**Mr. J. O’Keeffe:** The Minister need not overdo it.

**Mr. McDowell:** Others have brought about a situation whereby unfortunately these things seemed less likely than they did in the past.

### Schools Refurbishment.

**Mr. Finneran:** I ask the Minister for Education and Science to give an update on Aughrim national school roll No. 14684M for the refurbishment and provision of extra accommodation. I have had representations from the board of management of the school, the chairman of the board, Fr. Eddie Moore, the principal, Anna Fehilly, teachers and a parents’ representative on the inadequate and unacceptable level of accommodation in the school. They seek a limited sum, in the context of any budget ever made available for refurbishment in the primary school sector, for a simple and very necessary extension and refurbishment.

All that is needed is an extra classroom and a multi-purpose room, an existing classroom to be renovated to become a multi-purpose room, a staff room and special tuition room and some administration space, and for the school to be generally upgraded. That is a small request to the Government. The school was built in 1900 and there has been no major renovation to the building in that time. The only work on it has been limited maintenance. These people are entitled to be included in the 2005 primary school building programme. They have been in constant consul-

tation with the building section in the Department of Education and Science in Tullamore since October 1999. Letters, documents, drawings, specifications and costings have been coming and going between the school management, its design team and the Department since then. They are at a stage when the school needs positive attention and direction from the Minister for Education and Science.

It is a three-teacher school with a visiting teacher to give learning support. The learning support teacher and the third teacher are in portakabins. The foul sewer system needs to be completely replaced. The windows are in very poor condition and are neither suitable nor safe to keep in the heat or to offer protection for the children and the teachers. The roof is in a particularly bad state. The floorboards are sagging, there is rising damp and the toilets have deteriorated over the years. The Irish National Teachers Organisation has condemned it. Regular maintenance will not solve these problems. It is a credit to the school, the principal and the board of management that they have maintained this 100 year old building without any major refurbishment. All they have done is keep it ticking over.

Action is needed in 2005, to provide the limited resources required to bring this school up to the necessary standard. I have discussed this with these very reasonable people, the teachers, the local priest who is the chairman of the board, and the parents’ representative. They are most pleasant people with whom to deal. I compliment their sense of loyalty to the school and community. They have put their faith in me to bring their case to the Dáil. I welcome the Minister of State at the Department of Communications, Marine and Natural Resources, Deputy Gallagher, who will bring my message to the Minister for Education and Science. This is a genuine call from a community to have its school extended and upgraded.

**Mr. Gallagher:** I apologise to the House and in particular to Deputy Finneran for the absence of the Minister for Education and Science who is unavoidably absent. On behalf of the Minister I will outline the proposals of the Department of Education and Science for the refurbishment and provision of extra accommodation at Aughrim national school in Deputy Finneran’s county. Aughrim national school has a staffing level of a principal and two mainstream class teachers together with one shared learning support teacher. The enrolment on 30 September 2004 was 47 pupils.

The Department received an application for refurbishment and provision of extra accommodation from the board of management. I am pleased to inform Deputy Finneran and the House that a full design team has been appointed, architectural design is progressing and the project has been assigned a band 3 rating. I am aware that the school authorities have also notified the Department that they wish to be considered for

participation in the devolved scheme for primary schools and that this application is being examined by the Department's officials.

I have taken note of the case made by Deputy Finneran, and it is a credit to the staff, board of management, children and parents. Very little refurbishment work other than maintenance has been carried out to a school established in 1900. I note what the Deputy said about the structural state of the school, the roof, the dampness and the floorboards. I assure Deputy Finneran that, at the first available opportunity, I will bring his views directly to the attention of the Minister for Education and Science, Deputy Hanafin.

The introduction of a multi-annual funding process for schools building projects requires a revised approach to how projects are scheduled through the design process and on to tender and construction. To maintain a smooth flow of projects and ensure that the optimum number of projects is ready to go to tender and construction at any given time, the Department of Education and Science will progress them on a priority basis. The Department will provide further details of those projects and notify the schools concerned early in 2005.

In this way the Department aims to create a sustained momentum in the schools building programme to match the Government's multi-annual funding commitment. I thank the Deputy for making a strong case on behalf of the board of management, teachers, children and parents of Aughrim school. He may rest assured that his views will be expressed to the Minister, possibly tomorrow.

### **School Accommodation.**

**Mr. O'Shea:** Gabhaim mo bhuíochas leis an Leas-Cheann Comhairle as ucht seans a thabhairt dom an cheist thábhachtach seo a chur os comhair na Dála agus leis an Aire Stáit as ucht teacht chun freagra a thabhairt dom.

St. Mary's national school, Ballygunner, Waterford, has 496 pupils. Applications on the waiting list at the school read as follows. For 2005, 112; 2006, 131; 2007, 110; 2008, 106; and 2009, 24. That makes a total of 483 pupils seeking a place in the school between 2005 and 2009 as matters stand. Undoubtedly, those figures will increase in the interim. For the 112 applications for 2005, there are 29 places. Planning permission was granted on 29 January 2004 by Waterford City Council for the proposed extension to St. Mary's national school. The proposed extension consists of eight classrooms, two autism classes and a sports hall. At present, St. Mary's national school, Ballygunner, is a 22-teacher school.

The Minister for Education and Science, Deputy Hanafin, knows what moneys will be available to her for the 2005 schools building programme. I doubt if there is any other school in the country that requires extra accommodation as urgently as St. Mary's national school, Ballygunner. It is unacceptable that the parents and teachers at Ballygunner national school have not

been given an undertaking that places will be available for 83 surplus pupils. The cost of the proposed extension is approximately €2 million.

The option for parents whose children would be denied places in St. Mary's national school, Ballygunner, next September is to seek places in other primary schools in Waterford. That would involve parents of children with older siblings already attending the school adding to the already overloaded road system in the Dunmore Road and general Ballygunner area. That is nothing short of a crisis, which would, apart from educational factors, seriously reduce the quality of life of parents and children in the general Ballygunner area. In the same general area, many houses are to be constructed.

Each passing year without the extension sees the growing chaos in social and educational terms. The situation has reached absolutely unacceptable proportions, and it is unthinkable that the Minister has not responded urgently and positively by allocating the €2 million needed to allow the construction to begin. Ballygunner must have its extension by next September. Parents must know that their deep concerns regarding their children's primary education are over. Not only will the teachers look to a future where the full primary education needs of their area are met, but all the problems caused by additional traffic going to and from the general Ballygunner area at peak times will be prevented. We should not lose sight of the fact that provision will also be made for two classes for autistic children. This is most welcome and necessary. Ballygunner also has a great sporting tradition, and the provision of a school sports hall in St. Mary's national school can further enhance that proud tradition.

I have seldom come across a situation requiring Government funding more deserving than the provision of the proposed extension to St. Mary's national school, Ballygunner. It is imperative that the Minister give an early positive decision in this case. As a teacher, I am sure she will see the overwhelming justice of the case I have outlined.

**Mr. Gallagher:** Tá áthas orm an deis seo a fháil freagra a thabhairt don Teachta O'Shea maidir leis an cheist thábhachtach seo a bhaineann le Scoil Náisiúnta Naomh Mhuire i mBaile Mhic Gonair ina dháilcheantar. I thank Deputy O'Shea for the opportunity, on behalf of the Minister for Education and Science, Deputy Hanafin, to outline the Department's proposals regarding the proposed refurbishment and extension project at St. Mary's national school, Ballygunner.

As outlined by Deputy O'Shea, St. Mary's national school has a staffing level of a principal and 17 mainstream class teachers, a learning support, resource and special class teacher. The enrolment at 30 September 2004 was 481 pupils. As the Deputy pointed out, the Department received an application for additional accommodation from the board of management of the school. I am pleased to inform the House that a full design team has been appointed, architectural



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design is progressing and the project has been assigned a band 1 rating. I am also conscious that the local authority approved planning permission for the project in January of this year.

The Department's technical staff are currently examining the response received from the school's design team to queries raised on its stage three documentation, which includes the detailed plans and costs. The school authorities will be kept fully advised of developments.

The introduction of a multi-annual funding process for school building projects requires a revised approach to how projects are scheduled through the design process and on to tender and eventually construction. To maintain a smooth flow of projects and ensure that the optimum

number of projects is ready to go to tender and construction at any given time, the Department of Education and Science will progress those projects on a priority basis. The Department will be providing further details of those projects and notifying the schools concerned early in 2005. In this way the Department aims to create a sustained momentum in respect of the schools building programme to match the Government's multi-annual funding commitment.

I thank the Deputy for raising the matter. He has made a strong case for Ballygunner national school. I will bring the views and concern he expressed to the attention of the Minister as early as tomorrow.

The Dáil adjourned at 9.20 p.m. until 10.30 a.m. on Wednesday, 8 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 17, inclusive, answered orally.*

*Questions Nos. 18 to 45, inclusive, resubmitted.*

*Questions Nos. 46 to 55, inclusive, answered orally.*

### Air Services.

56. **Mr. G. Mitchell** asked the Minister for Transport whether there is a conflict of interest in the recent decision taken by Dublin Airport Authority workers to make formal approaches to some of the private investors who have expressed an interest in developing a second terminal at Dublin Airport with a view to establishing a partnership arrangement between DAA workers and the operator of a second terminal at the airport; and if he will make a statement on the matter. [32040/04]

**Minister for Transport (Mr. Cullen):** With regard to the commitment in the programme for Government to examine proposals for a new independent terminal, my Department is currently consulting with the new board of the Dublin Airport Authority and it is my intention to bring proposals on the matter to the Government very shortly.

I am aware of media reports that some workers at Dublin Airport have made contact with parties who submitted “expressions of interest” to my Department regarding the concept of an independent terminal at the airport. However, until I have completed my own examination of the options, including taking account of the views of the new Dublin Airport Authority, and the Government has taken a decision in the matter, any approaches of the kind referred to by the Deputy that may be taking place can only be speculative.

### Regional Infrastructure.

57. **Mr. Eamon Ryan** asked the Minister for Transport his plans to improve infrastructure in the southern region (details supplied). [28471/04]

**Minister for Transport (Mr. Cullen):** The southern regions of the country are benefiting from the major transport infrastructure investment programmes currently being implemented. Major national roads projects completed in recent years include: the N8 Watergrasshill bypass; N7 Limerick southern ring road, phase 1; N8 Cashel bypass; N25 Youghal bypass and N22 Ballincollig bypass. Projects in construction

include: the N8 Fermoy-Watergrasshill, N18 Ennis bypass and N21 Castleisland-Abbeyfeale route. The beneficial impact of the high level of investment in upgrading the national roads network is increasingly evident in the southern region and throughout the country.

As regards public transport, the entire intercity rail network in this region has now been upgraded to continuous welded rail, providing more comfort and higher speeds for Irish Rail customers. Work is now well advanced on providing state of the art signalling on all intercity routes as well. The Waterford to Dublin line was completed earlier this year. Work on the Tralee to Mallow line is underway and completion is expected in 2005. The Cork to Dublin line already benefited from this technology in the past. Irish Rail is complementing this work by purchasing new fleets of railway rolling stock. In 2005, Irish Rail will introduce 67 new carriages on the Cork to Dublin route, with increased connections to Limerick.

In the Cork area, Irish Rail is developing the old Midleton to Glounthane railway line to provide a commuter service to the people and the industries of this rapidly expanding area. This project is being developed in co-operation with Cork city and county councils under the CASP — Cork area strategic plan.

To coincide with the European Capital of Culture 2005, Bus Éireann is undertaking a major redevelopment of its existing station at Parnell Place in Cork city, including improved access for the mobility impaired, to be completed shortly. In addition, new bus priority measures are being introduced.

### Road Safety.

58. **Mr. Costello** asked the Minister for Transport if his attention has been drawn to recent findings from the National Roads Authority that the majority of motorists are still recklessly breaking the speed limit and ignoring the risk of penalty points; his views on whether absence of fear of Garda enforcement means motorists are driving above speed limits; and if he will make a statement on the matter. [32308/04]

**Minister for Transport (Mr. Cullen):** The National Roads Authority, NRA, has published the results of national speed surveys which have been carried out in 1997, 1999, 2002 and 2003. The most recent results relate to the 2003 survey. The results indicate that the proportion of cars exceeding the speed limit on urban arterial and residential roads fell sharply between summer 2002 and summer 2003. The fall in the percentage of free speeding cars exceeding the speed limit was most dramatic in urban residential areas. The percentage of cars violating posted 30 mph limits on these roads fell by 25% in 2003. These reductions followed the introduction of penalty points for speeding in October 2002. The free speeding rural survey also showed sizeable improvements in car speeding compliance rates

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on dual carriageways and two lane national primary roads.

The significant improvements to which I have referred related to speeding rates within the 30 and 40 mph zones. Despite the improvements outlined in the report, the percentage of cars speeding in 30 and 40 mph zones, particularly when entering these zones, is still worryingly high. The recently published Road Safety Strategy 2004-2006 includes measures targeted at the key areas relating to road collisions, including speeding. The strategy also sets out specific targets regarding reductions in the incidence of speeding which will be monitored over the lifetime of the strategy. In recognition of the importance of enforcement in the strategy, the Garda has established commitments to the achievement of specific levels of enforcement across the three key areas of seat belt wearing, speed limits and drink driving.

The effectiveness of the penalty points system can be judged primarily on the basis of the contribution it has made to road safety since its introduction. In the two years since the introduction of the system in October 2002 the number of deaths as a result of road collisions has fallen by 116 in comparison with the previous two years. Penalty points now operate in respect of speeding, seat belt wearing, driving without insurance and careless driving. Since the introduction of the system over 191,000 drivers have incurred penalty points. In overall terms, the introduction of penalty points has had a positive effect on road safety and I am confident that the full roll out of the system will further enhance that effect.

Indications from the Garda Síochána in respect of the operation of the system to date show that, with no reduction in enforcement efforts, there has been a significant drop in the number of detections for speeding offences. As recently announced by the Minister for Justice, Equality and Law Reform and me, the creation of a dedicated traffic corps is being progressed with the deployment of additional gardaí to traffic duties over the next three years. In this context, the numbers of gardaí allocated to traffic duties will be significantly increased from approximately 530 now to 1,200 by 2008.

#### **Rail Network.**

59. **Mr. Boyle** asked the Minister for Transport if consideration will be given to reopening the rail line between Charleville and Patrick's Well. [32393/04]

**Minister for Transport (Mr. Cullen):** Irish Rail has no plans, at present, to reopen the former railway line between Charleville and Patrick's Well. The company has informed me that there is already a frequent service between Cork and Limerick via Limerick Junction, with a change of trains. Late next year, the company plan to introduce an hourly service on the Dublin to Cork line, which will add to the service frequency. The

Charleville to Patrick's Well route was not identified in the strategic rail review as a potential line for re-opening and Irish Rail states that the railway alignment does not serve any significant centres of population, either existing or planned.

#### **Road Safety.**

60. **Mr. Sargent** asked the Minister for Transport the guidelines he provides to local authorities on the standard of pedestrian crossing facilities; his views on the fact that certain pedestrian crossing signals in Dublin city have a four minute waiting time between the pressing of the pedestrian crossing button and a resulting change in the lights and that the average maximum waiting time for pedestrian lights to turn green is close to two minutes; and the standards which apply with regard to the distances that pedestrians have to travel from recognised bus stops on roads such as the N11 before having a safe facility to cross the road. [32400/04]

**Minister of State at the Department of Transport (Mr. Callely):** Part V of the Road Traffic (Signs) Regulations 1997, SI 181 of 1997, contains the regulatory provisions relating to the provision of pedestrian crossings and the associated signals. Ministerial directions and general guidance to local authorities regarding the provision and use of regulatory and non-regulatory traffic signs are set out in the comprehensive Traffic Signs Manual that was published in 1996. Guidance and advice about pedestrian signals are laid down in paragraph 7 of chapter 9 of the manual, a copy of which is available in the Oireachtas Library. Local authorities are advised that the pedestrian phase of the signals "is best activated by demand from push buttons but can be activated automatically if the circumstances justify it (for example, to prevent phases getting out of step with adjacent signals on linked signal systems)".

Precise standards are not prescribed in either the road traffic regulations or in the manual regarding the time interval that should apply prior to the activation of the pedestrian cycle. The decision regarding the activation of the operative cycle for any particular set of traffic lights is a matter for the relevant local authority in the context of its policy for the management of all road users at the location. In this regard, a set of Traffic Management Guidelines that were jointly published by my Department in May 2003 sets out further guidance and advice to local authorities about pedestrian crossings. A copy of this publication is available in the Oireachtas Library.

The guidelines, at chapter 10.7, advise that delays to pedestrians should be minimised and that overall cycle times be kept as short as possible. The guidelines expressly recognise the reality that pedestrians are sensitive to the time they have to wait at the kerbside and that if the waiting time is too long pedestrians will cross the road without waiting for a green signal. The guidelines also state: "In the climate of encouraging walking as part of sustainable transport, justi-

fication for pedestrian facilities should be considered more in terms of the needs of pedestrians (in particular the delays and difficulties experienced in crossing a road) than in always maximising traffic flows.”

Guidance has been provided for local authorities on the provision of pedestrian signals generally but, ultimately, decisions on their provision, their proximity to bus stops, traffic management controls and the control of pedestrians and traffic at any particular location are matters for determination by the relevant local authority.

#### **Air Services.**

61. **Ms O’Sullivan** asked the Minister for Transport the position with regard to the Shannon stopover; the further position with regard to the timeframe for agreement between the EU and US on the open skies policy; the discussions he has had in this regard; and if he will make a statement on the matter. [32353/04]

**Minister for Transport (Mr. Cullen):** As I indicated in my reply to a similar question from the Deputy on 2 November 2004, at a number of recent Transport Councils, the Irish position has been that while we are in favour of an open skies agreement between the EU and the US, Ireland’s support would be contingent on an acceptable arrangement on Shannon being agreed between Ireland and the US and that arrangement being reflected in the EU-US agreement.

Negotiations between the EU and the US on an open skies agreement will recommence in early 2005, when the new US Administration is in place. Both EU and US officials have maintained contact over the summer but no negotiations have taken place since last June. Detailed negotiations took place up to June 2004, with the objective of reaching an agreement in time for the EU-US summit in Ireland at the end of that month. However, when the proposed agreement, which would have brought in open skies between all EU member states and the US, was discussed at the Transport Council in June 2004, Transport Ministers felt that the deal on offer was unbalanced in favour of the US.

In the lead up to June 2004 and in line with Ireland’s position as outlined at the beginning of this reply, in May 2004 Department of Transport officials travelled to Washington to discuss this issue with the US. An official from the European Commission also attended those discussions. While the Irish delegation was not authorised to conclude any agreement with the US, good exploratory discussions were held. Had an EU-US deal emerged from the Transport Council, a suitable phasing in over a period of years of open skies between Ireland and the US would have been agreed for inclusion in the EU-US deal that would have been signed at the summit at the end of June 2004.

Currently, there are no EU-US negotiations taking place. There is no doubt in my mind,

however, that an EU-US open skies agreement is inevitable once a properly balanced agreement is reached. My officials have maintained contact with the US side to keep open all options for progress on this issue.

It is difficult to estimate the time frame in which an EU-US agreement might be reached. I have now familiarised myself with the positions of the various Irish stakeholders involved. I am conscious of the fact that the new board of Shannon Airport is now required to produce a business plan for the airport and that clarity on the open skies issue would be helpful to that business planning process. I am also conscious that Irish airlines are currently restricted in the routes they can serve under the existing bilateral arrangement and that expanding scheduled services across the Atlantic is of great importance to the growth of Irish airlines and Irish tourism.

For the reasons I have outlined above, officials from my Department will shortly travel to Washington to explore with the US authorities what adjustments to the current Ireland-US arrangements are possible.

#### **Public Transport.**

62. **Ms McManus** asked the Minister for Transport when the new smart card, allowing passengers to use a single ticket on all forms of public transport, will be introduced; when the equipment necessary to validate the cards will be installed on buses, trains and the Luas; the types of public transport on which these cards will be able to be used in the first instance; when the cards will be able to be used on all forms of public transport; and if he will make a statement on the matter. [32339/04]

**Minister for Transport (Mr. Cullen):** The contactless, smart card based, integrated ticketing system, which will enable a passenger to use a single ticket on one or more scheduled public transport services, by road and by rail, irrespective of the transport operator involved, is being developed by the Railway Procurement Agency, RPA, and will be introduced on a phased basis, initially in the Dublin area.

A first step was the launch in April of this year, in conjunction with the RPA, of smart cards by a private operator, Morton’s Coaches, on its services. Another important step will be the launch of smart cards on Luas services in spring 2005. In addition, the RPA projects that Dublin Bus and some additional private operators will follow with smart cards on its services during 2005, with the DART expected to follow in 2006.

Full integration of the back office systems of Dublin Bus and Luas is expected to take place in early 2006. Once this is completed, there will be one smart card for customers which will be operable on both bus and Luas services, with integration with other operators to follow. In the meantime, the RPA is also proceeding with the procurement of an extensive sales network which

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will be used by customers for topping up the value on smart cards.

The system is being designed with the involvement of all public transport operators, as well as consultation with members of the public. Discussions are ongoing between the RPA and the operators with regard to implementing the system. Such discussions include the timing of the installation of card validation equipment.

#### Air Services.

63. **Mr. S. Ryan** asked the Minister for Transport the reason consideration of State funding was ruled out in the mandate given to consultants with regard to a report (details supplied) on Aer Lingus; and if he will make a statement on the matter. [32367/04]

83. **Mr. Quinn** asked the Minister for Transport his views on the recent resignations of persons (details supplied) from the board of Aer Lingus; if he has met them to discuss the reasons for their resignations; his further views on the implications these resignations will have for the future of the company; and if he will make a statement on the matter. [32361/04]

85. **Mr. Quinn** asked the Minister for Transport his views on a report (details supplied) on the future of Aer Lingus; the action he intends to take in view of the report's recommendations; if he will proceed with the privatisation of the company through an IPO; and if he will make a statement on the matter. [32358/04]

112. **Mr. Durkan** asked the Minister for Transport his preferred options in respect of the future of Aer Lingus with particular reference to structures, management, staff participation and the need to meet customer requirements; and if he will make a statement on the matter. [32385/04]

117. **Ms Shortall** asked the Minister for Transport when he expects final decisions to be taken on the future of Aer Lingus. [32528/04]

199. **Ms O. Mitchell** asked the Minister for Transport if a decision will be made on the future of Aer Lingus before the Christmas 2004 recess; when he expects that a new management team will be put in place; when a successor to the outgoing chairman of the board of Aer Lingus will be announced; and if he will make a statement on the matter. [32533/04]

225. **Mr. Durkan** asked the Minister for Transport the position in regard to discussions he has had with management or staff in Aer Lingus, with particular reference to the future structures of the company and its role in the issue of air transport; and if he will make a statement on the matter. [32549/04]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 63, 83, 85, 112, 117, 199 and 225 together.

The Government decided on 6 July 2004 to establish a Cabinet sub-committee to examine all the issues relating to the future of Aer Lingus and report back to Government as soon as possible. The committee first met on 14 July 2004 to review the position and decided that work on future options continue with advisers as necessary and that the result of that work would be considered by the committee. Goldman Sachs was then engaged by my Department to provide advice and assistance regarding the future of Aer Lingus. This report, which was received on 6 October 2004, was considered by the Cabinet sub-committee at its meeting on 22 November following its review by relevant Ministers and Departments.

The Goldman Sachs report was published by my Department on Tuesday last, 23 November 2004, with copies of the report laid in the Oireachtas Library as well as being made available on my Department's website. The report summarises the global aviation market, the regulatory environment and Aer Lingus' history and current operation. It then moves on to Aer Lingus' funding requirement and capital structure. It identifies as a key issue the availability of capital to enable the airline compete on an equal footing, pursue expansion plans and withstand external shocks. Moreover, Goldman Sachs states that given the cyclical nature of the industry, access to equity capital is an important mitigant of financial risk.

The report goes on to review the *status quo*, the implications of change with regard to strategic issues and the various ownership structure alternatives under complete or partial divestment. The question of State investment was neither ruled in nor ruled out in the mandate given to Goldman Sachs since this is a matter for the Government to decide for the future. Goldman Sachs refers to successive Governments' policy on investment in Aer Lingus and goes on to deal with this issue in the chapter on the *status quo* in the report.

The issue of funding for future growth is a major factor for consideration in any decision on ownership. As already mentioned, this is clear from the Goldman Sachs report. A major issue for any airline is the upgrading and replacement of aircraft. Aer Lingus is funding the upgrade of its short haul fleet from within existing resources but this is based on meeting performance and profit targets as set out in the business plan. In addition, the airline is currently examining its long haul fleet requirements and expects to complete a proposal in the coming months which will have to be approved by my Department and the Department of Finance. Pending the outcome, the company has confirmed to the Department that the airline will require equity funding to replace the existing long haul fleet and to support future growth.

At its meeting on 22 November 2004, the Cabinet sub-committee recognised that decisions on the future ownership should be made before Christmas in the interest of the airline and all its

stakeholders. A further meeting of the committee is scheduled to take place on 9 December 2004.

With regard to the resignation of the three senior managers in Aer Lingus — the chief executive, chief operations officer and chief financial officer — their resignations will take effect from May 2005. I have placed on record my thanks to the three executives, Mr. Walsh, Mr. Kearney and Mr. Dunne for their work and commitment over the past three years in conjunction with the board and staff. That work has resulted in the profitable and successful airline we see today. I met the three executives on Tuesday, 16 November 2004, and at that meeting they explained their position and the reasons for their resignations. I do not propose to go into the detail of that meeting as it is a matter for the executives themselves to decide whether they wish to provide such information publicly.

Of course, the chairman and board of Aer Lingus are charged with ensuring the ongoing orderly management of the business and I have every confidence in them fulfilling this role, notwithstanding these resignations. Resignation of top management is nothing new in business nor is it the first time to happen in Aer Lingus. Clearly, the board will ensure that replacements for the top management team are recruited as quickly as possible. It would be preferable if such replacements could take office before next May. I met the acting chairman, Mr. John Sharman, on 18 November 2004 to discuss this matter and clarify the arrangements for the replacement of the three senior executives.

The recruitment of the chief executive officer is solely a matter for the board of Aer Lingus and I have no function in this regard. In that context, the board of Aer Lingus, at its meeting on Monday last, 29 November 2004, decided to commence the process of recruiting a new chief executive by establishing a sub-committee, comprising the chairman and two other non-executive directors, which is charged with identifying and recommending to the board the appointment of a replacement chief executive. In addition, all three resigning executives confirmed to the board their full commitment to working with the airline to ensure a smooth transition to their replacements.

In addition to commencing the recruitment process for a new chief executive, the board reiterated the need for the complete and early implementation of the business plan to address competitive pressures and build on progress to date. Implementation of the plan is crucial so that the airline can position itself to respond in a timely manner to changing market conditions and to take advantage of future growth opportunities so as to ensure its viability in the future.

#### Road Network.

64. **Mr. Stanton** asked the Minister for Transport if he has been in communication with or intends to communicate with the National Roads Authority and local authorities to discuss the need to ensure that roads and footpaths are

accessible for those with mobility and sensory impairments; his further plans in this regard; and if he will make a statement on the matter. [32386/04]

**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 relevant local authority.

National roads are predominantly outside built up areas and, accordingly, the need to ensure that roads and footpaths are accessible for the mobility and sensory impaired does not normally arise in such circumstances. The NRA's design manual for roads and bridges also includes guidelines for national roads within urban areas. These require that particular attention be given to the needs of mobility and sensory impaired persons in the planning and construction of road works generally and, in particular, where pedestrian crossing facilities are being provided.

The guidelines require local authorities to take special care so as to avoid steep or irregular gradients or sharp changes in the alignment of footpaths, which might prove deceptive to visually impaired persons. Local authorities are also required to ensure that "dished" kerbs are provided and that wheelchair ramps, constructed of non-slip material, are provided at pedestrian crossing points, where possible. In addition, local authorities have been asked to consider reserving on-street car parking spaces for mobility impaired drivers.

#### National Car Test.

65. **Ms Lynch** asked the Minister for Transport the terms and remit of the review of the national car testing scheme to begin in early 2005; if his attention has been drawn to certain criticisms of the car testing scheme that it is merely a money-making exercise; the elements of the test which will be reviewed; and if he will make a statement on the matter. [32332/04]

**Minister of State at the Department of Transport (Mr. Callely):** The car testing contract between the Minister and National Car Testing Service Limited, NCTS, provides for a mid-term review by the Minister after the mid-point of the contract, which will occur in January 2005. The review will be carried out by the Department in conjunction with the supervision services contractor, which monitors the performance of NCTS on behalf of the Minister.

The detailed terms of the review are not yet finalised. However, it will involve a review of the performance of NCTS and will address a range of strategic issues, including the content of the test, the quality of service provided and the location and number of test centres. An important element of the review will be a public consultation process whereby motorists and the public will be able to raise any matter relating to the service for consideration in the review.

### State Airports.

66. **Mr. Penrose** asked the Minister for Transport the proposals which have been made for the future of the Great Southern Hotel Group in the context of the break-up of Aer Rianta; and if he will make a statement on the matter. [32357/04]

78. **Mr. Penrose** asked the Minister for Transport the position with regard to the break up of Aer Rianta and the operation of the three new airport authorities; and if he will make a statement on the matter. [32355/04]

93. **Mr. Coveney** asked the Minister for Transport the estimated cost of the redevelopment of Cork Airport; if his attention has been drawn to the current cost estimate of the project; and if he will make a statement on the matter. [32037/04]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 66, 78 and 93 together.

In keeping with the provisions of the State Airports Act 2004, the newly appointed board of the Dublin Airport Authority has a statutory mandate to do everything necessary to give effect to the restructuring of the State airports. The new Shannon and Cork airport authorities have also been incorporated and, in line with the framework provided by the State Airports Act 2004, these two new authorities will, in due course, own and operate their respective airports once sufficient distributable reserves are available to transfer the relevant assets.

Prior to the assets of Shannon and Cork airports being vested in their respective authorities, their boards are charged with preparing to assume full responsibility for the management and development of their airports. They are also empowered to undertake functions delegated to them, on an agreed basis, by the Dublin Airport Authority and the three airport authorities are currently discussing the scope and scale of such delegated functions. Each of the airport authorities is also required to prepare a comprehensive business plan for their airport for consideration by myself and the Minister for Finance.

In accordance with the 2004 Act, the transfer of assets to Shannon and Cork airport authorities cannot take place earlier than 30 April 2005 and, thereafter, a phased approach will allow one of the new airport authorities to be vested first, that is, Shannon Airport, while Cork Airport will be vested once sufficient distributable reserves have been built up within the Dublin Airport Authority. Both I and the Minister for Finance must be satisfied as to the state of operational and financial readiness of the Shannon and Cork airport authorities before the assets of the airports are vested in those authorities. The formulation over the next few months of comprehensive business plans by the new boards will be a key aspect of achieving operational and financial readiness.

In furtherance of Dublin Airport Authority's new role, the position of its principal subsidiaries, including the Great Southern Hotels Group, must be considered by the authority itself in the first

instance and then by me. I expect, therefore, that the business plan of the Dublin Airport Authority will indicate the board's proposals for the future of the hotels group.

I am confident that the new boards of the three airport authorities will successfully meet the challenges ahead. Through more focused commercial operation, all three airports can play a greater role in stimulating and supporting regional and national economic activity to the benefit of their customers, both airlines and passengers, and of Irish tourism, trade and industry. In this regard, I again pay tribute to the board of the new Shannon Airport Authority and the staff at the airport for their recent success in securing Ryanair's 12th European base at Shannon Airport. This is a major economic boost for the region and a vote of confidence for the future.

As regards Cork Airport, work is proceeding on the major new terminal development and associated infrastructure which will position the airport to cater for continued growth in air services and passengers. I am informed by the airport authorities that the contract price for this major development amounts to approximately €153 million with provision for variations. The Dublin Airport Authority, the Cork Airport Authority, the project managers and the contractor have a framework in place for monitoring the project and the Dublin and Cork airport authorities are reviewing the estimated costs to completion.

Finally, in all these matters the boards and management of the three State airports will continue to engage constructively with the staff of the airports and their trade unions.

### Road Safety.

67. **Mr. Gormley** asked the Minister for Transport if he has plans to legislate for the mandatory use of daytime running lights outside built-up areas in view of the experience in other countries in which this measure has yielded a significant reduction in certain types of accident. [32399/04]

**Minister of State at the Department of Transport (Mr. Callely):** The European Commission is currently considering how best to implement daytime running lights, DRL, following the comprehensive study of the matter carried out on its behalf by the Dutch SWOV and TNO and the Norwegian institute for traffic studies. I will await the outcome of the Commission's consideration of the matter before making any decision regarding DRL in Ireland.

### Driving Tests.

68. **Ms O. Mitchell** asked the Minister for Transport if he intends to give additional funding to that granted in the 2005 Estimates for driver testing, in view of the anticipated establishment of the Driver Testing and Standards Authority in 2005; and if he will make a statement on the matter. [32030/04]

**Minister for Transport (Mr. Cullen):** The Driver Testing and Standards Authority Bill 2004, which provides for the establishment of the Driver Testing and Standards Authority, has commenced Second Stage in the Dáil. The process of appointing a chief executive officer has commenced and I anticipate that an appointment will be made early in 2005. The establishment of the authority will be based, in the first instance, on the current staffing structure having regard to Government policy on staff numbers. Additional costs arising from the appointment of the CEO have been provided for.

My officials will consult in due course with the Department of Finance about the appropriate annual budget for the authority to enable it to meet its objectives when it is established on a statutory basis.

#### **Road Safety.**

69. **Ms Enright** asked the Minister for Transport if he has considered issuing national guidelines (details supplied) to ensure that major national routes do not remain closed for up to ten hours as was the case following a recent accident; and if he will make a statement on the matter. [32043/04]

**Minister for Transport (Mr. Cullen):** The management of traffic following accidents on national roads is a matter for the Garda and the relevant local authority. I have no plans to issue guidelines for the management of traffic following accidents on national roads.

#### **Air Services.**

70. **Mr. R. Bruton** asked the Minister for Transport his plans to encourage or promote air links between Ireland and Asia; and if he will make a statement on the matter. [32041/04]

**Minister for Transport (Mr. Cullen):** My Department has negotiated and signed a number of air transport agreements with countries in Asia and the Middle East. In the coming year my officials will hold negotiations with officials from Bahrain and are confident that these will lead to the signing of an agreement. These agreements provide the regulatory framework within which air services can be provided.

While the decision as to whether to operate on a particular route is a commercial one for the airlines concerned, my Department takes every opportunity in its contacts with airlines to encourage the commencement of new international services.

#### **Driving Tests.**

71. **Mr. Gilmore** asked the Minister for Transport the reason driving testers no longer have to examine tax discs on car windscreens to see if they are valid; his views on whether such a measure allows learner drivers to escape paying relevant motor tax; and if he will make a statement on the matter. [32325/04]

**Minister for Transport (Mr. Cullen):** Under the Road Traffic Acts the role of a driver tester is to assess the driving competency of candidates presenting for a driving test. A driver tester has no enforcement function regarding the validity of motor tax discs and is not empowered to refuse to conduct a test on the basis of an invalid tax disc. This position has been confirmed by legal advice from the Office of the Attorney General. The enforcement of motor tax law is a matter for the Garda Síochána.

#### **Light Rail Project.**

72. **Mr. Costello** asked the Minister for Transport, with regard to the linking of the two Luas lines, when he will bring forward proposals to the Cabinet on this issue; the discussions he has had with Dublin Bus in this regard; the proposed route; the estimated cost; when work on the new line will commence if the proposals are agreed; the likely completion date for the project; and if he will make a statement on the matter. [32306/04]

**Minister for Transport (Mr. Cullen):** The board of the Railway Procurement Agency, RPA, has considered a preliminary analysis of the feasibility and cost of linking the red and green Luas lines in the city centre. A more detailed proposal will now be prepared for consideration by the board. I look forward to the outcome of the board's deliberations on the matter. As the RPA has not yet identified a preferred route option, it would be inappropriate for me to comment further as regards any particular aspect of the proposal.

#### **Road Network.**

73. **Mr. Timmins** asked the Minister for Transport the role he has in the allocation of funding for road projects; if he issues policy directions to the NRA; and if he will make a statement on the matter. [32390/04]

**Minister for Transport (Mr. Cullen):** While I, as Minister, have responsibility for overall policy and funding for the national roads programme, the allocation of funding for individual projects is a matter for the NRA in accordance with its responsibility, under section 17 of the Roads Act 1993, for the construction and maintenance of national roads and within the strategic framework established by the Government in the national development plan for the upgrade of the national road network. I have not issued directions or guidelines under section 41 of the Roads Act 1993 to the NRA.

#### **Ministerial Appointments.**

74. **Mr. Broughan** asked the Minister for Transport the names and functions of new special advisers appointed by him to work with him since he took up his role in his Department; and if he will make a statement on the matter. [32305/04]



**Minister for Transport (Mr. Cullen):** Following my appointment to the Department of Transport, I have appointed Colin Hunt as a special adviser in accordance with section 11 of the Public Service Management Act 1997. Mr. Hunt's role includes the provision of advice to me and monitoring, facilitating and securing the achievement of Government objectives that relate to my Department.

#### Road Safety.

75. **Mr. O'Shea** asked the Minister for Transport his views on new statistics showing that while young men are among the most likely to pass the driving test, those aged between 17 and 25 years are the most likely to be involved in fatal car crashes; his views on whether the driving test compares favourably with European standards; the efforts he is making to promote safer driving among young males; and if he will make a statement on the matter. [32350/04]

**Minister for Transport (Mr. Cullen):** Statistics relating to road accidents, based on information provided by the Garda Síochána, are published by the National Roads Authority in its annual road accident facts reports. The most recent report is in respect of 2002 and that report, along with reports relating to previous years, are available in the Oireachtas Library.

The statistics give details of road casualties classified by age and sex, where this information is specified. In 2002, the number of males between 18 and 24 years of age killed in road collisions was 61 compared to 17 females from the same age group. The highest proportion of road deaths exists among 25 to 34 year old males. In 2002, 67 males within this age group were killed on the roads compared to 12 females.

The primary target of the new Government strategy on road safety is to realise a 25% reduction in road collision fatalities by the end of 2006 over the average annual number of fatalities in the 1998 to 2003 period. Achievement of the target will result in no more than 300 deaths per annum by the end of the period of the strategy. The strategy proposes a range of measures in the enforcement, engineering, education and legislation areas to target further reductions in deaths and injuries. An integrated strategic approach will ensure that the road safety agencies work together to achieve the targets set out in the new strategy.

The driving test in Ireland is carried out in accordance with the standard laid down by EU directives on driving licences which applies to all EU countries. The work of driver testers is monitored to ensure the consistent application of this standard.

76. **Mr. M. Higgins** asked the Minister for Transport if he intends requesting the NRA to introduce new safety measures for the M50, specifically, and the State's other motorways in general, in view of the number of serious road accidents that have taken place in recent weeks;

if these new measures will include the installation of median barriers on the M50; and if he will make a statement on the matter. [32327/04]

**Minister for Transport (Mr. Cullen):** I refer the Deputy to my reply to Questions Nos. 47 and 48.

The provision of median barriers on national roads is a matter for the National Roads Authority, NRA, having regard to best practice in road safety and EU standard for safety barriers of this type. The position generally in regard to the provision of median barriers on national roads is that median barriers are currently being provided on all new motorways and dual carriageways, irrespective of the median width, and median barriers are being retrofitted on all existing inter-urban motorways and dual carriageways, irrespective of median width, and this work is expected to be completed by mid-2005, with the exception of the M50.

In the case of the M50, it had been intended by the NRA that median barriers would be provided in the context of the upgrade project which is due to get underway, subject to An Bord Pleanála approval, on a phased basis in late 2005 for phase 1 and in 2006 for phase 2. However, in light of the recent crossover accident on the M50, in which a young woman tragically lost her life, the NRA is now considering the options for providing median barriers in advance of the M50 upgrade. The NRA has been asked to inform my Department of the outcome of its considerations on this matter as soon as possible.

#### Driving Tests.

77. **Mr. Rabbitte** asked the Minister for Transport the current waiting time for driver tests at each centre in the State; the steps being taken to reduce the long waiting times; and if he will make a statement on the matter. [32366/04]

202. **Mr. R. Bruton** asked the Minister for Transport if his attention has been drawn to the long delay in receiving appointments for a driving test, which often exceed the duration of a provisional driving licence; and the plans he has to overcome this problem. [32136/04]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 77 and 202 together.

The average waiting time for a driving test for each driving test centre at 29 November 2004 will be tabulated and forwarded to the Deputy as soon as possible. My Department is in communication with the Department of Finance regarding measures to reduce the backlog of driving test applicants, including the recruitment of additional driver testers.

*Question No. 78 answered with Question No. 66.*

#### Regional Airports.

79. **Mr. Allen** asked the Minister for Transport his position regarding the recent expansion proposals submitted by management at Knock Air-

port; and if he will make a statement on the matter. [32036/04]

**Minister for Transport (Mr. Cullen):** The programme for Government provides for the continued support of the six regional airports and my Department provides a range of financial mechanisms in support of this objective. Knock Airport benefits considerably through a range of direct and indirect support mechanisms, namely, capital grant assistance towards essential infrastructural improvements under the BMW regional operational programme of the national development plan, NDP; the allocation of assistance towards marketing, safety and security related expenditure incurred by the airport and scheduled flights supported by the PSO programme.

Under the NDP capital measure, my Department has provided €2.337 million in grant aid towards essential infrastructural improvements at the airport since December 2001. The primary purpose of the NDP measure is to provide grant assistance to facilitate the continued safe and viable operations at the airport. As to the recent expansion plans submitted by the airport company, I will evaluate those in light of the existing approach to grant assistance to regional airports. I am currently considering a further round of projects under the measure and I hope to be in a position to announce allocations shortly.

In recognition of the role that the airport can play in stimulating more balanced economic development for the north west, my Department will continue to assist Knock Airport as it develops into the future. However, any capital expenditure allocation of Exchequer funding to Knock and the other regional airports will be in line with the existing policy of prioritising those projects that are required for safety and security reasons.

*Question No. 80 answered with Question No. 54.*

#### **Public Private Partnerships.**

81. **Mr. Hogan** asked the Minister for Transport his proposals to deal with the problem identified by the Construction Industry Federation which the federation views as a barrier to its effective participation in public private partnerships; and if he will make a statement on the matter. [32032/04]

**Minister for Transport (Mr. Cullen):** I am aware of the review carried out by Mr. Cormac O'Rourke, on behalf of the Construction Industry Federation, regarding public private partnerships, PPPs, in Ireland. Consideration of the findings and recommendations of the review is a matter for the Minister for Finance in the context of overall PPP policy and practice.

#### **Road Safety.**

82. **Mr. Broughan** asked the Minister for Transport if he has plans to introduce legislation

requiring that large trucks be fitted with extra mirrors to allow drivers see the area immediately in front and below them; his views on whether such a requirement would give drivers a better view of pedestrians and cyclists approaching from the sides of these vehicles and thus reduce accidents and fatalities; and if he will make a statement on the matter. [32303/04]

**Minister of State at the Department of Transport (Mr. Callely):** Developments at EU level will result in new heavy goods vehicles, HGVs, having to comply with higher standards regarding the fields of vision of drivers. In November 2003, the EU adopted Directive 2003/97/EC, which provides for an extension of the field of vision so as to address the issue of blind spots. The directive harmonises the rules relating to the type-approval of devices for indirect vision, including mirrors and camera monitors, on motor vehicles and of vehicles equipped with these devices. These enhanced requirements should lead to a reduction in fatalities and serious injuries involving pedestrians and cyclists due to the driver's inadequate field of vision.

The directive requires all new HGVs entering into service from 26 January 2007 to meet the revised standards for field of vision set in the directive. Subject to practical engineering constraints and the agreement of the European Commission, it is my intention to also require existing vehicles of the types covered by the directive to be retrofitted with the necessary mirrors and/or cameras and monitors.

*Question No. 83 answered with Question No. 63.*

#### **Traffic Management.**

84. **Mr. Sherlock** asked the Minister for Transport the consideration he has given to the establishment of a traffic warden or police service in Dublin city for the purpose of ensuring the free flow of traffic; his views on whether this would be most appropriately provided by non-Garda personnel; and if he will make a statement on the matter. [32370/04]

**Minister of State at the Department of Transport (Mr. Callely):** The primary enforcement role under road traffic legislation is vested in the Garda Síochána. In addition to the gardaí, traffic wardens appointed under the Local Authorities (Traffic Wardens) Act 1975 can exercise powers for the enforcement of parking offences and the detection of out of date motor tax discs on parked vehicles. Local authorities may also engage authorised persons, such as the providers of vehicle clamping and vehicle tow away services, to enforce parking regulations.

The Minister for Justice, Equality and Law Reform and the Minister for Transport recently announced the establishment of a new Garda traffic corps, with the deployment of 1,200 gardaí to traffic duties over the next three years. The corps will have responsibility for both enforce-

[Mr. Callely.]  
ment and dealing with traffic congestion. Establishment of the traffic corps will be facilitated by the recent Government decision to authorise the recruitment of 2,000 extra gardaí over the next three years.

Over the last two years we have looked at policing in other countries to determine how best to progress the proposal to create a traffic corps. That process has involved the consideration of issues relating to the role and make up of a proposed corps, as well as an examination of the situation in other states. The question of the involvement of civilians was considered. In a small number of countries, civilians or “non-executives” get special training to assist in enforcement. However, their powers are limited and only police officers have the power to stop an alleged offender. It is, therefore, considered that the best option is to establish a Garda traffic corps with full Garda powers.

Furthermore, Operation Freeflow, which runs until Friday, 7 January 2005, was officially launched last week. Operation Freeflow involves the Garda Síochána and the Dublin Transportation Office in close co-operation with local authorities and transportation service providers. Under Operation Freeflow, an additional 150 gardaí will be redeployed to the Dublin region to boost traffic resources. More than 100 traffic black spots have been identified throughout the city and will be targeted for attention.

*Question No. 85 answered with Question No. 63.*

#### **Rail Network.**

86. **Mr. Howlin** asked the Minister for Transport the position with regard to proposals for a rail link to Dublin Airport; if both a metro and a DART spur off the Howth line are under consideration; when a decision is likely to be made on an airport rail link; and if he will make a statement on the matter. [32329/04]

**Minister for Transport (Mr. Cullen):** The programme for Government contains a number of commitments for the further development of the rail network and includes a specific commitment to develop a metro for Dublin, with a link to Dublin Airport.

Arising from the programme, the Railway Procurement Agency has submitted to my Department a detailed business case for a metro from the city centre to Dublin Airport while Iarnród Éireann submitted to my Department in July last proposals for an integrated rail network in the greater Dublin area. These proposals include the electrification of the Kildare and Maynooth lines, an interconnector tunnel linking Heuston Station to the docklands to enable greater integration of rail services and a DART spur off the northern DART line to the airport.

I expect the Government to consider these various proposals shortly, in the context of the

developing needs of public transport in the greater Dublin area, the framework outlined in the Dublin Transportation Office, Platform for Change, and the extended ten year multi-annual capital investment envelope for transport announced by the Minister for Finance in his Budget Statement.

#### **Road Safety.**

87. **Mr. Crowe** asked the Minister for Transport when he expects to have introduced the long-promised road safety measures. [32127/04]

91. **Mr. Rabbitte** asked the Minister for Transport the number of persons killed and injured in road traffic accidents to date in 2004; the way in which this compares with 2003; the steps he intends to take to cut road fatalities and injuries; and if he will make a statement on the matter. [32365/04]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 87 and 91 together.

Statistics relating to road accidents, based on information provided by the Garda Síochána, are published by the National Roads Authority in its annual road accident facts reports. The most recent report is in respect of 2002 and that report, along with reports relating to previous years, is available in the Oireachtas Library.

Provisional figures for the number of road deaths to the end of November 2004 show that there were 344 fatalities compared with 315 — an increase of 29 — for the same period last year. Last year saw the lowest number of road deaths in 40 years with 336 deaths. Unfortunately, we have now surpassed the number of road users killed in 2003 and there are still another four weeks before year end.

The number of injuries resulting from road traffic collisions in 2003 have not yet been fully analysed and authenticated and will be available when the road accident facts 2003 is published. Over the lifetime of the first road safety strategy 1998 — 2002, the number of injuries decreased considerably with the 20% reduction target significantly surpassed by the end of 2002. It is worth noting that, despite the increase in road deaths this year compared to last year, the number of road deaths in the first 11 months of this year is the second lowest figure since 1998, which was the first full year of the first road safety strategy.

The Government strongly pursued the implementation of its first strategy for road safety 1998 — 2002. The strategy prioritised a systematic and co-ordinated set of measures for preventing and reducing road accidents. The road safety strategy also provided for the implementation of a penalty points system in support of road safety enforcement. Penalty points have been introduced for speeding offences since the end of October 2002 and have since been introduced for not wearing a seat, driving without insurance and careless driving.

By the end of the period of the first strategy almost all of the measures set out were either

fully or partially implemented. During the intervening period between the completion of the first strategy and the introduction of the new strategy, my Department and all the agencies concerned with the implementation of road safety measures ensured that the successful measures brought forward under the road to safety continued to be implemented.

The primary target of the new Government strategy on road safety is to realise a 25% reduction in road collision fatalities by the end of 2006 over the average annual number of fatalities in the 1998 to 2003 period. Achievement of the target will result in no more than 300 deaths per annum by the end of the period of the strategy and will assist in the achievement of the longer term EU target of a 50% reduction in road deaths across the EU by 2010.

To support the development of the new strategy, a major independent review of the previous strategy was carried out by an international expert on road safety. His report, which has been used to inform the development of the new road safety strategy, confirms that basing the primary targets on the achievement of progress in the areas of speeding, drink-driving and seat belt wearing, was the correct approach. For that reason, these remain the key areas of the new strategy. It proposes a range of measures in the enforcement, engineering, education and legislation areas to target further reductions in deaths and injuries. An integrated strategic approach will ensure that the road safety agencies work together to achieve the targets set out in the new strategy.

In addition, initiatives will be pursued that will progress measures identified in the previous strategy in respect of which full implementation was not realised. This is particularly the case in respect of the achievement of the roll out of the penalty points system and the supporting fixed charge system. That will be facilitated by the early passage of the Road Traffic Bill 2004, which is due to be debated further in the House today.

#### Traffic Management.

88. **Mr. Crowe** asked the Minister for Transport the proposals he has to tackle the gridlocks on roads here, particularly coming up to the Christmas season. [32128/04]

**Minister for Transport (Mr. Cullen):** The major investment being undertaken in the upgrade of the national road network is having a major beneficial impact on traffic flows throughout the country. A key objective of the upgrade programme is the elimination of bottlenecks through the provision of new routes bypassing towns and villages. Major projects completed in recent years, and which have contributed significantly to better traffic flow, include the upgrade of the M1, Kildare, Monasterevin, Cashel, Watergrasshill and Limerick Southern Ring Road bypasses on the N7/N8, Youghal bypass on the N25, Ballincolig bypass on the N22 and so forth.

In the greater Dublin area, a comprehensive plan has been put in place to manage and control the increase in traffic during the Christmas period. Operation Freeflow, which is now in its ninth year, was officially launched on Monday, 29 November 2004. The plan, which runs until Friday, 7 January 2005, was put together under the auspices of the Garda Síochána and the Dublin Transportation Office, in close co-operation with the local authorities and transportation service providers. This year's Operation Freeflow has been improved and extended to better manage the 10% increase in traffic volume that Dublin experiences throughout Christmas and the early part of the new year. It will ensure that traffic is managed in the most practical and efficient way possible during what is the busiest time of the year for businesses and shoppers alike.

#### State Airports.

89. **Ms McManus** asked the Minister for Transport the reason the Government exempted US military aircraft from fees which apply to commercial flights for the use of Shannon Airport over the past two years; the amount the Government will pay to the Irish Aviation Authority in reimbursements following this exemption; and if he will make a statement on the matter. [32337/04]

92. **Mr. M. Higgins** asked the Minister for Transport if he has considered the implications for Irish foreign policy of allowing and subsidising the traffic of combatants through Shannon Airport for passage to, as described by the United Nations General Secretary, Mr. Kofi Annan, an illegal war; and if he will make a statement on the matter. [30074/04]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 89 and 92 together.

The use of Shannon Airport by US military forces is a longstanding practice which has been in place for several decades, a period which has covered many crises and military confrontations, several of which involved the US taking military action without specific UN endorsement, for example, Kosovo. We have never withdrawn or suspended those facilities. Foreign military aircraft using the State airports pay the appropriate airport charge to each airport authority.

The Irish Aviation Authority, IAA, provides air traffic control and communications services to aircraft which pass through Irish controlled airspace, *en route*, and aircraft landing and taking off from Irish Airports, terminal. Only a small proportion of military flights through Irish administered airspace actually pass through Irish sovereign airspace. Irish administered airspace covers 135,000 square miles, of which 32,000 square miles is sovereign airspace.

Under a Eurocontrol — European Organisation for the Safety of Air Navigation — multilateral agreement to which Ireland is a party, various categories of flights, that is, flights under visual flight rules, flights performed by small air-

[Mr. Cullen.]

craft, flights performed for the transport of heads of state and search and rescue flights, are exempt from paying *en route* charges. In the case of other categories, that is, military flights, training flights, flights performed to test air navigation equipment and circular flights, states have the option to exempt such flights from payment of the *en route* charge. In common with most Eurocontrol member states, Ireland exempts all such flights, including military flights of member states of Eurocontrol, United States and Canada, from payment of the *en route* charge and this arrangement has applied since Ireland joined the Eurocontrol *en route* charging scheme in the early 1970s. Due to this arrangement, the IAA costs relating to military flights are met from my Department's Vote.

From information received from Eurocontrol, it is understood that Austria, Finland, Switzerland and Moldova do not at present grant exempted status to US military flights. However, my Department understands that invoices issued by the above states to the US authorities in respect of military flights have not been paid.

Ireland also exempts military aircraft flights from payment of the communications charge and the IAA costs relating to those charges are also met from my Department's Vote. Efforts to collect this charge in the early 1990s were unsuccessful and, following advice from the Attorney General, debts then outstanding were written off with the agreement of the Department of Finance and a decision taken to cease charging the communications fee to military aircraft.

A total of €6.1 million, not including VAT, has been paid to the IAA between January 2003 and September 2004 for both *en route* and communications charges in respect of all exempted traffic. US military flights account for approximately 90% of the total, amounting to €5.5 million.

With regard to the terminal charge for air traffic control services for military aircraft, this is a matter for the Irish Aviation Authority. The United States and Canadian military authorities have refused to pay the authority and other air navigation service providers of Eurocontrol member states as they contend that the 1944 Chicago Convention is applicable only to civil aircraft and that this automatically implies an exemption for state and military aircraft from air navigation fees.

### Road Safety.

90. **Mr. Boyle** asked the Minister for Transport if he has plans to follow the Australian example and publish details of the makes and models of cars involved in serious and fatal accidents in order that consumers can make informed choices when buying a new car. [32392/04]

119. **Mr. Timmins** asked the Minister for Transport if he has any classification of national roads based on a comparative level of danger; and if he will make a statement on the matter. [32407/04]

195. **Mr. P. McGrath** asked the Minister for Transport the number of fatalities and serious injuries which have resulted from road traffic accidents on motorways and dual carriageways, respectively, caused by vehicles crossing over the centre median and crashing into oncoming traffic. [32050/04]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 90, 119 and 195 together.

Statistics relating to road accidents, based on information provided by the Garda Síochána, are published by the National Roads Authority in its annual road accident facts reports. The most recent report is in respect of 2002 and that report, along with reports relating to previous years, is available in the Oireachtas Library. Data relating to the makes and models of cars involved in serious and fatal accidents are not included in the reports.

Analysis of factors contributing to accidents in 2002 indicates that behaviour of drivers, 86%, and pedestrians, 9.7%, are the key contributory factors, whereas vehicle defects were identified as contributory factors in only 0.3% of fatal and serious injuries accidents. The contribution of vehicle defects to road accidents has significantly reduced on foot of design improvements and the introduction of the national car test in 2000. The road accident reports include data relating to the number of fatalities and serious injuries on each of the national routes and motorways. The 2002 report shows that 72% of fatal accidents occurred on rural roads and 28% occurred on urban roads. A total of 43% of all fatal accidents in 2002 occurred on national roads.

Analysis of road accident data clearly establishes that the risk of being involved in a road accident is much lower on motorways than on either dual carriageways or single carriageways. The risk of being involved in a fatal accident on a single carriageway road is approximately seven times greater than on a motorway. The NRA has confirmed that median barriers are provided on all new motorway and dual carriageway roads. In addition, median barriers are being retrofitted on all existing motorway and dual carriageway roads and this work is expected to be completed by mid-2005.

In the case of the M50, it had been intended by the NRA that median barriers would be provided in the context of the upgrade project which is due to get underway, subject to An Bord Pleanála approval, on a phased basis in late 2005 for phase 1 and in 2006 for phase 2. However, in light of the recent crossover accident on the M50, in which a young woman tragically lost her life, the NRA is now considering the options for providing median barriers in advance of the M50 upgrade. The NRA has been asked to inform my Department of the outcome of its considerations on this matter as soon as possible.

*Question No. 91 answered with Question No. 87.*

*Question No. 92 answered with Question No. 89.*

*Question No. 93 answered with Question No. 66.*

### **Driving Licences.**

94. **Ms O'Sullivan** asked the Minister for Transport the number of provisional driving licence holders driving on roads here at the latest date for which figures are available; the efforts he is making to reduce the number of provisional driving licence holders who are driving on the roads; and if he will make a statement on the matter. [32352/04]

**Minister for Transport (Mr. Cullen):** The Department of the Environment, Heritage and Local Government, which holds and administers the national driver file on which driving licence records are held, has advised that there were 380,991 provisional licences current at 30 September 2004.

The Government's strategy for road safety 2004 to 2006 identified speed, seat belt wearing, driving while intoxicated, engineering measures and vulnerable road users as being the key priority areas to be addressed over the coming years in terms of yielding road safety benefits. As regards legal changes to enhance road safety, the strategy states that driver licensing regulations will be amended to discourage long-term reliance on provisional licences. I will consider what amendments should be made in this regard.

### **Departmental Reports.**

95. **Mr. Sargent** asked the Minister for Transport the involvement he has taken in the preparation of the report of the national task force on obesity, due to be published in January 2005; and his views on the notion that policy should be obesity proofed to ensure that decisions taken by separate Departments do not contribute to weight problems in society. [32401/04]

**Minister for Transport (Mr. Cullen):** The Department of Health and Children has policy responsibility for this matter. It consulted with my Department in the normal manner earlier this year and requested a submission. In response to its request, my Department provided it with material on a range of relevant transport issues.

### **Road Safety.**

96. **Ms Shortall** asked the Minister for Transport if his attention has been drawn to recent statistics from the National Roads Authority that more than half of all children being driven to school are not wearing seat belts; if he has plans to address this situation, which contributes to fatalities in road accidents; and if he will make a statement on the matter. [32324/04]

**Minister for Transport (Mr. Cullen):** The 2003 survey was the first time that the wearing of seat belts by children was specifically measured in the

NRA surveys on seat belt wearing. The survey found that front seat belt wearing rates averaged 68% for primary school children and 62% for those attending secondary school. The figures for rear seat belt wearing by primary and secondary school children were 48% and 44% respectively. This report provides a useful baseline to measure the effectiveness of a number of initiatives designed to increase seat belt wearing.

Under road traffic law, the driver of a vehicle is obliged to ensure that every passenger under 17 years of age is restrained by a seat belt or child restraint, as appropriate. A driver failing to comply with this requirement faces a fine up to €800 and up to four penalty points. The road safety strategy 2004 to 2005 provides that the gardaí will address the question of wearing of seat belts when they have an interaction with a driver.

On the educational side, the National Safety Council recently published a guide to child safety in cars, which provides vital information to parents and all those charged with the responsibility of transporting children safely in motor vehicles.

### **Rail Network.**

97. **Mr. O'Shea** asked the Minister for Transport the details of the proposed new rail service for Dublin's docklands; the estimated total cost of the line and station; the contribution which will be made by the private sector; when construction of a new rail service will commence; the completion date; and if he will make a statement on the matter. [32344/04]

101. **Mr. Howlin** asked the Minister for Transport if he is considering extending the DART line to Maynooth and Dunboyne; when a decision will be made on such proposals; and if he will make a statement on the matter. [32331/04]

104. **Ms Shortall** asked the Minister for Transport if his attention has been drawn to recent claims from Iarnród Éireann that its network will become clogged within eight years unless a tunnel linking Connolly and Heuston Stations is built; if he has completed his consideration of this proposal; and if he will make a statement on the matter. [32328/04]

113. **Mr. Hogan** asked the Minister for Transport if further funding for station construction and track upgrades will be provided within the remaining three years of the five years' capital funding envelope granted to Iarnród Éireann in view of the fact that €5 million has been provided in the 2005 Estimates for the design work on a new train station to be located in the Dublin docklands; and if he will make a statement on the matter. [32031/04]

215. **Mr. Durkan** asked the Minister for Transport his plans for the expansion of the commuter rail network in County Kildare with particular reference to increased demand due to population expansion; and if he will make a statement on the matter. [32538/04]

220. **Mr. Durkan** asked the Minister for Transport his priorities for the expansion of the commuter rail network; and if he will make a statement on the matter. [32544/04]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 97, 101, 104, 113, 215 and 220 together.

I refer the Deputy to my reply to Question No. 50 which I answered earlier. To provide an integrated rail network in the greater Dublin area, Iarnród Éireann submitted proposals to my Department in July 2004 for a €3.5 billion investment for the following: to four-track the Kildare line; electrification of the Kildare and Maynooth lines; an interconnector tunnel linking Heuston to the docklands; a spur off the Maynooth line to Dunbooyne; expanding the capacity of the DART. The Iarnród Éireann proposals are being assessed by my Department at present, although in the case of the DART the capacity of the system is being increased.

In addition, the Railway Procurement Agency has submitted to my Department a detailed business case for a metro from the city centre to Dublin Airport and is advancing plans for extension of the Luas to the docklands and Cherrywood. The Department is awaiting business plans from the RPA to assist in its evaluation of both Luas extensions. The RPA has also considered a preliminary analysis of the feasibility and cost of linking both Luas lines in the city centre and a more detailed proposal is now being prepared for consideration by the RPA board before its submission to my Department.

Overall, the various proposals are being considered in the context of the developing needs of public transport in the greater Dublin area, the framework outlined on the Dublin Transportation Office, Platform for Change, the recently adopted regional planning guidelines for the greater Dublin area and the extended ten year multi-annual capital investment envelope for transport announced by the Minister for Finance in his Budget Statement.

### Road Safety.

98. **Mr. P. Breen** asked the Minister for Transport the steps he intends to take to encourage compliance with speed limits by drivers of articulated vehicles, in view of a recent report by the NRA, *Free Speeds Urban and Rural and Seat Belt Wearing Rates 2003*, which highlighted this as a significant problem; and if he will make a statement on the matter. [32034/04]

**Minister for Transport (Mr. Cullen):** The recently published road safety strategy 2004 — 2006 highlights excessive speed as one of the main contributory factors in road collisions. The strategy sets specific targets for reductions in the incidence of speeding and incorporates commitments by the Garda for the achievement of specific levels of enforcement for speeding.

The National Roads Authority, NRA, has published the results of national speed surveys which

have been carried out in 1997, 1999, 2002 and 2003. The most recent results relate to the 2003 survey. The 2003 report, which presents data relating to heavy goods vehicles generally, shows that while the incidence of articulated vehicles exceeding speed limits has increased in respect of certain road types and locations, it has reduced in respect of others. A speed limit of 50 miles per hour, mph, applies in respect of all goods vehicles having a design gross weight exceeding 3,500 kilograms, subject to the requirement that such vehicles must comply with lower road speed limits, that is, 30 mph or 40 mph, where these limits apply. Thus, the speed limit of 50 mph represents the maximum speed at which the vehicles in question may be driven. The offence of breaching a speed limit attracts four penalty points on conviction or two penalty points where a fixed charge is paid.

Other regulatory measures that apply or are due to be introduced shortly focus on the speed of goods vehicles. At present, in accordance with the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 1993, which gives effect to Directive 92/6/EEC relating to speed limiters in vehicles, goods vehicles having a design gross vehicle weight over 12,000 kilograms are required to be fitted with speed limiters so that their speed cannot exceed 90 kilometres per hour. This is equivalent to 55.935 miles per hour.

In accordance with Directive 2002/85/EC, the requirement to have speed limiters fitted is being extended to further categories of vehicles. All goods vehicles having a design gross vehicle weight over 3,500 kilograms, which are registered on or after 1 January 2005, will require speed limiters so that their speed cannot exceed 90 kilometres per hour. I expect to be in a position to give effect to the directive's requirements shortly through the making of regulations under the Road Traffic Act 1961. The annual roadworthiness test for vehicles requiring speed limiters includes a check to establish whether such a device is fitted and functioning correctly.

The 1993 regulations provide that it is an offence to use a vehicle not equipped with speed limitation device, an offence to use a vehicle equipped with speed limitation device not complying with specified requirements and that it is an offence to use a vehicle equipped with speed limitation device not sealed in compliance with specified regulations. The offences relating to speed limitation devices will be the subject of fixed charges and penalty points.

The enforcement of road traffic legislation, including speed limits and regulations relating to the fitment and operation of speed limiters, is a matter for the Garda Síochána. The Deputy will be aware that my colleague, the Minister for Justice, Equality and Law Reform, and I recently announced the establishment of a dedicated traffic corps which will involve significantly increasing the numbers of gardaí allocated to

traffic duties, from approximately 530 now to 1,200 by 2008.

### Road Traffic Offences.

99. **Mr. Sherlock** asked the Minister for Transport the proposed schedule for the addition of the remaining traffic offences to the penalty points system; and if he will make a statement on the matter. [32369/04]

**Minister for Transport (Mr. Cullen):** The penalty points system applies in respect of the offences of breaching a speed limit, motor insurance, the failure of a driver to wear a seat belt or to ensure that a passenger under 17 years of age are appropriately restrained in a mechanically propelled vehicle, and careless driving. The full application of the penalty points system will be achieved when the relevant IT systems being developed by the Department of Justice, Equality and Law Reform and the Garda are completed.

### Road Network.

100. **Mr. Gilmore** asked the Minister for Transport if he has plans to alter the procedures for planning appeals for the construction of major roads projects; his views on the opinion of the National Roads Authority that the authority should have more discretion on these appeals; if he has plans to reduce the public's right to appeal against planning decisions facilitating the construction of major roads; and if he will make a statement on the matter. [27330/04]

**Minister for Transport (Mr. Cullen):** The statutory procedures applying to the approval of motorway orders and environmental impact assessments required for major national road improvement projects are set out in the Roads Act 1993. I have no plans to alter these procedures or to alter the public's rights to object to motorway schemes or compulsory purchase orders or to make submissions on environmental impact statements to An Bord Pleanála.

*Question No. 101 answered with Question No. 97.*

### Regional Infrastructure.

102. **Ms O. Mitchell** asked the Minister for Transport if, in view of the recent announcement of the opening of a new container traffic route from Rotherham to Foynes port, he will increase funding to the transport networks into and out of the port; and if he will make a statement on the matter. [32029/04]

**Minister for Transport (Mr. Cullen):** The planning, design and implementation of national road improvement projects, including the allocation of funding, is a matter for the National Roads Authority, NRA, and the local authorities concerned — in this case Limerick County Council. The local authorities, in their role as statutory road authorities, undertake the detailed planning of individual road projects, taking account of the

overall policy on the national roads programme, local development plans and environmental impacts. The recent significant investment in pavement improvement on the N69 route will continue in future years and the Limerick southern ring road phase 2 incorporates an interchange for the N69 which will benefit the Port of Foynes.

The provision of a rail service to or from Foynes is a matter for Iarnród Éireann to consider. At present, the rail line between Limerick and Foynes is being maintained on a care and maintenance basis and no services have run on it for some time due to the absence of traffic. Iarnród Éireann has indicated that this new shipping service between Foynes and Rotterdam may result in the loss of some rail traffic that would be transported via another Irish port and have not identified, so far, any additional traffic offering for transport by rail.

### Road Network.

103. **Ms Burton** asked the Minister for Transport the anticipated date for the completion and the commissioning of the Dublin Port tunnel; and if he will make a statement on the matter. [32300/04]

**Minister for Transport (Mr. Cullen):** The planning, design and implementation of national road improvement projects, including the Dublin Port tunnel, is a matter for the National Roads Authority, NRA, and the local authorities concerned — in this case, Dublin City Council. However, I understand from the NRA and Dublin City Council that construction of the port tunnel is expected to be completed in December 2005 and the tunnel will be open to traffic six to eight weeks later, following commissioning of the tunnel's operations and safety features.

*Question No. 104 answered with Question No. 97.*

### Taxi Regulations.

105. **Mr. S. Ryan** asked the Minister for Transport the reason for the delay in establishing the office of the taxi regulator; if his attention has been drawn to public concern regarding safety in taxis in the absence of any quality control; when this office will be fully staffed and fully operational; and if he will make a statement on the matter. [32368/04]

**Minister for Transport (Mr. Cullen):** Following a competition for the post of Commissioner for Taxi Regulation in 2003, the Civil Service and Local Appointments Commission was unable to recommend a candidate for appointment. A further recruitment competition on the basis of an enhanced salary for the position was held in 2004 and Mr. Ger Deering was recommended for appointment.

The Commission for Taxi Regulation was established as an independent public body under the Taxi Regulation Act 2003, with effect from



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1 September 2004, and Mr. Deering took up his position as Commissioner for Taxi Regulation with effect from that date. In the immediate term, the commission has set about finding suitable office accommodation in Dublin, recruiting the requisite staff for the commission and putting in place an administrative system. The commission operates from temporary offices provided by my Department but it has identified suitable accommodation for its offices and the legal issues relating to the lease of this property are expected to be completed shortly.

The Commissioner for Taxi Regulation is supported by one staff member and it is hoped that a recruitment process for further support staff will be commenced in the near future. The commission is also at an advanced stage in the development of an information and communications strategy, procurement of a range of office technology, equipment and systems and the development of administrative procedures.

The principal function of the commission is the development and maintenance of a new regulatory framework for the control and operation of small public service vehicles and their drivers. The commission has already commenced a broad consultative process and, to inform its decisions and form a baseline for the development of key performance indicators for its work, the commission is initiating a review to assess the extent and quality of services currently provided by small public service vehicles and examine existing quality and safety regulations relating to small public service vehicles and their drivers. This review will include an examination of the current regulatory framework that applies to the licensing and operation of small public service vehicles.

#### Rail Services.

106. **Mr. Cuffe** asked the Minister for Transport if he will consider introducing support mechanisms for rail freight transport such as exists in other European countries, for example, the direct subvention of rail freight or the provision of tax exemptions for every kilometre of road freight transport that is diverted to rail. [32395/04]

**Minister for Transport (Mr. Cullen):** Iarnród Éireann has restructured its rail freight operations in recent times to refocus on the more profitable elements of rail freight and seek out new business in those areas where the rail mode is best suited to the traffic. I understand from the company that it has had some success in this regard and that its efforts are continuing. To date it has reduced the deficit on freight operations and has achieved this significant improvement by rationalising its network and handling costs as well as targeting the trainload business, such as pulpwood and point to point container traffic.

Iarnród Éireann receives significant funding annually from the Exchequer by way of capital grants and subvention towards operating expenditure. Such funding has been increasing annually

in recent years and the company has succeeded in improving its overall financial performance.

The Irish Exporters Association and a number of interests involved in the freight sector have recently made representations to me suggesting the provision of subsidies to private sector business for using rail. While I have no additional funds at my disposal for the provision of subsidy for rail freight, I am considering these representations in the light of funding generally available for rail transport, the potential for the development of rail freight and taking into account EU requirements in the matter.

#### Rural Transport Initiative.

107. **Mr. Cuffe** asked the Minister for Transport the budget for the rural transport initiative in 2004; and the projected budget for 2005. [32394/04]

**Minister for Transport (Mr. Cullen):** In keeping with the funding allocation for previous years, €3 million was provided for the rural transport initiative, RTI, in 2004. Following a full appraisal of the initiative, which was completed in July this year, I recently extended the scheme for a further two years, to end 2006. This is in line with the principal recommendation of the appraisal.

I have increased the RTI allocation for 2005 to €3.45 million. This represents an increase of 15% over the 2004 total or more than 12% when account is taken of inflation effects. This increase will result in an overall funding commitment of more than €12 million for the RTI to end 2005, which is all the more impressive when it is borne in mind that a total of €4.4 million was provided for it when the initiative was first proposed in the national development plan.

While I am happy to allocate substantially increased funding to the rural transport initiative, I am keen to ensure that we get value for these financial resources. Accordingly, my officials will work with Area Development Management Limited, which administers the scheme, on ways in which the impact of this funding might be maximised in the light of the recent independent evaluation of the programme.

#### Road Safety.

108. **Mr. Morgan** asked the Minister for Transport if he proposes introducing compulsory training for persons seeking a motorbike licence. [32130/04]

**Minister for Transport (Mr. Cullen):** The Government's strategy for road safety 2004 to 2006 identified speed, seat belt wearing, driving while intoxicated, engineering measures and vulnerable road users as being the key priority areas to be addressed over the coming years in terms of yielding road safety benefits. As regards motorcyclists, the strategy states that it is the intention to introduce compulsory initial practical training for motorcyclists before they are permitted to drive alone on a public road.

### Air Services.

109. **Mr. R. Bruton** asked the Minister for Transport if it is his intention to open talks with Canada for the purpose of making a new bilateral air travel agreement to replace the current highly unsatisfactory agreement; and if he will make a statement on the matter. [32042/04]

**Minister for Transport (Mr. Cullen):** The existing Ireland-Canada air transport agreement is quite restrictive regarding the destinations both in Ireland and in Canada that can be served. The Canadian authorities have not been willing to revise the agreement to bring it more into line with Ireland's other agreements, unless the Shannon stop element in the agreement was removed. However, my Department has agreed extra-bilateral arrangements with the Canadian authorities on a case-by-case basis to allow airlines to operate between destinations in Canada which are not included in the existing bilateral and Ireland, on the basis that they serve Shannon at least as often as they serve Dublin.

My Department will continue to apply a pragmatic approach in the interest of facilitating air services between the two countries and will seek to parallel in the Ireland-Canada market any regulatory developments that arise in the Ireland-US market.

### Traffic Management.

110. **Mr. Timmins** asked the Minister for Transport if he will give consideration to operating a charge on one direction only at the M50 toll bridge to allow free flow into the city during the morning hours and doubling the outward charge to ensure that the same overall funding is collected as part of a pilot scheme, to assist in cutting down on time delays due to stopping to make payment each time one passes through the bridge. [32389/04]

**Minister for Transport (Mr. Cullen):** The tolling and operation of the M50 toll bridge, including the consideration of suggestions such as that proposed by the Deputy, are matters for the National Roads Authority, NRA, and the tolling operator. Tolling outbound traffic only as suggested by the Deputy would have fundamental implications for traffic management and toll revenue and would not, I am informed, be feasible under the current toll agreement.

In the context of the proposals for the upgrade of the M50, which will have a beneficial impact on traffic flows on and across the M50, the operation and location of toll booths and measures to optimise toll plaza performance are being considered, including the use of barrier free tolling. Legislative measures to support the introduction of barrier free road tolling are also under consideration within my Department.

111. **Ms B. Moynihan-Cronin** asked the Minister for Transport if his attention has been drawn to recent comments from the chief executive of the National Roads Authority that the operation

of the West Link toll plaza is not satisfactory and that it should be converted to a fully free-flow electronic toll collection; if he plans to introduce legislation to facilitate this; and if he will make a statement on the matter. [32341/04]

**Minister for Transport (Mr. Cullen):** The operation of the West Link toll plaza is a matter for the National Roads Authority, NRA, and the tolling operator. I am aware of the comments made by the NRA at the Joint Committee on Transport about the operation of the toll facilities at the West Link toll plaza, having regard to traffic volumes on the M50.

In the context of proposals for the upgrade of the M50, which will have a beneficial impact on traffic flows on and across the M50, a number of options relating to the operation and location of the toll booths and measures to optimise toll plaza performance are being considered including, in particular, the use of barrier free tolling. Legislative measures to support the introduction of barrier free road tolling are also currently under consideration within my Department.

*Question No. 112 answered with Question No. 63.*

*Question No. 113 answered with Question No. 97.*

### Rail Network.

114. **Mr. Eamon Ryan** asked the Minister for Transport if he will consider asking the National Roads Authority to investigate the possibility of incorporating a future new rail corridor running either alongside or in the central margin of the proposed new 15 road realignment between Sligo and Bunduff bridge. [32391/04]

**Minister for Transport (Mr. Cullen):** The planning, design and implementation of national road improvement projects is a matter for the National Roads Authority and the local authorities concerned. The provision of rail services is a matter for Iarnród Éireann to consider. The strategic rail review, however, foresaw no requirement for railway infrastructure north of Sligo. I understand from the NRA that the proposed road upgrade project from Sligo to Donegal county boundary is at route selection stage and public consultation to present the route options was held at various locations affected by the proposed routes in October 2004.

While the scheme is at an early stage of development, it is envisaged that the project will be constructed mainly as a 2+1 roadway. This roadway type consists of two lanes in one direction of travel and one lane in the opposite direction. The two lane section, which provides a safe overtaking zone, is alternated with a one-lane section at intervals of 2 km approximately. The traffic streams are separated by a safety barrier system which prevents overtaking manoeuvres on the one lane section. Right turning movements are catered for at controlled junctions along the

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route. I understand, it would neither be feasible nor practicable to incorporate a rail corridor running in the central margin or on either side of the proposed scheme.

#### Road Safety.

115. **Ms Burton** asked the Minister for Transport if he intends reintroducing national height limits for supertrucks (details supplied); the new height limit he intends to introduce; when he will make this announcement; the number of trucks this will take off roads; and if he will make a statement on the matter. [32297/04]

116. **Mr. Allen** asked the Minister for Transport his position in relation to the imposition of height restrictions on trucks (details supplied) in view of recent comments; and if he will make a statement on the matter. [32035/04]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 116 and 115 together.

In reply to Questions Nos. 126, 132, 144, 163 and 178 of 2 November 2004, I indicated that I have deferred a decision about the introduction of a vehicle height until I have had the opportunity to consider the views of all parties with interests or concerns in the matter. In this regard, I will shortly publish a consultative paper that will outline the main issues concerning the introduction of a vehicle height limit and I will be inviting substantive observations in relation to these issues. The consultation process will be completely open and inclusive and is being undertaken without any predetermined outcome. For that reason, a proposed maximum vehicle height will not be specified in the paper. It is my intention to publish the consultative paper later this month.

*Question No. 117 answered with Question No. 63.*

#### Road Network.

118. **Mr. Timmins** asked the Minister for Transport if he, his officials or member of the gardaí, have discussions with the NRA with respect to the national roads which need to be upgraded; and if he will make a statement on the matter. [32406/04]

**Minister for Transport (Mr. Cullen):** The strategic framework for the development of the national roads programme is set out in the National Development Plan 2000-06. The framework reflects *inter alia* the national roads needs study published by the National Roads Authority in 1998.

The NRA, together with the relevant local authorities, is responsible for the design, planning and implementation of individual road improvement projects having regard to the funding available. As part of this process, the NRA and local authorities take into account the views of gardaí in relation to accident blackspots.

*Question No. 119 answered with Question No. 90.*

#### Autism Board Services.

120. **Ms Enright** asked the Tánaiste and Minister for Health and Children the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that training for health board psychologists include ASD-specific training, and that in-career training be provided for serving health board psychologists; if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32161/04]

121. **Ms Enright** asked the Tánaiste and Minister for Health and Children the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that, facilitated by the newly established post-holders for ASD co-ordination and as an interim measure until such time as the independent diagnostic services recommended by the task force have been agreed and implemented, the current health board arrangements for ASD services, including diagnosis, continue to operate; that assessment reports and other relevant diagnostic and intervention information be made available as required to assist the DES inspector and the multi-disciplinary team in the identification of appropriate interventions and supports for persons diagnosed with an ASD; if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32182/04]

122. **Ms Enright** asked the Tánaiste and Minister for Health and Children the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32242/04]

123. **Ms Enright** asked the Tánaiste and Minister for Health and Children the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32246/04]

124. **Ms Enright** asked the Tánaiste and Minister for Health and Children the progress that has been made on the recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32249/04]

125. **Ms Enright** asked the Tánaiste and Minister for Health and Children the progress that has

been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32250/04]

126. **Ms Enright** asked the Tánaiste and Minister for Health and Children the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32256/04]

127. **Ms Enright** asked the Tánaiste and Minister for Health and Children the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32257/04]

128. **Ms Enright** asked the Tánaiste and Minister for Health and Children the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32258/04]

129. **Ms Enright** asked the Tánaiste and Minister for Health and Children the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32259/04]

130. **Ms Enright** asked the Tánaiste and Minister for Health and Children the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32260/04]

131. **Ms Enright** asked the Tánaiste and Minister for Health and Children the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32261/04]

132. **Ms Enright** asked the Tánaiste and Minister for Health and Children the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32262/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I propose to take Questions Nos. 120 to 132, inclusive, together.

In line with the recommendations of the report of the task force on autism, my Department has liaised with the Department of Education and Science in relation to the provision of the relevant health related support services. Between 1998 and 2004, €16 million was invested in the early intervention, pre-school and multi-disciplinary support services to enhance access to those services by children with autism and those with intellectual disability.

My colleague, the Minister for Finance, in his 2005 budget speech allocated a sum of €40 million for services to persons with an intellectual disability and those with autism. This new funding will provide 270 additional residential places, put in place approximately 90 extra respite places, provide around 400 new day places, improve specialist support services for people with major challenging behaviour and provide €2 million to meet costs associated with moving individuals to more appropriate placements. In addition, the Minister for Finance also announced on budget day a special disability multi-annual funding package with a total cumulative value of close to €900 million over the years 2006 to 2009. This funding is being dedicated now for the period until 2009 so as to ensure the delivery of these high priority disability services.

This package includes guaranteed additional cumulative current spending of almost €600 million. The Government has also agreed to allocate €300 million out of the revised capital envelope to these high priority disability services. The bulk of the new funding package will go to the health sector where it will be invested in services for persons with an intellectual disability and those with autism, services for persons with physical or sensory disabilities and mental health services. It will focus, in particular, on the provision of extra residential, respite and day places, extra home support and personal assistance, and extra places in community based mental health facilities.

Furthermore, a strategic review of disability services is currently being conducted by my Department. The various recommendations in the report will be considered in the course of this review.

#### **Ambulance Service.**

133. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children if he will clarify the different system in place between the Dublin fire brigade service and the other non-Dublin fire services in relation to the ambulance service and the contract with the Eastern Health Board. [32318/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Responsibility for the provision of ambulance services in counties Dublin, Kildare and Wicklow rests with the Eastern Regional Health Authority. My Department has, therefore,

[Ms Harney.] asked the regional chief executive of the authority to investigate the matter raised by the Deputy and to reply to him directly.

### Hospital Waiting Lists.

134. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Mayo will be given a hospital appointment. [32057/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The provision of hospital services for people living in County Mayo is a matter for the Western Health Board. My Department has asked the chief executive officer of the board to investigate the position in relation to this case and to reply directly to the Deputy.

### Medical Aids and Appliances.

135. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the position with regard to trained members of the public using an automatic external defibrillator; if they are made wards of the relevant health board area; if they are to report the incident to the emergency services before commencing use of the defibrillator; if not, if the trained person is contacted by the emergency services and asked to use it; and if she will make a statement on the matter. [32058/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** My Department is aware of the potential to reduce the number of sudden cardiac deaths in the community. The provision of community-based cardiac defibrillators including their placement, the ongoing training of relevant personnel and community volunteers and related issues are being examined by the recently established task force on sudden cardiac death. The task force is due to report by May 2005. I am advised that the pre-hospital emergency care council are providing ongoing guidance in relation to these issues. There are complex issues such as those raised by the Deputy to be teased out in relation to public access defibrillator schemes. I look forward to receiving the guidance of the task force.

### Care of the Elderly.

136. **Mr. S. Ryan** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the needs of older persons suffering with terminal dementia requiring hospice type palliative care; the cost of long-term nursing home care which can be €1,200 per week; if she will give consideration to an index-linked financial allowance to enable or assist families sourcing appropriate nursing home care or the provision of an enhanced nursing home subvention to meet the increased cost of long-term care for old persons with terminal dementia; and if she will report on the matter. [32069/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Department's policy on providing adequate services for patients suffering

from dementia is as set out in the report, An Action Plan for Dementia, published by the National Council on Ageing and Older People in 1999. This commitment is endorsed in the 2001 health strategy.

A number of initiatives have been taken in relation to the improvement of services to those suffering from dementia. Significant additional funding has been made available for the express purpose of providing assistance to carers, including carers of Alzheimer-dementia sufferers. Additional funding has been made available to the Alzheimer's Society of Ireland for expansion of its services, particularly day care services. A number of new community nursing units of older people, which have been constructed in recent years, provide respite and day care for people with dementia.

As the Deputy will be aware, a working group, comprising of all stakeholders, has been established by my Department to review the Health (Nursing Homes) Act, 1990 and associated regulations. This follows on from the publication of Professor Eamon O'Shea's report, Review of the Nursing Home Subvention Scheme, and the Mercer report on the future financing of long term care in Ireland, which was commissioned by the Department of Social and Family Affairs. The review will also take into account issues arising from the interpretation of certain aspects of the 1990 Act and regulations which have arisen over the years and the ombudsman's report on the operation of the scheme.

Under the terms of section 22.3 and 22.4 of the Nursing Home (Subvention) Regulations, a health board may, at its discretion, pay more than the maximum rate of subvention in particular circumstances such as, for example, where an individual's personal funds are exhausted or where an individual is unable to meet the gap between the nursing home charge and the amount which he/she can contribute. The application of these provisions is a matter for the individual health board concerned in the context of meeting increasing demands for subvention within the board's revenue allocation as notified in the Letter of Determination. This is in keeping with the provisions of the Health (Amendment) (No 3) Act 1996.

### Drugs Payment Scheme.

137. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if there are other schemes in place besides the indicative drug target savings schemes and the GMS; the other payments from her Department or from the health boards that have been made to general practitioners over the past three years; and if she will provide a detailed breakdown of all payments made under all these other schemes that are available for general practitioners. [32072/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Payments have been made to general practitioners over the past three years in respect of Immunisation schemes, the maternity

and infant care scheme and the methadone treatment scheme. With regard to the immunisation schemes and the maternity and infant care scheme, my Department has requested information on payments made under these schemes from the chief executive officers of the health boards and it will be forwarded to the Deputy when it is available.

The following amounts were paid to general practitioners involved in the methadone treatment scheme for the years 2001, 2002 and 2003:

Year	€ million
2001	2.1
2002	3.397
2003	2.497

### Medicinal Products.

138. **Ms McManus** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the US Food and Drug Administration proposed medication guide regarding the use of antidepressants in children or teenagers; if she will consider proposing such guidelines here; and if she will make a statement on the matter. [32108/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** As the competent authority for the regulation of medicinal products in Ireland, the Irish Medicines Board assesses the quality, safety and efficacy of medicinal products. The matter raised by the Deputy is one which falls within the IMB's remit. I understand that the IMB is aware of the ongoing discussions at the US Food and Drug Administration concerning the introduction of a proposed medication guide regarding the use of antidepressants in children and adolescents. I am advised that all authorised medicinal products in Ireland include product specific information which acts as guidance for both healthcare professionals and patients. However, in the US such product specific information is not always provided and medication guides have only been developed in the case of a limited number of products, where specific communication to health care professionals is considered necessary.

The prescribing of antidepressants for children and adolescents has been under continuous review at both national and EU level for some time, with national regulatory action taken in respect of individual products, as considered warranted by the level of evidence available, on a product specific basis. These actions were notified to healthcare professions by the relevant companies. In addition, a "frequently asked questions" document relating to paroxetine, Seroxat, was placed on the IMB's website in June 2003.

A formal EU referral procedure was initiated in respect of paroxetine-containing products earlier this year and the required scientific opinion from the committee on proprietary medicinal products has been forwarded to the European Commission. The Commission decision is currently awaited and will be legally binding on all EU member states and will include guidance on appropriate use in children and adolescents. An EU expert working group, on which the IMB and other national experts from the EU member states are actively participating, is reviewing overall medication issues relating to children and adolescents. It is expected that this review will also offer appropriate guidance which will be communicated to healthcare professionals when available.

### Hospital Charges.

139. **Ms Burton** asked the Tánaiste and Minister for Health and Children the arrangements that are in place within hospital administrative systems to identify the patient with private health insurance who is undergoing day case procedures; the public-private mix of day case patients in each of the past five years; the amount of money that has been paid to consultants by private health insurers on behalf of patients who have undergone day case procedures in each of the past five years; and the number of payments that have been made in this regard. [32134/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** There is a system in place in each individual hospital to identify and charge private patients being admitted for day treatment. The table below shows the number of day cases for each of the years from 1999 to 2003 based on hospital inpatient enquiry data received to end of October 2004:

Year		Day cases Public	Day cases Private	Total Day cases
1999	Number	193,425	54,041	247,466
	%	78.16	21.84	
2000	Number	210,247	63,038	273,285
	%	76.93	23.07	
2001	Number	233,735	81,245	314,980
	%	74.21	25.79	
2002	Number	267,714	85,323	353,037
	%	75.83	24.17	
2003	Number	296,514	92,231	388,745
	%	76.27	23.73	

[Ms Harney.]

Charges for private day case patients are a matter between the consultant and the patient. The information requested in relation to payments made to consultants for private treatment is not available to my Department.

#### **Tobacco-Related Diseases.**

140. **Ms McManus** asked the Tánaiste and Minister for Health and Children when the World Health Organisation Framework Convention on Tobacco Control (details supplied) will be laid before the Houses of the Oireachtas for formal ratification; the reasons for the delay in ratification; her views on whether the long delay in ratifying the convention detracts from the leading international role on tobacco control played by Ireland; and if she will make a statement on the matter. [32168/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** I intend to bring a motion before the Oireachtas shortly seeking approval for the ratification by Ireland of the Framework Convention on Tobacco Control. The convention is an initiative of the World Health Organisation in response to the global epidemic of tobacco addiction. The treaty, which was adopted unanimously by the World Health Assembly in May 2003 and signed by Ireland in September 2003, provides an agreed approach to tobacco control at a global level. This will be the first binding international treaty that addresses all aspects of tobacco control — the traditional health interventions such as advertising and sponsorship bans, passive smoking and retail licensing. It also addresses economic and trade issues including taxation policy, international trade and smuggling. Other areas include product specification and issues of compensation and liability. Ireland is a strong advocate of effective tobacco control policies and of the framework convention on tobacco control and has consistently pressed these policies nationally and internationally to protect public health and reduce deaths from tobacco related illness.

To enable the treaty to come into force ratification by forty states is necessary and this figure was achieved recently. Ireland is committed to effective tobacco control policies. Our smoke-free workplace initiative which commenced earlier this year has drawn favourable comment from public health authorities around the world as an effective public health instrument in tackling the negative health effects of tobacco smoking. A number of other jurisdictions are using the Irish experience as a basis for similar type health interventions.

#### **Health Board Services.**

141. **Mr. J. Breen** asked the Tánaiste and Minister for Health and Children, further to Question No. 262 of 6 October 2004, when this Deputy will receive a reply from the Mid-Western Health

Board; and if she will make a statement on the matter. [32175/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The provision of health related services, including speech and language therapy, is a matter for the Eastern Regional Health Authority and the health boards in the first instance. Accordingly, a copy of 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 case and reply directly to the Deputy as a matter of urgency.

#### **Disabled Drivers.**

142. **Mr. Crawford** asked the Tánaiste and Minister for Health and Children if a person (details supplied) is entitled to have a primary certificate; her views on whether a case such as this deserves all the support and help that a State can provide; and if she will make a statement on the matter. [32330/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The medical assessment for the purpose of the disabled drivers and disabled passengers (tax concessions) scheme is carried out by the senior area medical officer in the relevant health board. This function is to assist the Department of Finance which has statutory responsibility for the disabled drivers and disabled passengers (tax concessions) scheme. Accordingly the Deputy may wish to contact the Department of Finance in this regard.

#### **Health Board Services.**

143. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Clare will be called for orthodontic treatment in Limerick; and if she will make a statement on the matter. [32345/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** As the Deputy is aware, responsibility for the provision of orthodontic treatment to eligible persons in County Clare rests with the Mid-Western Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

144. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in Dublin 9 has still not received a response to their query of 23 September 2004 from the Mater Hospital, Dublin. [32382/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Responsibility for the provision of health services to 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 issue raised and to reply to the Deputy directly.

#### **Health Board Staff.**

145. **Mr. Deasy** asked the Tánaiste and Minister for Health and Children the reason an appointment has not been made by the South Eastern Health Board to the position of senior area medical officer; and if she will make a statement on the matter. [32420/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** This is a matter for the South Eastern Health Board and has therefore been forwarded to the chief executive officer for direct reply.

#### **Health Board Allowances.**

146. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when arrears of the blind welfare allowance (details supplied) will issue; and if she will make a statement on the matter. [32421/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** My Department has provided additional funding to the health boards for 2004 to cover the costs associated with the payment of arrears in respect of the blind welfare allowance circular 4/79.

#### **Hospitals Building Programme.**

147. **Mr. T. Dempsey** asked the Tánaiste and Minister for Health and Children when a builder will be appointed for a project (details supplied). [32422/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** : It is hoped to progress this development in the context of the health capital investment framework 2004-2008 in line with overall capital and revenue resources available under the framework.

#### **Health Board Services.**

148. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Clare will receive a hearing aid from the Mid-Western Health Board in Ennis, County Clare; and if she will make a statement on the matter. [32443/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Responsibility for the provision of audiology services to eligible persons in County Clare rests with the Mid-Western Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

#### **Hospital Services.**

149. **Mr. Ferris** asked the Tánaiste and Minister for Health and Children the steps she intends to take to ensure that persons suffering from heart

disease in the Kerry area will receive treatment. [32449/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** In line with priorities identified in the Southern Health Board's regional cardiovascular health strategy, five year action plan, published in June 2000, Kerry General Hospital received €503,778 over the first three years of the strategy to develop cardiology related services in the hospital. This has resulted in the appointment of or approval to recruit 12.5 staff for the hospital under the strategy.

The strengthening of the infrastructure in the hospital has enabled Kerry General Hospital to develop a cardiac rehabilitation service, a cardiac non-invasive diagnostic service, extend its telemetry service in its coronary care unit, extend its resuscitation-training programme and provide for ongoing staff training. Additional funding of €500,000 was allocated to the Southern Health Board under the cardiovascular health strategy in April this year. The funding has allowed the board to begin establishing a consultant-led cardiology service for patients in Kerry. I am advised by the Southern Health Board that interviews to fill a consultant cardiologist post by way of a sessional partnership between Bon Secours Hospital Tralee and Kerry General Hospital have taken place recently and it is expected that an appointment will be made shortly.

The investment that the government has already made in the cardiology services together with the future establishment of a consultant cardiology service will help ensure that people suffering from heart disease in Kerry will be able to avail of the highest quality treatment locally.

#### **Hospitals Building Programme.**

150. **Mr. Ferris** asked the Tánaiste and Minister for Health and Children the time period in which the promised new accident and emergency department at Kerry General Hospital will be completed. [32450/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Southern Health Board proposes to provide improved infrastructure, including renovation and extension works, to the accident and emergency service at Kerry General Hospital.

The current position is that a draft development brief has been prepared by the board. My Department has recently given approval to the board to establish a project team, which includes representatives from the board and the Department. The project team will consider and approve the brief for the works. Once the brief is formally approved, the next stage would involve the appointment of a design team to allow the detailed planning stages to be undertaken. It is not possible at present to give a timeframe for the proposed development as this will, in the first instance, depend on the outcome of the work of



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the project team. This work will be progressed as quickly possible.

#### Health Board Allowances.

151. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when an application for the domiciliary care allowance was first received by the Western Health Board for a person (details supplied) in County Mayo; the length of time this matter has been dealt with; the steps taken to progress it; the length of time it usually takes for a domiciliary care allowance to be processed; and the length of time a domiciliary care allowance appeal usually takes to be finalised. [32451/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The assessment of entitlement to and payment of the domiciliary care allowance is a matter for the relevant health board. Accordingly, a copy of the Deputy's question has been forwarded to the chief executive officer of the Western Health Board with a request that she examine the query and reply directly to the Deputy as a matter of urgency.

#### Medical Cards.

152. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children when she proposes to publish income guidelines for the general practitioner only medical card; and if she will make a statement on the matter. [32478/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The CEOs of the health boards are responsible for the publication of the relevant income guidelines in relation to the doctor visit card and I understand that they intend to publish the necessary guidelines as soon as possible.

#### Organ Retention.

153. **Mr. Broughan** asked the Tánaiste and Minister for Health and Children if she will report and make a statement on the retention of vital organs of the spouse of a person (details supplied) by Beaumont Hospital in 2002 without the permission of this person and their family; if she will further report on the progress of the non-statutory Dunne inquiry; and if she has plans to introduce legislation to remedy this matter. [32479/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The chairman of the post mortem inquiry has indicated that she will provide a report on paediatric hospitals in December 2004. There are ongoing consultations with the inquiry in relation to the other elements of its remit, having regard to the Government decision that the Inquiry should conclude by 31 March next.

The European Commission is considering the question of a directive in respect of organ transplantation, including the issue of consent, and

proposed to conduct a thorough scientific evaluation of the situation. It will present a report on its analysis to the Council of the European Union as soon as possible. It is hoped that this will provide the framework for the development of legislation in this area. In the meantime, it is intended to establish an expert group to review organ donation, procurement and utilisation policy in Ireland. The work of this group will inform Ireland's contribution to the discussion in relation to the proposed directive on organs.

In relation to the specific case mentioned by the Deputy, the position is that services at Beaumont Hospital are provided under an arrangement with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to examine the issue raised and to reply to the Deputy directly.

#### Hospital Services.

154. **Mr. Neville** asked the Tánaiste and Minister for Health and Children when an MRI scan will be completed for a person (details supplied) at the Mid-Western Regional Hospital. [32505/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The provision of hospital services for people living in County Limerick is a matter for the Mid-Western Health Board. My Department has asked the chief executive officer of the board to investigate the position in relation to this case and to reply directly to the Deputy.

#### Health Board Services.

155. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children if consideration will be given to recruiting further occupational therapists in view of the fact that there are only three occupational therapists working in the Mid-Western Health Board in Ennis, County Clare; if funding will be provided for private occupational therapists to deal with the current crisis; and if she will make a statement on the matter. [32526/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The provision of health related services, including occupational therapy, for people with physical and/or sensory disabilities is a matter for 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 and reply directly to the Deputy, as a matter of urgency.

156. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children, further to Parliamentary Question No. 107 of 25 November 2004, if the working group on carers' needs assessment, which was established by her Department following the publication of the action prog-

ramme for the millennium in November 1999, still exists; if so, the details of the current membership of the group; and if she will make a statement on the matter. [32558/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** I refer the Deputy to my answer to his Parliamentary Question No. 107 of 25 November last regarding the matters raised in his question. The work of the working group on carers was subsumed into a number of different areas and as such is no longer in existence.

#### Medical Cards.

157. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children if child care costs will be dealt with as an expense in the assessment of means for the purposes of medical card application; and if she will make a statement on the matter. [32575/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Entitlement to health services in Ireland is primarily based on residency and means. Under the Health Act 1970, determination of eligibility for medical cards is the responsibility of the chief executive officer of the appropriate health board or authority other than for persons aged 70 years and over, who are automatically eligible for a medical card. Medical cards are issued to persons who, in the opinion of the chief executive officer, are unable to provide general practitioner medical and surgical services for themselves and their dependants without undue hardship. Income guidelines are drawn up each year by the chief executive officers of the health boards or authorities to assist in the determination of a person's eligibility for a medical card and these are revised annually in line with the consumer price index, CPI. The last such increase was notified in January 2004.

Chief executive officers of the health boards or authorities have discretion regarding the issuing of medical cards and a range of income sources are excluded by the health boards when assessing medical card eligibility. Despite someone having an income that exceeds the guidelines, a medical card may still be awarded if the chief executive officer considers that a person's medical needs or other circumstances would justify this. It is open to all persons to apply to the chief executive officer of the appropriate health board for health services if they are unable to provide these services for themselves or their dependants without hardship.

Issues such as child care costs will be taken into account in considering whether or not "undue hardship" arises in any case including all child care costs necessarily incurred in providing family support and in taking up-continuing employment, education or training. The chief executive officers of the boards or authorities are currently reviewing numerous issues in relation to the administration of the medical card scheme under the auspices of the HeBE medical card schemes

modernisation group. In line with the health strategy, my Department is committed to the preparation of new legislation to update and codify the whole legal framework for eligibility and entitlements in regard to health services.

#### Tax Code.

158. **Mr. Kenny** asked the Minister for Finance the amount of tax taken on the purchase of a house valued at €250,000; the breakdown of the amount by type of tax levied; and if he will make a statement on the matter. [32054/04]

**Minister for Finance (Mr. Cowen):** The taxes directly relevant to the purchaser of such a house are stamp duty and VAT. The circumstances under which a purchaser may or may not be liable for those taxes would depend on whether they are a first-time buyer, an owner occupier other than a first time buyer or an investor. The seller of the house may be liable to income tax, corporation tax or capital gains tax, depending on whether it is a new or second-hand house. The details are set out as follows.

The stamp duty chargeable on a house costing €250,000 depends on three main factors: whether the purchaser is a first-time buyer, owner-occupier or investor; whether the house is new or second-hand; if the house is new, whether the total floor area is less than or greater than 125 sq.m.

For any legal instruments executed on or after 2 December 2004, a first-time buyer, who is an owner-occupier, will pay no stamp duty on the purchase of a new or a second-hand house worth €250,000. An owner-occupier who is not a first-time buyer will pay no stamp duty on a new house costing €250,000 unless the floor area exceeds 125 sq.m. and the site value is in excess of €127,000, but if the house is second-hand, she or he will pay €10,000. An investor will pay €10,000 in stamp duty on a new or a second-hand house costing €250,000.

The rate of VAT on the sale of a new house is 13.5%, so the VAT inclusive price of €250,000 will include VAT of €29,735. In general VAT is not chargeable on the sale of second-hand houses.

A builder who is a sole trader would be chargeable to income tax on the taxable profit on the sale of a new house at the 20/42% rates, as applicable. If the builder were a company the rate of corporation tax on the taxable profit would be 12.5%. If the seller is not trading he would make a disposal for purposes of capital gains tax and the tax is 20% of any chargeable gain in the case of an investor. A seller of a house, which has been his only or main residence throughout his period of ownership, would have no CGT liability on such a disposal.

The Deputy may also wish to note that I dealt with the issue of the tax take from the price of a new house in a reply to a parliamentary question on 23 November 2004. Figures in excess of 40% have been attributed by the house building indus-

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try to the amount that the Government raises in tax from each new home. However, this figure is wrong. Based on the same industry figures, the cost of a new home that accrues directly to the Exchequer through taxation is more like 28%, based on both Dublin and national prices. This includes not just the taxes mentioned above, where applicable, but also the PAYE and PRSI on the wages of those who built the house. In this light, the tax take is not exceptional and is broadly in line with the tax take on the overall economy.

#### Urban Renewal Schemes.

159. **Mr. Timmins** asked the Minister for Finance if a property that is designated for a refurbishment under the town renewal scheme is structurally unsound, and it is necessary to demolish it; if it still qualifies for tax relief; and if he will make a statement on the matter. [32062/04]

**Minister for Finance (Mr. Cowen):** The designation of sites and related tax incentives for the purposes of the town renewal scheme was determined following submission of town renewal plans prepared by local authorities in accordance with the Town Renewal Act 2000 and relevant guidelines issued by the Department of the Environment, Heritage and Local Government. These plans contained, or were accompanied by, recommendations for such designations by the relevant county council. That the designation applied by a local authority to a particular building under the town renewal scheme determines the tax relief which can be claimed in respect of expenditure incurred on that building.

#### Disabled Drivers.

160. **Mr. Kehoe** asked the Minister for Finance the reason no allowance is made for a person (details supplied) under the current criteria for the primary medical certificate, first schedule, when this is as much a disability as the listed criteria but not in the same order; the assistance now available for this person; and if he will make a statement on the matter. [32073/04]

**Minister for Finance (Mr. Cowen):** The disabled drivers and disabled passengers tax concessions scheme is open to people with disabilities who meet the specified criteria and have obtained a primary medical certificate to that effect. The senior area medical officer attached to the relevant local health board is responsible for both the medical assessment and the issue of the medical certificate.

The medical criteria for the purposes of the tax concessions under this scheme are set out in the disabled drivers and disabled passengers (tax concessions) regulations 1994. Six different types of disablement are listed under the regulations and a qualifying person must satisfy one or more of them. The six types of disablement are as follows: persons who are wholly or almost wholly

without the use of both legs; persons who are wholly without the use of one leg and almost wholly without the use of the other leg such that the applicant is severely restricted as to movement of the lower limbs; persons without both hands or without both arms; persons without one or both legs; persons wholly or almost wholly without the use of both hands or arms and wholly or almost wholly without the use of one leg; persons having the medical condition of dwarfism and who have serious difficulties of movement of the lower limbs.

An individual who qualifies under the medical criteria as set out above is issued with a primary medical certificate. Possession of a primary medical certificate qualifies the holder for remission or repayment of vehicle registration tax, VRT, a repayment of value added tax, VAT, on the purchase of the vehicle and a repayment of VAT on the cost of adaptation of the vehicle. Repayment of the excise duty on fuel used in the motor vehicle and exemption from annual road tax to local authorities are also allowed.

An interdepartmental review group was established to review the disabled drivers and disabled passengers tax concessions scheme. The group examined all aspects of the scheme, including the qualifying medical criteria. The report was published on my Department's website in early July and copies have been placed in the Oireachtas Library. The recommendations of the report will be considered on an ongoing basis by my Department. In respect of other schemes for which the individual may be eligible, I am aware that the Department of Health and Children has two schemes operated by the health boards, the mobility allowance scheme and the motorised transport grant which may be relevant.

#### Departmental Properties.

161. **Mr. Gregory** asked the Minister for Finance, further to Parliamentary Question No. 176 of 13 February 2003, if it has since been established that the property in question is in the ownership of the OPW; if there are plans for the development or conversion of the property; and if he will make a statement on the matter. [32477/04]

**Minister of State at the Department of Finance (Mr. Parlon):** While there has been uncertainty about the ownership of this building, it must now be assumed that it is in the ownership of the Office of Public Works which would consider favourably any proposal for a suitable alternative use.

#### Public Service Contracts.

162. **Mr. Ferris** asked the Minister for Finance the way in which a company (details supplied) was able to secure the contract for the Revenue Commissioners office at Nenagh and the tax office at Limerick in view of the fact it is not tax compliant. [32095/04]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that the conditions governing the awarding of security and other contracts in any of their offices requires the successful tenderer to produce a current tax clearance certificate or, in the case of a non-resident tenderer, a statement of suitability, awarded by Revenue, before a contract is awarded. The Revenue Commissioners are satisfied that these conditions are complied with. With regard to the company referred to by the Deputy, the tax affairs of a company are confidential between the company and the Revenue Commissioners.

#### **Dormant Accounts Fund.**

163. **Mr. Connolly** asked the Minister for Finance the amount of money transferred in surplus dormant funds from financial institutions in County Monaghan to the dormant accounts fund for disbursement by the Dormant Accounts Fund Disbursement Board; and if he will make a statement on the matter. [32096/04]

164. **Mr. Connolly** asked the Minister for Finance the amount of money transferred in surplus dormant funds from financial institutions in County Cavan to the dormant accounts fund for disbursement by the Dormant Accounts Fund Disbursement Board; and if he will make a statement on the matter. [32097/04]

**Minister for Finance (Mr. Cowen):** I propose to take Questions Nos. 163 and 164 together.

I regret to inform the Deputy that I cannot provide the information he requested. Under the Dormant Accounts Act 2001 and the Unclaimed Life Assurance Act 2003, credit institutions and insurance undertakings are required, each April, to transfer to the National Treasury Management Agency, all moneys falling dormant in the previous year. Each credit institution and insurance undertaking is also required under the legislation to keep a register of their dormant accounts or policies. However, there is no legal requirement or business reason for them to compile a breakdown on a county by county basis from the registers.

#### **Superannuation Payments.**

165. **Mr. Carty** asked the Minister for Finance the additional superannuation benefits that are payable to a civil servant on modified social insurance whose Civil Service employment or office is abolished, other than benefits based on their actual service. [32125/04]

**Minister for Finance (Mr. Cowen):** The superannuation provisions governing abolition of office are set out in the 1909 and 1963 Superannuation Acts. Sections 6 and 7 of the Superannuation Act 1963 provide the basis on which additional benefits may be determined.

Where an established officer retires or is removed from office in consequence of the abolition of his office there are two additional benefits

that can be considered. The Minister for Finance, at his discretion, may direct that notional years be added to the period of actual service for the purposes of pension and lump sum calculation and-or that a special severance gratuity be paid to the officer concerned. The Minister makes his decision on a case by case basis, taking the particular circumstances into account. Where the Minister decides to award additional years the notional service is determined having regard to the actual service and age of the officer at the date of retirement-removal from office. The exact basis for calculating the added years and the restrictions which may apply in arriving at the appropriate figure are set out in section 6 of the Act.

Section 7 of the Act provides that the special severance gratuity, if granted, will be the lesser of half the officer's annual salary or the aggregate of the payments of salary which would have been paid to him had he remained in an established position until he reached 65 years of age or in certain cases within three months after his 65th birthday. Copies of the relevant sections of the 1963 Act are attached for the Deputy's information.

#### **Tax Code.**

166. **Mr. Fleming** asked the Minister for Finance the situation regarding capital gains tax in respect of land acquired under a compulsory purchase order for road construction; the circumstances under which retirement relief can be claimed resulting in reduced or no capital gains tax being payable; and the rules regarding indexation and any other reliefs that are available to landowners to reduce their capital gains tax bill in these circumstances. [32336/04]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that the present position regarding capital gains tax and the compulsory purchase of land depends on a number of variables, including the date, whether the land was used for farming and the age of the land owner. The following sets out the general position, but if the Deputy has a specific case in mind, or would like further details he should contact the Revenue Commissioners.

The chargeable gain on land sold under a compulsory purchase order is the difference between the compensation received, net of the incidental costs of disposal, and the aggregate of the cost, or deemed cost, of acquisition of the land, including the incidental costs of acquisition, and enhancement expenditure after adjusting these costs for inflation as appropriate. The first €1,270 of an individual's annual gains is exempt and the balance is chargeable at 20%.

Where the disposal is for the purposes of road-building or widening and the person making the disposal is engaged in farming and, immediately before the disposal, the land was used for the purposes of farming, the capital gains tax liability will not arise in respect of such a disposal until the

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year of assessment in which the compensation is received.

In general, allowable expenditure incurred before 1 January 2003 may be adjusted for inflation. In the case of development land this relief is restricted to the current use value of the land at the date of acquisition together with the costs of acquisition applicable to that value. Gains on the disposal of “qualifying assets” under section 598 of the Taxes Consolidation Act 1997 by individuals aged 55 years and over are exempt from capital gains tax, subject to certain conditions. One of these conditions is that the aggregate consideration for the disposal of such assets does not exceed €500,000. In ascertaining whether this threshold applies to a particular disposal the consideration received on the disposal of all “qualifying assets” must be aggregated. Marginal relief may apply where the consideration does not greatly exceed this amount.

In certain circumstances, a person who disposed of land before 4 December 2002 to enable an authority construct, widen or extend a road or for connected purposes, and who re-invests the proceeds in replacement assets, may be entitled to defer payment of capital gains tax. Reinvestment must be made within a specified time frame. Partial relief may be due where less than the full proceeds are re-invested. It is important to note that this relief does not apply for disposals on or after 4 December 2002 except where replacement assets were acquired before 4 December 2002 and the related original assets, which had not been disposed of under the compulsory purchase order before that date, were disposed of by 31 December 2003.

167. **Mr. Hogan** asked the Minister for Finance when a tax clearance certificate will issue to a person (details supplied) in County Kilkenny. [32362/04]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that they have no record of receiving an application for a tax clearance certificate from the taxpayer. The appropriate application form was posted to the person concerned on 3 December 2004, for completion. On receipt of the completed application form, the application will be processed.

#### Commemorative Stamps.

168. **Mr. Quinn** asked the Minister for Communications, Marine and Natural Resources if he has received a request to have a person (details supplied) commemorated with a stamp issued in their honour in 2007; and if he will make a statement on the matter. [32338/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** My Department has received a request in respect of a commemorative stamp for the founder of the Marist Brothers to be included in the 2007 com-

memorative stamp programme. The request has been forwarded to An Post for consideration by the philatelic committee which is responsible for making recommendations to Government on the stamp programme. It is expected that the committee will come forward with recommendations to Government in the new year.

#### Communications Masts.

169. **Mr. Curran** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to any health risks or implications associated with the use of very high frequency omni directional range radar as is being installed at Weston Aerodrome, Lucan, County Dublin. [32340/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** My Department has been contacted by local residents making inquiries about this facility. My officials have sought information about the precise specification of the equipment being installed at Weston Aerodrome in Lucan. When this has been obtained and studied by my officials I shall be in a position to reply to the Deputy.

#### Postal Services.

170. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources the plans he has to make grant aid available for rural post offices to ensure their computerisation, including the provision of Internet availability to the public; his views on whether this would help address the information divide; and if he will make a statement on the matter. [32375/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Government is committed to a viable and sustainable nationwide rural post office network providing a range of services to meet consumer needs. The Government has made an equity injection of €12.7 million into the network in 2003 to facilitate modernisation measures. Furthermore, the Government has strongly supported An Post initiatives such as the channelling of new utility and banking services through the network. I am exploring with An Post the bringing forward of further initiatives to continue underpinning our network of rural post offices. In this regard, the company is actively pursuing a number of options in both the public and private sectors.

To date, An Post has introduced new service delivery models in order to improve access to post office services. There are 1000 automated post offices, 475 non-automated post offices, 160 postal agencies and An Post has established 3,000 postpoint outlets in retail premises of which 600 can be used for bill payment. The automated network accounts for over 95% of An Post's counter business. This means that the 1,000 automated offices transact 95% of counter business while 475 non-automated offices undertake 5% of business. This figure clearly illustrates the level of

business transacted by individual non-automated offices. The current level of automated coverage is considered by An Post to be extremely comprehensive by any objective standard and this level of coverage makes it difficult to justify on either customer-service or economic ground the extension of automation to all offices, regardless of their location or business volumes.

Automation of the post office network was completed in 1997. It is therefore only in very exceptional circumstances, such as an existing automated office closing and its equipment being transferred to a suitable neighbouring location which transacts significant volumes of welfare business, that offices are automated today. There are no plans by An Post, at this point, to provide internet access to the public through the rural post office network. However, with the roll-out of e-Government services, the automated element of the post office network is ideally placed to capitalise on opportunities arising in this space, especially in the area of e-payments. A core objective for An Post continues to be the retention of access to post office 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.

#### **Water Quality.**

171. **Mr. Carey** asked the Minister for Communications, Marine and Natural Resources if he receives regular reports on the implementation of the River Tolka water quality management plan; if he receives reports of any spillages into this river; the way in which these are investigated and matters such as restocking of the fish life are dealt with; and if he will make a statement on the matter. [32476/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** Under the Fisheries Acts, primary responsibility for the conservation, protection and development of inland fisheries rests with the regional fisheries board, in this case the Eastern Regional Fisheries Board. I am advised by the chief executive officer of the board that responsibility for the implementation of the Tolka water quality management plan rests with Fingal County Council. I understand however that the council undertakes this responsibility in consultation with a number of bodies, including the Eastern Regional Fisheries Board. According to the chief executive officer, however, the plan does not include any requirements for reports on its implementation to be produced.

The chief executive officer advises me that the fisheries board itself receives reports from anglers, the public and also the county council on spillages and pollution incidents. These are investigated by the professional staff of the board whose policy it is to initiate a prosecution where sufficient evidence of pollution is found. According to the chief executive officer, polluters have

paid substantial compensation in the past, which has contributed to rehabilitation and restocking.

The chief executive officer further advises me that the Tolka has suffered a number of pollution incidents in the last decade and the board, together with the Tolka anglers, have restocked the river on numerous occasions. In this regard I am advised that the board generally tries to stock fingerlings so that the fish have a better chance of acclimatising to the river whereas the Tolka anglers generally stock catchable size fish.

I am assured by the chief executive officer that the Eastern Regional Fisheries Board makes every effort to ensure that fishery concerns are placed high on the agenda when works impacting on the Tolka are proposed to take place.

#### **Telecommunications Services.**

172. **Mr. Crawford** asked the Minister for Communications, Marine and Natural Resources when the necessary investment package will be available to allow broadband to be supplied to the towns of Clones, Ballybay and Castleblayney in County Monaghan; his views on whether broadband is essential if these towns are to attract inward investment; and if he will make a statement on the matter. [32813/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market, regulated by ComReg, the Commission for Communications Regulation. Unfortunately the market has been slow to invest in the necessary infrastructure that will enable the provision of services in all areas. The importance of broadband cannot be understated, and the widespread availability of broadband infrastructure and services is a significant aim of the Government and my Department.

To help in achieving this aim, a number of initiatives have been put in place for infrastructure investments that will facilitate the provision of services by the sector. Under the National Development Plan 2000-2006 an indicative €200 million of Government and ERDF funding is being invested, in association with the local and regional authorities, in the creation of high-speed broadband networks and fibre trunks. These facilities will remain in State ownership while allowing the service providers open access at competitive costs.

The first phase of my Department's regional broadband programme, in which metropolitan area networks, MANs, are being built in 26 towns and cities, including Carrickmacross and Monaghan Town, is now nearing completion. In the second phase of the programme MANs will be built in a further 92 towns of 1,500 population and over, in association with the local authorities. Calls for proposals have issued to the local authorities in respect of the first group of these towns,

[Mr. N. Dempsey.] including Clones and Castleblayney, and the proposals are now being assessed.

For rural communities and smaller towns such as Ballybay, my Department's group broadband scheme offers funding assistance for community groups to come together with the service providers and obtain broadband connectivity for their area using the most appropriate delivery system, such as satellite, wireless, DSL or cable. Up to 55% funding is available towards capital costs under the scheme. Full details of the regional broadband programme and the group broadband scheme are on my Department's websites [www.dcmnr.gov.ie](http://www.dcmnr.gov.ie) and [www.gbs.gov.ie](http://www.gbs.gov.ie).

#### Overseas Development Aid.

173. **Mr. P. McGrath** asked the Minister for Foreign Affairs if the Government will set a new date for reaching 0.7% of GNP with a multi-annual spending plan to achieve it, and enshrine this in legislation to restore public and international confidence in Ireland's commitment. [32107/04]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** The Book of Estimates provides for an increase of €60 million in Government spending on official development assistance in 2005. This will bring total Government aid to the developing world next year to approximately €535 million. In addition, the Government has agreed to make further increases of €65 million in each of the years 2006 and 2007. These substantial increases will help to move us closer to the UN target of 0.7% of GNP.

I welcome in particular also the return to a multi-annual commitment as it ensures predictability for my Department and for our NGO partners. The combination of a three-year multi-annual commitment, incorporating very substantial annual increases, gives us a sound basis to carry forward the long-term planning which is so important for development work. In the light of these increases, and also in the context of the promised White Paper on ODA, the Government will keep under active and ongoing review the progress being achieved to reach the target of 0.7% of GNP. We do not consider, however, that giving a legislative base for the target is a desirable way forward.

#### Nuclear Plants.

174. **Mr. Ring** asked the Minister for Foreign Affairs if he has discussed the issue of the Sellafield nuclear plant with his counterparts in Britain recently; and his plans to discuss this matter. [32063/04]

**Minister for Foreign Affairs (Mr. D. Ahern):** As the Deputy will be aware, my colleague, the Minister for the Environment, Heritage and Local Government, Deputy Roche, has primary responsibility for this matter. In so far as my Department is concerned, the embassy in Lon-

don, in conjunction with the Department of the Environment, Heritage and Local Government, participates in meetings of the Ireland-UK contact group on radioactivity at which Sellafield and related issues are discussed. I intend to have a bilateral meeting with my British counterpart, Secretary of State Jack Straw, early in the new year and expect that this issue will be on the agenda.

#### Human Rights Issues.

175. **Mr. F. McGrath** asked the Minister for Foreign Affairs the position regarding persons (details supplied); and if he will raise this miscarriage of justice at UN and EU level. [32083/04]

**Minister for Foreign Affairs (Mr. D. Ahern):** The case raised by the Deputy relates to five Cuban citizens who were convicted in the US in 2001 on charges ranging from espionage to conspiracy to murder, and whose appeal was heard in March of this year. The court's decision is awaited. As the Deputy has been informed in previous answers to questions on this issue, the Irish Government has no standing in this matter which is a bilateral consular question between the Cuban and US authorities.

176. **Caoimhghín Ó Caoláin** asked the Minister for Foreign Affairs if his attention has been drawn to the State repression of unregistered house churches in China and to China's intolerance of religious freedom in general; if he has raised the matter with the Chinese authorities; and if he will make a statement on the matter. [32437/04]

**Minister for Foreign Affairs (Mr. D. Ahern):** As has been consistently stated, the Government takes concerns about human rights in China, including religious freedom, very seriously. These matters are regularly, and on an ongoing basis, raised with the Chinese Government. Most recently, the Tánaiste, Deputy Harney and I held official talks with the Chinese Vice-Premier, Mr Huang Ju, in Dublin Castle, on 16 November 2004, during which we again raised our concerns about human rights with the Vice-Premier. The Chinese Vice-Premier, in response, informed us of the measures his Government is taking in the field of human rights, including the addition of an express provision on human rights to China's constitution earlier this year.

The Taoiseach also raised the issue of human rights with the Chinese Premier, Wen Jiabao, during his visit to Ireland in May 2004. During his discussions, he outlined Ireland's strong commitment to the protection of human rights and fundamental freedoms. Both sides agreed on the importance of co-operation and dialogue in working together to bring about respect for international obligations. In his capacity as President of the European Council, my predecessor also raised human rights concerns during the EU For-

eign Ministers troika meeting with China on 18 April 2004.

The EU-China Human Rights Dialogue, established in 1996, is the agreed formal framework through which the EU raises its concerns about individual human rights cases and more general issues, such as the protection of freedom of religion and expression. The most recent round of the EU-China Human Rights Dialogue took place in Beijing on 24 September 2004. During the Irish Presidency, and in conjunction with our EU partners, we organised the first EU-China seminar on the ratification of the International Covenant on Civil and Political Rights, ICCPR, which took place in Beijing on 30 June and 1 July 2004. The purpose of the seminar was to provide technical assistance to China in preparation for their ratification of the ICCPR. Article 18 of the ICCPR guarantees that “everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching”. A subsequent EU-China seminar on the ratification of the ICCPR took place in The Hague on 8 and 9 November 2004.

Ireland, together with our EU partners, will continue to encourage the Chinese authorities to respect fully freedom of religion and expression and human rights. There will be further discussion of these matters during the EU-China summit, scheduled to take place in The Hague on 8 December 2004.

177. **Mr. Andrews** asked the Minister for Foreign Affairs if he will make contact with the Embassy of the Republic of Cuba about the case of a person (details supplied). [32470/04]

**Minister for Foreign Affairs (Mr. D. Ahern):** Mr. Adolfo Fernandez Sainz, a journalist, is one of 75 members of the peaceful opposition in Cuba, including other journalists, writers and doctors who were arrested in March and April 2003 and sentenced to prison terms of up to 28 years after a summary legal process that did not meet internationally accepted standards. As I stated in my reply of 23 November 2004 to Question No. 260, a copy of which will be forwarded to the Deputy, the Government’s concern regarding the detention and sentencing of these dissidents, including Mr. Sainz, was conveyed at the time to the Cuban Chargé d’Affaires at a meeting in the Department of Foreign Affairs and this concern has been repeated on a number of occasions since in contacts with the Embassy of the Republic of Cuba.

Ireland and its partners in the European Union responded to the grave violation of international human rights standards involved in the imprisonment of these members of the peaceful opposition by a range of measures, including limiting bilateral high level governmental visits to Cuba,

and these measures remain in force. On 14 June 2004, during the Irish Presidency of the European Union, the General Affairs and External Relations Council, GAERC, again called on the Cuban Government to release immediately all those, like Mr. Sainz, who have been detained for political reasons. The Cuban authorities have previously released a number of these prisoners on health grounds and in recent days it is reported that a further seven prisoners have been released and others moved to military hospital facilities. However, it would appear that Mr. Sainz remains in prison.

The most recent releases are encouraging and I would urge the Cuban authorities to move quickly to release all the other members of the peaceful opposition who are currently imprisoned. My Department has been in contact again with the Cuban Chargé d’Affaires to reiterate our concern about the remaining dissident prisoners and to enquire specifically about the position of Mr. Sainz. As I previously stated, the release of all such prisoners would make a significant contribution to the resumption of a full dialogue between the European Union and Cuba.

#### Swimming Pool Projects.

178. **Mr. Lowry** asked the Minister for Arts, Sport and Tourism the progress to date on the proposed swimming pool for Thurles; if the necessary resources have been committed to this worthwhile project; when the project will be sanctioned and will go to tender; and if he will make a statement on the matter. [32089/04]

**Minister for Arts, Sport and Tourism (Mr. O’Donoghue):** Thurles Town Council applied for grant aid under the local authority swimming pool programme for the provision of a replacement swimming pool in Thurles. Its proposal is one of a number of projects that are under consideration in my Department at contract document stage of the programme.

Projects are considered on a case-by-case basis and consideration is given to such issues as to whether the area is classified as disadvantaged, the number and geographical spread of projects within and between counties, the viability of the project, particularly in relation to operational and maintenance issues, overall funding package for the project, technical details and the Department’s annual Estimates provision for the programme.

#### Arts Funding.

179. **Mr. Lowry** asked the Minister for Arts, Sport and Tourism the progress that has been made to date on the proposed arts centre for Thurles, County Tipperary; if the necessary resources have been committed to this project; when the project will be sanctioned to go to tender; and if he will make a statement on the matter. [32091/04]



**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Since 1997 my Department has provided total grant aid of €1.77 million, towards the provision of a cultural, entertainment, and interpretative centre in Tipperary town and this facility is now in operation. There is no application for additional capital grant aid for this centre currently under consideration in my Department.

#### Swimming Pool Projects.

180. **Mr. Crawford** asked the Minister for Arts, Sport and Tourism if he will report on the evaluation report on Monaghan swimming pool; when he expects that the tender document will be signed and work will commence; and if he will make a statement on the matter. [32334/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Monaghan County Council submitted the tender documentation for the provision of a replacement swimming pool in Monaghan to my Department on 22 November 2004. This documentation was forwarded to my Department's technical advisors, the Office of Public Works, for its consideration and the proposal will be considered further when the OPW response is received.

#### Sports Funding.

181. **Mr. Deenihan** asked the Minister for Arts, Sport and Tourism the plans for the International Year of Sport and Physical Education in 2005; and if he will make a statement on the matter. [32356/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** As the Deputy is aware, 2005 has been designated by the United Nations as the International Year for Sport and Physical Education as a means to promote education, health, development and peace. It is intended that this initiative will be used to develop the legacy of the extremely successful European Year of Education through Sport, EYES 2004 which, as the Deputy is aware, was an important European Commission initiative in the area of education and sport. My Department, the Departments of Education and Science, and Health and Children as well as the Sports Council and other relevant bodies, which are represented on the national steering committee of the EYES 2004, have been exploring how to achieve a permanent legacy in the area of school sport-PE children's health arising from the EYES 2004 programme.

#### Public Service Contracts.

182. **Mr. Ferris** asked the Minister for Enterprise, Trade and Employment the way in which a company (details supplied) was able to secure contracts for public offices in view of the fact that it is not tax compliant. [32079/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** My Department has no

record of entering into contracts with the company concerned. The financial procedures of my Department specify that in the case of all public sector contracts to the value of €6,500 or more, inclusive of VAT, within any 12 month period, the contractor or agent as appropriate is required to produce a valid tax clearance certificate at the time the contract is placed and also at the time of payment, should the duration of the certificate not cover both. The finance unit of my Department does not make any payment unless a signed original of the tax clearance certificate has been produced by the supplier.

#### National Disability Strategy.

183. **Mr. Cuffe** asked the Minister for Social and Family Affairs the reason responsibility in the Disability Bill 2004 for personal advocacy services is given to Comhairle, while the Bill proposes that interpreting services be contracted out; if strict criteria will be attached to a service provider awarded the tender for interpreting services (details supplied); and if he will make a statement on the matter. [32053/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The introduction of a personal advocacy service aimed specifically at people with disabilities is provided for in the Comhairle (Amendment) Bill 2004 which was published last September in conjunction with the Disability Bill 2004 as part of the Government's national disability strategy. Comhairle has a statutory remit in supporting the provision of independent information, advice and advocacy services in relation to the broad range of social services. There is an important link between the provision of information and advocacy in that access to information and the options flowing from that information are two key aspects of empowerment. This is particularly relevant in the case of people with disabilities for whom Comhairle has a specific remit. I am very pleased that this new personal advocacy service will be administered by Comhairle and I look forward to the speedy passage of the Comhairle (Amendment) Bill through the Oireachtas.

The proposed sign language interpretation service is not provided for in the Comhairle (Amendment) Bill 2004. It was considered that the provision of a service of that nature by way of primary legislation would not be the most effective way of delivering a sign language interpretation service. Where the provision of such a service is being contracted out to an appropriate and suitable service provider, normal public tendering procedures will be adhered to and the relevant contract conditions will require the provision of the best possible service having regard to the needs of those who will avail of the service.

#### Social Welfare Benefits.

184. **Mr. McGuinness** asked the Minister for Social and Family Affairs the reason it has taken

so long to give financial assistance and support to a person (details supplied) in County Kilkenny; the further reason the orphan's allowance was refused; if supplementary allowance will be awarded; if an application for same will be expedited; if an immediate review of this person's case will be carried out and financial and other supports put in place; and if he will make a statement on the matter. [32044/04]

**Minister for Social and Family Affairs (Mr. Brennan):** A claim for orphan's contributory allowance by the person concerned was refused by a deciding officer on 14 July 2004 on the grounds that the child, who currently resides with his father, is not an orphan within the meaning of the legislation. The objective of the supplementary welfare allowance scheme, which is administered by the health boards, is to provide assistance to an eligible person whose means are insufficient to meet his or her basic needs and those of his or her dependants.

With the exception of those participating in approved schemes, such as back to work or community employment, people engaged in full-time remunerative employment are excluded in legislation from receipt of supplementary welfare allowance. The person concerned is in full-time employment and therefore does not satisfy the conditions for receipt of this allowance.

185. **Mr. Stanton** asked the Minister for Social and Family Affairs the number of applications being considered for the family income supplement; the average time it takes to process an application; and if he will make a statement on the matter. [32068/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Family income supplement, FIS, is designed to provide cash support for employees on low earnings with families and thereby preserve the incentive to remain in employment in circumstances where the employee might only be marginally better off than if s/he were claiming other social welfare payments. There are currently 14,506 FIS recipients. The average weekly payment is €73.32. A total of 618 new claims are currently awaiting decision.

So far this year up to the end of November 2004, my Department has decided 6,759 new or first time applications and a further 13,250 applications for renewal of entitlement to FIS. In November 2004, 67% of new claims were awarded within three weeks. In October, 66% of new claims were awarded within three weeks while in September, 65% were awarded within three weeks.

My Department has introduced improvements in the way claims are processed. As a result, the proportion of claims decided within three weeks is rising despite the fact that the number of new application received so far this year is more than 13% higher than in the same period last year.

### Social Insurance.

186. **Mr. Howlin** asked the Minister for Social and Family Affairs if, when paid in a lump sum, backdated wage increases to public service workers under benchmarking and Sustaining Progress are subject to PRSI deduction in cases in which, even with benchmarking and Sustaining Progress enhancement, the weekly wage remains below the PRSI threshold; if, in view of the fact that there would be no PRSI deduction from the weekly wage of such workers had benchmarking and Sustaining Progress increases been paid from the due date of January 2004, deferred payment of entitlements will not result in financial disadvantage to low paid workers through deduction of PRSI for which they would not ordinarily be liable; and if he will make a statement on the matter. [32093/04]

**Minister for Social and Family Affairs (Mr. Brennan):** PRSI contributions are paid by employees on a weekly basis. The main rates of employee contribution are 4% — ordinary — and 0.9% — modified, public service. There is a threshold of €287 below which social insurance employee contributions are not payable and there is a fixed ceiling on the amount of contributions an employee has to pay in any year. Contributors are also entitled to a non-cumulative PRSI-free allowance of €127 or €26 per week for standard and modified PRSI employees respectively, which reduces the “step effect” of the contribution threshold.

There is no provision within the present system for contribution liability to be evened out in the manner proposed. The system is designed to reflect the actual weekly earnings situation and the tiered contributions and allowances ensure that the system is largely progressive. It is recognised that the “bunching” of earnings in one week could have an impact on the aggregate amount of PRSI contributions in any year although the relatively low rate for modified PRSI employees coupled with the PRSI-free allowance could limit the amount of this effect for many public servants. The application to public servants of pay increases is primarily a matter for the Minister for Finance having regard to the relevant national wage agreement reached between the social partners.

It is recognised that the social insurance system is complex, catering as it does for varied sectors of employees with differing insurance coverage needs and different earnings levels, but that this is primarily the result of efforts to target reductions at low-earnings employees. The complexity of the system has been considered from time to time by my Department and has also been discussed in the tax strategy group and is kept under review. However, there are no proposals to substantially change the structure of the system at this point in time.

### Social Welfare Benefits.

187. **Mr. Crowe** asked the Minister for Social and Family Affairs if his attention has been drawn to or if he has statistics to suggest the take-up of the back to school clothing and footwear allowances; and the measures he has introduced to inform those eligible of their entitlements under this section. [32117/04]

188. **Mr. Crowe** asked the Minister for Social and Family Affairs if, through social welfare applicants' PPS numbers, these persons can be identified and informed of their entitlements under the school clothing and footwear scheme; and if he will investigate the possibility of this approach to the non-take-up of entitlements in other areas of social welfare. [32291/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 187 and 188 together.

The back to school clothing and footwear allowance scheme is administered by the health boards on behalf of my Department. Under the scheme, an allowance of €80 is payable in respect of qualified children aged two to 11 years while €150 is payable in respect of qualified children aged 12 to 22 years.

The number of children benefiting from the back to school clothing allowance has increased from 155,811 in 2002 to 172,123 in 2003. It is expected that an increased number of children will have benefited in 2004, when final figures are compiled by the Department from health board returns.

The Department is not in a position at present to identify eligible customers for the back to school clothing and footwear allowance, or other means-tested welfare schemes from its data base. The back to school clothing and footwear allowance scheme is promoted in a number of ways. Health boards advertise and promote the scheme by advertising in the local press and radio, by placing posters in all health centres, and by provision of information material and applications forms to citizens' information centres, social workers and to the money advice and budgeting service. The Department itself also promotes the scheme generally in publicity at the relevant time of year. The steady growth in the numbers of children benefiting under the scheme shows that there is increasing awareness of entitlements as a result of this publicity.

### Social Welfare Appeals.

189. **Mr. Ring** asked the Minister for Social and Family Affairs the outcome of an oral hearing for a person (details supplied) in County Mayo to finalise a farm assist appeal. [32432/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The person concerned made a claim for farm assist from 10 February 2004. The deciding officer disallowed the claim on the grounds that the person's means exceed the statutory limit

for receipt of farm assist. The means were assessed at €413 weekly, derived from €404 capital and the remainder from land.

The person concerned appealed this decision to the social welfare appeals office. Following an oral hearing on 16 November 2004 the appeals officer disallowed the appeal. Under social welfare legislation, decisions on claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

190. **Mr. Ring** asked the Minister for Social and Family Affairs when a disability allowance appeal will be finalised for a person (details supplied) in County Mayo. [32433/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Following an examination by a medical assessor of the Department, the claim for disability benefit of the person concerned was disallowed by a deciding officer on the grounds that he did not satisfy the medical eligibility criteria. He appealed this decision to the social welfare appeals office and in the context of his appeal he was examined by another medical assessor on 22 October 2004, who was also of the opinion that he did not satisfy the relevant medical eligibility criteria.

In light of this the person was afforded the opportunity to furnish further evidence he wished in support of his appeal. He submitted further medical evidence which has been considered by the chief medical adviser of the Department who does not consider that it affords a sufficient basis to change the findings of the medical assessors. A submission from the deciding officer has now been requested and on receipt of this the case will be referred to the appeals officer for early consideration. Under social welfare legislation, decisions in relation to claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

### Social Welfare Benefits.

191. **Mr. Stagg** asked the Minister for Social and Family Affairs if free travel will be granted for Irish senior citizens who are based in Britain, when they return here on visits; and if he will make a statement on the matter. [32434/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The free travel scheme is available to all people living in the State aged 66 years and over. It is also available to carers and to people with disabilities who are in receipt of certain social welfare payments. It applies to travel within the State and cross border journeys between here and Northern Ireland.

The Deputy's proposal to make free travel available to persons in receipt of Irish pensions but living abroad would have to be examined in a budgetary context taking account of the other demands for extension of the free travel scheme

and the cost and administrative implications involved. Implications include the current examination of proposals for an all-Ireland travel pass which would apply to all eligible persons resident in both jurisdictions. I intend to keep under consideration the issue raised by the Deputy.

192. **Mr. G. Mitchell** asked the Minister for Social and Family Affairs, further to Parliamentary Question No. 332 of 30 November 2004, if he has received legal advice from the Office of the Attorney General that the refusal of the application is consistent with and fully recognises Article 41 of the Constitution; if this application will be granted; and if he will make a statement on the matter. [32484/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Rent supplements are available under the supplementary welfare allowance scheme which is administered on my behalf by the health boards. Neither I nor my Department has any role in decisions on individual claims.

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 South Western Area Health Board has advised that the rent supplement application from the person concerned was refused on the grounds that his spouse was seeking asylum here subsequent to the change in rent supplement rules in May 2003. The person concerned was informed of his right of appeal against this decision but has not appealed.

Direct provision arrangements are available through the reception and integration agency to meet the accommodation and other needs of asylum seekers. It remains open to the family concerned to avail of this facility, pending a decision on their residency status. I am satisfied that the decision on rent supplement is in accordance with the legislation.

193. **Mr. G. Mitchell** asked the Minister for Social and Family Affairs the reason the fuel allowance for a person (details supplied) in Dublin 8 was discontinued; the amount of subsidy involved in this group scheme run by Dublin City Council; if this allowance will be restored; and if he will make a statement on the matter. [32578/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The person concerned is in receipt of an old age contributory pension with effect from 20 February 2004. She also receives an electricity allowance from my Department, credited on her ESB bills. The rules of the fuel allowance scheme preclude payment where a person has access to a subsidised heating service. The person concerned is provided with subsidised heating by Dublin City Council, through a service provided by the council to the complex where she resides and, consequently, is not entitled to a fuel allowance.

### Road Safety.

194. **Mr. P. McGrath** asked the Minister for Transport the motorways and dual carriageways which do not have barriers to prevent vehicles crossing the centre median. [32049/04]

**Minister for Transport (Mr. Cullen):** The planning, design and implementation of national road improvement projects, including the provision of safety barriers, is a matter for the National Roads Authority and the local authorities concerned.

However I understand from the NRA that median safety barriers are being installed on all new motorways and dual carriageways. The programme of retrofitting barriers to existing motorways and dual carriageways, is two-thirds complete. This work, other than the M50 Dublin C-ring, is expected to be completed by mid 2005 at a cost in excess of €15 million. Route sections remaining to be retrofitted include the M1 Cloghran-Lissenhall, 16 km N3-Clonee bypass, 6 km., N8 Watergrasshill-Glanmire, 16.5 km., N18 Bunnatt bypass, 12 km., N25 Dunkettle-Midleton, 16 km. and the M50 orbital, 38 km.

The position in relation to the provision of median safety barriers on the M50 is set out in my reply to Question No. 48 dated 7 December 2004.

*Question No. 195 answered with Question No. 90.*

### Parking Regulations.

196. **Mr. Ring** asked the Minister for Transport if he will provide details of the rules and regulations regarding parking bays for disabled people and the way in which they should be located; and the person that makes the decision in relation to the location of them. [32333/04]

**Minister for Transport (Mr. Cullen):** The regulatory provisions for disabled persons' parking bays are set out in article 44 of the Road Traffic (Traffic and Parking) Regulations 1997, SI No. 182 of 1997 and in article 19 of the Road Traffic (Traffic and Parking) Regulations 1997, SI No. 181 of 1997. The detail of the dimensions of the roadway markings to indicate disabled persons' parking bays are set out in section 2 in Schedule 7 to SI No. 181 of 1997.

Ultimately, decisions regarding the provision and location of disabled persons' parking bays are made by the individual local authorities in the context of their determination of parking policy for their area. Traffic management guidelines were published jointly in May 2003 by my Department, the Department of the Environment, Heritage and Local Government and the Dublin Transportation Office. A copy of the guidelines is available in the Oireachtas Library. The advice given as regards parking policy and management stipulates the provision of parking for people with disabilities and that parking policy needs to consider, *inter alia*, road safety. In addition chapter 13 sets out guidelines and advice to local authorities on facilities for mobility-impaired people and addresses design, construction and maintenance access issues generally as regards footways, kerbs and street crossings.

### Driving Licences.

197. **Mr. Murphy** asked the Minister for Transport the legal position for drivers stopped by gardaí who have sent their driving licence to the licensing authority either for renewal or addition of extra categories. [32363/04]

**Minister for Transport (Mr. Cullen):** Section 40 of the Road Traffic Act 1961 as inserted by section 25 of the Road Traffic Act 1994 and amended by the Road Traffic Act 2002 provides that a member of the Garda Síochána may demand of a person driving in a public place a mechanically propelled vehicle or accompanying, pursuant to regulations under the Road Traffic Act, the holder of a provisional licence while such holder is driving in a public place a mechanically propelled vehicle, the production to him or her of a driving licence then having effect and licensing said person to drive the vehicle, and if the person refuses or fails to produce the licence there and then, he or she shall be guilty of an offence.

The section also provides that where a person of whom the production of a driving licence is demanded refuses and fails to produce the licence there and then, a member of the Garda Síochána may require the person to produce within ten days after the date of the said requirement the licence in person to a member of the Garda Síochána at a Garda Síochána station to be named by the person at the time of the requirement and, if the person refuses or fails so to produce the licence, he or she shall be guilty of an offence.

The implementation of the legislation is a matter for an Garda Síochána.

### Taxi Regulations.

198. **Ms Shortall** asked the Minister for Transport the action he will take to address public concern regarding safety in taxis in view of the high number of convicted felons who have been granted taxi licences. [32532/04]

**Minister for Transport (Mr. Cullen):** Under existing provisions in the Road Traffic (Public Service Vehicles) Regulations 1963 to 2002 every applicant for a licence to drive small public service vehicles, that is, taxis, hackneys and limousines, must satisfy the Garda Commissioner that he or she is, *inter alia*, a fit and proper person to hold a licence. All applicants for such licences are vetted by the Garda for the purpose of establishing if applicants are fit and proper persons to hold such licences. The Garda Commissioner may at any time revoke a licence to drive a small public service vehicle if he considers that the holder of the licence is no longer a fit and proper person to hold such a licence. It is open to individual licence applicants to appeal Garda decisions to refuse or revoke a licence to the courts. Information regarding the number of convicted persons who have been granted a licence to drive small public service vehicles on appeal to the courts is not available in my Department.

Under the Taxi Regulation Act 2003, the principal function of the Commission for Taxi Regulation is the development and maintenance of a new regulatory framework for the control and operation of small public service vehicles and their drivers. This will include the overall development and application of new standards and requirements for drivers, licence holders and for vehicles.

Section 36 of the Taxi Regulation Act 2003 provides for a system of automatic disqualification from applying for or holding a small public service vehicle driver or vehicle licence in respect of persons who have been convicted of one of a range of very serious offences, including murder, manslaughter and various sexual, drug trafficking and other offences. A person who is affected by these provisions can request the courts to allow them to apply for a licence in certain restricted circumstances. In addition, where a person has been convicted of one of a number of other serious driving offences, he or she will be disqualified from applying for or continuing to hold a licence to drive a small public service vehicle for a period additional to any driving disqualification that is applied.

The Road Traffic Bill 2004, which is currently before the House for consideration, provides for the amendment to section 36 of the Taxi Regulation Act 2003 to clarify certain aspects of the section and to facilitate a more effective implementation process. The amendments do not affect the overall focus of the original section which aims to promote a safer environment for the users of small public service vehicles.

Since 2 August 2004, with the commencement of section 37(1) of the Taxi Regulation Act 2003, a taxi, wheelchair accessible taxi, hackney or limousine licence or a licence to drive such vehicles will not be granted or renewed unless the applicant produces to the licensing authority, that is, the local authority or the Garda, as appropriate, a tax clearance certificate issued by the Revenue Commissioners under section 1095 of the Taxes Consolidation Act 1997.

*Question No. 199 answered with Question No. 63.*

### Capital Spending.

200. **Ms O. Mitchell** asked the Minister for Transport the reason he has decided to replace the five year capital funding envelope for transport announced in Budget 2004, in favour of a new plan; and if he will make a statement on the matter. [32534/04]

**Minister for Transport (Mr. Cullen):** The five-year capital envelope announced in budget 2004 is not being replaced but extended. This is a reflection of this Government's continuing commitment to sustained investment in transport infrastructure. It was a process that commenced with the first five-year multi-annual envelopes which were agreed in respect of public transport

in 2001. This initiative was extended to all transport investment in 2004.

Budget 2005 announced two developments. First, as anticipated, the 2004-05 envelope was rolled forward for a further year providing more than €10 billion for the next five years to 2009. In addition, the Government has agreed to the development of a ten-year capital investment framework. This is being done in recognition of the long-term nature of major transport infrastructure investments. These require long lead times for consultation, planning and construction. Clarity on the financial envelope available will greatly benefit this process and enable us to transform the national transport network.

I will return to Government in the coming months to finalise the financial parameters and to outline the programme of investment.

### Driving Tests.

201. **Mr. Penrose** asked the Minister for Transport further to Question No. 172 of 24 November 2004, if his attention has been drawn to the fact that a letter setting out the reasons an early driving competency test was necessary for a person (details supplied) in County Westmeath was furnished to his Department by the person's employer on 15 November 2004; if same will be expedited; and if he will make a statement on the matter. [32098/04]

**Minister for Transport (Mr. Cullen):** My Department has no record of having received a letter from the person's employer in connection with his driving test application.

A driving test has been arranged for the person concerned for 5 January, 2005. Notification of this test appointment issued to him on 26 November 2004.

*Question No. 202 answered with Question No. 77.*

203. **Mr. R. Bruton** asked the Minister for Transport the obligations of driver testers in respect of giving detailed markings to persons who fail their test; and if it is sufficient to simply mark one box and provide no further information to the applicant. [32137/04]

**Minister for Transport (Mr. Cullen):** The role of a driver tester is to assess the driving competency of candidates presenting for a driving test. A report outlining driving faults is given to each candidate at the conclusion of the test.

There is no provision in place at present that obliges a driver tester to give additional feedback to a candidate regarding the test result. From February 2005 motorcycle test candidates will receive a brief verbal feedback following the test. It is hoped to extend this facility to all candidates at a later date.

204. **Mr. Quinn** asked the Minister for Transport if he has plans to change the operation and system of registration of driving instructors; if he

proposes to change the position (details supplied) as set out on 14 December 1999; and if he will make a statement on the matter. [32292/04]

**Minister for Transport (Mr. Cullen):** Proposals being developed by my Department for the regulation and quality assurance of driving instruction will involve a test of the competence of individual instructors. A working group comprising representatives of the Department and of instruction interests has formulated the design of the standards that a driving instructor must meet.

The original proposals had envisaged that driving instructors who were members of driving instructor organisations recognised by the Department as meeting appropriate quality standards would be exempt from the test of competence. Assessment of the driving instructor organisations would have been based on the organisation seeking accreditation with the national accreditation board, which would have had regard to the procedures and personnel that the organisation had in place to assess driving instructors.

As already indicated in this House during the Second Stage debate on the Driver Testing and Standards Authority Bill 2004, it is now proposed that the Driver Testing and Standards Authority will be responsible for the registration of driving instructors. I am considering what arrangements will be put in place to oversee implementation of the driving instructor standard in the context of the establishment of the authority.

205. **Mr. Carey** asked the Minister for Transport the changes which have been made in the requirements for a C1 driving licence; and if he will make a statement on the matter. [32293/04]

**Minister for Transport (Mr. Cullen):** The provisions in relation to submission of medical reports have been recast. As regards licence category C1, a medical report in respect of medical fitness to drive category C1 vehicles must be submitted to a licensing authority when application is being made for a first driving licence unless such medical report has already been submitted within the previous five years and remains valid. Such medical report must also be submitted with an application for renewal of a category C1 driving licence.

### Road Network.

206. **Mr. Crawford** asked the Minister for Transport if he has considered the request by Monaghan County Council to have a road (details supplied) reclassified to regional road status; his views on whether the county council's landfill and materials recovery facility is an asset to not only County Monaghan but to other counties and that the road is in urgent need of being reclassified; and if he will make a statement on the matter. [32294/04]

**Minister for Transport (Mr. Cullen):** A comprehensive review of the national and regional road system was concluded in 1994 as set out in SI 209 of 1994: Roads Act 1993 (Declaration of National Roads) Order 1994 and SI 400 of 1994: Roads Act 1993 (Declaration of Regional Roads) Order 1994. This review was carried out in consultation with local authorities and took account of representations received from a wide range of local interests.

The update of these statutory instruments currently underway is designed to take account of road improvements and route changes since 1994. Nevertheless, the classification of the Cremartin-Castleblaney road, *inter alia*, will be reviewed in the update. It is anticipated that the update will be concluded at the end of this year.

Issues raised by the Deputy relating to the county council's landfill and materials recovery facility are a matter for my colleague the Minister for the Environment, Heritage and Local Government.

#### Public Transport.

207. **Dr. Upton** asked the Minister for Transport further to Parliamentary Question No. 362 of 15 October 2002 the position on the matter. [32296/04]

**Minister for Transport (Mr. Cullen):** Dublin Bus implemented mobile phone based text-messaging that provides next service information about its routes. I understand it has been very successful. Dublin Bus has plans for automatic vehicle location technology that will enable real time passenger information.

Earlier this year Irish Rail implemented a mobile phone based text service that provides next arrival information for DART services. This information in real time is also available through the Irish Rail website.

Real time passenger information is an integral part of the Luas system and has been available at Luas stops since its launch earlier this year.

#### Aviation Matters.

208. **Mr. Ring** asked the Minister for Transport the number of helicopters registered here; the plans of the Government to regulate the location at which helicopters land and take off, can be kept and so on; the regulations in place in relation to helicopters; and if he will make a statement on the matter. [32298/04]

**Minister of State at the Department of Transport (Mr. Callely):** The registration and safety regulation of helicopters is the responsibility of the Irish Aviation Authority, which would be happy to respond to any queries the Deputy may have.

209. **Mr. Curran** asked the Minister for Transport if he will provide a list of alleged breaches of the Irish Aviation Authority Rules of the Air Order that have occurred around Weston Aero-

drome, Lucan, County Dublin over the past five years; and the appropriate action which has been taken by the Irish Aviation Authority upon investigation of alleged breaches. [32299/04]

**Minister of State at the Department of Transport (Mr. Callely):** The regulation of the operation of aircraft is a matter for the Irish Aviation Authority. Comprehensive regulations governing the operation of helicopters are administered and applied by the IAA. Helicopter operators must also comply with the requirements of planning law.

#### Planning Issues.

210. **Mr. Curran** asked the Minister for Transport if the Irish Aviation Authority can change the zoning of an area from agriculture to airport use or from green belt to airport use. [32301/04]

**Minister of State at the Department of Transport (Mr. Callely):** The zoning of land is a matter for the planning authorities.

#### Aviation Matters.

211. **Mr. Curran** asked the Minister for Transport the detailed technical specification of the very high frequency omni directional range radar equipment being installed at Weston Aerodrome, Lucan, County Dublin; and if there are any health risks or implications which may be associated with the use of such radar equipment. [32302/04]

**Minister of State at the Department of Transport (Mr. Callely):** The issue of flight safety equipment is a matter for the Irish Aviation Authority and not a matter in which I have a function.

#### Road Network.

212. **Ms O. Mitchell** asked the Minister for Transport the extent to which he is updated by the NRA on the progress being made on the road building programme under the NDP; and if he will make a statement on the matter. [32435/04]

**Minister for Transport (Mr. Cullen):** My Department is in regular contact with the National Roads Authority with regard to the national roads programme. The NRA report to the Department regularly on the implementation of the programme including, on a quarterly basis, on the cost of major projects in construction. Progress on the implementation of the national road programme in the context of the national development plan is also reported by the NRA to the monitoring committee of the economic and social infrastructure operational programme, which is chaired by the Department. The committee meets at least twice a year. Progress reports to the monitoring committee are available on the Department's website.

The arrangements for reporting on implementation of the national roads programme are currently being adapted to take into account the

reporting requirements arising in the context of the capital investment framework.

### Driving Tests.

213. **Mr. Carey** asked the Minister for Transport if he intends to centralise plans for the testing of drivers for the Leinster area for driving licences for heavy goods vehicles at the Jamestown Road, Finglas test centre; if so, if he has taken into account the already unacceptably high volumes of such traffic in the area; and if he will make a statement on the matter. [32472/04]

**Minister for Transport (Mr. Cullen):** A range of options in relation to off road driving test centres are currently under consideration in my Department in consultation with the Office of Public Works. While no final decisions have been made, it is anticipated that there will be a number of centres to test heavy goods vehicles located in the Leinster area.

### Rail Network.

214. **Mr. Durkan** asked the Minister for Transport the extent to which commuter throughput can be increased on a daily basis at the rail stations throughout County Kildare with particular reference to areas of increased population; and if he will make a statement on the matter. [32537/04]

226. **Mr. Durkan** asked the Minister for Transport the current daily commuter throughput at rail stations in Kilcock, Maynooth, Leixlip, Confehy, Hazelhatch, Sallins, Newbridge, Kildare, Monasterevin and Athy; the extent to which passenger numbers can be increased or encouraged with a view to alleviating road traffic congestion; and if he will make a statement on the matter. [32550/04]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 214 and 226 together.

Irish Rail has stated that a step change increase in commuter services was achieved along this line from December 2003 with the introduction of 80 new diesel railcars for use on such services and a timetable alteration. With the introduction of the new timetable in December 2004, all peak services on the Maynooth line will become eight-car trains, providing a further capacity enhancement along the route. Plans are currently in place to further increase capacity along the line with the deployment of new units of rolling stock to be introduced in late 2005.

The provision of additional car parking capacity at some of these stations is another key action that is being taken to encourage car users to switch to rail transport. This is being progressed by Irish Rail in conjunction with the Dublin Transportation Office.

Significant capacity was also added to the Kildare route in December 2003 when new rail-

cars were introduced and new services added which almost doubled the commuter capacity. There are severe capacity limitations along this route because of the competing requirements of express Intercity services and slower commuter trains. Quadrupling a section of this line to provide additional commuter capacity is being proposed by Irish Rail and my Department is currently examining a draft business case from the company in that regard.

In addition, Irish Rail is examining possibilities for the construction of a new docklands station to accommodate services on the Maynooth line and help alleviate the capacity constraints at Connolly station.

The current daily boardings at rail stations on the Irish Rail network are a day-to-day matter for the company.

*Question No. 215 answered with Question No. 97.*

### Road Network.

216. **Mr. Durkan** asked the Minister for Transport if he has made contact with the various local authorities with a view to the elimination of unnecessary traffic congestion in various towns and villages throughout the country; and if he will make a statement on the matter. [32540/04]

**Minister for Transport (Mr. Cullen):** Traffic management measures in towns and villages to deal with traffic congestion is a matter for local authorities.

However, the major investment being undertaken in the upgrade of the national road network is having a major beneficial impact on traffic flow throughout the country. A key objective of the upgrade programme is the elimination of bottlenecks through the provision of new routes by-passing towns and villages. Major projects completed in recent years and which have contributed significantly to better traffic flow include the upgrade of the M1, Kildare, Monasterevin, Cashel, Watergrasshill, and Limerick Southern Ring Road bypasses on the N7-N8, Youghal bypass on the N25, Ballincollig bypass on the N22 and so on.

217. **Mr. Durkan** asked the Minister for Transport the extent to which the various motorway projects identified in the National Development Plan 2000-2006 are to date on time and within cost; and if he will make a statement on the matter. [32541/04]

**Minister for Transport (Mr. Cullen):** The planning, design and implementation of national road improvement projects is a matter for the National Roads Authority and the local authorities concerned. The current position in relation to the upgrading of the major inter-urban routes is set out as follows. A number of projects in planning



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are at tender stage, for example Waterford City bypass and Dundalk-Border. It is expected that the remainder of the projects in planning will either be approved by or be before An Bord Pleanála by early 2005.

While the completions in full of the ambitious national roads upgrade programme provided for in the NDP will extend beyond 2006 and the cost of the programme will be in excess of the cost as estimated in 1999-2000, good progress is never-

theless being made in the upgrade of the national roads network. Since 2000 nearly 330 km. of road, 46 projects, have been upgraded and work is under way on more than 200 km.

A range of measures have been taken by the NRA to strengthen cost estimation and control and to secure greater certainty in out-turn cost. The beneficial impact of these measures is evident in the projects now being completed within budget and ahead of contracted completion dates such as Monasterevin and Cashel bypasses, Ballincollig bypass and Ashford-Rathnew bypass.

Route: Galway-Dublin Schemes Completed.

Route	Scheme	Length (km.)	Type of Road
N4	Lucan Bypass	8	High Quality Dual Carriageway
N4	Maynooth Bypass	16	High Quality Dual Carriageway
N4	Celbridge Interchange	—	Interchange Junction
N4	Enfield Relief Road	3	Single Carriageway
N4	Kinnegad Relief Road	1	Single Carriageway
N6	Athlone Bypass	7	High Quality Dual Carriageway

Schemes In Construction.

Route	Scheme	Length (km.)	Type of Road
N6	Kilcock/Kinnegad	33	Motorway
N6	Loughrea Bypass	4	Single Carriageway

Schemes In Planning.

Route	Scheme	Length (km.)	Type of Road
N4	Leixlip/M50 Junction	4	High Quality Dual Carriageway
N6	Kinnegad/Athlone Phase 1	28	High Quality Dual Carriageway
N6	Kinnegad/Athlone Phase 2	29	High Quality Dual Carriageway
N6	Ballinasloe/Athlone	19	High Quality Dual Carriageway
N6	Galway/Ballinasloe Bypass (PPP)	56	High Quality Dual Carriageway
N6	Galway Outer Bypass	21	16km. High Quality Dual Carriageway. 5km. Single Carriageway

Route: Cork-Dublin.

Schemes Completed.

Route	Scheme	Length (km.)	Type of Road
N7	Naas Road Widening	12	High Quality Dual Carriageway
N7	Naas/Newbridge Bypass	18	Motorway
N7	Kildare Bypass	12	Motorway
N7	Monasterevin Bypass	20	Motorway
N7	Watergrasshill	9	High Quality Dual Carriageway
N8	Dunkettle/Glanmire	4	High Quality Dual Carriageway
N8	Cashel Bypass	7	High Quality Dual Carriageway

## Schemes In Construction.

Route	Scheme	Length (km.)	Type of Road
N7	Naas Road Widening	15	High Quality Dual Carriageway
N8	Fermoy/Watergrasshill (PPP)	17	Motorway

## Schemes In Planning.

Route	Scheme	Length (km.)	Type of Road
N8	Portlaoise/Cullahill (PPP)	30	High Quality Dual Carriageway
N8	Cullahill/Cashel	38	High Quality Dual Carriageway
N8	Cashel/Mitchelstown	32	High Quality Dual Carriageway
N8	Mitchelstown Relief Road	4	High Quality Dual Carriageway
N8	Mitchelstown/Fermoy	20	High Quality Dual Carriageway

## Limerick-Dublin

## Schemes Completed.

Route	Scheme	Length (km.)	Type of Road
N7	Naas Road Widening	12	High Quality Dual Carriageway
N7	Naas/Newbridge Bypass	18	Motorway
N7	Kildare Bypass	12	Motorway
N7	Monasterevin Bypass	20	Motorway
N7	Limerick Southern Ring Road 1	9	High Quality Dual Carriageway

## Schemes In Construction.

Route	Scheme	Length (km.)	Type of Road
N7	Naas Road Widening	15	High Quality Dual Carriageway

## Schemes In Planning.

Route	Scheme	Length (km.)	Type of Road
N7	Portlaoise/Cullahill (PPP)	27	High Quality Dual Carriageway
N7	Castletown/Nenagh	35	High Quality Dual Carriageway
N7	Nenagh/Limerick	37	High Quality Dual Carriageway
N7	Limerick Southern Ring Road 11	10	High Quality Dual Carriageway Route: Waterford-Dublin

## Schemes Completed.

Route	Scheme	Length (km.)	Type of Road
N7	Naas/Newbridge Bypass & M9 Link	17	High Quality Dual Carriageway
N7	Naas Road Widening	12	High Quality Dual Carriageway

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Schemes in Construction

Route	Scheme	Length (kms)	Type of Road
N7	Naas Road Widening	15	High Quality Dual Carriageway

Schemes In Planning.

Route	Scheme	Length (km.)	Type of Road
N9	Kilcullen/Waterford (Northern)	46	High Quality Dual Carriageway
N9	Kilcullen/Waterford (Southern)	64	High Quality Dual Carriageway
N9	Waterford City Bypass	18	High Quality Dual Carriageway

Dublin — Border.

Schemes Completed.

Route	Scheme	Length (km.)	Type of Road
M1	Dunleer/Dundalk	15	Motorway
M1	Dunleer Bypass	7	Motorway
M1	Drogheda Bypass	20	Motorway
M1	Balbriggan Bypass	9	Motorway
M1	Lissenhall/Balbriggan	10	Motorway
M1	Cloghran/Lissenhall	6	Motorway

Schemes In Construction.

Route	Scheme	Length (km.)	Type of Road
M1	Dundalk Western Bypass (PPP)	12	Motorway

Schemes In Planning.

Route	Scheme	Length (km.)	Type of Road
M1	NI Border/Dundalk	8	High Quality Dual Carriageway

218. **Mr. Durkan** asked the Minister for Transport the extent to which the port tunnel development contract or contracts are within cost and on time; and if he will make a statement on the matter. [32542/04]

**Minister for Transport (Mr. Cullen):** The planning, design and implementation of national road improvement projects, including the Dublin Port Tunnel project, is a matter for the National Roads Authority and the local authority concerned — in this case Dublin City Council.

However, I understand from the NRA and Dublin City Council that construction of the port tunnel is expected to be completed in December 2005 and it will be open to traffic six to eight weeks later, following commissioning of operations and safety features.

I am informed that the current estimated final out-turn cost, including price variation, to date is €715 million, at 2004 prices.

219. **Mr. Durkan** asked the Minister for Transport the extent to which he expects higher vehicles to be accommodated in the port tunnel; and if he will make a statement on the matter. [32543/04]

**Minister for Transport (Mr. Cullen):** It is the view of Dublin City Council and the National Roads Authority that the Dublin Port Tunnel will facilitate almost all of the truck traffic currently using Dublin port. Two vehicle height surveys of HGVs using Dublin port have been carried out, one by the Dublin Port Company and one by the National Institute of Transport Logistics. Their results are summarised as follows.

	Dublin Port Company Survey	National Institute of Transport Logistics Survey
Period of study	Ongoing (data Oct 02 -July 03)	One week in May 2003
Measurement location	Tolka Quay Road Exit	Entry and exit points except Tolka Quay Road exit
Number of vehicles surveyed	785,580	Approx 53,000
Number over 4.65 m. (total)	4725	920
Number over 4.65 m. (percentage)	0.60%	1.74%
Number over 4.65 m. (average per day)	24	137

It is clear from the foregoing that a very limited proportion of HGVs using the port will not be able to use the Dublin Port Tunnel.

Provision for those HGVs not able to use the tunnel and the routing of overheight vehicles, greater than 4.65 m., through the city, will be addressed in the context of a HGV management strategy being prepared by Dublin City Council. I understand that the HGV management strategy, revised to take account of submissions received during a public consultation period, will be published shortly.

*Question No. 220 answered with Question No. 97.*

#### Road Safety.

221. **Mr. Durkan** asked the Minister for Transport if he has taken steps to improve the safety standards for commuters waiting at bus stops having particular regard to previous experiences; and if he will make a statement on the matter. [32545/04]

**Minister for Transport (Mr. Cullen):** The Garda Síochána is the responsible authority for the location of bus stops in Dublin. Under section 85 of the Road Traffic Act 1961 the Garda Commissioner may issue a direction to a bus operator identifying the specific location of bus stops in respect of any bus route. The Garda engage in a consultation process with both the local authority and the bus service provider before issuing a direction under section 85.

The review of the location of bus stops following the Dublin Bus tragedy is ongoing by Dublin Bus and Bus Éireann. Dublin Bus has completed the development of a database to facilitate this review process. It is anticipated that this joint review will be completed by mid 2005.

*Question No. 222 answered with Question No. 55.*

#### Light Rail Project.

223. **Mr. Durkan** asked the Minister for Transport the extent to which extra passengers other than bus passengers have used the Luas since its introduction; and if he will make a statement on the matter. [32547/04]

**Minister for Transport (Mr. Cullen):** The Railway Procurement Agency and the Dublin Trans-

portation Office are carrying out a comprehensive assessment of the effect of Luas on travel patterns. The “Before Luas” survey was carried out in the spring of 2004 and the “After Luas” survey will be carried out in 2005 by which time travel patterns should have become established after the introduction of the new service.

The RPA has also carried out less formal research on its customer base and has advised that the majority of Luas users are not transfers from other modes of public transport. Apart from car transfers, there also appears to be a significant number of new trips to the city centre for business and or recreation.

This view is shared by city centre businesses, which report substantial increase in business as a result of Luas.

224. **Mr. Durkan** asked the Minister for Transport his future plans for rail transport in the greater Dublin area; if it is intended to expand or extend the Luas, the DART or introduce a metro service; his plans in regard to either; and if he will make a statement on the matter. [32548/04]

**Minister for Transport (Mr. Cullen):** The Irish Rail proposals are being assessed by my Department at present, though, in the case of the DART, the capacity of the system is currently being increased.

In addition, the Railway Procurement Agency has submitted to the Department a detailed business case for a metro from the city centre to Dublin Airport and is advancing plans for extension of the Luas to the docklands and Cherrywood. The Department is awaiting business plans from the RPA to assist in its evaluation of both Luas extensions. The RPA has also considered a preliminary analysis of the feasibility and cost of linking both Luas lines in the city centre and a more detailed proposal is now being prepared for consideration by the RPA board before its submission to the Department.

Overall, these various proposals are being considered in the context of the developing needs of public transport in the greater Dublin area, the framework outlined on the Dublin Transportation Office “Platform for Change”, the recently adopted regional planning guidelines for the greater Dublin area, and the extended ten-year multi-annual capital investment envelope for transport announced by the Minister for Finance in his budget statement.

*Question No. 225 answered with Question No. 63.*

*Question No. 226 answered with Question No. 214.*

### Public Transport.

227. **Mr. Stanton** asked the Minister for Transport his plans to establish an independent public transport procurement and regulatory body; the legislation that will be required; the timescale for same; and if he will make a statement on the matter. [32557/04]

**Minister for Transport (Mr. Cullen):** It remains my intention to establish an independent public transport procurement and regulatory body in the context of public transport reform.

As I have indicated previously, I am reviewing the developments which have taken place during talks between officials of my Department and the CIE unions and the technical work which has been undertaken by my Department on the reform programme. I am also consulting with key stakeholders.

When I have completed that review and my consultations, I will consider how best to proceed to give effect to the Government commitment to reform public transport.

### Community Development.

228. **Mr. Lowry** asked the Minister for Community, Rural and Gaeltacht Affairs if he plans to continue to expand the CLÁR programme; if he intends to launch a similar programme targeted at areas of rural population decline and socio-economic disadvantage; if so, the details of the programme; and if he will make a statement on the matter. [32085/04]

229. **Mr. Lowry** asked the Minister for Community, Rural and Gaeltacht Affairs if he will consider expanding the CLÁR programme to include addition rurally disadvantaged areas, particularly those identified as socioeconomically disadvantaged or suffering from rural population decline; and if he will make a statement on the matter. [32086/04]

230. **Mr. Lowry** asked the Minister for Community, Rural and Gaeltacht Affairs if he will consider areas (details supplied) for funding under the CLÁR programme or a similar initiative; if, in the case of areas already funded, he will provide additional funds; and if he will make a statement on the matter. [32087/04]

231. **Mr. Lowry** asked the Minister for Community, Rural and Gaeltacht Affairs if he will consider launching an initiative to target problems facing rural communities; and if he will make a statement on the matter. [32088/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I propose to take Questions Nos. 228 to 231, inclusive, together.

I introduced the CLÁR programme in October 2001 to address depopulation as well as the decline and lack of services in rural areas. Areas in 18 counties, with a population of 362,000, have been selected under the programme including areas I announced in January 2003 in honouring the commitment to review in An Agreed Programme for Government in light of the 2002 population census data.

These areas suffered the greatest population decline from 1926 to 2002 with an average population loss of 50%. The exception is the Cooley peninsula which was included on the basis of the serious difficulties caused there by foot and mouth disease. There are no plans for any further review of the boundary of CLÁR areas. I can also confirm that no other significant areas fulfil the population criteria for inclusion in CLÁR.

Of the areas detailed by the Deputy, three are in DEDs already included in CLÁR in North Tipperary. These are Upperchurch in Upperchurch DED, Kilcommon in Foilnamon DED and Rearcross in Abbingdon DED.

The population changes in the eight North Tipperary areas listed, not in CLÁR, ranged from -34% to +26% in the period 1926-2002. Clearly, these areas could not be considered for inclusion.

Killoscully	Killoscully DED	- 20.91
Borrisokane	Borrisokane DED	+ 6.35
Aglish	Aglishcloghane DED	- 34.08
Lorrha	Lorrha West DED	- 20.00
Rathcabban	Rathcabban DED	- 33.93
Cloughjordan	Cloughjordan DED	- 27.26
Clonmore	Ballynaclough DED	+ 25.92
Ballingarry	Ballingarry DED	- 21.11

The remaining four areas mentioned are in South Tipperary and are not included in CLÁR for the same reason. The population changes in these areas ranged from -38% to +33% in the period 1926-2002.

Boherlahan	Nodstown DED	- 23.59
Dualla	Magorban DED	-16.73
The Commons	Farranrory DED	- 37.66
Killenaule	Killenaule DED	+ 33.46

CLÁR funds or co-funds, together with other Departments, State agencies and local authorities, investment in selected priority developments. These investments are made through a series of more than 20 measures, which support physical, economic and social infrastructure such as electricity conversion, roads, water and sewerage, village, housing and schools enhancement, health, broadband and sports and community projects. The measures reflect the priorities iden-

tified by the communities in the selected areas whom I consulted at the start of the programme.

The measures were agreed with and are operated in tandem with the lead Departments, State agencies or public utilities, as appropriate. This ensures efficiency and effectiveness and meets the needs of the people in the CLÁR areas. I intend to continue this practice for new measures I may introduce, depending on identified needs. Equally, I will keep the operation of existing measures under review.

The merits of this practice are reflected in the successful delivery of the programme. Expenditure amounted to €14.14 million in 2002 and €8.613 million in 2003 which, it is estimated, secured a further €21 million in related public and private expenditure in these areas, which otherwise would have been bottom of the list for infrastructure investment.

To date, nearly €21 million has been allocated to the counties in CLÁR under the various measures operating under the programme. From 2002 to date, more than €452,000 has been approved for developments in the CLÁR areas of North Tipperary with €357,000 expenditure drawn down over the same period.

CLÁR is not the only programme supporting rural communities. My Department is responsible for the implementation of the Leader programmes. Leader is the European Community initiative for rural development, which provides approved local action groups with public funding — EU and domestic — to implement multi-sectoral business plans for the development of their own areas. In accordance with the bottom-up philosophy of rural development, the local Leader group is the decision-making authority in relation to approving actions falling within its business plan. Leader is being delivered in two ways during the current structural fund period 2000-2006: the EU Initiative, Leader+, and the area based rural development programme — Leader — funded under the Border, midland and west, BMW, and southern and eastern regional operational programmes. Public co-funding of these programmes, amounting to €150 million, has been allocated over the period to 2006.

My Department's responsibilities also include the rural development aspects of the cross Border programmes, PEACE and INTERREG as well as the farm relief services measure of the National Development Plan 2000-06.

Funding for the local development social inclusion programme is also provided by the Department. This programme aims to counter disadvantage and promote equality and social and economic inclusion through the provision of funding and support to local partnerships and community groups, including those in rural areas.

As promised in An Agreed Programme for Government, in May this year I introduced the rural social scheme on a phased basis through the Leader companies and Údarás na Gaeltachta and the scheme is now available throughout the country.

The Government's continuing support for rural communities is evident in the Estimates for 2005.

Overall, the provisions for community affairs and rural affairs in the Estimates of my Department each show a 19% increase.

#### **Inland Waterways.**

232. **Mr. Crawford** asked the Minister for Community, Rural and Gaeltacht Affairs if there are plans to open up the river-canal in County Cavan from the Erne waterways to Killykeena; his views on whether this waterway would be of extreme importance to the Belturbet, Killeshandra and Milltown areas; the position regarding the plans to have this vital extension to the waterway system brought into service; and if he will make a statement on the matter. [32326/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** As the Deputy will be aware, Waterways Ireland is one of the six North-South implementation bodies established in 1999 under the British-Irish Agreement Act. It has responsibility for the management, maintenance and development of inland waterways, principally for recreational purposes.

The extension of the Erne waterways to Killykeena is not included in the National Development Plan 2000-06 and Waterways Ireland advise me that they have no plans to extend this stretch of canal at present.

#### **Animal Breeding Regulations.**

233. **Mr. Naughten** asked the Minister for Agriculture and Food if she will define flocks of high genetic merit as described as part of the EU ram genotyping programme; and if she will make a statement on the matter. [32076/04]

**Minister for Agriculture and Food (Mary Coughlan):** Commission Decision 2003/100/EC of 13 February, 2003, required member states to introduce on a voluntary basis from 1 January 2004, a breeding programme to select for resistance to TSEs in sheep. However participation in such a programme becomes compulsory for flocks of high genetic merit from 1 April, 2005. My Department is currently considering the arrangements to be provided for in the programme to be applied from that date.

#### **Dairy Premium.**

234. **Mr. Crawford** asked the Minister for Agriculture and Food when a person (details supplied) in County Cavan will receive the dairy premium as promised by her Department some time ago; her views on whether a person who lost his herd through BSE and was subsequently provided with a different herd number should have to suffer further difficulties in having due payments granted; and if she will make a statement on the matter. [32111/04]

**Minister for Agriculture and Food (Mary Coughlan):** The person named was paid his full entitlement of €2293.10 under the area based compensatory allowance scheme on 17 September 2004. The dairy premium issued to the person named on 29 November 2004 amounted to €1,540.43. Under the 2004 EU slaughter premium

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scheme, 35 animals have been deemed eligible for payment to the person named. A 60% advance payment totalling €1,680.00 was issued on 16 October 2004 for these animals. To date, no applications have been received under the 2004 special beef premium scheme for the person named. He is not an applicant under the suckler cow premium scheme.

#### Grant Payments.

235. **Mr. Ring** asked the Minister for Agriculture and Food if a person (details supplied) in County Mayo will be allowed to attend an oral hearing to finalise his appeal for consideration of *force majeure*, under the single payment scheme in order that he can put his case across in person. [32113/04]

**Minister for Agriculture and Food (Mary Coughlan):** The person named applied for *force majeure* on the grounds of brucellosis depopulation of his herd during 2000. While epizootic disease is acceptable as *force majeure* it was decided not to apply *force majeure* in this case as the exclusion of 2000 from premium entitlements for the person named during the reference period 2000-2002 would have resulted in a lower single payment entitlement. The person named appealed this decision to the independent single payment appeals committee and the findings of the appeals committee were that the original decision taken by my Department should be upheld.

The independent single payment appeals committee was established to re-examine decisions taken by my Department in respect of the single farm payment scheme with which an applicant is unhappy. This committee consists of four appeals officers drawn from the agriculture appeals office and an independent chairman. However, single payment appeals do not fall under the remit of the agriculture appeals office and consequently there is no provision in such cases for an oral hearing of an appeal.

236. **Mr. Connaughton** asked the Minister for Agriculture and Food if special consideration will be given to a problem relating to the stocking density of a herd of a person (details supplied) in County Galway; her views on whether this herd had a clear test this person would have been eligible for top rate extensification payments; and if she will make a statement on the matter. [32131/04]

**Minister for Agriculture and Food (Mary Coughlan):** The person named submitted an application under the 2004 extensification premium scheme. Payments under this scheme are not due to begin until June 2005. Prior to payment, the Department will carry out CMMS based checks for the purposes of determining eligibility for premium on stocking density grounds. Until this check is carried out against a fully updated CMMS database, the Department

cannot determine with certainty the stocking density of the holding for 2004.

Under EU regulations, herd owners, whose holdings are totally restricted under veterinary regulations on a census date or within a period of 20 days immediately following a census date, can qualify for a concession whereby 80% of the value of the bovine livestock units present on the holding on the census date in question are taken into account in the calculation of the stocking density. In the case of the person named, the herd was totally restricted from 5 November 2004 and for this reason he will qualify for the granting of a concession applicable to the fifth census date only.

#### Poultry Industry.

237. **Mr. Fleming** asked the Minister for Agriculture and Food the controls administered by her Department in respect of farmers who are small scale producers of free-range eggs for sale. [32320/04]

**Minister for Agriculture and Food (Mary Coughlan):** Under EU Council Regulation No. 1907/90 and Commission Regulation No. 2295/2003, free-range producers are required to be registered with my Department. Specific standards are detailed in these regulations, such as density, continuous daytime access to open-air runs and rotation of grazing. All egg producers are required to keep certain records on proper management practices. Inspections are undertaken by my Department to ensure that these standards are maintained.

#### Milk Quota.

238. **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. [32321/04]

**Minister for Agriculture and Food (Mary Coughlan):** Under the provisions of the EC milk quota regulations for 2000, SI 94 of 2000, a person who wishes to temporary lease all of his quota must first obtain a ministerial declaration under the provisions of Regulation 27 of the regulations mentioned. As the person named applied for and was not granted a declaration under Regulation 27, it is not possible to grant approval to temporary lease his quota in respect of the 2005 dairy premium. It is open to the person named to appeal the decision under Regulation 27 to the milk policy division of my Department.

#### Grant Aid.

239. **Mr. Kenny** asked the Minister for Agriculture and Food if the grant aid for new farm building is being increased from 40% to 60%; the criteria to qualify for this payment; and if she will make a statement on the matter. [32322/04]

**Minister for Agriculture and Food (Mary Coughlan):** The recommendations of the Brosnan report on the implementation of the nitrates directive and on the question of increased funding for the farm waste management scheme are under consideration. An action programme for the implementation of the directive here has been submitted to the EU Commission and its response awaited.

#### **Bovine Disease Controls.**

240. **Mr. Connaughton** asked the Minister for Agriculture and Food if she will allow an appeal against a decision to have a cow and her weaning calf destroyed due to animal traceability issues; if her attention has been drawn to the fact that the animals in question had been tested several times under the farmers own herd number (details supplied); if any other arrangement can be made, short of taking such radical steps; and if she will make a statement on the matter. [32323/04]

**Minister for Agriculture and Food (Mary Coughlan):** Under EU rules on bovine animal identification, if a keeper of an animal cannot prove its identification within two working days, it must be destroyed without delay under the supervision of the veterinary authorities and without compensation from the competent authority. In this case, the person named has an animal in his herd identified with a tag number that is recorded on the database as having died in his herd in January 2002. Following an investigation and in accordance with the EU rules, he has been asked to provide information on the proper identification of this animal or risk slaughter and destruction of the animal.

The person named has now said that replacement tags, sought in respect of the animal now dead, were inserted by mistake in the animal under investigation. The notice to slaughter the animal will be withdrawn if this new information provides an acceptable identity for the animal now alive. If no alternative identity can be provided the animal must be slaughtered in accordance with EU and national regulations on traceability. On receipt of further information, which distinguishes between the two animals and correctly identifies the animal in question, the case will be reviewed.

#### **Grant Payments.**

241. **Mr. Hayes** asked the Minister for Agriculture and Food the number of applications under the *force majeure* scheme for single farm payment which have been received to date from persons in County Tipperary; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and if she will give an outline of the cases that have been decided under different subject areas. [32348/04]

**Minister for Agriculture and Food (Mary Coughlan):** Following is the up to date position

regarding the processing of *force majeure* applications received from herd owners in County Tipperary under the single payment scheme during the earlier application period this year: No. of cases received, 1,498; no. of successful applicants, 238; no. of unsuccessful applicants, 919; no. awaiting decision, 341; no. of applicants who submitted an appeal to the independent single payment appeals committee, 151; no. of successful appeals, 9; no. of unsuccessful appeals, 102; and no. of applicants awaiting a decision, 40.

The breakdown of applications received under the different subject areas is as follows: *force majeure* applications by category: death of applicant, 89; incapacity, 285; disaster, 32; destruction, 11; disease in herd, 345 and other exceptional circumstance, 736.

My Department has also received in excess of 100 *force majeure* applications under the second tranche of this measure, which closed on 29 October 2004. Processing of these applications is expected to begin in the next couple of weeks.

242. **Mr. Deenihan** asked the Minister for Agriculture and Food when a decision will be made on the appeal by a person (details supplied) in County Kerry against the decision to reduce the special beef premium payment due to stocking density; and if she will make a statement on the matter. [32360/04]

**Minister for Agriculture and Food (Mary Coughlan):** The person named submitted an appeal to the agriculture appeals office on 3 December 2004. That office, which is independent of my Department, has now requested that my Department conduct a review of this case. Following the conclusion of that review the agriculture appeals office will consider the appeal and inform the person named of the outcome in due course.

#### **Animal Transport.**

243. **Mr. Naughten** asked the Minister for Agriculture and Food the new EU regulations which apply to the transportation of animals in cases in which the distance is less than 50 kilometres; and if she will make a statement on the matter. [32371/04]

**Minister for Agriculture and Food (Mary Coughlan):** The EU regulation to which the Deputy refers has yet to be formally adopted by member states. Political agreement was reached by the Council of Ministers on 22 November and the regulation is scheduled for formal adoption on 21 December 2004. Farmers transporting their own animals for a distance of less than 50 km from their holding will be required to ensure animals are fit for the intended journey and are transported in a way that is not likely to cause injury or undue suffering to them. This condition includes minimising journey length where possible, providing suitable vehicles with sufficient floor area and height, offering water, feed and



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rest appropriate to animal species and size and ensuring that those handling the animals are competent for this purpose. The remainder of the regulation does not apply to such transport. A proportion of this transport will be subject to checks by the competent authority.

The proposed regulation will introduce a number of requirements *vis-à-vis* animal welfare during transport. However, it provides that persons transporting live animals up to a maximum of 65 kilometres will be exempted from the requirements to be authorised as transporters, to complete training and for drivers and attendants to have certificates of competence. Overall, this proposal is designed to improve the conditions under which animals are transported within Ireland and throughout the European Union.

#### Grant Payments.

244. **Mr. Naughten** asked the Minister for Agriculture and Food the status of the EU proposals on restructuring of grant aid for forestry; her negotiating position on this proposal; the discussions she has had with her EU counterparts on the issue; and the details of their response; and if she will make a statement on the matter. [32372/04]

**Minister for Agriculture and Food (Mary Coughlan):** The EU Commission has presented proposals for a new rural development regulation, covering the period 2007-13. This draft regulation covers a range of rural development measures, including measures in respect of less favoured areas, early retirement, on-farm investment and installation aid, and will also be the vehicle for channelling EU funding to forestry. The proposals have been examined at working group level, at the special agriculture committee and came before it for an initial discussion at the Council on 22 November. The proposals have serious implications for Irish forestry. The Commission has proposed a reduction in planting grants from 100% to 40%, a reduction in premiums and a reduction in the premium payment period from a maximum of 20 years to ten years. At all stages of the negotiations to date, Ireland has indicated the devastating effects of the proposals for Irish forestry. The draft regulation now returns to working group level for further negotiation. The Irish negotiators have engaged in an active campaign to raise awareness among their European colleagues of the potential impact of the proposals on Irish forestry. I will meet my Spanish counterpart in a few days time and this matter will be on the agenda as an item of mutual concern. Contact with other member states at ministerial level is planned. I have established a liaison group, on which all the various stakeholders are represented, for the purpose of examining these proposals, sharing information and identifying priorities. I formally acknowledge the significant contribution this liaison group has made to our analysis already.

245. **Mr. Naughten** asked the Minister for Agriculture and Food when she intends to seek applications for the national reserve under the 2005 decoupled payments scheme; if she has considered the eligibility criteria under the scheme; and if she will make a statement on the matter. [32373/04]

**Minister for Agriculture and Food (Mary Coughlan):** I hope to invite applications for the 2005 single payment national reserve. Full details of the eligibility criteria and terms and conditions governing the national reserve will be announced at the same time.

246. **Mr. Naughten** asked the Minister for Agriculture and Food the status of a *force majeure* appeal by a person (details supplied) in County Roscommon; and if she will make a statement on the matter. [32376/04]

**Minister for Agriculture and Food (Mary Coughlan):** The person named has been notified that the circumstances outlined in his single payment scheme application did not satisfy the criteria for *force majeure* under Article 40 of EU Council Regulation 1782/2003. Following this decision, the person named submitted an appeal to the independent single payment appeals committee and the case is included for examination with the list of appeals cases to be examined next week. Following a full review of the circumstances of the case, the person named will be notified of the outcome of the appeal.

#### Early Retirement Scheme.

247. **Mr. Naughten** asked the Minister for Agriculture and Food if she will consider publishing guidelines to clearly set out objective procedures for the activation of a retired farmer's entitlements by a young farmer under the ERS; if she will extend the time for claiming such entitlements beyond the currently proposed four months in cases in which a lease is due for renewal during the period in question; if she will lay down criteria whereby the lease must remain intact in cases in which such a lease is not due for renewal; and if she will make a statement on the matter. [32377/04]

**Minister for Agriculture and Food (Mary Coughlan):** The guidelines for the activation of entitlements by young farmers is set down in the Departments information booklet "The Single Payment Scheme, An Explanatory Guide", published in May 2004.

The reference to four months in the Deputy's question appears to refer to the time allowed by my Department to participants in the early retirement scheme to either renew a lease that has expired with their transferee, which is the young farmer who took over the holding, or to find a replacement transferee. Such a lease must be in place to ensure the continued payment of the pension. My Department notifies the participant

in advance of the expiry of the lease of the need for a new lease and asks that the relevant documentation be supplied. If this documentation is not received after four months, the Department may suspend payment of pension until it is received. My Department endeavours to be as flexible as possible where difficulties arise for participants in sourcing a replacement transferee.

The lease is a legal agreement between the transferor and transferee. If either party does not meet commitments under the terms of the lease, it is open to the other party to take legal action to enforce the terms of the lease. A farmer can only consolidate entitlements on lands where the lease agreement has expired. This concession will not extend to farmers who terminate a lease before the agreed period.

#### Grant Payments.

248. **Mr. Naughten** asked the Minister for Agriculture and Food the definition of a farmer under the forestry grant aid scheme; the plans she has to review this; and if she will make a statement on the matter. [32378/04]

**Minister for Agriculture and Food (Mary Coughlan):** To qualify for the farmer rate of premium, applicants under the afforestation grant and premium scheme of my Department must: practice farming within the State; reside within 70 miles of the plantation; own, lease or be in joint management of at least three hectares of an agricultural holding; derive at least 25% of their income from farming in the State in one of the three years prior to completion of afforestation and provide documentary evidence of same. These conditions determining the granting of the farmer rate of premium are currently under review.

#### Bovine Diseases.

249. **Mr. Naughten** asked the Minister for Agriculture and Food the projected 2004 outturn cost of the tuberculosis eradication scheme; and if she will make a statement on the matter. [32379/04]

**Minister for Agriculture and Food (Mary Coughlan):** As the majority of TB tests are undertaken simultaneously with the brucellosis tests, it is not possible to give a precise cost for the tuberculosis eradication scheme in 2004. The projected outturn for the two schemes for 2004 is €55 million compared with an allocation of €63.8 million. The reduction in expenditure is due largely to a significant improvement in the incidence of both diseases this year. In view of the reduction in the cost of these schemes, I announced last week that, subject to the approval of both Houses of the Oireachtas, I intend to reduce by one-third the disease levies paid by farmers from 1 January 2005.

#### Rural Environment Protection Scheme.

250. **Mr. Ferris** asked the Minister for Agri-

culture and Food the amount that has been spent in facilitating REP scheme training sessions in County Leitrim in 2004 with the loss of the facility at Ballinamore which was formerly used to host such events. [32425/04]

**Minister for Agriculture and Food (Mary Coughlan):** The choice of locations for REPS 20-hour training courses is a matter for individual planning agencies and the fee paid to them covers the cost of renting premises. Payments of €39,501 were made to approved planning agencies in respect of sixteen REPS 20 hour training courses held in County Leitrim in 2004.

#### Departmental Responsibilities.

251. **Mr. Ferris** asked the Minister for Agriculture and Food the person to whom Coillte Teoranta is responsible for decisions made affecting its role as caretaker of State owned lands. [32426/04]

**Minister for Agriculture and Food (Mary Coughlan):** Coillte Teoranta reports to my Department on its corporate governance. With regard to lands, the company submits and agrees with the Department a programme of sales and acquisitions each year, in accordance with Section 14 of the 1988 Forestry Act.

252. **Mr. Ferris** asked the Minister for Agriculture and Food the persons to whom Teagasc is responsible regarding decisions which it makes in line with the budget it receives from her Department. [32427/04]

**Minister for Agriculture and Food (Mary Coughlan):** Teagasc, the agriculture and food development authority, was established under the Agriculture (Research, Training and Advice) Act 1988. Its function under the Act is to provide research, training and advisory services for the agri-food sector. Teagasc is governed by an eleven member authority. The chairman and five ordinary members are appointed by the Minister and the remaining five members are appointed by the Minister following nominations from designated organisations: IFA, ICMSA, ICOS, Macra na Feirme and Teagasc unions. An annual Exchequer grant in aid is provided for the purpose of expenditure by Teagasc in the performance of its statutory functions. It is the responsibility of the Teagasc authority to allocate this funding in accordance with its priorities and to take whatever action it deems necessary to produce a balanced budget for the year.

The effective use by Teagasc of the public resources allocated to it is ensured by the fact that annual programme of activities proposed by Teagasc is subject to approval by the Minister and the Minister for Finance, that Teagasc is subject to audit by the Comptroller and Auditor General, that Teagasc is required to submit its annual report and accounts to the Minister who lays them before each House of the Oireachtas, and that Teagasc is required in the conduct of its

[Mary Coughlan.] operations to adhere to the code of practice for the governance of State bodies. In accordance with this code, the chairperson of Teagasc is required to furnish to the Minister an annual report affirming that all appropriate procedures for financial reports, internal audit, procurement and asset disposal are being carried out and including a report on its system of internal financial controls. Under this code, Teagasc is also required to submit annual rolling five year business and financial plans encompassing strategy, planned investment and financial targets. A copy of the plan is sent to the Minister and the Minister for Finance.

Under the strategic management initiative, Teagasc prepares a statement of strategy which sets out the overall mission, mandate and high level goals and objectives of Teagasc and the broad strategies to be implemented. Teagasc's current statement of strategy covers the period 2003-05.

### Genetically Modified Organisms.

253. **Mr. Mulcahy** asked the Minister for Agriculture and Food the genetically modified plants that are licensed to be grown here; the counties in which such genetically modified plants are currently being harvested; the genetically modified foodstuffs which are approved for use as animal feed here; and the food products, consumed by the general public, which contain genetically modified organisms. [32439/04]

**Minister for Agriculture and Food (Mary Coughlan):** I am not aware of any harvesting or cultivation of genetically modified plants in Ireland. Seeds of genetically modified agricultural plants cannot be marketed in Ireland unless the GM seed variety is listed in the national catalogue of agricultural plant varieties of Ireland or included in either the EU common catalogue of varieties of agricultural plant species or the EU vegetable common catalogue. To be listed in such a catalogue, the GM event contained in the variety must firstly be approved under EU Directive 2001/18/EC, its predecessor, EU Directive

90/220/EEC, or EU Regulation 1829/2003. It must then successfully complete tests in a member state for distinctiveness, uniformity and stability and for value, cultivation and use. Finally, it must be included in a member state's national catalogue.

There are no GM seed varieties listed in Ireland's national catalogue. There are 17 varieties of maize currently included in the GM seed varieties of the EU common catalogue, which were genetically modified to be resistant to the European corn borer insect. These varieties were initially listed only in the national catalogues of Spain and France. As a result, they could only be cultivated in those member states and were inserted into the EU common catalogue last October.

In theory all seed varieties, including GM seed varieties, listed in the EU common catalogue can be cultivated in any member state including Ireland. However, the reality of the situation is that cultivation of the GM maize varieties referred to is unlikely to take place in Ireland because the European corn borer insect is not a significant pest in Ireland and the varieties in question are unlikely to be suitable for Irish growing conditions. The other controlling mechanism for GM cultivation within member states are procedures for managing the co-existence of GM crops alongside non-GM crops. Member states are obliged to draw up strategies and best practices based on EU guidelines to provide for effective coexistence arrangements of GM crops with non-GM crops. An interdepartmental working group has been set up by my Department to examine this matter.

The following tables set out information published by the European Commission on 19 July 2004 regarding the approval of products under the various processes either for cultivation, animal feed or food use. The European Commission decided on 19 May 2004 to approve Bt-11 sweetcorn for food use, NK603 maize for import, animal feed use and processing and decided on 26 October 2004 to approved NK 603 maize for food use. The following tables and additional information are available on the following website: [europa.eu.int/geninfo/query/engine/search/query.pl](http://europa.eu.int/geninfo/query/engine/search/query.pl).

GMO products. Approved under directive 90/220/EEC as of March 2001.

	Product	Notifier	Date of Commission Decision <sup>1</sup> / Member State Consent <sup>2</sup>
1.	Vaccine against Aujeszky's disease	Vemie Veterinär Chemie GmbH	18.12.92
2.	Vaccine against rabies	Rhône-Mérieux C/B/92/B28 & C/F/93/03-02	19.10.93
3.	Tobacco tolerant to bromoxynil	SEITA C/F/93/08-02	08.06.94
4.	Vaccine against Aujeszky's disease (further uses) <sup>3</sup>	Vemie Veterinär Chemie GmbH C/D/92/I-1	18.07.94
5.	Male sterile swede rape resistant to glufosinate ammonium (MS1, RF1) Uses: breeding activities	Plant Genetic Systems C/UK/94/M1/1	06.02.96
6.	Soybeans tolerant to glyphosate Uses: import and processing	Monsanto C/UK/94/M3/1	03.04.96

	Product	Notifier	Date of Commission Decision <sup>1</sup> / Member State Consent <sup>2</sup>
7.	Male sterile chicory tolerant to glufosinate ammonium Uses: breeding activities	Bejo-Zaden BV C/NL/94/25	20.05.96
8.	Bt-maize tolerant to glufosinate ammonium (Bt-176)	Ciba-Geigy C/F/94/11-03	23.01.97
9.	Male sterile swede rape tolerant to glufosinate ammonium (MS1, RF1) <sup>4</sup> Uses: import and Processing	Plant Genetic Systems C/F/95/05/01/A	06.06.97 (not finally approved by F)
10.	Male sterile swede rape tolerant to glufosinate ammonium (MS1, RF2) <sup>5</sup>	Plant Genetic Systems C/F/95/05/01/B	06.06.97 (not finally approved by F)
11.	Test kit to detect antibiotic residues in milk	Valio Oy C/F1/96-1NA	14.07.97
12.	Carnation lines with modified flower colour	Florigene C/NL/96/14	01.12.97 (MS consent)
13.	Swede rape tolerant to glufosinate ammonium (Topas 19/2) Uses: import and processing	AgrEvo C/UK/95/M5/1	22.04.98
14.	Maize tolerant to glufosinate ammonium (T25)	AgrEvo C/F/95/12/07	22.04.98
15.	Maize expressing the Bt <i>cryIA(b)</i> gene (MON 810)	Monsanto C/F/95/12-02	22.04.98
16.	Maize tolerant to glufosinate ammonium and expressing the Bt <i>cryIA(b)</i> gene (Bt-11) Uses: import and processing	Novartis (formerly Northrup King) C/UK/96/M4/1	22.04.98
17.	Carnation lines with improved vase life	Florigene C/NL/97/12	20.10.98 (MS consent)
18.	Carnation lines with modified flower colour	Florigene C/NL/97/13	20.10.98 (MS consent)

<sup>1</sup>Where objections were raised by Member State authorities.

<sup>2</sup>In the absence of objections by Member State authorities.

<sup>3</sup>Linked to item 1 (same product, further uses).

<sup>4</sup>Linked to item 5 (same product, further uses).

<sup>5</sup>This product is the result of a different transformation event to that of No. 9.

#### Genetically Modified (GM) foods authorised in the European Union.

	Event	Crop	Applicant	Trait	Potential Food Uses	Date	Legal Basis
1	GTS 40/3/2	Soybean	Monsanto	Insect protection and herbicide tolerance	Soy foods. Soy foods include soy beverages, tofu, soy oil, soy flour, lecithin.	03.04.1996	Dir. 90/220/EEC — Art. 13
2	Bt 176	Maize	Ciba-Geigy	Insect protection and herbicide tolerance	Maize foods. Maize foods include kernels, oil, maize flour, sugar, syrup.	23.01.1997	Dir. 90/220/EEC — Art. 13
3	TOPAS 19/2	Oilseed rape	AgrEvo	Herbicide tolerance	Rapeseed oil. Products made with rapeseed oil may include fried foods, baked products and snack foods.	24.06.1997	Reg. (EC) 258/97 — Art. 5
4	MS1 / RF2	Oilseed rape	Plant Genetic Systems	Herbicide tolerance		24.06.1997	Reg. (EC) 258/97 — Art. 5
5	MS1 / RF1	Oilseed rape	Plant Genetic Systems	Herbicide tolerance		24.06.1997	Reg. (EC) 258/97 — Art. 5
6	GT 73	Oilseed rape	Monsanto	Herbicide tolerance		21.11.1997	Reg. (EC) 258/97 — Art. 5
7	MON 810	Maize	Monsanto	Insect protection	Maize derivatives. These may include maize oil, maize flour, sugar and syrup. Products made with maize derivatives may include snack foods, baked foods, fried foods, confectionery and soft drinks.	06.02.1998	Reg. (EC) 258/97 — Art. 5
8	T 25	Maize	AgrEvo	Herbicide tolerance		06.02.1998	Reg. (EC) 258/97 — Art. 5
9	Bt 11	Maize	Novartis	Insect protection		06.02.1998	Reg. (EC) 258/97 — Art. 5
10	MON 809	Maize	Pioneer	Insect protection		23.10.1998	Reg. (EC) 258/97 — Art. 5
11	Falcon GS 40/90	Oilseed rape	Hoechst / AgrEvo	Herbicide tolerance	Rapeseed oil. Products made with rapeseed oil may include fried foods, baked foods and snack foods.	08.11.1999	Reg. (EC) 258/97 — Art. 5
12	Liberator L62	Oilseed rape	Hoechst / AgrEvo	Herbicide tolerance		08.11.1999	Reg. (EC) 258/97 — Art. 5
13	MS8/RF3	Oilseed rape	Plant Genetic Systems	Herbicide tolerance		26.04.2000	Reg. (EC) 258/97 — Art. 5

	Event	Crop	Applicant	Trait	Potential Food Uses	Date	Legal Basis
14	1445	Cotton	Monsanto	Herbicide tolerance	Cottonseed oil. Products made with cottonseed oil may include fried foods, baked foods and snack foods. Vitamin B2.	19.12.2002	Reg. (EC) 258/97
15	531	Cotton	Monsanto	Insect protection		19.12.2002	— Art. 5
16	pRF69/pRF93	Bacillus subtilis	F. Hoffmann-La Roche	Riboflavin		23.03.2000	Reg. (EC) 258/97 — Art. 5 Reg. (EC) 258/97 — Art. 5

### Grant Payments.

254. **Mr. Naughten** asked the Minister for Agriculture and Food the number of farmers yet to be informed of their entitlements under the single farm payment; and if she will make a statement on the matter. [32444/04]

**Minister for Agriculture and Food (Mary Coughlan):** Approximately 10,000 farmers have yet to be informed of their provisional entitlements under the single payment scheme. Those that have yet to receive notification of their provisional entitlements include applicants under *force majeure*, new entrants, inheritance and other categories. Work is ongoing in processing these cases, with a view to issuing provisional entitlement statements as soon as possible.

255. **Mr. Ellis** asked the Minister for Agriculture and Food if forestry premiums will issue to a person (details supplied) in County Leitrim. [32468/04]

**Minister for Agriculture and Food (Mary Coughlan):** There are no outstanding forestry premiums due to the person in question.

256. **Mr. Neville** asked the Minister for Agriculture and Food the entitlements under the single payment scheme for a person (details supplied) in County Limerick. [32469/04]

**Minister for Agriculture and Food (Mary Coughlan):** As the case in question is quite complicated, I arranged for one of my officials to contact the person named directly. During these discussions, it was agreed that the Department would carry out a comprehensive review of the case. The object of this review is to specify the exact procedures that need to be followed by the person named in order that he can establish and activate the single payment entitlements.

257. **Mr. Neville** asked the Minister for Agriculture and Food when suckler cow premium will be awarded to a person (details supplied) in County Limerick. [32504/04]

**Minister for Agriculture and Food (Mary Coughlan):** The person named applied for premium on 60 animals under the 2004 suckler cow premium scheme. Movement details of one of the animals were incorrectly recorded on CMMS and as this matter remained unresolved, the 60% advance entitlement was calculated in respect of 59 animals with payments of €7934.91 issuing on 25 November 2004. The CMMS record has since been updated and the person named will be paid his full entitlement for this one animal at balanc-

ing payment stage along with the balance due in respect of 59 animals already paid. Balancing payments will be made in March or April 2005.

### Land Registry Office.

258. **Mr. Crawford** asked the Minister for Justice, Equality and Law Reform when a case for a person (details supplied) in County Monaghan will be dealt with through the Land Registry office; if this case will be expedited as a matter of urgency; and if he will make a statement on the matter. [32071/04]

**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, the acquisition of title by virtue of long possession, of the Registration of Title Act 1964 and which was lodged on 26 March, 2001. The application refers to Dealing Number D2001CS002284G. Due to their complicated nature, applications under Section 49, which require detailed examination of claims for registration as owners, can take some time to process. Accordingly, it is not possible to estimate a completion date at this stage.

However, I can assure the Deputy that the application is receiving attention in the Land Registry and will be completed as soon as possible.

### Judicial Appointments.

259. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform if the application of pension abatement applies to retired judges who take on further roles, inquiries or reports; if the same terms apply to all such appointments; if not, if individual agreements are reached in such matters; and if he will make a statement on the matter. [32094/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The statutory provisions on the remuneration and pensions of retired judges are set out in section 46 of the Courts (Supplemental Provisions) Act 1961. Section 46(6) of the Act deals with the situation where a judge in receipt of a pension is employed in a position remunerated out of moneys provided by the Oireachtas or out of the central fund. The effect is to prescribe, without exception, for certain abatement of pensions in such circumstances.

### Garda Equipment.

260. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform when he expects the full roll-out of speed cameras

nationally will take place; his views on the outsourcing of all speed cameras to a private interest; the responsibilities which such a private operator would have in the operation of such a system; and if he will make a statement on the matter. [32438/04]

261. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform the reason for the delay in the introduction of speed cameras; and if they will be placed on high risk areas of roads. [32403/04]

275. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform the envisaged breakdown of responsibility and duties between the Garda and the private operator of speed cameras in the event of the private outsourcing of speed cameras; and if he will make a statement on the matter. [32418/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 260, 261 and 275 together.

A working group on safety cameras chaired by my Department, and consisting of representatives of the Garda Síochána, the Department of Transport and the National Roads Authority is currently examining how the provision, operation and processing of the output of speed cameras would operate, including how camera sites will be chosen. Work is currently well advanced on preparing proposals on how the management of these arrangements will be structured and I expect to formulate proposals shortly. It is intended that the Garda Síochána will continue to play a central role with respect to the location of the cameras. The enactment of new legislative provisions will be necessary to enable these proposals to be implemented. Such legislation is a matter for my colleague, the Minister for Transport, Deputy Cullen.

The maximum number of gardaí should be involved in front line policing and not in back office administrative work. To achieve this, outsourcing of non-core Garda work is necessary. This will include outsourcing the provision, maintenance and operation of speed cameras. The Government's road safety strategy for 2004-06 was published some months ago by the Minister for Transport. It notes that successful jurisdictions, such as Victoria in Australia, have benefited from the engagement of private sector interests for the operation of camera and other detection equipment. The arrangements in place in Victoria greatly facilitate the determination of annual levels of checks for the entire fleet of vehicles. The strategy therefore proposes that the Garda Síochána will enter into arrangements for the engagement of a private sector concern for the purposes of the provision and operation of a nationwide programme for the detection of speeding offences. Outsourcing of the operation of camera equipment will also free up Garda resources for enforcement purposes. These arrangements may see the project being rolled

out on a phased basis and, in addition to speeding offences, it may extend to other appropriate traffic offences.

### Visa Applications.

262. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the guidelines applicable regarding the reason for the granting or refusal of visas on the basis of finances; and if his attention has been drawn to the case of a person (details supplied); and if he will make a statement on the matter. [32056/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The visa application to which the Deputy refers was to enable the child of a non-EEA national employed under the work permit scheme to reside with his mother in the State. A person employed under the work permit scheme can, after he or she has been in the State for one year and has been offered a contract for a further year, apply for his or her spouse and minor children to join him or her in the State. With regard to the refusal or granting of visas on the basis of finances, the worker must be able to fully support the family members in question without the need to recourse to public funds.

When assessing such an application, the visa officer will consider, amongst other things, whether the level of salary of the worker comes within the ambit of qualifying for payments from public funds. In this regard, the criteria set by the Department of Social and Family Affairs for eligibility for family income supplement payments are used. The criteria, which may change from time to time, are available on that Department's website [www.welfare.ie/publications/sw22.html](http://www.welfare.ie/publications/sw22.html). If the level of the worker's income as evidenced by his or her payslips or P60 would qualify him or her for FIS payments, the application seeking permission for a minor to join with the worker is generally refused as it is evident that the family can seek recourse to public funds.

### Citizenship Applications.

263. **Mr. Morgan** asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) in County Louth was refused a certificate of naturalisation, in view of the fact that he has refugee status in this State and has been resident here for almost four years; if a certificate of naturalisation will be issued; and if he will make a statement on the matter. [32074/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Section 15 of the Irish Nationality and Citizenship Act 1956, as amended, provides that an applicant for naturalisation must have a one year period of continuous residence in the State before the date of the application and a total of four years residence in the State in the eight years preceding that period.

Section 16(g) of that Act provides that I may, in my absolute discretion, waive the statutory conditions in certain circumstances, including

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where the applicant is a refugee within the meaning of the United Nations convention relating to the status of refugees. In considering applications under this provision, I am generally disposed to waive two years of the normal residency requirement, thereby requiring such applicants to have been resident in the State for three years at the time of application. The calculation of the three year period begins from the date the applicant arrived in the State to seek refugee status. An application for a certificate of naturalisation from the person referred to by the Deputy was received in the citizenship section of my Department on 30 October 2002. The applicant arrived in the State on 5 February 2001. As there were no circumstances apparent in the application which would have lead me to depart from the general policy outlined, I decided to refuse application.

#### **Garda Stations.**

264. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform if the Garda Commissioner will have extra police resources made available to Cabra Garda station in view of the ongoing anti-social behaviour and intimidation targeted at businesses at a location (details supplied). [32075/04]

**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 there were 64 personnel of all ranks in Cabra Garda station on 3 December 2004. The centre referred to by the Deputy consists of seven units with parking spaces available to the public. Local Garda management is satisfied the area receives adequate attention through ongoing and regular patrols from Cabra Garda station.

I am very pleased to say that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with the commitment in the agreed programme for Government. This is a key commitment in An Agreed Programme for Government and its implementation will significantly strengthen the operational capacity of the force. The Garda Commissioner will now draw up plans on how best to distribute and manage these resources. The additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities as well, such as the need to very significantly increase the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. The additional gardaí will not be put on administrative duties. They will be put directly into front-line, operational, high-visibility policing and they will have a real impact.

For the next three years, there will be an annual intake of almost 1,100 new recruits. The advertisement campaign for this first tranche of 1,100 recruits was launched on Thursday 25 November 2004.

#### **Dublin-Monaghan Bombings.**

265. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if a person (details supplied), suspected of involvement in the Dublin bombings of 1974, is dead; if a death certificate was produced at the cremation in England; and if he will work with the Department of Foreign Affairs on this issue. [32081/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that, although it received no official notification, the Garda Síochána is aware that the person in question died on 10 June 2003. However, as the death occurred outside the jurisdiction, it is not known whether a death certificate was produced at the cremation. The Department of Foreign Affairs has been asked to try and obtain further information through the Embassy of Ireland.

#### **Asylum Applications.**

266. **Mr. Gogarty** asked the Minister for Justice, Equality and Law Reform if a decision has been made on the appeal being determined under section 3 of the Immigration Act 1999 by a person (details supplied); and if he will make a statement on the matter. [32126/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to my reply to Parliamentary Question No. 204 of 26 May 2004. One of the issues mentioned was *refoulement* and the situation in Afghanistan is still being monitored to determine the safety of returning persons there. There is also doubt about the stated nationality of the person concerned and further inquiries are being made in this regard. The person concerned will be informed of the outcome of these deliberations in due course.

267. **Mr. Haughey** asked the Minister for Justice, Equality and Law Reform the consideration being given to allowing refugees, asylum seekers and illegal immigrants remain in the State on the basis that they have Irish born children; and if he will make a statement on the matter. [32304/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The separate procedure for considering residency applications based solely on the parentage of an Irish born child ceased on the 19 February 2003, following the Supreme Court decision in the case of L and O in January 2003. At that date a total of 11,493 applications on this basis were outstanding. I therefore assume the Deputy is referring to such outstanding applications. Applications for asylum, which are dealt

with by the office of the Refugee Applications Commissioner, are examined on a separate basis and criteria to these residency applications. With regard to outstanding claims to reside in the State on the basis of parentage of an Irish born child and future claims for leave to remain in the State from the non-national parents of Irish born children, the Government decided that every such case would be examined and decided individually. A notice to this effect was published on 18 July 2003.

The amendment to the Constitution following the June referendum has allowed the Oireachtas to deal with the issue of citizenship for children of non-national parents. The Irish Nationality and Citizenship Bill 2004 is currently before this House. Until that legislation is enacted, the situation on the ground is unchanged. Any person born in Ireland is still entitled to Irish citizenship. This continues to be an attraction to persons with no link to Ireland to seek to come to Ireland to acquire Irish and EU citizenship for their children. In these circumstances it is inappropriate for any change in procedures to be introduced in advance of the establishment of legislation as envisaged by the recent referendum.

Each case will be dealt with individually. I will make public my approach to the resolution of these issues in the near future.

#### **Citizenship Applications.**

268. **Mr. Hogan** asked the Minister for Justice, Equality and Law Reform when an immigration card will issue to a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [32307/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I understand the person in question has recently been issued with a certificate of registration by her local immigration officer.

#### **Asylum Applications.**

269. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform when a decision will be made in respect of an application by a person (details supplied) for asylum; and if he will make a statement on the matter. [32309/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person concerned arrived in the State on 4 August 2002 and applied for asylum on the same day. 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. Subsequently, in accordance with Section 3 of the Immigration Act 1999, as amended, he was informed by letter dated 3 December 2004, that the Minister proposed to make a deportation order. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons he should be allowed to remain temporarily in the

State. This person's case file, including all representations submitted, will be considered under Section 3(6) of the Immigration Act 1999, as amended, and Section 5 of the Refugee Act 1996, which deals with the prohibition of *refoulement*. I expect the file to be passed to me for decision soon.

#### **Courts Service.**

270. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform if he has had an opportunity to examine the concept of community courts as outlined in a report (details supplied) for the Dublin City Centre Business Association; his views on whether this model will contribute to the better administration of justice; and if he will make a statement on the matter. [32310/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The concept of community courts is receiving ongoing consideration within my Department. Officials of my Department have met the Director of the New York based center for court innovation, the body responsible for the development of the Midtown community court and which is the court referred to by the Dublin City Business Association in its report.

The concept has some similarities with the pilot drug court programme which was launched in the Dublin District Court in 2001. Dublin's north inner city was chosen as the location from which to operate the pilot drug court. The programme marked a major policy initiative in the criminal justice system and was designed as an alternative measure for dealing with less serious and non-violent drug offenders. The project was evaluated by consultants at the end of the 18 month period in July 2002. They recommended that the pilot project be extended and the catchment area be widened to include the Dublin 7 area for the period of the extended pilot project to focus on the research and development activity necessary to roll-out the drug court more widely.

I welcomed the recommendations in the consultancy report and supported the extension of the drug court to the Dublin 7 catchment area. This will allow time for further consideration, in consultation with the relevant Departments and agencies, of how the drug court concept should be further developed and resourced. A further evaluation of the operation of the court in the extended area is being carried out by the Courts Service, after which an informed decision can be taken on its further expansion.

#### **Prisoner Releases.**

271. **Mr. Connaughton** asked the Minister for Justice, Equality and Law Reform if he will report on aspects of the Olden report which would specifically protect the community at large from persons convicted of more than one murder should these be released from prison; if his attention has been drawn to the tragic circumstances of a person (details supplied); his views on



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whether there are similarities between this case and the application to the parole board to have other persons released from prison despite their having served life sentences for brutal murders; and if he will make a statement on the matter. [32311/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am well aware of the background to the tragic case referred to by the Deputy which gave rise to the Olden report. Sentences of all long-term prisoners are being managed in a manner consistent with the recommendations of the Olden report. Life sentence prisoners may have their cases reviewed by the interim parole board once they have served seven years in prison custody and the board has responsibility for advising me on the administration of such sentences.

The prisoners referred to by the Deputy, like any life sentence prisoners in the system, may have their cases reviewed by the board. Nevertheless, it can also be inferred from the length of sentence already served, 26 years, that their offences are viewed as most heinous and any decision to grant any form of concession in their cases would not be taken lightly. At this stage, I have received no recent recommendation from the interim parole board on these cases.

#### **Garda Stations.**

272. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform which Garda stations in the Roscommon/east Galway and the Sligo/Leitrim divisions have a PULSE computer; the plans he has to extend access to the system; and if he will make a statement on the matter. [32380/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The information requested by the Deputy regarding the availability of PULSE in the Roscommon and east Galway division and the Sligo and Leitrim Division is as follows: Roscommon-east Galway: Roscommon, Ballinasloe, Boyle, Castlerea and Tuam. I am informed by the Garda authorities that it is planned to expand the PULSE system to Mountbellew Garda Station as part of the next expansion of the PULSE system. Sligo-Leitrim: Sligo, Ballymote, Carrick-on-Shannon and Manorhamilton. I am informed by the Garda authorities that it is planned to expand the PULSE system to Mohill Garda Station as part of the next expansion of the PULSE system.

Further extensions to the PULSE system to additional Garda stations will be considered in the context of the Garda information and communications technology strategy currently under preparation by the Garda Síochána.

273. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform the Garda stations in the Roscommon and east Galway and Sligo and Leitrim divisions which are manned on

a daily basis; and if he will make a statement on the matter. [32381/04]

**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 there were 246 personnel of all ranks in the Roscommon and east Galway division on 6 December 2004. I am further informed that there are 37 Garda stations in the Roscommon and east Galway division. These are incorporated into five Garda districts. The district headquarters stations, which are at Roscommon, Ballinasloe, Boyle, Castlerea and Tuam, are manned on a 24 hour daily basis.

All remaining Garda stations are manned and opened at varying times on different days when personnel attached to those stations are on rostered working days. The only exception to this is Mountbellew Garda station, which forms part of a community policing initiative. The station is opened Monday to Friday, from 9 a.m. to 5 p.m. each week and on Saturdays and Sundays at times determined by personnel working arrangements.

With regard to the Sligo and Leitrim Division, there were 246 personnel of all ranks on 6 December 2004. There are 28 Garda stations in the Sligo and Leitrim division. These are incorporated into four Garda districts. The district headquarters stations, which are at Sligo, Ballymote, Manorhamilton and Carrick-On-Shannon are manned on a 24 hour daily basis. All remaining Garda stations within the division are manned and open normally from 10 a.m. to 1 p.m. on specified days.

I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that there were 64 personnel of all ranks in Cabra Garda station on 3 December 2004. The centre referred to by the Deputy consists of seven units with parking spaces available to the public. Local Garda management is satisfied that the area receives adequate attention through ongoing and regular patrols from Cabra Garda station.

I am very pleased to say that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with the commitment in An Agreed Programme for Government. This is a key commitment in the programme for Government and its implementation will significantly strengthen the operational capacity of the force. The Garda Commissioner will now draw up plans on how best to distribute and manage these resources. The additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities as well, such as the need to very significantly increase the number of gardaí allocated to traffic duties as part of the new Garda traffic

corps. The additional gardaí will not be put on administrative duties. They will be put directly into frontline, operational, high-visibility policing and they will have a real impact.

For the next three years, there will be an annual intake of almost 1,100 new recruits. The advertisement campaign for this first tranche of 1,100 recruits was launched on Thursday 25 November 2004.

### **Crime Prevention.**

274. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform his plans to deal with anti-social behaviour across the north side of Dublin; and if he will make a statement on the matter. [32383/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I assure the Deputy that strong provisions have been put in place to combat the causes of public disorder and anti-social behaviour, not only on the north side of Dublin, but throughout the country. Reductions in violence and public order offences have followed the enactment in 2003 of the Criminal Justice (Public Order) Act 2003 and the Intoxicating Liquor Act 2003, which give significant additional powers to the Garda to deal with public order and street crime. I particularly welcome the reduction in the number of assaults causing harm in the third quarter of 2004, by 2% since the third quarter of 2003.

The Intoxicating Liquor Act 2000 strengthened the provisions which existed in the Intoxicating Liquor Act 1988 relating to the supply or sale of intoxicating liquor to under age persons. It increased fines for breaches of the law on under age drinking. Serious penalties, including the temporary closure of a licensed premises, can result if a licensee is convicted of selling intoxicating liquor to an under age person. The Garda can target a range of premises in which customers cause trouble. After warning the owner, the Garda can apply for a closure order. Convicted trouble makers can be served with exclusion orders prohibiting them from entering or being near specified premises. The law relating to conduct on licensed premises has been updated and made easier to enforce. Premises can be temporarily closed for supplying alcohol to persons who are drunk, for permitting drunkenness and for failing to preserve order.

The administration of the national age cards scheme by the Garda has facilitated the force, in co-operation with the licensed trade, in addressing and combating under age drinking. The age card scheme allows those who have reached the age of 18 to apply for an age card at a local Garda station to confirm that they have attained the legal age for purchasing intoxicating liquor. The Garda monitors the scheme continuously to ensure that it takes account of changing circumstances.

Garda youth diversion projects are part of a community-based, multi-agency crime prevention

initiative which seeks to divert young persons from becoming involved, or further involved, in anti-social or criminal behaviour by providing suitable activities to facilitate personal development, promote civic responsibility and improve long-term employability prospects. The projects contribute to improving the quality of life within communities and enhancing relations between the Garda and communities. I am committed to the continuing development of the projects, as well as their expansion, as resources permit. 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. The locations of the new projects were decided by the Garda authorities in conjunction with the Department of Justice, Equality and Law Reform. While legislative measures and initiatives such as the age card scheme help to curtail anti-social behaviour and under age drinking, they cannot be viewed as the only solution. All parties with an interest need to play a role in helping to address anti-social behaviour, with particular regard to young people.

The Garda authorities responded to public order problems with a public order initiative called Operation Encounter, which came into operation in February 2002. The initiative is focused on all public order issues in the community. Recent figures show that 179,815 crimes have been detected since its inception. Uniformed and plain clothes mobile units conduct regular patrols in areas considered by the Garda to be susceptible to anti-social behaviour. The Garda is aware of the problems associated with the anti-social behaviour experienced by certain communities, some of which have been assigned dedicated community gardaí. The community gardaí meet local residents regularly to offer advice and to try to address difficulties being experienced by them. The mountain bike unit provides high visibility in areas of high population density. Patrols are further augmented by the divisional crime task force, detective units, special resource units and, in particular, traffic units.

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, honouring the commitment in An Agreed Programme for Government. The implementation of this key commitment will significantly strengthen the force's operational capacity. The Garda Commissioner will draw up plans on how best to distribute and manage the resources. It is clear that additional resources will be targeted at areas of greatest need, as envisaged in the programme for Government, which refers to such areas as being those with a significant drugs problem and a large number of public order offences. It will be possible to address other priorities, such as the need to increase significantly the number of gardaí allocated to traffic law enforcement. I have promised that the extra

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gardaí will not be allocated administrative duties, but will be involved directly in front-line, operational and high visibility policing. There will be an intake of almost 1,100 new recruits in each of the next three years. The advertising campaign for the first tranche of 1,100 recruits was launched on Thursday 25 November 2004.

*Question No. 275 answered with Question No. 260.*

#### **Child Care Services.**

276. **Ms B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform when he intends to make a decision on the application for funding under the Equal Opportunities Child-care Programme by a group (details supplied) in County Kerry and to take into account the fact that a site with full planning permission is available; and if he will make a statement on the matter. [32419/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Having made inquiries, I understand an application for capital grant assistance under the equal opportunities child care programme was submitted by the group in question to the Department of Justice, Equality and Law Reform some time ago. The programme in question is a seven-year development programme, aimed at increasing the availability and quality of child care and supporting parents in employment, education and training. The progress of the programme was commented on favourably in the mid-term evaluations of the regional operational programmes and the national development plan. Additional funding of some €12 million was made available for the child care measures following the mid-term review, bringing the total funding available for the programme to €449.3 million, including an increased provision of €157 million for capital developments.

With the technical assistance of ADM Limited, the Department of Justice, Equality and Law Reform has processed and I have approved 1,271 applications for capital grant assistance of more than €118 million, as well as 1,015 applications for staffing grant assistance of €104 million, since 2000. Almost €44 million has been allocated for projects under the quality measure. Much of the remaining current funding is required for ongoing supports to groups providing child care services to disadvantaged families to enable them to participate in employment, education and training opportunities. The provision of an additional capital allocation of €90 million over five years for the development of child care facilities was made in the context of the recent budget. Therefore, I expect to be in a position to make an announcement on the allocation of the first tranche of funding in the next week or so, after which the Department will write to all applicants for capital grant assistance. In the interim, it would

be premature of me to comment further on this capital grant application.

#### **Control of Firearms.**

277. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform his views on a petition (details supplied) to him regarding amendment to section 30 of the Criminal Justice (Amendment) Bill 2004. [32436/04]

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**(Mr. McDowell):** I am aware of the views of individuals and organisations on proposed changes in legislation relating to the control of firearms. A number of submissions have been received, particularly through a dedicated part of the website of the Department of Justice, Equality and Law Reform that was set up to facilitate a consultation process. I am conscious of the overriding need to ensure that public safety and security are given priority in any review of policy and legislation on firearms. With this in mind, and taking into account a recent increase in violent crime involving firearms, I decided to introduce certain proposals for inclusion in the Criminal Justice Bill 2004. The Bill, as published, contains a proposal that provides for the secure custody of firearms. Other provisions will be introduced as Committee Stage amendments to the Bill. Any relevant recommendations arising from the tribunal of inquiry into the fatal shooting of Mr. John Carthy at Abbeylara, County Longford on 20 April 2000 — the Barr tribunal — will be considered. They will depend on the timing of the publication of the tribunal's conclusions.

I emphasise that the inclusion of such provisions in the Criminal Justice Bill should not be construed as equating legitimate sports people with criminals. The provision in the published Bill is in the form of an amendment to the Firearms Act 1925. Further provisions on the control of firearms to be introduced on Committee Stage will also be in the form of amendments to that Act. I am sure the Deputy will agree that this is the quickest way of ensuring that important amendments concerning the control of firearms are implemented.

#### **Child Care Services.**

278. **Mr. Crawford** asked the Minister for Justice, Equality and Law Reform when a decision on the application for grant assistance for a capital project by a centre (details supplied) in County Monaghan will be determined; and if he will make a statement on the matter. [32440/04]

#### **Minister for Justice, Equality and Law Reform**

**(Mr. McDowell):** Having made inquiries, I understand an application for capital grant assistance under the equal opportunities child care programme was submitted by the group in question to the Department of Justice, Equality and Law Reform in December 2003. The Deputy may be

aware that the group has been approved €211,660 in staffing grant assistance under the programme.

The programme in question is a seven-year development programme, aimed at increasing the availability and quality of child care and supporting parents in employment, education and training. The progress of the programme was commented on favourably in the mid-term evaluations of the regional operational programmes and the national development plan. Additional funding of some €12 million was made available for the child care measures following the mid-term review, bringing the total funding available for the programme to €449.3 million, including an increased provision of €157 million for capital developments.

With the technical assistance of ADM Limited, the Department of Justice, Equality and Law Reform has processed and I have approved 1,271 applications for capital grant assistance of more than €118 million, as well as 1,015 applications for staffing grant assistance of €104 million, since 2000. Almost €44 million has been allocated for projects under the quality measure. Much of the remaining current funding is required for ongoing supports to groups providing child care services to disadvantaged families to enable them to participate in employment, education and training opportunities. The provision of an additional capital allocation of €90 million over five years for the development of child care facilities was made in the context of the recent budget. Therefore, I expect to be in a position to make an announcement on the allocation of the first tranche of funding in the next week or so, after which the Department will write to all applicants for capital grant assistance. In the interim, it would be premature of me to comment further on this capital grant application.

#### Visa Applications.

279. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) in County Clare has been refused a visa; the income which is required for a person to keep his or her family here; and if he will make a statement on the matter. [32442/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** In the case of family members of a non-EEA national worker who require visas, the general rule is that after the worker may be joined by his or her family after he or she has been in the State for 12 months and has been offered employment for a further 12 months. The permission is subject to the worker being able to support the family without recourse to public funds. When assessing applications visa officers consider, *inter alia*, whether the worker's salary comes within the ambit of qualifying for payments from public funds. The criteria set by the Department of Social and Family Affairs for eligibility for family income supplement payment are used. The criteria, which may change from

time to time, are available on the Department's website, [www.welfare.ie/publications/sw22.html](http://www.welfare.ie/publications/sw22.html). If the worker qualifies for family income supplement payments, as evidenced by his or her payslips or P60, the application is generally refused as it is evident that his or her family can seek recourse to public funds.

280. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if a visa will be granted to a person (details supplied); when a decision will be made; and if he will make a statement on the matter. [32452/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I advise the Deputy that the visa application has been approved.

#### Refugee Status.

281. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform further to Question No. 328 of 11 May 2004, if persons (details supplied) in County Louth will be granted permission to remain; and if he will make a statement on the matter. [32453/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Details of the female applicant's case were given in my reply to Question No. 328 of 11 May 2004. I informed the House that the person in question was refused refugee status in the State following the consideration of her case by the office of the Refugee Applications Commissioner, and on appeal by the Refugee Appeals Tribunal. I further informed the House that a notification under section 3(3)(a) of the Immigration Act 1999, as amended, had been issued to the person on 27 April 2004, in which she was advised that the Minister had decided to refuse her a declaration as a refugee.

The notification set out the options open to the female applicant, which were to leave the State voluntarily before the Minister decided whether to make a deportation in respect of her, to consent to the making of a deportation order in respect of her, or to make written representations to the Minister setting out reasons she should be allowed to remain temporarily in the State. Representations have since been received setting out the reasons the person in question should not be deported. I will examine the case file in due course, having regard to section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996, as amended.

The applicant's husband, who is comprehended by the question, was refused refugee status by the office of the Refugee Applications Commissioner and on appeal by the Refugee Appeals Tribunal. He was further sent a notification under section 3(3)(a) of the Immigration Act 1999, as amended, on 25 November 2004, in which he was advised that the Minister had decided to refuse him a declaration as a refugee. The notification set out the options open to him in respect of voluntary repatriation or deportation. The male applicant

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has to respond within 15 working days of the date of the Minister's letter. The cases will be dealt with together.

#### Registration of Title.

282. **Mr. Ellis** asked the Minister for Justice, Equality and Law Reform if his Department will complete a dealing (details supplied). [32459/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Registrar of Titles that an application for first registration in the case in question was lodged on 26 November 2004, to which dealing number D2004WS014390R refers. I understand that due to the complicated nature of such cases, which require examination of an applicant's entitlement to the property concerned, it is not possible to estimate a date of completion at this time. I assure the Deputy that the application is receiving attention in the Land Registry.

#### Child Care Services.

283. **Ms B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the difficulties being experienced by a community based child care facility (details supplied) in County Cork following a shortfall of €100,000 in his Department's staffing grant; his proposals to assist this group; and if he will make a statement on the matter. [32471/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Deputy may be aware that the community-based group in question was awarded a staffing grant of €170,000, over two years, in April 2004. The grant brought the amount of staffing assistance approved for the project to €235,000, over three years. The amount of staffing grant assistance was considered to be appropriate to the level of service being offered and the level of disadvantage in the area. The group was awarded capital grant assistance of €1,000,000 in December 2002.

The Deputy should note that support towards staffing costs under the equal opportunities child care programme is made available to projects which can demonstrate that they provide child care in areas of significant disadvantage and that they help disadvantaged parents to access employment, education or training. It is not intended that the programme will meet the full cost of running a service. The programme makes available staffing grant assistance for a period of time, usually three years, to enable projects to move towards self-sustainability, which is normally achieved when the service operates at capacity and has introduced an appropriate fee structure.

In a number of services, the levels of disadvantage among parents is such that the families are unable to pay economic fees. Therefore, a limited number of services are likely to require ongoing

State support towards their staffing costs. The Department of Justice, Equality and Law Reform is reviewing the arrangements for the ongoing support of such services in very disadvantaged areas. It intends to introduce new arrangements to support very disadvantaged services which have already received three or more years of grant assistance, with effect from 1 September 2005.

#### Garda Stations.

284. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if he will report on plans to provide a new Garda station to service the eastern environs of Kilkenny city; if he has plans to expand the force in Kilkenny; his views on the huge increase in the number of incidents of anti-social behaviour; his plans to combat same; and if he will make a statement on the matter. [32483/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities which are responsible for the detailed allocation of resources, including personnel, that the personnel strength of Kilkenny Garda station on 6 November, 2004 was 65, all ranks. I have also been informed by the Garda authorities that there are no plans to provide a new Garda station to service the eastern environs of Kilkenny city. The Garda authorities have further informed me that local Garda management is satisfied that public order issues are well addressed in Kilkenny and that extra patrols are put in place over weekends to cover peak times.

Provisional figures for the number of incidents of anti-social behaviour between 1 January and 31 October 2004 indicate a small increase on the same period in 2003. It should be noted that figures for 2004 are provisional and may be subject to change. There were 608 public order offences between 1 January and 31 October 2004, compared to 605 in the same period in 2003. There were 55 assaults under sections 2 and 3 of the Non-Fatal Offences Against the Person Act between 1 January and 31 October 2004, of which 36 were detected, compared to 40 such assaults in the same period in 2003, of which 28 were detected.

I am pleased the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, honouring the commitment in An Agreed Programme for Government. The implementation of this key commitment will significantly strengthen the force's operational capacity. When he is drawing up plans on how best to distribute and manage the resources, the Garda Commissioner will, *inter alia*, have regard to the policing needs of Kilkenny city. It is clear that additional resources will be targeted at areas of greatest need, as envisaged in the programme for Government, which refers to such areas as being those with a significant drugs problem and a large number of public order offences. It will be possible to

address other priorities, such as the need to increase significantly the number of gardaí allocated to traffic duties as part of the new Garda traffic corps.

I have promised that the extra gardaí will not be allocated administrative duties, but will be involved directly in front-line, operational and high visibility policing. There will be an intake of almost 1,100 new recruits in each of the next three years. The advertising campaign for the first tranche of 1,100 recruits was launched on Thursday, 25 November 2004.

285. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if consideration will be given to extending the opening times for Kill Garda station, in view of the fact that same closes at 5.30 p.m. and the nearest Garda station is at Clondalkin, not Naas, and in view of the increased population of the area and subsequent increase in crime; and if he will make a statement on the matter. [32552/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities, which are responsible for the detailed allocation of resources, including personnel, that the personnel strength of Kill Garda station on 6 December 2004 was three, all ranks. I have been further informed that when Kill Garda station is not open, public access call box and call diversion systems are in operation. The systems refer callers to the district headquarters at Naas Garda station, which is five miles away. I have been advised that the subdistrict of Kill is regularly patrolled by all mobile units attached to Naas Garda station. The area is also patrolled by the divisional traffic unit and the district detective unit. Local Garda management is satisfied that the current strength of Kill Garda station is adequate to meet the policing needs of the Kill subdistrict.

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, honouring the commitment in An Agreed Programme for Government. The implementation of this key commitment will significantly strengthen the force's operational capacity. The Commissioner is drawing up plans on how best to distribute and manage the resources. It is clear that additional resources will be targeted at areas of greatest need, as envisaged in the programme for Government, which refers to such areas as being those with a significant drugs problem and a large number of public order offences. It will be possible to address other priorities, such as the need to increase significantly the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. I have promised that the extra gardaí will not be allocated administrative duties, but will be involved directly in front-line, operational and high visibility policing. There will be an intake of almost 1,100 new recruits in each of the next three years. The advertising campaign

for the first tranche of 1,100 recruits was launched on Thursday, 25 November 2004.

#### **Prisoner Releases.**

286. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the position on the proposal for the early release of persons (details supplied); the legislative basis for any such motion as indicated by the Taoiseach in Dáil Éireann, in the event of any such decision by him in this request; and if he will make a statement on the matter. [32589/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to the Taoiseach's comments in the Dáil on 1 and 2 December 2004. In addition, my statement in the Seanad on 19 May 2004 set out the position. The statutory basis upon which early releases can be effected is contained in the Offences against the State Act 1939 and the Criminal Justice Act 1960.

#### **Criminal Proceedings.**

287. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of prosecutions to date under the Intoxicating Liquor Act 2003 against publicans for allowing persons in an intoxicated state to remain on their premises; the number of prosecutions to date under the Intoxicating Liquor Act 2003 against publicans for serving alcohol to intoxicated persons; the number of prosecutions to date under the Intoxicating Liquor Act 2003 in respect of persons who have been found to be in an intoxicated state on leaving a public house; and if he will make a statement on the matter. [32590/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** It has not been possible to compile the information requested by the Deputy in the time frame allowed. I will arrange for the information to be forwarded directly to the Deputy at the earliest possible opportunity.

#### **Garda Transport.**

288. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the reason Garda vehicles are exempt from undergoing the NCT; if he is affirming this policy; if, in the interests of the health, safety and welfare of gardaí, he will give consideration to reversing this decision; and if he will make a statement on the matter. [32591/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Road Traffic (National Car Test) (No. 3) Regulations 2001 exempt vehicles owned by the Defence Forces and the Garda Síochána from the national car test (NCT).

The Garda Commissioner has established a working group, which includes representatives of the GRA and AGSI, to report on the issue of the safety of Garda vehicles, the terms of which are as follows: "Examine and make recommend-

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 ations taking into account cost factors and value for money, on the most suitable vehicle(s) for use in the force particularly as patrol cars, including the feasibility of obtaining 'purpose built' or modified vehicles, having regard to the safety of Garda drivers and observers including others being conveyed in Garda vehicles and also other road users."

The working group is also looking at alternatives to the NCT with a view to ensuring the safety of vehicles used by the Garda.

#### Official Engagements.

289. **Mr. J. O'Keefe** asked the Minister for Justice, Equality and Law Reform further to Question No. 438 of 30 November 2004, if the amount referred to includes the cost and expenses in terms of Garda time for attending or participating in such events; if it includes the cost of the Garda helicopter; if not, the reason these costs have not been taken into account; if he will provide details of the actual costs as originally requested; and if he will make a statement on the matter. [32592/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I assume the Deputy is referring to the recent launch of the Garda traffic corps. The question to which the Deputy refers related to costs of press events organised by my Department so it did not therefore take account of any costs relating to events organised by An Garda Síochána.

I am informed by the Garda authorities that the Garda payroll costs associated with the launch amounted to approximately €800. The approximate hourly operating cost of the Garda helicopter, including the salary of the crew, is €1075. The only additional minor costs relate to the fuel costs associated with the Garda vehicles.

#### Garda Transport.

290. **Mr. J. O'Keefe** asked the Minister for Justice, Equality and Law Reform further to the recent press conference announcing the intention to establish a Garda traffic corps, the precise location from which each motor vehicle on display was sourced; the reason the presence of such cars was necessary; the cost of availing of those cars in terms of Garda time, travelling and other expenses; and if he will make a statement on the matter. [32593/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities that the fleet of vehicles present during the press launch announcing the establishment of the traffic corps was composed of eight cars-jeeps, two motorbikes and one helicopter. The number of Garda drivers, motorcyclists and air crew involved in presenting this fleet amounted to 12 members.

As the members who participated in this presentation were on regular duty at the time, there were no incremental costs above the normal payroll costs associated with the duration of this event. It is estimated that the payroll cost of members present for the press launch of the traffic corps amounted to some €800. The fleet of vehicles present have already been paid for out of the Garda Vote and consequently the only cost would have been that for fuel in diverting these vehicles from existing duties to Garda headquarters.

The motor vehicles on display were sourced from the Garda stations in Blackrock, Naas, Mullingar, Fermoy, Ennis, Drogheda, Kells and Castlebar.

291. **Mr. J. O'Keefe** asked the Minister for Justice, Equality and Law Reform the flight cost per minute of each Garda helicopter; and if he will make a statement on the matter. [32594/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The operating cost for each Garda helicopter, excluding the air crew is approximately €1,000 per hour. This cost is in line with the internationally accepted operating costs for a helicopter operating in a policing environment.

The helicopter air crew generally consists of one air corps officer, one Garda sergeant and one garda. The approximate salary cost of the air crew amounts to €75 per hour. The total approximate hourly operating cost for a Garda helicopter is €1,075, which equates to €17.92 per minute.

292. **Mr. J. O'Keefe** asked the Minister for Justice, Equality and Law Reform the age, make and model of the oldest Garda car in each Garda divisional unit; and if he will make a statement on the matter. [32595/04]

**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 requested is being compiled and I will forward it to the Deputy shortly.

#### Teaching Qualifications.

293. **Mr. Kehoe** asked the Minister for Education and Science the criteria or standards used or qualifications required of persons wishing to be employed as classroom assistants; and if she will make a statement on the matter. [32060/04]

**Minister for Education and Science (Ms Hanafin):** Approval for the post of special needs assistant is granted by my Department. However, the appointment of individual special needs assistants in primary and second level schools is a matter for each school authority. The procedures for the appointment of special needs assistants in primary schools are outlined in circu-

lar SNA 3/03. I will arrange for a copy of the circular to be forwarded directly to the Deputy.

#### Teachers' Remuneration.

294. **Mr. Kehoe** asked the Minister for Education and Science if the deductions made from the pay increases of salary arrears for a person (details supplied) in County Wexford due to sick leave will be explained; and if she will make a statement on the matter. [32061/04]

**Minister for Education and Science (Ms Hanafin):** The person in question is employed as a primary school caretaker under the 1978-79 scheme. His terms of employment entitle him to 91 days sick leave in a 12-month period of service. Any sick leave in excess of this limit is unpaid and does not qualify for arrears in respect of salary.

Following an agreement with SIPTU, a gross *pro rata* arrears payment in respect of phase 1 of parallel benchmarking, effective from 1 December 2001, and the final phase of Programme for Prosperity and Fairness, effective from 1 October 2002, issued to caretakers employed under the 1978-79 scheme. The person in question had his actual salary arrears calculated up to and including 31 December 2003. They were adjusted to reflect his period of unpaid sick leave.

#### Schools Refurbishment.

295. **Mr. Crowe** asked the Minister for Education and Science if funding will be provided for much needed refurbishment at a school (details supplied) in Dublin 24. [32070/04]

**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 schools 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 schools building programme from 2005 onwards details of which will be announced over the coming months.

#### Educational Disadvantage.

296. **Mr. Costello** asked the Minister for Education and Science if she will respond to questions raised in correspondence (details supplied); and if she will make a statement on the matter. [32077/04]

**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.

Under the disadvantaged areas scheme, the school benefits from the allocation of one concessionary teaching post, additional capitation

grants of €38.09 *per capita*, 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 and this school has the service of a shared home-school-community liaison co-ordinator.

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 backgrounds in each school invited to participate in the programme. Schools already in the disadvantaged areas scheme retain their existing entitlements.

Schools categorised as urban with the highest concentrations of at-risk pupils are being supported, where necessary, through staff allocations to implement a pupil-teacher ratio of 20:1 in the junior classes — infants through second class — and a pupil-teacher ratio of 27:1 in senior classes — third through sixth classes. The school to which the Deputy refers is among the schools considered for staffing. However, based on the enrolment of 30 September 2003, the school did not warrant the allocation of additional teaching posts for 2004-05.

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.

#### Pupil-Teacher Ratio.

297. **Mr. Howlin** asked the Minister for Education and Science if her attention has been drawn to the fact that a primary school (details supplied) in County Wexford has two junior infant classes that have had to be amalgamated, resulting in a pupil-teacher ratio of 37:1 at that level, that there is only one teacher for third and fourth class which, with a combined enrolment of 40 pupils, is far in excess of the prescribed limit



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for mixed classes with a single teacher and that three of the six classes in this school have more than 31 pupils, while the remaining three classes each have more than 20 pupils; the way in which she proposes to deal with the unsatisfactory pupil-teacher ratios in this school; if she will sanction an additional teaching post to ensure that junior infant pupils can receive a measure of individual attention; and if she will make a statement on the matter. [32099/04]

**Minister for Education and Science (Ms Hanafin):** The staffing of a primary school for a particular school year is determined by reference to the enrolment 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 staffing schedule is structured to ensure that all primary schools will operate to an average mainstream class size of 29 pupils. School authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and the smallest classes is kept to a minimum. I have requested my Department's inspectorate to monitor the deployment of staff and class sizes, and where necessary, to discuss with school authorities the basis on which school policy decisions in this regard have been made, and to report to my Department, where appropriate.

The enrolment of the school referred to by the Deputy on 30 September 2003 was 159 pupils, which warrants a principal plus five mainstream posts for the 2004-05 school year. On the basis of projected enrolments, a developing school post was approved provisionally in July 2004. 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 was 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 Deputy will appreciate that it would not be appropriate for me to

intervene in the operation of the independent appeals board.

### **Decentralisation Programme.**

298. **Mr. P. McGrath** asked the Minister for Education and Science if, in the context of the proposed transfer of her Department headquarters to Mullingar under the decentralisation proposals, she will publish the report which was due to be available from March 2004 indicating the way in which property being acquired at regional level is matched as closely as possible, both in time and in cost terms, by disposal of property held in the Dublin region, whether held on lease or otherwise (details supplied); and if she will report progress on the way in which this relates to the existing Department headquarters at Marlborough Street. [32100/04]

**Minister for Education and Science (Ms Hanafin):** The Office of Public Works is dealing with all matters relating to the acquisition and disposal of property for the decentralisation programme. However, I will arrange to forward for the information of the Deputy a copy of the decentralisation implementation group report on decentralised office accommodation procurement which was published on 19 November 2004.

### **Schools Building Projects.**

299. **Ms Burton** asked the Minister for Education and Science the location of the site with respect to the new post-primary school announced for Dublin 15; if the purchase price of the site is agreed; if a board of management is in place; if it is to be run under the City of Dublin VEC; when construction is scheduled to commence; when classrooms will be available for first enrolment; and the catchment areas and enrolment criterion that will be for the new school. [32101/04]

**Minister for Education and Science (Ms Hanafin):** A new post-primary school to serve emerging needs in the Dublin 15 area will be located at Phibblestown. Negotiations regarding the acquisition of the site are at an advanced stage. Plans for the delivery of the school building will be made when the site has been acquired. A management model for the new school has not yet been determined. When a management model has been put in place detailed arrangements concerning enrolment and catchment area will be decided.

300. **Mr. Lowry** asked the Minister for Education and Science when she will review the state one report submitted by a school (details supplied) in County Tipperary to her Department in June 2001 with a view to making a serious investment in the school to allow staff and students work in modern conditions worthy of the school; if she will consider visiting the school to see the conditions for herself; and if she will make a statement on the matter. [32102/04]

**Minister for Education and Science (Ms Hanafin):** The building project for the school referred to by the Deputy is at an early stage of architectural planning. It has a band 2 rating. The introduction of a multi-annual funding process for school building projects requires a revised approach to how projects are scheduled through the design process and on to tender and construction. In order to maintain a smooth flow of projects and ensure that the optimum number of projects is ready to go to tender and construction at any given time, I will give priority to projects that are in the early design stages. I will provide further details of those projects and notify the schools concerned early in 2005. I want to create a sustained momentum in the schools building programme to match the Government's multi-annual funding commitment.

#### Special Educational Needs.

301. **Mr. F. McGrath** asked the Minister for Education and Science if a person (details supplied) in County Galway with special needs will be given the opportunity to do a suitable course in the junior certificate at their own school; and if the family will be given the maximum support and advice. [32112/04]

**Minister for Education and Science (Ms Hanafin):** Apart from meeting requirements for the provision of the core subjects, the curriculum offered in individual second level schools is a matter for the authorities of the school concerned. Each school management authority is required to organise its timetable and subject options having regard to pupils' needs within the limit of its approved teacher allocation. 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 special needs assistant support for the pupil.

My Department allocates additional teaching support and special needs assistant support to second level schools and vocation education 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 having regard to a range of factors including the overall resources available to the school. My Department has sanctioned a total of 16 additional teaching hours per week and ten special needs assistant hours per week to the school in question to cater for the special educational needs of several pupils, including the pupil to whom the Deputy refers. Where a school authority is of the view that the level of needs within the school is such as to be incapable of being addressed from within its current allocation, my Department will consider these concerns.

302. **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. [32114/04]

**Minister for Education and Science (Ms Hanafin):** My Department has received an application for special needs assistant support from the school to which the Deputy refers. It will consider the application and convey a decision to the school at the earliest possible date.

#### Schools Refurbishment.

303. **Mr. J. O'Keeffe** asked the Minister for Education and Science if funding will be made available to repair the leaking roof and rainwater damaged classrooms in a school (details supplied) in County Cork. [32132/04]

**Minister for Education and Science (Ms Hanafin):** The school in question has recently received notification of approval from my Department for the required roof works.

#### Special Educational Needs.

304. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001, that schools actively support and involve parents of a child with autistic spectrum disorder in all aspects of the education of their child; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32141/04]

308. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001, that differentiated provision be made available for various needs of pupils within the spectrum, irrespective of the timing of diagnosis, and sufficiently flexible to allow the child with an autistic spectrum disorder to avail, when necessary, of different placements; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32145/04]

310. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001, that there be a range of differentiated models of provision for autistic spectrum disorder in respect of the two categories of classic autism and AS-high functioning autism; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32147/04]

311. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001, that following the multi-disciplinary assessment to be carried

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out prior to the completion of the primary stage, the proposed special needs organiser or appropriate Department officer have the responsibility, with parental agreement, for identifying and securing an appropriate post-primary placement for students with autistic spectrum disorders; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32148/04]

312. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001, that entitlements or supports attached to each child, subject to appropriate modification, be automatically transferred to the next educational setting; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32149/04]

313. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001, that any additional resources allocated to a pupil with an autistic spectrum disorder be ring-fenced in respect of that pupil; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32150/04]

314. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001, that support services be fully accessible to all pupils with autistic spectrum disorders, irrespective of whether their educational placement is in home-based, mainstream or special settings; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32151/04]

315. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001, that she issue and circulate written guidelines outlining the necessity of regular home and school liaison in respect of students with autistic spectrum disorders; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32152/04]

320. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that school level placement recommendations be based upon a least restricted environment philosophy and a

presumption of local provision; if such a recommendation has been carried out; if so, the extent to which; if not completed when it will be completed; and if she will make a statement on the matter. [32157/04]

322. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that the proposes visiting teacher service for autistic spectrum disorders continue to play an important function in supporting pupils with autistic spectrum disorders at second level; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32159/04]

327. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that a national forum be established to facilitate communication between teachers and other personnel who are working in the field of autistic spectrum disorders; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32165/04]

333. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that an interdepartmental autistic spectrum disorder working group with parental representation, be established as a sub-committee of the existing inter-Departmental Coordinating committee between her Department and that of Health and Children and that its general remit include the production of a service level agreement to indicate clearly the responsibility, including resources, of each Department, to secure and to implement education provision and support services for persons with autistic spectrum disorders; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32180/04]

334. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that at regional level a regional autistic spectrum disorder educational planning and advisory service with parental representation, be created, under the authority of her Department and the National Council for Special Education, administered and managed by a regional special needs organiser, and supported by a multi-assessment planning team, to identify and secure effective provision for children with autistic spectrum disorders within a statutory statement of special educational need, that this regional autistic spectrum disorder educational planning and advisory ser-

vice be established within each health board region, and work in formal collaboration with the health board autistic spectrum disorder intervention services facilitated by the health board autistic spectrum disorder co-ordinator, in order to ensure the automatic delivery of the necessary support services; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32181/04]

335. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that her Department establish an independent review body, with parental representation, in keeping with the recommendations of the report of the planning group, A National Support Service for Special Education for Students with Disabilities of 2000, to intervene in cases when provision is disputed; that the appeals system endorse mediation as the preferred method of resolving disagreement or disputes between parents and statutory bodies and that, in the event of an appeal of a draft statement of need based on the multi-disciplinary assessment, the child remain in an interim placement pending the outcome of the appeal and that the model adopted by the Department of Education and Science be accessible, independent and speedy, operating within the maximum timeframes recommended in this report, that the members of the appeals board be independent and have the expertise in autistic spectrum disorder appropriate education; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32184/04]

337. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32187/04]

341. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001(details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32191/04]

342. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001(details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32192/04]

351. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001(details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32201/04]

352. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32202/04]

353. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32203/04]

356. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32219/04]

358. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32221/04]

360. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001(details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32223/04]

361. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32224/04]

364. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001(details supplied); if such a recommendation has been

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carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32227/04]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 304, 308, 310 to 315, inclusive, 320, 322, 327, 333 to 335, inclusive, 337, 341, 342, 351 to 353, inclusive, 356, 358, 360, 361 and 364 together.

The Deputy has tabled numerous questions about individual recommendations in the report of the task force on autism. These recommendations provide an invaluable basis for the development of educational services and supports for persons with autism. However, in responding to the recommendations, my Department has had to give priority to a number of key areas before detailed individual recommendations can be addressed. These key areas involve the implementation of the core legislative and structural measures required to underpin service development and delivery. This approach is critical to the implementation of many of the individual recommendations of the task force, including those about assessment, parental involvement, service delivery, information dissemination, promotion of inclusion and co-ordination between health and education authorities.

The Education for Persons with Special Educational Needs Act 2004 has been enacted and the National Council for Special Education has been established on a statutory basis. While these developments represent significant progress, considerable additional input is required before these measures can begin to have a positive impact on services for children with special educational needs, including those with autism. Over the coming months, significant progress will be made in this regard. Specifically, consideration will be given to the detailed measures required to enable the Act to be commenced. In addition, it is intended that the National Council for Special Education will assume operational status in the new year and a range of measures are in hands to ensure that this objective is realised.

These measures include comprehensive supported training for the council's special educational needs organisers and the drawing up of detailed work protocols for the various areas of work for which the council will assume responsibility. This work will be carefully planned and executed over the coming months. It will address many of the recommendations of the task force. Other recommendations will be addressed over time in consultation with the council and other interested parties.

305. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001, that schools facilitate and encourage staff to undertake continuing in-career development in order to respond effectively to the needs of children with autistic spectrum disorders; if such a recommend-

ation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32142/04]

328. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that all professionals working with persons with autistic spectrum disorders should receive on-going training in the distinctive disorders on the autistic spectrum, in general autistic spectrum disorder issues, and in the specific disciplines as related to autistic spectrum disorders; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32166/04]

332. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that all staff working with children and families with autistic spectrum disorders receive autistic spectrum disorder specific training, that specialised training be given to educators, parents, siblings and home helps to maximise communicative environments for children, and to reinforce programmes being delivered by the schools and that this training be delivered with expertise in autistic spectrum disorders; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32179/04]

340. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001(details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32190/04]

390. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001(details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32264/04]

391. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001(details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32265/04]

393. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001(details

supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32267/04]

395. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001(details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32269/04]

397. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001(details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32271/04]

398. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001(details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32272/04]

399. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001(details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32273/04]

400. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001(details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32274/04]

401. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001(details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32275/04]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 305, 328, 332, 340, 390, 391, 393, 395 and 397 to 401, inclusive, together.

The task force on autism put forward a range of important recommendations, to which the Deputy refers, in the area of continuing professional development. My Department continues to address these recommendations, on a

phased basis, through existing supports, through newly established structures and through specific interventions.

Provision for children of pre-school age with autistic spectrum disorders is generally made available through the relevant health authority. My Department's involvement in provision for such children is confined to a few special pre-school class units attached to primary schools. The existing pre-service teacher training courses contain appropriate elements to assist teachers in dealing with the full range of pupils, including those with special educational needs. Discussions with the various colleges of education and universities are ongoing in order to ensure that appropriate responses are made to the continuing needs for all trainee teachers to acquire knowledge of, and familiarity with, the needs of children with special educational needs, including children with autism.

My Department has developed a strategy designed to meet the continuing professional development needs of all school personnel working with children with special educational needs, including children with autistic spectrum disorder. Specifically, the strategy has produced a major expansion of the range of postgraduate professional training programmes; the introduction of a range of new training programmes to provide a mix of intensive induction training and more advanced training in specific areas; and the establishment of the new special education support service, established in September 2003. The increased training provision is specifically designed to address the complex range and variety of training needs in the special education needs area, including autism.

For teachers involved in teaching children with special educational needs, my Department provides annual support for 140 places on a postgraduate diploma programme in special educational needs; 20 places on a postgraduate programme in autism; 16 places on a further education — masters programme in special educational needs; and 160 on the postgraduate programme in learning support. This major increase in postgraduate training places will further increase the number of teachers who have developed their skills in previous years. The new diploma programmes also aim not only to provide development and support at individual teacher level, but also at whole school-staff level.

My Department also funded the development of an applied behaviour analysis training programme in Trinity College Dublin and funded the participation of 12 teachers on the course in 2003-04. The successful participants are now available to the Department, as classroom teachers and as a further training resource. Short-term induction programmes in special educational needs are provided annually by several teacher training colleges — usually two or three courses per college, catering for up to 120 teachers.

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My Department put in place, in September 2003, the special education support service to manage, co-ordinate and develop a range of supports in response to identified training needs. This is hosted in Laois Education Centre and is funded by my Department. As part of its response to the growing demand from teachers for support and training, also reflected in the findings of the task force report, the special education support service is developing teams of trainers to deliver training in four specific areas: autism, challenging behaviour, dyslexia and inclusion at post-primary level. This training will be delivered locally across the State through the education centre network.

In addition, the service provides immediate responses to requests from schools for support in a variety of autism-related areas. The service also funds the provision of on-line training courses, including a course on autism, during July and August and during the autumn and spring terms. The service funds approved approaches to the teaching of children with autism such as picture exchange communication system and treatment and education of autistic and related communication handicapped children and the Hanen approach. All courses on autism deal with the application, in an eclectic and child-centred manner, of the range of approved approaches to the teaching of children with autism. One of the conditions of the provision of funding for all courses is that they are evaluated.

In September 2004, my Department, as a joint venture with the Department of Education Northern Ireland, launched the centre for autism, in Middletown, County Armagh. As a model of best practice, the centre will provide a lead for, and offer exemplars of, educational interventions, will provide training for professionals and parents, as well as a research facility and an outreach support service which will complement developing service provision locally.

The special education needs organisers working under the remit of the National Council for Special Education will be a focal point of contact for schools and parents as well as processing individual applications for resources for special educational needs. However, the organisers have no central role in in-career development of teachers. Nevertheless, contact will be maintained between the council and the special education support service so that best practice and new developments in the special education area can be shared. The role of the newly established teaching council in training courses for teachers remains to be clarified but my officials are engaged on this work.

306. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001, that enrolment in classes for children with Asperger's syndrome or high functioning autism be based on average intellectual ability and cognitive func-

tioning in accordance with DSM-IV diagnostic criteria for Asperger's syndrome; if such a recommendation has been carried out; if so, the extent to which, if not completed, when it will be completed; and if she will make a statement on the matter. [32143/04]

336. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that stating procedures have an in-built review process; if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32185/04]

355. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32218/04]

381. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32245/04]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions No. 306, 336, 355 and 381 together.

The Deputy has tabled these questions on individual recommendations in the report of the task force on autism. These recommendations provide a valuable basis for the development of educational services and supports for persons with autistic spectrum disorders. In responding to the report of the task force, my Department had to give priority to a number of key areas before detailed individual recommendations could be addressed. These key areas are the core legislative and structural measures that are required to underpin the development and delivery of services to people with autism.

The Education for Persons with Special Educational Needs Act 2004 has been enacted and the National Council for Special Education has been established. Seventy special educational needs organisers are in post and I intend to launch the council on a statutory basis early next year. My department has also established a special education support service which is a service to teachers. The service has identified as a high priority support for teachers of children with autistic spectrum disorders.

These developments represent significant progress and will enable my Department to begin to address many of the individual recommendations of the task force. This work will be carefully

planned and executed over the coming months, and will include those recommendations that relate to the definition of autism spectrum disorders, criteria for enrolment in special classes for children with Asperger's syndrome or high functioning autism, assessment, statements of needs and reviews of progress. Other recommendations will be addressed over time in conjunction with the National Council for Special Education and, where appropriate, with other bodies such as the Department of Health and Children.

307. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001, that an information leaflet on transport entitlements for students with special needs across a range of educational settings be issued by her Department and that this leaflet be easily accessible and readily available to parents through the mainstream and special schools; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32144/04]

**Minister for Education and Science (Ms Hanafin):** A booklet is available from my Department entitled School Transport for Children with Special Needs which provides information regarding the scheme. In addition, an information leaflet was launched early in 2003 and circulated to schools. The leaflet assists users of the school transport system, including parents of children with special needs, gain access to the appropriate source of information. This information is also available on my Department's website at [www.education.ie](http://www.education.ie).

*Question No. 308 answered with Question No. 304.*

309. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001, that there be a flexible continuum of educational options for pupils with autistic spectrum disorders at second level; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32146/04]

318. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001, that she will produce and circulate guidelines on bullying to schools; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32155/04]

319. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001, that the

effectiveness of provision for students with autistic spectrum disorders in second level schools be regularly monitored and annually reported on by her Department Inspectorate; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32156/04]

321. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that all post primary students with autistic spectrum disorders have access to the most appropriate curriculum and accreditation route to match their ability and direction; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32158/04]

323. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that preparation and planning for post second level education be a basic component of a student's individual education plan at second level; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32160/04]

331. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that programmes specific to the disorders in the autistic spectrum be established to qualify persons as classroom assistants in colleges and post-secondary training institutions, that there be access to funding for further education and development for classroom assistants and that accredited training courses be established for classroom assistants forming an accreditation ladder to career progression; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32178/04]

362. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32225/04]

363. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32226/04]



367. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32230/04]

369. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32232/04]

371. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32234/04]

377. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32240/04]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 309, 318, 319, 321, 323, 331, 362, 363, 367, 369, 371 and 377 together.

These questions relate to individual recommendations in the report of the task force on autism. These recommendations provide an invaluable basis for the development of educational services and supports for persons with autism. However, in responding to the recommendations, my Department has had to give priority to a number of key areas before detailed individual recommendations can be addressed. These key areas involve the implementation of the core legislative and structural measures required to underpin service development and delivery. This approach is critical to the implementation of many of the individual recommendations of the task force, including those relating to co-ordination between health and education authorities in regard to policy and service delivery, prioritisation in meeting needs, multi-disciplinary assessment, the formulation and review of transition plans, the implementation of support plans for students with Asperger's syndrome or high functioning autism who are completing second level education and moving to the next level.

The Education for Persons with Special Educational Needs Act 2004 has been enacted and

the National Council for Special Education has been established on a statutory basis and will soon be operational. A considerable amount of additional input is required before these measures can begin to have a positive impact on services for children with special educational needs, including those with autism. Over the coming months, I expect that significant progress will be made in this regard. Specifically, consideration will be given to the detailed measures required to enable the Act to be commenced. This work will be carefully planned and executed over the coming months. Together with the support of the council it will address many of the recommendations of the task force. Other recommendations will be addressed over time in consultation with the council and other interested parties.

*Questions Nos. 310 to 315, inclusive, answered with Question No. 304.*

316. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001, that she urgently review the practice of attaching explanatory notes regarding special arrangements in examinations to a candidate's certificate results; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32153/04]

**Minister for Education and Science (Ms Hanafin):** On foot of a Government decision, the State Examinations Commission was established on 6 March 2003 to have statutory responsibility for the operation of the State certificate examinations.

The commission operates a scheme of reasonable accommodations for candidates with special needs in the certificate examinations. The range of accommodations available to candidates includes the use of readers, scribes, tape-recorders and the use of computer technology in certain cases, in addition to decisions at school level regarding rest periods, and use of low vision aids. It is also open to special needs students to apply to have a part of an examination waived and to be marked out of 100% on the balance. Where a student is granted exemption from a particular aspect of assessment, it is the practice to include a reference on the certificate to this effect, for example, "All elements of the examinations were assessed except" the element in question. This only applies where a candidate has been exempted from an element of the examination which is a core assessment element of the specific subject. For example, while issues of spelling and grammar would not be taken account of in subjects such as history or geography, they would form a core element of a language subject, and a certificate would be annotated where a candidate in a language subject was exempt from

assessment in spelling. This is in keeping with examination practice in other jurisdictions.

The position was re-examined by my Department in 2002 following the publication of the 2001 report of the task force, but it was considered that the present system maintains an appropriate balance between maintaining a flexible response to the assessment needs of students and the integrity of the certification process for end users of the system. However, my Department will keep the matter under review in consultation with the State Examinations Commission in the light of emerging examinations and equality policies and international trends.

### Psychological Service.

317. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001, that there be a significant increase in projected NEPS staffing levels to enable the educational psychologists to have a meaningful role in working with pupils with ASDs; if such a recommendation has been carried out; if so, the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32154/04]

**Minister for Education and Science (Ms Hanafin):** In October 2001, there were 84 educational psychologists serving with the national educational psychological service, NEPS. At present, there are 130 psychologists in NEPS. Psychological services to children with ASDs should, of course, be provided by both clinical and educational psychological services. Recruitment of permanent staff to the Department, including educational psychologists, has, to date, been undertaken by the Office of the Civil Service and Local Appointments Commissioners. The last panel of 69 educational psychologists has recently been exhausted, and my Department has initiated the process to run a new recruitment competition.

Pending the expansion of NEPS to cover all schools, those that are not yet served may avail of the scheme for commissioning psychological assessments, or SCPA. The SCPA is an interim measure and was specifically introduced to minimise delays for those children who need to be assessed. Under the scheme, individual psychological assessments may only be administered by psychologists whose names appear on a panel compiled by NEPS.

*Questions Nos. 318 and 319 answered with Question No. 309.*

*Question No. 320 answered with Question No. 304.*

*Question No. 321 answered with Question No. 309.*

*Question No. 322 answered with Question No. 304.*

*Question No. 323 answered with Question No. 309.*

### Special Educational Needs.

324. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that the universities be funded to develop or expand their clinical training programmes to include ASD training, at the undergraduate and postgraduate levels and that all clinicians be versed in the various major approaches to educating persons with an ASD; if such a recommendation has been carried out; if so, the extent to which it has been carried out; if not completed, when it will be completed; and if she will make a statement on the matter. [32162/04]

325. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that funding by her Department via the Higher Education Authority be targeted to support professional programmes in educational psychology and that such programmes include ASD-specific training, in order to meet the needs of children and families with ASDs and other special educational needs; if such a recommendation has been carried out; if so, the extent to which it has been carried out; if not completed, when it will be completed; and if she will make a statement on the matter. [32163/04]

326. **Ms Enright** asked the Minister for Education and Science the progress that has been made on the recommendation in the report of the task force on autism of October 2001 that funding be increased and targeted via the Higher Education Authority for the education of increased numbers of speech and language therapists, occupational therapists and behaviour specialists and that pending the education of adequate numbers, such personnel be recruited internationally; if such a recommendation has been carried out; if so, the extent to which it has been carried out; if not completed, when it will be completed; and if she will make a statement on the matter. [32164/04]

347. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; if so, the extent to which it has been carried out; if not completed, when it will be completed; and if she will make a statement on the matter. [32197/04]

365. **Ms Enright** asked the Minister for Education and Science the progress that has been



pleted; and if she will make a statement on the matter. [32255/04]

389. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; if so, the extent to which it has been carried out; if not completed, when it will be completed; and if she will make a statement on the matter. [32263/04]

396. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; if so, the extent to which it has been carried out; if not completed, when it will be completed; and if she will make a statement on the matter. [32270/04]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 324 to 326, inclusive, 347, 365, 366, 368, 370, 372 to 374, inclusive, 378, 379, 382, 383, 385, 386, 388, 389 and 396 together.

The Deputy has tabled a number of questions on individual recommendations in the report of the task force on autism. These recommendations provide an invaluable basis for the development of educational services and supports for persons with autism. However, in responding to the recommendations, my Department has had to give priority to a number of key areas before detailed individual recommendations can be addressed. These key areas involve the implementation of the core legislative and structural measures required to underpin service development and delivery. This approach is critical to the implementation of many of the individual recommendations of the task force including those relating to assessment, parental involvement, service delivery, information dissemination, promotion of inclusion and co-ordination between health and education authorities.

With regard to legislation, the Education for Persons with Special Educational Needs Act 2004 has now been enacted while, on the structural front, the National Council for Special Education, NCSE, has been established on a statutory basis. While these developments represent significant progress, a considerable amount of additional input is required before these measures can begin to have a positive impact on services for children with special educational needs, including those with autism.

Over the course of the coming months, I expect that significant progress will be made in this regard. Specifically, consideration will be given to the detailed measures required to enable the Act to be commenced. In addition, it is intended that the NCSE will assume operational status in the new year and a range of measures are in hand to ensure that this objective is realised. These

measures include comprehensive supported training for the council's special educational needs organisers and the drawing up of detailed work protocols in relation to the various areas of work for which the council will assume responsibility.

This work will be carefully planned and executed over the coming months. It will address many of the recommendations of the task force. Other recommendations will be addressed over time in consultation with the council and other interested parties.

*Question No. 327 answered with Question No. 304.*

*Question No. 328 answered with Question No. 305.*

### **Schools Refurbishment.**

329. **Mr. Stagg** asked the Minister for Education and Science when she received an application for the reroofing of a school (details supplied) in County Mayo; when a decision will be made to provide the funding for the necessary works; and if she will make a statement on the matter. [32176/04]

**Minister for Education and Science (Ms Hanafin):** The management authority of the school to which the Deputy refers submitted an application on 3 November 2004 for replacement roof under the summer works scheme 2005. All applications for the 2005 scheme are being considered in school planning section of my Department and it is planned to publish the list of successful applicants early in the new year.

### **Education Welfare Service.**

330. **Mr. Stagg** asked the Minister for Education and Science if the appointment of two educational welfare officers will be sanctioned for Kildare; and if she will make a statement on the matter. [32177/04]

**Minister for Education and Science (Ms Hanafin):** The Education (Welfare) Act 2000 established the National Educational Welfare Board as the single national body with responsibility for school attendance. The Act provides a comprehensive framework promoting regular school attendance and tackling the problems of absenteeism and early school leaving. The general functions of the board are to ensure that each child attends a recognised school or otherwise receives a certain minimum education.

To discharge its responsibilities, the board is developing a nationwide service that is accessible to schools, parents-guardians and others concerned with the welfare of young people. For this purpose, educational welfare officers, EWOs, are being appointed and deployed throughout the country to provide a welfare-focused service to support regular school attendance and discharge the board's functions locally.

[Ms Hanafin.]

The budget which has been allocated to the National Educational Welfare Board for 2005 is €7.8 million, an increase of €1.3 million or 20% on the 2004 allocation.

My Department recently conveyed approval to the NEWB for the filling of a further ten educational welfare officer posts, bringing the authorised staffing from 84 to 94. These additional posts will enable the board to further rollout its services at local level around the country.

Decisions relating to the assignment of the additional staff to specific areas are a matter for the board which is an independent statutory agency. However, the board has recently indicated that Kildare is one of the areas to which it will now appoint an educational welfare officer.

I will keep the issue of the NEWB's staffing under review in light of the roll-out of services and further proposals that the board may put to me on clearly identified priority needs.

*Question No. 331 answered with Question No. 309.*

*Question No. 332 answered with Question No. 305.*

*Questions Nos. 333 to 335, inclusive, answered with Question No. 304.*

*Question No. 336 answered with Question No. 306.*

*Question No. 337 answered with Question No. 304.*

### **Special Educational Needs.**

338. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32188/04]

**Minister for Education and Science (Ms Hanafin):** Under the terms of the Education Act 1998, the National Council for Curriculum and Assessment has been established as a statutory body to advise the Minister for Education and Science regarding the curriculum and syllabuses for students with a disability or other special educational needs.

Following the launch of the report on the autism the NCCA commenced work on curriculum and assessment guidelines for special educational needs by focusing on those with general learning disabilities. Draft guidelines for teachers were issued to all primary and post-primary teachers in 2002. Following a process of consultation, work is being finalised on guidelines for teachers of students with severe and profound, moderate and mild general learning disabilities.

The guidelines cover the full range of education settings for children and young people. When this work is complete, the NCCA will commence work on addressing the needs of students with specific learning disabilities.

339. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32189/04]

**Minister for Education and Science (Ms Hanafin):** The system of inspection that is being used in mainstream and special schools, whole school evaluation, is also being applied to evaluate ASD provision. As is the case with other special education provision, the WSE system has been found to be sufficiently flexible to be adapted for use in evaluating ASD provision. Evaluations have already been carried out on a number of settings where there is ASD provision, and individual reports have been furnished to the school authorities concerned. The inspectors who conducted the evaluations had completed courses in special education and in ASDs.

*Question No. 340 answered with Question No. 305.*

*Questions Nos. 341 and 342 answered with Question No. 304.*

343. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32193/04]

344. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32194/04]

345. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32195/04]

346. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details

supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32196/04]

348. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32198/04]

350. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32200/04]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 343 to 346, inclusive, 348 and 350 together.

As the Deputy is aware many of the issues raised in the report of the task force on autism were addressed in the Education for Persons with Special Educational Needs Act 2004 which was enacted in July of this year. The Act does not restrict itself to autistic spectrum disorders but deals with all special educational needs equally and fairly.

The educational needs of adults are to be dealt with by the Disability Bill 2004 which is sponsored by my colleague the Minister for Justice, Equality and Law Reform. This Bill sets out a range of statutory rights which adults with disabilities may rely upon, including the right to an assessment of educational needs if that is appropriate, and inclusion of measures to address those needs in a service statement which may include placement in an appropriate school or centre for education, or another mechanism more appropriate to the needs of that individual.

Regarding the recommendations at paragraph 15.2.6, the measures included in the legislation are specifically designed to give effect to the right to the provision of a free primary education appropriate to the needs of all children with special educational needs, including those with autistic spectrum disorders. The guarantees of assessment, planning, service provision and annual review and evaluation contained in sections 3 to 11 of the Act in conjunction with the complete commencement of the Education Act 1998 will meet many of the requirements of paragraph 15.2.6. Section 2 of the Act requires that as far as is practicable the education of children with special educational needs will take place in an inclusive environment alongside children who do not have such needs. Crucially, the Act gives the power to the National Council for Special Education to designate particular schools for children and the schools are obliged to enrol those

students, thereby ensuring reasonably proximate and appropriate services for the child. The Act delivers on most of the recommendations in the report, in that it provides for a set of enforceable rights based on the right of equal access to education for all children. The Act does not, nor should it, specify all the matters detailed in the report of the task force. Some of these should be addressed in the implementation.

It must be stressed that the Act requires that both I and the Minister for Finance must have due regard to the imperative that every child has equality of access to an education appropriate to their needs, as set out in section 13 of the Act. I believe section 13, the practical arrangement provided for throughout the Act and the arrangements, including those at section 16, which require health boards to implement policies on special education determined by the Minister for Education and Science, meets the needs of points (h) and (i). However, I do not believe it is necessary to specify the matters to be covered by those provisions in primary legislation, rather those matters will be clarified in the implementation phase.

The Act does not make specific reference to the need for additional development opportunities for professional staff working with children with special educational needs, however the Act and the constitution clearly require the State to ensure that adequate resources are in place to provide an appropriate form of education for all the children in the State. It is a matter for the National Council for Special Education to advise me in the context of the implementation report to be prepared in accordance with section 23 and it would be inappropriate for me to comment further until I have received that report and had an opportunity to consider its contents. That report must be delivered to me within one year of the establishment day of the Council, which must occur within one year of the enactment, and will recommend a schedule for full implementation within a period of five years.

While the Act does not specifically refer to the linguistic needs of Irish speaking children with special educational needs, the effect of the Official Languages Act and the pre-existing rights of the child including the constitutional right under Article 42 to an education appropriate to the needs of the child guarantee that whatever educational services are needed by a child must be available in Irish if that is deemed to be what is best for the child by his or her parents and the assessment team.

The title of the Act is similar in form to that suggested in the report of the task force. By shifting the focus away from “disability” to “special educational needs”, the title and scope is more inclusive than the original proposal as it is designed to encompass conditions which are not necessarily comprehended by the term “disability” as commonly construed, such as dyslexia, dyspraxia, ADD and ADHD. I do not propose

[Ms Hanafin.]

to establish a specific section or unit within my Department to focus on policy formulation around disability issues since the establishment of the National Council for Special Education will have a great many complementary functions. The council will enable the special education section of the Department of Education and Science to focus on the policy proposals coming from the council by relieving it of much of its day to day work in ensuring that provision is available for individual children with special educational needs rather than dealing with the generality of provision.

At a national level parents will be assisted in availing of the rights under the Act by the network of advocates which will be available to them through the Comhairle (Amendment) Bill 2004 which will provide for a right of representation to every person with a disability or their parents in securing access to services. This, combined with the expertise which will be provided by the special educational needs organiser will ensure the type of support for parents and children envisaged in the report.

Any proposals on constitutional reform are a matter for the All-Party Oireachtas Committee on the Constitution and I should not make any comments which might interfere with the process of the review of Article 42 in which it is engaged.

*Question No. 347 answered with Question No. 324.*

*Question No. 348 answered with Question No. 343.*

349. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32199/04]

**Minister for Education and Science (Ms Hanafin):** I refer to my reply to Question No. 537 of 17 November 2004 in which I indicated that my Department is at present developing, in consultation with the Irish Autism Alliance, a set of detailed responses to frequently asked questions about educational provision and supports for children with autism. These responses will focus on such matters as school placement options, educational assessments, in-service training, health-related support services and school transport.

It is intended that development of this resource will be completed shortly and that it will be available in both electronic and printed format. Ultimately, it is expected that the material in this brochure will form the basis for the issue of information on provision for children with special educational needs generally.

*Question No. 350 answered with Question No. 343.*

*Questions Nos. 351 to 353, inclusive, answered with Question No. 304.*

354. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32204/04]

357. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32220/04]

359. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32222/04]

392. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32266/04]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 354, 357, 359 and 392 together.

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 or 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 107 special schools in the country at present. These schools cater for children from four to 18 years of age and each school enjoys a significantly reduced pupil teacher ratio and other staffing supports. For example, each class catering for a maximum of six pupils with autism will have a staffing of at least one teacher and two special needs assistants. Additional special needs assistant support is provided if deemed necessary. Special schools also receive increased rates of capitation funding.

Where placement in a special school is not considered necessary, children with special educational needs, including those with autism, can attend special classes attached to ordinary mainstream schools. All special autism classes enjoy the same increased levels of staffing and funding as are made available to the special schools. Children with autism attending special classes attached to ordinary schools may, where appropriate, be integrated into ordinary classes for periods of the school day and, in that way, benefit from being able to socialise with their non-disabled peers. A total of 139 special classes for autism are in place in the primary system at present. Further special classes for autism may be established nationwide, 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 €800,000 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 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.

*Question No. 355 answered with Question No. 306.*

*Question No. 356 answered with Question No. 304.*

*Question No. 357 answered with Question No. 354.*

*Question No. 358 answered with Question No. 304.*

*Question No. 359 answered with Question No. 354.*

*Questions Nos. 360 and 361 answered with Question No. 304.*

*Questions Nos. 362 and 363 answered with Question No. 309.*

*Question No. 364 answered with Question No. 304.*

*Questions Nos. 365 and 366 answered with Question No. 324.*

*Question No. 367 answered with Question No. 309.*



*Question No. 368 answered with Question No. 324.*

*Question No. 369 answered with Question No. 309.*

*Question No. 370 answered with Question No. 324.*

*Question No. 371 answered with Question No. 309.*

*Questions Nos. 372 to 374, inclusive, answered with Question No. 324.*

### **Autism Services.**

375. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32238/04]

376. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32239/04]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 375 and 376 together.

It is the policy of the Department of Education and Science to ensure that available educational resources are targeted at the most disadvantaged people across all levels of the system. One of the key objectives is to ensure that all young people complete first and second level with relevant qualifications to support their full participation in a cohesive and competitive society. Further and adult education plays a central role in promoting people's life chances.

In Further Education, FE, the principal objectives of the measures and programmes funded by the Department are to meet the needs of young early school-leavers, to provide second chance education for adults and to provide vocational education and training opportunities for labour market entrants and re-entrants. It is the Department's policy to seek to encourage and facilitate the participation of people with disabilities on programmes offered in sector. Generally, issues of access for individuals to FE programmes are addressed at local level with assistance from the adult education guidance service.

The programmes funded in the further and adult education area are as follows: vocational training opportunities scheme, VTOS, providing second chance education and training for unemployed adults in receipt of social welfare payments in one and two-year programmes; post

leaving certificate courses, PLC, offering full-time one and two-year programmes of integrated education, training and work experience provided in schools and colleges outside the third level sector; and Youthreach, an interdepartmental initiative between the Department of Education and Science and the Department of Enterprise, Trade and Employment, for unemployed young people who left school early without qualifications or with poor qualifications.

Senior Traveller training centres offer a two-year Youthreach type programme to Travellers with special consideration of their cultural needs. In both these programmes a range of subject modules, both vocational and academic, at different levels are provided. These are accredited by FETAC or under the junior certificate and leaving certificate applied programmes. The flexibility of the Youthreach programme allows students at different functioning levels to be accommodated.

With effect from 2005 a new provision is being made for trainees with special educational needs, including autism, in Youthreach and senior Traveller training centres. The new provision will enhance the existing guidance and counselling service which has operated since 1998 and will provide for extra tutor resources, educational assessments and education plans and adaptive technology, depending on the needs of the young people involved.

In the area of adult literacy-community education, funding is allocated to VECs for such services. Additional funds provided in recent years are used to expand the scale and scope of provision, improve outreach and referral links and promote flexibility and quality. In addition to expanding the general adult literacy services, specially-targeted programmes have been introduced for people with special literacy requirements, in such areas as family learning, workplace learning, provision for special needs, and catering for those for whom English is not the mother tongue.

In 2002, the back to education initiative, BTEI, offering 6,000 flexible part-time further education places so that people can combine their learning with family, work and other responsibilities, was introduced. The initiative is aimed at providing flexible learning opportunities for those in employment, unemployed or not in the labour market.

A number of education equality initiatives to address gaps in provision of learning and training for educationally disadvantaged people have been established. Eighteen projects nationwide were funded under phase I, 2000-03. Phase II of the EEI commenced January 2004 and will run until December 2006. Other supports designed to assist students in selected further education programmes include adult guidance, counselling and childcare grants. Since 1999, 24 pilot adult guidance projects have been established throughout the country to provide guidance and information

to learners in VTOS, literacy schemes and adult and community education. In 2005 additional funding will be allocated for the roll-out of phase IV of the adult education guidance initiative. This extra provision will allow the adult guidance service to be extended into approximately ten areas currently without a service. More projects will be established as resources permit with a view to having a nationwide service.

Since 1998, funding in the form of grants has been made available to vocational education committees, VECs, towards the cost of childcare support for participants in the vocational training opportunities scheme, VTOS, Youthreach and senior Traveller training centre programmes. In the VEC Youthreach and Traveller programmes, an annual budget is provided for guidance, counselling and psychological services. Centres use this budget to prioritise from a spectrum of needs ranging from initial orientation and guidance and vocational information to psychological services. The vast majority of centres prioritise counselling and psychological services as the key gaps in their areas, with the other aspects of the service being delivered by staff within the centre, by mentors in the Youth service or by the FÁS advocate service.

*Question No. 377 answered with Question No. 309.*

*Questions Nos. 378 and 379 answered with Question No. 324.*

380. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32244/04]

**Minister for Education and Science (Ms Hanafin):** My Department provides funding to schools for the purchase of specialised equipment such as computers to assist children with special educational needs, including children with autism, with their education where such equipment is recommended by relevant professionals. Heretofore, schools could apply to the special education section of my Department for this support, providing supporting documentation, such as reports of psychological and other relevant professional assessments, as appropriate.

Revised arrangements are being introduced in the context of the assumption of operational status by the national council for special education and schools will be notified of these arrangements in the near future.

*Question No. 381 answered with Question No. 306.*

*Questions Nos. 382 and 383 answered with Question No. 324.*

### **Special Educational Needs.**

384. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32251/04]

**Minister for Education and Science (Ms Hanafin):** Equality and accessibility are core principles underpinning the development of the new national qualifications framework which was launched in October 2003 and is being implemented on a phased basis over the period to 2006. The new framework values all learning, whether for personal, civic, social or vocational reasons, and covers all awards in the State across the education and training sectors.

The framework provides for ten levels, ranging from basic education and literacy to doctorate levels. Levels one and two are new levels in the framework, designed to provide for the recognition of basic achievement in the sphere of literacy and numeracy, and the ability to learn information and basic repetitive skills, and carry out routine work under direction in a controlled environment.

Awards will be made at each level in the framework based on the achievement of learning outcomes. These are levels of knowledge, skills and competences which comply with the generic level indicators that have been published for each level of the framework by the National Qualifications Authority of Ireland. The framework therefore provides for recognition of an appropriate mix of academic and vocational skills commensurate with each level of the framework. Awards at levels one to six, inclusive, may be made by the Further Education and Training Awards Council. Awards at levels six to ten, inclusive, may be made by the Higher Education and Training Awards Council, the universities, the Dublin Institute of Technology and colleges with delegated authority to make awards.

The framework is designed to provide for flexibility in terms of using a variety of modes of assessment to demonstrate the achievement of the required learning outcomes. This enables providers to adapt their assessment approaches appropriately to cater for the needs of learners with disabilities. However, each award is made only on the basis of the learner achieving the required learning outcomes appropriate to that level in the framework.

I am satisfied the new system will provide for the recognition of achievement at a range of levels to meet the diverse needs of groups. With regard to HETAC, the new arrangements for quality assurance and validation of programmes are “live” and awards under the new framework

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will be made with effect from 2005. For FETAC, the new quality assurance arrangements for providers will begin in early 2005 and the programme validation arrangements will begin in late 2005.

National programmes exist which offer awards commensurate with levels three to ten of the framework and it is expected that levels one and two will be introduced by the end of 2005.

*Questions Nos. 385 and 386 answered with Question No. 324.*

#### **Autism Services.**

387. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32254/04]

**Minister for Education and Science (Ms Hanafin):** The issue raised by the Deputy is a matter for my colleague, the Tánaiste and Minister for Health and Children, Deputy Harney.

*Questions Nos. 388 and 389 answered with Question No. 324.*

*Questions Nos. 390 and 391 answered with Question No. 305.*

*Question No. 392 answered with Question No. 354.*

*Question No. 393 answered with Question No. 305.*

394. **Ms Enright** asked the Minister for Education and Science the progress that has been made on a recommendation in the report of the task force on autism of October 2001 (details supplied); if such a recommendation has been carried out; the extent to which; if not completed, when it will be completed; and if she will make a statement on the matter. [32268/04]

**Minister for Education and Science (Ms Hanafin):** My Department established the special education support service, SESS, to support schools and teachers working in the area of special education. The management of challenging behaviour is one of four areas prioritised for immediate attention by this service. During the past year the SESS has been planning interventions in conjunction with the National Educational Psychological Service, NEPS, and other relevant experts in this area. A consultative conference involving the principals of special schools was convened in November 2004 with a view to identifying supports that needed to be put in place in schools in regard to the management of challenging behaviour.

Follow-up actions involving NEPS and other relevant agencies are currently being progressed to meet both the immediate and longer term needs that were identified at this meeting.

*Question No. 395 answered with Question No. 305.*

*Question No. 396 answered with Question No. 324.*

*Questions Nos. 397 to 401, inclusive, answered with Question No. 305.*

#### **Schools Refurbishment.**

402. **Mr. R. Bruton** asked the Minister for Education and Science the moneys or grants made available to local school managements in respect of providing funds to upgrade older toilets in national schools in view of the age of some schools; if she has satisfied herself with the general condition in view of the understandable concentration on health and hygiene in the school system; and if she will make a statement on the matter. [32313/04]

**Minister for Education and Science (Ms Hanafin):** The information sought by the Deputy is not readily available in the format requested. If the Deputy has a query about any specific school, I will provide the information for him.

There are a number of schemes funded by my Department from which the upgrading of toilet facilities can be addressed. Under the grant scheme for minor works to national school properties which came into operation in January 1997, all national schools are given an annual allocation of €3,809 plus €12.70 per pupil which can be used entirely at the discretion of school management to address basic health and safety issues relating to the school infrastructure including the upgrading of toilet facilities. In addition my Department introduced a new initiative called the summer works scheme, SWS, in 2004, which provides capital grants for small-scale improvement works, including the upgrading of toilet facilities at both primary and post-primary schools. Where the scope of the works required is too extensive to be carried out under SWS it is open to schools to make application for inclusion in the school building programme.

Between 1998 and 2004, almost €2 billion will have been invested in primary and post-primary educational infrastructure. At primary level this has delivered 84 new school buildings, over 350 large-scale refurbishments or extensions projects, which included the upgrading of toilet facilities, over 6,000 smaller-scale projects and thousands of other small-scale works under the annual minor works grant. At post-primary, this has delivered 46 new school buildings, over 160 large-scale refurbishments or extensions and over 850 smaller-scale projects.

In accordance with the Safety, Health and Welfare at Work Act 1989, it is the responsibility of

school management authorities to have a safety statement in place in their schools. Schools are obliged to identify possible hazards, assess the risks to health and safety and put appropriate safeguards in place. Individual school authorities are responsible, in the first instance, for ensuring the safety and welfare of children and others in their care.

#### **Pupil-Teacher Ratio.**

403. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science, further to Question No. 452 of 17 November 2004, if she will provide the number of schools which are involved in each category. [32314/04]

**Minister for Education and Science (Ms Hanafin):** The information requested by the Deputy is set out in the following table.

Number of National Schools in County Kerry by Class Size (2003/2004 school-year).

Class Size	Number of schools	Number of classes
9 or less	5	7
10-19	88	145
20-24	95	173
25-29	79	195
30-34	39	84
35-39	5	
40 and over	0	0

#### **Special Educational Needs.**

404. **Mr. Noonan** asked the Minister for Education and Science if she has received further evidence in support of an application for resource teaching for a person (details supplied) in County Limerick; if she will review the application based on this evidence; and if she will make a statement on the matter. [32315/04]

**Minister for Education and Science (Ms Hanafin):** I can confirm that my Department has received additional information in support of an application for resource teaching hours for the pupil in question. The application will be considered and a decision will be conveyed to the school at the earliest possible date.

#### **Physical Education Facilities.**

405. **Mr. Deenihan** asked the Minister for Education and Science the plans for the international year of sport and physical education in 2005; and if she will make a statement on the matter. [32359/04]

**Minister for Education and Science (Ms Hanafin):** Physical education and sport, although closely linked, are not synonymous. Sport begins in play and develops through games, competition and challenges. The focus in the physical education curriculum is on the child's holistic development, stressing personal and social

development, physical growth and motor development. Goal-setting, within the curriculum, focuses on individual improvement and not on winning or being the best.

Competition in sport is not incompatible with the holistic development of the child, if the opportunities presented are such that the child is progressing towards the achievement of his or her potential. It is Government policy to encourage and promote sport for all in schools. The policy of my Department is to facilitate this by means of a broad and balanced physical education curriculum for schools at primary and post-primary levels.

The primary school curriculum was revised in 1999. Physical education was included in this process of revision and forms part of the prescribed curriculum for primary schools. At primary level, the curriculum in physical education encompasses elements of sport in the games strand of the curriculum. Sport is therefore presented and promoted as part of the prescribed physical education curriculum for primary schools. In addition to implementing the prescribed curriculum, many schools avail of the services of coaching personnel offered to schools by sporting organisations such as Cumann Lúthchleas Gael, the Football Association of Ireland and the Irish Rugby Football Union. Schools are also encouraged to devote one day every year to "Sport for All" where the entire day is given over to sporting activities that emphasise participation rather than winning or losing.

In addition to the formal curriculum, many schools provide further opportunities in extra-curricular programmes for sport, including organising and preparing inter-school competitions. Teachers and parents make an extremely valuable contribution to children's social and physical development through their contribution of time and expertise to these extra-curricular sporting activities.

Schools at second level should offer a physical education programme based on an approved syllabus with teaching hours registered on the school timetable. The phasing in of a revised syllabus at junior cycle level for physical education — non-examination — commenced in September 2003. The revised junior cycle physical education syllabus, with its practical focus, provides young people with an opportunity to explore a range of intelligences and represents a balance in what has long been acknowledged as an academically dominated curriculum.

As sports are an integral part of physical education they are dealt with comprehensively in these syllabuses. In implementing these programmes, students will participate in a wide range of sports and in so doing will gain an understanding of, and develop technical skill in, these sports. The majority of schools have strong extra-curricular programmes for sport. The skills, understandings and attitudes developed within the formal programmes in physical education provide a

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foundation for these sports and include the development of positive attitudes regarding health and fitness.

#### **School Staffing.**

406. **Mr. Ring** asked the Minister for Education and Science her views on whether it is fair that a person (details supplied) in County Mayo who did voluntary substitution and supervision from September 2001 to March 2002 has not received any monetary reward; if the stumbling block to issuing a payment is that moneys for that payment have already been issued and exhausted; and if a payment for hours worked for unpaid supervision and substitution will be included in the part-time teacher allocation or separate fund. [32423/04]

**Minister for Education and Science (Ms Hanafin):** The supervision and substitution scheme for second level schools commenced in the 2002-03 school year. Under the terms of the agreed scheme teachers paid incremental salary can opt to undertake supervision and substitution duties and receive remuneration for a defined number of hours in each school year. As part of the agreement on the scheme, a once-off payment was made to incremental teachers paid on the Department payroll for the 2001-02 school year. Whole-time teachers were paid €1,270, and job-sharing and eligible part-time teachers were paid on a *pro rata* basis. The agreement with the teacher unions did not allow for any payment for supervision duties to be made in respect of the 2001-02 school year to part-time teachers who were not paid on the Department payroll. Accordingly, a payment for supervision duties for the 2001-02 school year cannot be made to the person referred to by the Deputy.

#### **Teachers' Remuneration.**

407. **Mr. Ring** asked the Minister for Education and Science the monetary remuneration that is the backpay entitlement for a person (details supplied) in County Mayo under the new Act, for teaching 22 hours a week from January 2002 to approximately 15 May 2002; the increment entitlement that will ensue; the entitlements of this person, under this agreement or other, for teaching in a resource capacity without allowances and left on point one of the scale for the entire year; and if she will make a statement on the matter. [32424/04]

**Minister for Education and Science (Ms Hanafin):** The Protection of Employees (Part-Time Work) Act came into operation on 20 December 2001 and provides that a qualified part-time employee has a *pro rata* entitlement to the conditions of employment of a qualified full-time employee.

The position regarding special needs teachers is as outlined in replies to Question No. 531 of 19 October and Question No. 245 of 16 November.

In accordance with the agreement with the teachers' unions, post-primary teachers who do not hold a specialist postgraduate qualification in the area of special needs may, with effect from 1 September 2003, be appointed to special needs teaching posts and paid salary at the qualified rate, that is the appropriate point on the incremental salary scale with degree and higher diploma in education allowances payable.

The salary of the person referred to by the Deputy was reviewed in line with this agreement. Teaching service prior to 1 September 2003 is not covered by this agreement.

#### **Disadvantaged Status.**

408. **Mr. F. McGrath** asked the Minister for Education and Science her proposals and plans to assist the 30% of pupils in disadvantaged schools with serious literacy difficulties; and if she will make a statement on the matter. [32428/04]

**Minister for Education and Science (Ms Hanafin):** The latest partnership agreement, Sustaining Progress, contains a special initiative in chapter 2.8 entitled: Tackling Educational Disadvantage — Literacy, Numeracy and Early School Leavers. This special initiative recognises the importance of literacy and numeracy skills as prerequisites for learning, and for social well-being and economic participation. As part of the initiative, the Government is committed to paying critical attention to literacy and numeracy both in school and for adults of all ages.

My Department has taken a range of measures to prevent and ameliorate literacy difficulties at primary and second level. Learning support teaching is provided in all primary schools by more than 1,500 teachers who give intensive support to children with literacy difficulties. At second-level, more than 530 learning support teachers are employed. In addition, the junior certificate school programme literacy strategy promotes a whole-school approach to literacy development at junior cycle in second-level.

Continuing assistance is being given to disadvantaged primary schools in implementing my Department's learning support guidelines, including adoption of a whole-school approach to supporting children with literacy difficulties, and development and implementation of a literacy plan by each school. My Department provides additional supports for schools serving disadvantaged communities. These supports include the reading recovery programme in primary schools, reduced class sizes, home-school liaison schemes and additional grants, all of which assist in improving literacy levels.

The reading recovery programme first piloted in the Louth, Monaghan and Cavan area has been extended to a number of schools in the Dublin area. Some 66 primary schools, 41 in Monaghan and 25 in Dublin, participate in the programme. My Department has recently recruited three teachers to train as reading recovery tutors, increasing the total number of tutors to five. Fol-

lowing completion of training, these new tutors will train teachers and facilitate the extension of the reading recovery programme, for the first time, to disadvantaged schools in Cork and Limerick.

The first steps programme offers primary teachers an accurate means of assessing and monitoring children's competencies and progress in reading, writing, spelling and oral language. Training of teachers in selected disadvantaged schools in first steps is ongoing. In addition, baseline data on literacy attainment levels is being strengthened through work by the Educational Research Centre and the OECD programme for international student assessment, PISA.

I also recently announced that funding of €500,000 would be provided before Christmas for the purchase of books for schools in key disadvantaged areas. Early interventions, such as those that I have outlined, are crucial in addressing literacy problems among children and have a lasting impact on tackling educational disadvantage and social exclusion.

#### **Pupil-Teacher Ratio.**

409. **Mr. McGuinness** asked the Minister for Education and Science if the class size at a school (details supplied) will be examined with a view to improving the pupil-teacher ratio and other supports, which the school might need; and if she will make a statement on the matter. [32429/04]

**Minister for Education and Science (Ms Hanafin):** The staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous school year. The number of mainstream posts sanctioned is determined by reference to a staffing schedule and is finalised for a particular year following discussions with the education partners. The staffing schedule is structured to ensure that all primary schools will operate to an average mainstream class size of 29 pupils.

The mainstream staffing of the school referred to by the Deputy for the current school year is a principal and seven mainstream class teachers based on the enrolment of 196 pupils on 30 September 2003. The school also has a resource post and a shared learning support post. According to data submitted to my Department by the board of management the enrolment on 30 September 2004 was 197 pupils. The staffing for the 2005-06 school year will be determined on the basis of this figure in accordance with the agreed staffing schedule, which is expected to be notified to boards of management early in 2005.

This school is included in the rural dimension of Giving Children an Even Break. The school is benefiting from supplementary funding to provide additional educational supports for the children concerned. 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.

The special education section of my Department has no outstanding applications for special educational needs, SEN, resources from the school in question. However, if any applications for SEN resources are received they will be considered in accordance with the Department's criteria.

#### **Vocational Education Committees.**

410. **Mr. McGuinness** asked the Minister for Education and Science if she will take action in the crisis at a school (details supplied) in County Kilkenny; if professional assistance will be provided to the school to assist all parties to reach a resolution; and if she will make a statement on the matter. [32430/04]

**Minister for Education and Science (Ms Hanafin):** The post-primary school, to which the Deputy refers, operates under the auspices of a vocational educational committee. The issue in question is therefore, in the first instance, a matter for the vocational educational committee concerned.

#### **Riachtanais Speisialta Oideachais.**

411. D'fhiafraigh **Mr. McGinley** den Aire Oideachais agus Eolaíochta an gceapfar cúntóir riachtanais speisialta do dhalta (sonraí tugtha) agus an ndéanfaidh sí ráiteas ina thaobh. [32445/04]

**Minister for Education and Science (Ms Hanafin):** Is feidir liom a dhearbú go bhfuarthas iarratas im' Roinn i leith thacaíocht mhúinteoir achmhainne a chur ar fáil don dalta a luann an Teachta. Bunaithe ar na sonraí a fuarthas, níor shásaigh an t-iarratas na critéir i gcóir a leithéid de thacaíocht agus cuireadh é sin i bhfios don scoil i litir dar dáta an 23 Meán Fómhair 2004. Déanfar an t-iarratas a phlé athuair má seoltar eolas breise chuig mo Roinn maidir le riachtanais oideachais speisialta an dalta. Seolfar litir chuig an scoil amach anseo maidir le toradh an iarratais ar chúntóir riachtanais speisialta don dalta.

#### **Third Level Reform.**

412. **Ms O'Sullivan** asked the Minister for Education and Science if meaningful consultation with stakeholders including staff will take place before major organisational and structural changes are implemented in UCD in accordance with the Universities Act 1997 and the PPF partnership agreement; and if she will make a statement on the matter. [32475/04]

**Minister for Education and Science (Ms Hanafin):** As the Deputy will be aware, universities are autonomous bodies under the Universities

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Act 1997 and the precise details of the process of consultation which will take place with stakeholders on any organisational or structural change are a matter for the president and governing authority of the institution.

#### **School Accommodation.**

413. **Mr. Gregory** asked the Minister for Education and Science, further to Question No. 230 of 1 December 2004, the options referred to regarding the future of the school in question. [32480/04]

**Minister for Education and Science (Ms Hanafin):** As the Deputy may be aware, pending the resolution of outstanding litigation over the ownership of the school, the position remains unclear. However, officials from my Department are in contact with the Dublin Docklands Development Authority with regard to the acquisition of a site or premises for the school in question.

#### **Schools Building Projects.**

414. **Mr. McGuinness** asked the Minister for Education and Science the status of an application for a school extension at a school (details supplied) in County Kilkenny; the timeframe involved for it to proceed further to design stage and construction; and if she will make a statement on the matter. [32481/04]

**Minister for Education and Science (Ms Hanafin):** The building project for the school referred to by the Deputy is at an early stage of architectural planning. It has a band 3 rating. The introduction of a multi-annual funding process for school building projects requires a revised approach to how projects are scheduled through the design process and on to tender and construction. To maintain a smooth flow of projects and ensure that the optimum number of projects is ready to go to tender and construction at any given time, I will progress projects on a priority basis that are in the early design stages. I will be providing further details of those projects and notifying the schools concerned early in 2005. In this way I want to create sustained momentum in the schools building programme to match the Government's multi-annual funding commitment.

415. **Ms Enright** asked the Minister for Education and Science the criteria, which will be used by her to decide whether a school will be progressed through the public private partnership model or through the school building programme; and if she will make a statement on the matter. [32485/04]

**Minister for Education and Science (Ms Hanafin):** I will be announcing post-primary school projects that are suitable for inclusion in public private partnership, PPP, project bundles in the new year. Once a major building project is

approved for any school, the delivery method for the project may be by way of traditional procurement or by way of public private partnership. Projects may be selected for procurement by the public private partnership method where it is considered that the size of the project or bundle of projects will generate interest in the private sector. In addition, the size of the individual schools and their potential to achieve construction efficiencies is considered. Post-primary schools are more likely to fit these criteria. Projects selected for delivery by the PPP method are generally confined to new builds on a greenfield site where the State holds title to the site.

The outcome of an evaluation of completed pilot PPP schools projects will form part of the consideration of further PPP projects together with a thorough assessment of affordability in the context of the competing demands on future capital funding envelopes. EUROSTAT changes to the accounting treatment of PPPs will also be taken into account in the consideration of any new projects.

#### **Special Educational Needs.**

416. **Mr. Ellis** asked the Minister for Education and Science if a special needs assistant will be provided for a person (details supplied) in County Leitrim for the full school day. [32529/04]

**Minister for Education and Science (Ms Hanafin):** My Department is in receipt of an application for an increase in the level of special needs assistant support for the pupil in question. The application will be considered and a decision will be conveyed to the school at the earliest possible date.

417. **Mr. Ellis** asked the Minister for Education and Science if a special needs assistant will be provided to persons (details supplied) in County Leitrim; and the reason for the delay in providing same. [32530/04]

**Minister for Education and Science (Ms Hanafin):** The care needs of the first pupil referred to by the Deputy can be met from within existing special needs assistant, SNA, supports at the school. The school authorities were notified accordingly. An application for SNA support is still outstanding for the second pupil referred to by the Deputy.

It has been my intention for some time to carry out a general review of SNA support levels and deployment in mainstream national schools. Bearing in mind the view expressed by schools that any such review should have regard to circumstances on the ground, I have decided that the process should involve a visit to each school, which has SNA support. The review has commenced and will involve approximately 2,000 primary schools with existing SNA supports. Decisions regarding the appropriate level of SNA support in the school concerned will be based on

the outcome of this review. Arrangements are being made to review SNA allocation at the school concerned as a matter of priority.

### **Defence Forces Equipment.**

418. **Mr. McGinley** asked the Minister for Defence if his attention has been drawn to the fact that members of the Defence Forces are obliged to travel long distances in Army trucks, such as from Donegal to Cork, without safety belts or other safety equipment; his views on whether this is acceptable; if there are plans to change the methods of transport for such long distances; and if he will make a statement on the matter. [32346/04]

**Minister for Defence (Mr. O'Dea):** The military authorities advise that troop carrying vehicles are the transport used by the Defence Forces for moving troops both to and from operations and training exercises. Where long distances are involved due consideration is given for adequate stops for rest and refreshments.

The troop carrying vehicle is an on-off road military vehicle designed to carry either fully kitted troops or stores in operational or training situations. The design of the vehicle is similar to that used by other western armies for the same purposes and as such complies with accepted international military practice and standards for the use of this type of vehicle.

### **Nuclear Safety.**

419. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the proposals in place if there is a terrorist threat or terrorist attack to the Sellafield nuclear plant in the UK, in relation to the potential impact on this country; and if he will make a statement on the matter. [32065/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Government has in place a national emergency plan for nuclear accidents; NEPNA, which is regularly updated. The NEPNA is designed to provide a response to a major accident or incident at a nuclear installation abroad, including one arising from a terrorist attack on Sellafield, which could result in radioactive contamination reaching Ireland. It has been prepared in accordance with Article 37 of the Radiological Protection Act, 1991 (Ionising Radiation) Order 2000. It is also consistent with international best practice and meets the requirements of the International Atomic Energy Agency document, Safety Standard Preparedness and Response for a Nuclear or Radiological Emergency (GS-R-2).

My Department has the lead role in implementing the NEPNA through the emergency response co-ordination committee. This committee, which also includes representatives of other Departments and the Radiological Protection Institute of Ireland, would be quickly convened in the event of a major accident or incident at a

nuclear installation in the UK or elsewhere having the potential to affect Ireland.

Emergency response management is a constant process. My Department reviews and updates the NEPNA regularly. Such updating deals with adaptations arising from the latest technical and scientific information and accommodates lessons learned through exercises and training.

A Government task force on emergency planning is also in place to co-ordinate the work of Departments and agencies with key roles in emergency planning. My Department is a member of that task force and participates fully in its work.

In the event of any accident or incident at a nuclear installation abroad, the critical issue for Ireland is early notification. Two notification systems are used for early warning. First, the 1986 Convention on Early Notification of a Nuclear Accident, which was adopted and came into force following the Chernobyl accident, requires all contracting states to inform the International Atomic Energy Agency, IAEA, immediately of an accident in any of its installations, which could have an effect outside its own boundaries. The IAEA, through its emergency response unit based at its headquarters in Vienna, will immediately pass on to all its member states, including Ireland, any notification which it receives of a nuclear accident in any part of the world. Second, in addition to this IAEA system, a separate system, known as ECURIE, European Community Urgent Radiological Information Exchange, is operated within the EU. Under this system, each EU member state is required to notify other member states of any radiological accident that could have consequences outside its territory. They must also provide details of any protective actions being taken and results of radiological measurements carried out. These notification systems are tested regularly to ensure that they are fully functioning at all times.

In addition, and also following Chernobyl, the International Convention on Assistance in the case of a Nuclear Accident came into force in 1987. This convention established a cooperation framework to facilitate rapid assistance in the event of a nuclear accident or a radiological emergency. Under the convention, a contracting party that requires assistance may call for assistance from any other state, either directly or through the IAEA. Ireland is a contracting party to this convention.

### **Proposed Legislation.**

420. **Mr. F. McGrath** asked the Minister for the Environment, Heritage and Local Government if he has proposals to legislate for a right to housing and to remove the inequalities in the housing system here; and the housing plans for 2005. [32082/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Government policy on housing



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has the overarching aim of enabling every household to have available an affordable dwelling of good quality, suited to its needs, in a good environment and, as far as possible, at the tenure of its choice. The general strategy for realising the overall policy aim is that those who can afford to do so should provide housing for themselves, with the aid of the fiscal incentives available, and that those unable to do so from their own resources would have access to social housing or income support to rent private housing. Existing legislation and funding programmes support this strategy.

Consequently, the Government considers that it would be inappropriate to legislate for a specific right to housing on the basis that the funding commitment to the various housing programmes is leading to increased outputs and that decisions on the allocation of financial resources are a matter for the democratically accountable Government.

The total Exchequer provision in 2005 for social housing programmes amounts to €1.3 billion, which represents an increase of 19.8% on the expected outturn for 2004. These funds will enable the needs of over 13,000 households to be met next year through the broad range of social and affordable housing programmes operated by my Department and the local authorities. In addition, the long-term needs of about 5,000 current recipients of rent supplement are to be addressed through the new rent accommodation scheme next year. Nonetheless, the terms and conditions of these schemes will continue to be kept under review and the housing forum has been charged under Sustaining Progress to review the effectiveness of all social and affordable housing programmes.

#### **Genetically Modified Organisms.**

421. **Mr. Ferris** asked the Minister for the Environment, Heritage and Local Government the way in which he will vote on the proposal to authorise a genetically modified animal food (details supplied) at the meeting of the Council of Ministers on 20 December 2004. [32104/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Irish position in relation to the vote on this product will be finalised nearer to the date of the Environment Council meeting.

#### **Housing Grants.**

422. **Mr. F. McGrath** asked the Minister for the Environment, Heritage and Local Government if a person (details supplied) in Dublin 5 is entitled to a grant or funding to improve their heating situation; and if the person will be given the maximum support and advice. [32277/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Assistance towards heating

facilities may form part of eligible works carried out under a number of schemes administered by local authorities for which financial assistance is available from my Department, including the disabled persons grant scheme, the essential repairs grant scheme and the 2004 central heating programme, which applies to local authority rented dwellings only. In addition, assistance may be available also through the special housing aid for the elderly scheme which is operated by the health boards. Further information on these schemes is available from Dublin City Council for houses situated within the Dublin city area.

#### **Recycling Policy.**

423. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if he has plans to increase recycling options for recipients of the 2.4 million new telephone books distributed annually to households here; and if he will make a statement on the matter. [32051/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Households served with segregated collection of dry recyclables can recycle their old telephone directories by depositing them in their recyclables wheellie bin. This service is being progressively rolled out, with over 560,000 households nationally already in receipt of such service. Alternatively, households can recycle their old directories by depositing them at civic amenity sites-recycling centres. In the distribution cards circulated simultaneously with the telephone directories, households are referred to the inside back page of the Golden Pages directory for information on the recycling of old directories.

Council Directive 1999/31/EC on the landfill of waste requires member states to achieve specified targets for the reduction of biodegradable waste consigned to landfill. A draft national biodegradable waste strategy, setting out a range of integrated measures aimed at providing an effective basis for the achievement of the directive targets, was published earlier this year for public consultation. While the draft strategy acknowledges that publishers of telephone directories have taken positive steps to improve information on how to recycle directories, it recommends that further progress to support their collection and recovery is required. My Department has already held discussions with the publishers of the telephone directories on possible further measures that might be implemented in this regard, and will endeavour to reach agreement on appropriate mechanisms to assist in the achievement of specified targets in this area as soon as possible.

#### **Nuclear Plants.**

424. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the action he is taking to make Ireland's concerns regarding the Sellafield nuclear plant known to the British Government and to ensure its closure;

and if he will make a statement on the matter. [32052/04]

425. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government if he has discussed the issue of the Sellafield nuclear plant with his counterparts in Britain recently; and his plans to discuss this matter. [32064/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 424 and 425 together.

I refer the Deputies to the replies to Questions Nos. 13, 50 and 53 of 4 November 2004.

#### **Water and Sewerage Schemes.**

426. **Mr. Lowry** asked the Minister for the Environment, Heritage and Local Government the progress to date on the Terryglass sewerage scheme, Terryglass, County Tipperary; if the necessary resources have been committed to bring this essential project to fruition; when it will be sanctioned and go to tender; and if he will make a statement on the matter. [32090/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Terryglass sewerage scheme is being procured by way of a grouped design, build, operate contract that also includes six other schemes in County Tipperary. Tenders for the contract have been invited by North Tipperary County Council.

#### **Genetically Modified Organisms.**

427. **Mr. Ferris** asked the Minister for the Environment, Heritage and Local Government the way in which Irish officials voted at an EU environment committee meeting on 29 November 2004 which rejected a proposal to authorise a genetically modified maize. [32105/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** An abstention was registered by Ireland on the product concerned.

#### **Freedom of Information.**

428. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if An Bord Pleanála and each county council have updated their manuals on freedom of information as required by the relevant legislation; and if he will make a statement on the matter. [32138/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The updating of FOI manuals in An Bord Pleanála and local authorities is the responsibility of these bodies themselves. My Department does not therefore have the detailed information sought in the question.

#### **Private Rented Accommodation.**

429. **Mr. Crowe** asked the Minister for the Environment, Heritage and Local Government if he has satisfied himself that the new Private Residential Tenancies Board has enough resources to

register landlords as is its statutory responsibility in view of the extremely low number of registered landlords (details supplied); the number registered; and if he will make a statement on the matter. [32139/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Statutory responsibility for tenancy registration rests with the Private Residential Tenancies Board under the Residential Tenancies Act 2004. The board is being appropriately resourced. Special arrangements have been made to deal with current demands in relation to tenancy registration and the situation in that regard is being kept under constant review.

As the receipt and processing of applications by the board is continuing, it is not possible to provide a meaningful figure for registrations. There has been a very positive response to registration from landlords generally and the volume of applications already made to the board indicates that the level of registrations is likely to be high. Landlords failing to register will be rigorously pursued by the board.

#### **Social and Affordable Housing.**

430. **Mr. Crowe** asked the Minister for the Environment, Heritage and Local Government if only 315 units of accommodation were built to provide social and affordable housing in the past year; and the locations at which they have been built on a county council basis. [32140/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I assume that the question relates to the 315 social and affordable housing units which were provided under Part V up to end June 2004. In this regard, I refer to the reply to Question No. 257 of 16 November 2004. The needs of over 13,000 households will be met from this year's total provision for social and affordable housing.

#### **Fire Stations.**

431. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the reason the proposals for a new fire station (details supplied) in County Carlow have not been advanced to date; and if he will make a statement on the matter. [32316/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keeffe):** A proposal from Carlow County Council for approval in principle to a new fire station at Tullow is with my Department. This proposal will be considered in the context of the fire services capital programme having regard to the council's priorities and the competing demands nationally for fire services capital investment. A decision will issue to the council in due course.

### Insurance Cover.

432. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government if he plans to amend the Fire Services Act 1981 to include insurance cover for firemen who operate automatic external defibrillators. [32317/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The provision of insurance cover for local authority personnel, including fire service personnel, in the performance of their official duties is a matter for the individual local authority concerned. The question of amending the Fire Services Acts 1981 and 2003 does not arise in this context.

### Water and Sewerage Schemes.

433. **Mr. Murphy** asked the Minister for the Environment, Heritage and Local Government the position with regard to the provision of a sewerage treatment plant for Newmanwel, County Cork; and when he expects the works will be completed. [32319/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I assume that the question relates to the Newmarket sewerage scheme. The Newmarket scheme, which involves the upgrading of the existing waste water treatment plant and sewage collection system, is included in my Department's water services investment programme 2004-2006 to commence planning at an estimated cost of €3 million. Cork County Council's design brief for the appointment of consultants to prepare the preliminary report for the scheme was approved by my Department last month.

434. **Mr. McGinley** asked the Minister for the Environment, Heritage and Local Government the position regarding the proposed sewerage scheme for Killybegs, County Donegal; and if he will make a statement on the matter. [32334/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Killybegs sewerage scheme is included in my Department's water services investment programme 2004-2006 as a scheme to commence construction in 2005 at an estimated cost of €17.2 million. The submission of a water pricing report by Donegal County Council is awaited to enable my Department to finalise its consideration of the preliminary report for the scheme.

### Waste Management.

435. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government if he will give a policy direction under section 60 of the Waste Management Act to the EPA and Wicklow County Council to have the illegal waste dumped at a site (details supplied) in County Wicklow removed; and if he will make a statement on the matter. [32332/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** As indicated previously, it is my intention to issue a policy direction under section 60 of the Waste Management Act to assist local authorities and the Environmental Protection Agency in dealing with the consequences of illegal waste activity. My Department is currently formulating such a direction in consultation with the EPA with a view to completing it early in 2005.

### Road Network.

436. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he will approve an application for funding from Roscommon under the specific grant scheme to realign the Roscommon to Creggs regional road; and if he will make a statement on the matter. [32374/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The improvement of non-national roads in its area is a matter for consideration by Roscommon County Council, on the basis of its own financial resources supplemented by State grants.

In August this year, my Department sought applications from local authorities for funding under the 2005 EU co-financed specific improvements grant scheme. Applications submitted by Roscommon County Council included an application for funding for the widening, re-alignment, strengthening and surfacing of the R366 Roscommon to Creggs road. I intend to announce allocations for 2005 early in the new year.

### Housing Aid for the Elderly.

437. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government the action he is taking to correct the anomaly whereby window replacement is available under the housing aid for the elderly scheme in some health board areas but not in the Northern Area Health Board region; if he will increase funding to the ERHA to address the serious funding shortfall in this regard; and if he will make a statement on the matter. [32447/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** The special housing aid for the elderly scheme, administered by a task force under the aegis of my Department and operated by the health boards, was established to provide assistance to improve the housing conditions of elderly persons living alone in unfit or insanitary conditions. Typically, the work undertaken would be necessary repairs to make a dwelling habitable for the lifetime of the occupant, such as repairs to chimney or fireplace, the provision of heating, water and sanitary facilities, the repair of windows or doors, roof repairs, the provision of food storage facilities etc.

Decisions to grant assistance in individual cases are the responsibility of the health boards at local

level and, having regard to the guidelines issued by the task force, it is a matter for each board to determine, within the funds available, the priority of individual cases on hands.

In recognition of the valuable work being done, I arranged to make additional funding of €4 million available to the scheme generally in 2004. A total of €2.12 million for the operation of the scheme was allocated to the Eastern Regional Health Authority in 2004, compared to €1.82 million in 2003.

#### **Radon Gas.**

438. **Mr. Ferris** asked the Minister for the Environment, Heritage and Local Government if he proposes to take measures in order to address the problem of unusually high and dangerous radon emissions in the Castleisland area. [32448/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** In July 2003, a radon concentration level of 49,000 becquerels per cubic metre, Bq/m<sup>3</sup>, was identified in a house located close to the town of Castleisland, County Kerry. This exceptionally high radon concentration level was unprecedented in Ireland and other European countries. I understand that subsequent radon remediation works on the house resulted in a very significant reduction in the concentration level, that is, down to 500 Bq/m<sup>3</sup>.

I can also report to the House that follow-up radon measurements in houses in the area show that the exceptionally high radon concentration level has not been replicated to date in other houses in the area. The Radiological Protection Institute of Ireland, RPII, wrote to approximately 2,500 householders in the four 10 km x 10 km grid squares closest to the town to inform them of the very high reading found in the house in Castleisland and to advise them that they should have their own house measured for radon. By way of response to the RPII letters, I understand that 406 householders requested radon measurements. Results which are now available for 397 of these indicate that 54 houses, 14%, exceeded the national reference level of 200 Bq/m<sup>3</sup>, including five houses, 1%, which had concentrations above 1,000 Bq/m<sup>3</sup>. The highest concentration level found among the 397 houses was just over 6,100 Bq/m<sup>3</sup>, while the average concentration was just below 150 Bq/m<sup>3</sup>. Radon measurements were also completed in respect of 90 local authority homes in Castleisland, none of which were found to have radon concentrations in excess of the national reference level.

The Government, through the RPII, has committed significant resources to assessing the extent of the radon problem throughout the country and to increasing public awareness of radon. The RPII carried out a national survey of radon in domestic dwellings in the 1990s aimed at assessing the extent of the radon problem in homes. The survey involved the measurement by the RPII of radon for a 12 month period in a ran-

dom selection of homes in each 10 km x 10 km grid square throughout the country. In all, over 11,000 houses were involved in the survey. Arising from that survey, the RPII estimated that some 91,000 houses nationally, or some 7% of the national housing stock, have radon concentrations in excess of the national reference level. The survey also identified high radon areas. The RPII's website [www.rpii.ie](http://www.rpii.ie) contains a comprehensive map of the high radon areas in Ireland as well as the report of its national survey. The RPII has always encouraged those householders residing in high radon areas to have their homes tested for radon, and where measurements are found to exceed the national reference level, to carry out radon remediation works. The cost to a householder of having his or her home tested for radon would be in the order of €40.

In February 2002, my Department published a booklet entitled *Radon in Existing Buildings — Corrective Options* advising designers, builders and home owners on remediation options for reducing radon in existing houses to, or below, the national reference level. Upgraded building regulations, introduced in June 1997, require all new houses which commenced construction on or after 1 July 1998 to incorporate radon protection measures. My Department has recently published an updated edition of *Technical Guidance Document C, TGD-D*, on part C of the building regulations — site preparation and resistance to moisture — incorporating enhanced radon prevention measures for new buildings commencing on or after 1 April 2005. This new guidance document is aimed at ensuring that the 1997 radon protection measures are carried out more effectively.

#### **Fire Stations.**

439. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government if he will report on plans to expand the Kilkenny city fire service; if it is planned to relocate the service to a site more central to the city and its environs; and if he will make a statement on the matter. [32482/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** My Department has not received any such proposals from Kilkenny County Council.

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

440. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if his Department provided funds to Kildare County Council for housing purposes in the past 12 months; if insufficient funds were allocated thereby causing delays in the restoration of fire damaged dwellings; and if he will make a statement on the matter. [32553/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** My Department has allocated

[Mr. N. Ahern.]  
€19.250 million to Kildare County Council in 2004 for its housing construction-acquisition programme which includes expenditure on Traveller accommodation. The cost of work to fire damaged dwellings is a matter to be funded from the county council's own resources and the proceeds of insurance claims.

441. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government if

he will report on the application from Fingal County Council for an Exchequer grant towards the cost of installing central heating in its local authority houses; and if the application will be expedited as a matter of urgency. [32554/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Arrangements are being made at present to process the full payment claim of €445,021 from Fingal County Council under the 2004 central heating programme.