



DÍOSPÓIREACHTAÍ PARLAIMINTE PARLIAMENTARY DEBATES

DÁIL ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*

(OFFICIAL REPORT—*Unrevised*)

Tuesday, 14 December 2004.

Ceisteanna—Questions	
Taoiseach	241
Minister for Community, Rural and Gaeltacht Affairs	
Priority Questions	255
Other Questions	267
Adjournment Debate Matters	274
Message from Select Committee	274
Leaders' Questions	274
Requests to move Adjournment of Dáil under Standing Order 31	282
Order of Business	283
Estimates for Public Services 2004: Motion	294
Vote No. 6 — Office of the Minister for Finance (Supplementary)	294
Vote No. 9 — Office of the Revenue Commissioners (Supplementary)	295
Vote No. 10 — Office of Public Works (Supplementary)	295
Vote No. 19 — Justice, Equality and Law Reform (Supplementary)	295
Vote No. 20 — Garda Síochána (Supplementary)	295
Vote No. 22 — Courts Service (Supplementary)	295
Vote No. 23 — Land Registry and Registry of Deeds (Supplementary)	296
Vote No. 26 — Education and Science (Supplementary)	296
Vote No. 26 — Education and Science (Second Supplementary)	296
Vote No. 27 — Community, Rural and Gaeltacht Affairs (Supplementary)	296
Vote No. 32 — Transport (Supplementary)	296
Vote No. 35 — Arts, Sport and Tourism (Supplementary)	296
Bovine Diseases (Levies) Regulations 2004: Motion	297
Criminal Justice (Terrorist Offences) Bill 2002:	
Order for Report Stage	297
Report and Final Stages	297
Private Members' Business	
An Post: Motion	317
Social Welfare Bill 2004: Report and Final Stages	343
Adjournment Debate	
Eating Disorders	369
Alternative Energy Projects	371
Schools Refurbishment	374
Local Authority Housing	377
Questions: Written Answers	381

DÁIL ÉIREANN

*Dé Máirt, 14 Nollaig 2004.
Tuesday, 14 December 2004.*

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

*Paidir.
Prayer.*

Ceisteanna — Questions.

Government-Church Dialogue.

1. **Mr. M. Higgins** asked the Taoiseach the details of the new open dialogue announced recently between the Government and the churches and faith communities; the issues that will be discussed in this dialogue; when the discussions will begin; the churches that will be involved; if it is envisaged that a final report will be produced; and if he will make a statement on the matter. [30104/04]

2. **Mr. Kenny** asked the Taoiseach if he will report on the arrangements for dialogue between the Government and the main churches; and if he will make a statement on the matter. [32016/04]

3. **Mr. Sargent** asked the Taoiseach the issues to be addressed in the new open dialogue announced between the Government and the churches and faith communities; and if he will make a statement on the matter. [32446/04]

4. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on the arrangements for proposed open dialogue between the Government and churches and faith communities; and if he will make a statement on the matter. [33289/04]

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

During the course of an address delivered in Rome during ceremonies to mark the 75th anniversary of diplomatic relations with the Holy See, the Minister for Foreign Affairs, Deputy Dermot Ahern, announced that the Government considered it would be of value to institute open, transparent and regular dialogue with churches and non-confessional organisations on the same lines as that provided for at European level in the draft European constitution. Accordingly, my Department will make contact with the churches and faith communities to invite them to participate in exploring how such a dialogue might be established and what its scope might be. When

their views have been received, the Government will give further consideration to the matter and will decide at that point whether and, if so, in what way to proceed with the dialogue.

Clearly, the churches and faith communities make a very important contribution to the life of this country, not least through the participation of church representatives and church-based organisations, for example, in the National Forum on Europe and through social partnership. Any future structured dialogue which may be put in place will, of course, have to be open, inclusive and transparent and fully in accordance with the provisions of Article 44 of Bunreacht na hÉireann, which guarantees freedom of conscience and the free profession and practice of religion.

I envisage that any such dialogue would in principle be capable of addressing any matter of mutual interest or concern. I do not envisage, however, that it would displace the existing and ongoing consultation and dialogue between churches and church-based organisations and the various civil authorities in matters of their functional responsibility.

Mr. M. Higgins: Will the Taoiseach be a little more specific? I think the British census of 2001 showed that there were 170 different groups who considered themselves to be religious groups. Is the invitation being made to denominations, organisations or those who are, in the words of Jacques Delors, of ethical disposition? Will the Taoiseach explain how this relates to the Delors initiative for a soul of Europe, an initiative which I understand has been wound up?

Will the Taoiseach comment on the issues and areas that would be part of this dialogue? Will they include for example the economy, issues of war and quality of life? An excellent conference on Understanding Islam took place at the Chester Beatty Library recently. In what way does this dialogue relate to the United Nations consideration of a dialogue between civilisations? Is the purpose of this dialogue to engage with those who, for example, believe in secularism or pluralism, or is it to be seen as a force opposed to secularism?

The Taoiseach: The views being sought on the proposed structured dialogue are those of the Roman Catholic Church, the Church of Ireland, the Presbyterian Church, the Methodist Church, the Religious Society of Friends, the Salvation Army, the Unitarian Church, the Lutheran Church of Ireland, the Moravian Church, the Baptist Church, the Orthodox Church, which is the Coptic, Greek, Romanian and Russian Church, the Church of Jesus Christ of Latter-Day Saints, Jehovah's Witnesses, the Jewish community, the Islamic Foundation of Ireland, the Baha'i Faith, the Buddhist centres and the Association of Irish Humanists. We are happy to engage with other churches and faith communi-

[The Taoiseach.]
ties that may wish to be involved — I hope there are not 130 of them.

Mr. M. Higgins: The figure I mentioned is 170, though that includes the Occultists.

Mr. N. Dempsey: Would atheists qualify?

The Taoiseach: Clearly we are seeking a wide range of views. Deputy Michael D. Higgins is aware that this dialogue is taking place throughout Europe. A number of countries have moved ahead of the Irish position, particularly France, though this has nothing to do with Romano Prodi's statement about the role of religion in Europe. There are different arrangements with different churches in many European countries. An example can be seen in the concordats between the Holy See and governments of many countries. Some of these concordats have been of long duration. A recent example greatly talked about in Europe this year and last year is the establishment of the structured dialogue with all the churches in France, involving committees representing Christian, Jewish and Islamic communities. We intend to consider such examples. A number of countries have studied this dialogue in France.

There are two reasons the process has made good progress this year. Article 152 of the draft European constitution treaty recognises the identity and specific contribution of the churches as well as the philosophical and non-confessional organisations and commits the European Union to maintaining open, transparent and regular dialogue with these churches and organisations. This is seen as an issue that complements the preamble to and long debate on the European Convention. It is now being looked at as a way of building on the work done and acknowledging the inspiration drawn from Europe's cultural, religious and humanist heritage. This is an area in which a number of countries have concentrated on and developed.

The second reason is that while there has been contact in this country with a number of churches, through the years, and this will not affect relations with the St. Vincent de Paul Society, educational bodies etc., there is now a large number of churches with growing congregations with which we have no structured dialogue apart from meetings on an *ad hoc* basis. There is no formal structured dialogue with most of the churches I have read out to the House, quite apart from those which may not be on this list. The emphasis is on building such a relationship for the future.

Mr. M. Higgins: The Delors initiative, which included seminars on the soul of Europe, was aimed at seeking to understand the nature of European citizenship. It included, for example, the humanists. It included another category, which I believe was called "those of ethical dispo-

sition". The entire thrust of it was to enable people to make a critique from a spiritual basis of what was seen, for example, to be an excess of materialism within the economic thinking of Europe. My reason for this question is to know whether this initiative is a broad dialogue in the character of the Delors consideration of a Europe that is not simply materialist but spiritual as well. My example about the humanists was made in the context of drawing on the Greek tradition which I believe might have been expressed in an extreme fashion, philosophically, in recent times.

Is it a broad consideration or a dialogue between the State as an organisation and these other civil bodies? Is the Taoiseach involving himself in a philosophical journey towards understanding what it means to be European, to include non-material and non-economic aspects, or is he reviving something that is in the spirit of a concordat? Concordats, as I understand it, were really treaties between the Vatican——

Mr. B. Lenihan: The Holy See.

Mr. M. Higgins: ——and other countries. We are hardly talking about an alternative treaty, are we? Are we to listen to, as it were, clerical organisational comments on State policy or are we talking about a joint initiative towards understanding the relationship between Christianity and Islam? Does the Taoiseach agree that an opportunity was missed during the Irish Presidency for having that as a consideration?

The Taoiseach: The Humanist Association of Ireland is one of the organisations involved. As regards what I have said about the European context, member countries are starting to do this. Such thinking was revived during the debate on the European constitution, prior to the Irish Presidency when it was at the Convention stage. It was agreed that there should be association and dialogue with the churches. As I said in my reply, we have not agreed an administrative basis on how this is to work before we seek the views of the people involved, which we will do.

As for the Deputy's questions on issues, all issues from all groups that share mutual interests and concerns may in principle be covered by such a dialogue. I do not envisage that this process will displace the existing well-established lines of communication between churches. There are times when the churches collectively give their views on issues either to my Department or other Departments. They tend to do this collectively, mainly the Roman Catholic, Church of Ireland, Presbyterian and Methodist churches. Many of the others have no means or structure of communication.

It is to give them that basis of dialogue and we will see if there is an interest. I assume there will be, from what I hear. We will then see how best we can structure it.

Mr. M. Higgins: When does the Taoiseach see it all starting?

The Taoiseach: We either have written to these organisations and churches, or are about to do so. It will happen from now.

Mr. Kenny: When the Taoiseach speaks of dialogue between the churches, organisations and the Government, is he referring to the Cabinet? The Taoiseach and the Ministers are obviously very busy with a whole programme of meetings. I want to put forward an idea to the Taoiseach and I know the Ceann Comhairle will not rule me out of order. In respect of civic and moral issues, perhaps the Government should consider a greater use of the Presidency in the dialogue. A full-time officer of the State could be appointed to liaise with the President, who is in communication with the churches on a more regular basis on matters of civic and moral concern. That officer would have reflections of the Council of State made available to him and the Cabinet could be very well briefed on a whole range of civic and moral issues. The advantage is that these issues would be reflected upon through the President, the Council of State and the churches. Conducting these moral and civic issues through a permanent officer of the State might save time for the Government and give it a detailed analysis of those issues that might be of concern.

The Taoiseach: At this stage, it is open as to how we can deal with this. My Department is inviting the churches and faith communities to participate in exploring how such dialogue might be established and what its scope might be.

Mr. Kenny: The Taoiseach should throw it out as an idea.

The Taoiseach: There is merit in having someone who is co-ordinating it on an ongoing basis, otherwise it will not work. Traditionally, there would have been contact with what we consider to be the churches, but that list of churches is very different to what it was ten years ago. Therefore, it has to be co-ordinated in some way. I do not want this to be seen as a replacement for what works very well in education, health and other areas. The role of the President and the Council of State could be developed where it is appropriate. At this stage, we should wait for the response of the different organisations. It is a very formal relationship in other countries and I do not wish to go back to concordats, which are very regimented. We should find a format on the basis of mutual concern. Concordats only occur with the Holy See, so that would create an instant difficulty with the other churches. As part of the exploration, we will look at the Deputy's suggestion.

Mr. Sargent: The Taoiseach stated that he has written to the organisations. What role does his Department have in this? Although there was an

announcement from the Minister for Foreign Affairs, the Taoiseach's Department was also to have a specific involvement. How often do these dialogues take place? Is there any plan to facilitate them?

I am not sure which non-confessional organisations are involved. Could the Taoiseach give a few examples? I am familiar with some of the churches and some of the philosophical organisations, but I have little familiarity with non-confessional organisations. Perhaps the Taoiseach would give a few examples.

How will this dialogue work alongside a provision in the Good Friday Agreement which provided for a civic forum? Will that civic forum be established in parallel with this or will this be an aspect or widening of the civic forum? Where stands the civic forum in the context of this dialogue, both North and South? Is this dialogue all-island based, given that many of the churches are organised on an all-island basis, or will it have a regional basis?

The Taoiseach: This has nothing to do with the proposal on the civic forum. That stands alone and should not be seen otherwise. Many of these churches, such as the Unitarian Church, the Lutheran Church, the Moravian Church, Jehovah's Witnesses, Buddhist centres and the Humanist Association of Ireland, which is a broad organisation, are examples that come within the category. My Department has traditionally, since the foundation of the State—

Mr. Sargent: Which is non-confessional?

The Taoiseach: I understand some of these are, although I do not know which. My Department has traditionally dealt with the broader issues that applied across Departments with regard to the churches. They can obviously deal directly with Departments. It has been the practice that the leaders of the churches would call annually or biannually at the Department of the Taoiseach.

How the dialogue will be structured is undecided. Deputy Kenny suggested that it could be structured in a different way. My Department's task is to co-ordinate the dialogue. We have not come to a decision on how it will ultimately be set up. We have to see what type of dialogue is envisaged and which churches will be interested in it. All that work will take place as soon as we receive submissions from the churches.

Caoimhghín Ó Caoláin: I welcome the proposed dialogue between the Government and the various religious bodies. I represent a constituency which has a great diversity of Christian faiths and, in recent years, other faiths. There is a great spirit of common purpose for the good of the community and that has been demonstrated through the most difficult years in our recent history. I presume the list of proposed churches mentioned by the Taoiseach is not definitive and is open to addition. There are a number of Pente-

[Caoimhghín Ó Caoláin.] costalist churches, including the Elim Pentecostal Church which was founded in my home town many decades ago. I note the Taoiseach did not include a reference to the Free Presbyterians, lest anybody accuses me of leaving them out and, God forbid, that the Taoiseach might.

The Taoiseach: I never would.

Mr. Kenny: That is the second time I heard “God forbid” today.

Caoimhghín Ó Caoláin: With regard to the proposed dialogue, will the Taoiseach outline a prospective timeframe for when he expects progress to be made towards this objective? How soon does he expect direct contact responses and the initiation of the process? Will it proceed in 2005? Will the Taoiseach provide an occasional report to the House on progress in this regard?

The Taoiseach: The principle of structured dialogue with the churches, as I explained previously, applies at European level and it is equally valid that it be applicable at national level. It would be an anomaly if such recognition and dialogue occurred in one important area at European level but not at home. We are dealing with a more diverse range of churches and faith communities than in the past. The multicultural reality requires a new system and a different response from the civil authority, while continuing to respect the rights of the churches we have continually dealt with. The number of churches involved is open. It will be a matter for churches to decide individually if they wish to participate. We will consider how other countries, which I am told are doing well, operate such systems. The French have put much effort into it recently. We have put in place arrangements to allow representatives of various churches and associations to give their views and will encourage them to do so. The announcement by the Minister for Foreign Affairs has been referred to in most church publications.

In principle, all issues of mutual interest and concern are on the agenda to be considered in any dialogue. We will see if we can create a process as long as it does not change anything which has been established and is working very well. This is an opportunity for enhanced dialogue on questions of the status of churches and their role in society generally on the one hand and on their views on social policy and other issues on the other. The agenda is open and the process is not an effort to confine it. We will try to do this quickly and I hope to have the process up and running during 2005.

First, we must await the response of the churches to see if they are interested. There is not much point in doing a great deal of work if they are not. I understand there is interest from the traditional churches which represent the larger part of the population and from newer churches

which feel they have no dialogue beyond the meetings they can arrange on an *ad hoc* basis. The initial consultation will commence in the new year after which we will correspond with all the organisations to see what views come forward. I have no doubt that will happen very quickly and that we will finalise the arrangements as soon as possible. We can then decide how it is best placed.

Dublin-Monaghan Bombings.

5. **Caoimhghín Ó Caoláin** asked the Taoiseach if he has received the report of Mr. Justice Barron on the bombings of 1972 and 1973; the action it is proposed to take on foot of the report; and if he will make a statement on the matter. [30926/04]

6. **Mr. Sargent** asked the Taoiseach if he will make a statement on the Barron report into the bombings and killings in 1972 and 1973 in Dublin, Cavan and Donegal. [30930/04]

7. **Caoimhghín Ó Caoláin** asked the Taoiseach the action he proposes to take on foot of the interim report on the report of the independent commission of inquiry into the Dublin bombings of 1972 and 1973; and if he will make a statement on the matter. [31169/04]

8. **Mr. Kenny** asked the Taoiseach the cost to his Department of the recent report of the Barron inquiry in relation to the Dublin bombings of 1972 and 1973; and if he will make a statement on the matter. [32015/04]

9. **Mr. Rabbitte** asked the Taoiseach if he has received the report of Mr. Justice Barron into a number of bombings and killings in 1972 and 1973; the action he intends to take arising from the report; if he has received information regarding when Mr. Justice Barron will report on the outstanding items within his remit; and if he will make a statement on the matter. [32121/04]

The Taoiseach: I propose to take Questions Nos. 5 to 9, inclusive, together.

The report of Mr. Justice Henry Barron’s independent commission of inquiry into the Dublin bombings of 1972 and 1973 was referred to the sub-committee of the Joint Committee on Justice, Equality, Defence and Women’s Rights for its consideration on 17 November. The sub-committee will report to the House within three months on any further necessary action.

Costs met by my Department in respect of the Barron inquiry for this year amount to €351,462.95. The expenditure includes the cost of work on the report on the 1972 and 1973 bombings, the report on the murder of Seamus Ludlow, which I have received from Mr. Justice Barron and expect will be referred to the Oireachtas shortly, and the report on the Dundalk bombing which I expect to receive from Mr. Justice Barron in the early part of next year.

Caoimhghín Ó Caoláin: The Taoiseach will recall that a commission of investigation into the

Garda investigation of the Dublin and Monaghan bombings and missing files in this jurisdiction has been promised on foot of the first Barron report. Will the Taoiseach advise the House when the terms of reference of the commission be published and come before the Houses of the Oireachtas for approval? Will the investigation be open and public and will there be hearings? When will the British Government establish in its jurisdiction the inquiry called for by the Oireachtas commission?

Is the Taoiseach aware that the second Barron report makes a very significant statement on the bombing in Belturbet in County Cavan on 28 December 1972 in which two young people, Geraldine O'Reilly of Belturbet and Patrick Stanley of Clara in County Offaly, were killed? Is the Taoiseach aware the report names a Fermanagh loyalist as the prime suspect and advises that in 1975 gardaí requested the RUC to question the named individual about the bombing? Mr. Justice Barron had to conclude in his report that he is not aware of the result, if any, of that request. As Mr. Justice Barron is very critical of the complete failure of the British authorities to co-operate with his inquiry, has the Taoiseach raised this aspect of the second Barron report with the British Prime Minister, Mr. Tony Blair? Has he demanded the co-operation of the British Government and all its various arms within the North of Ireland on that and all the other aspects of Mr. Justice Barron's first and second reports?

The Taoiseach: Deputy Ó Caoláin has raised a number of questions. The Government has now passed the proposals in regard to the commission. It will undertake a thorough investigation of the issues identified by the Oireachtas committee as appropriate for further investigation. They were as follows: why the Garda investigation into the Dublin-Monaghan bombings was wound down in 1974; why the Garda did not follow up on the various leads; the information that the white van with an English registration plate was parked outside the Department of Posts & Telegraphs in Portland Row was later seen parked in the deep sea area of the B & I ferry in Dublin; the subsequent contact made with a British army officer on a ferry boat leaving the port; the information relating to a man who stayed in the Four Courts Hotel between 15 and 17 May 1974; his contacts with the UVF; the information concerning a British army corporal allegedly sighted in Dublin at the time of the bombings; and the exact documentation — departmental and Garda intelligence and any other documentation of relevance that is accounted for; the reasons explaining the missing documentation; whether it can be located; and whether the systems currently in place are adequate to prevent a recurrence. The terms of reference will be discussed with the commission when appointed and I expect the commission would consult with the interested parties. That is the first part. I have met the families of

the victims of the 1974 bombings and their legal representatives. I have given them the information and the data and I said that the commission, when it is set up, should talk to their representatives about any concerns they have. They have also given to my officials' suggestions about some of the workings that will be done.

Regarding the response of the British to the other matters in the Oireachtas report, which was raised here during a previous Question Time and on which there was also some discussion from Parliament to Parliament, I do not have a response.

Regarding the other bombings which were the subject of the second report, I have met the relatives of the two deceased from both the Pettigo and the Cavan bombings, and the families from Clara. That report is now with the committee. The third report, the Seamus Ludlow report, is now with the Government. That will go through a process in the Attorney General's office and will then be published. I do not think there will be any changes to it. We are awaiting the fourth report.

Regarding Mr. Justice Barron's comments on the 1972 and 1973 bombings, we raised that issue with the Prime Minister in his office in Sedgefield some weeks ago. We also put our concerns in writing to the British on 17 November. These matters are now in their system and I hope we will get some responses to that, but not at this stage.

Mr. Sargent: Does the Taoiseach intend to do anything about the apparent time lag between February 2003, when Mr. Justice Barron wrote to Mr. Paul Murphy, the Northern Secretary, seeking information about the 1972 and 1973 bombing and the reply a year later that appears to state the British Government has not yet been able to begin a further major and time-consuming search? Has there been any discussion about that matter in the context of bilateral meetings between the two governments? Can the Taoiseach offer any explanation as to the reason, a year later, such a reply is given which appears to suggest that nothing has been done in the course of that year? Does the Taoiseach find that acceptable?

Finally, in mid-November the Taoiseach indicated that preparatory work was under way establishing a commission of investigation into the 1974 Dublin and Monaghan bombings. Where stands that preparatory work? Has the Taoiseach had discussions with the Minister for Justice, Equality and Law Reform on seeking tenders for legal staff and the rules and procedures under which the staff are to operate?

I understand the Justice for the Forgotten group is exploring the possibility of taking a case to the European Court of Human Rights. Has the Government a position on that matter? Have discussions taken place with the group on it?

The Taoiseach: With regard to the lack of British co-operation with Judge Barron's investigation of the 1972 and 1973 bombings, I have written to the Prime Minister on that matter. We have also raised the matter with the British Government as has the joint committee.

I raised the question of the 1974 bombings when I met the Prime Minister some weeks ago in Sedgefield. While we have not received a reply, we must bear in mind what the Secretary of State said when he replied to the joint committee. He said the relevant information covered by the British authorities had been shared with Judge Barron's inquiry, and he had personally ensured that the information had been provided in the fullest possible manner consistent with his responsibilities to protect national security and the lives of individuals.

This House and the joint committee considered Judge Barron's report in great detail and the recommendations of the committee were accepted by the Government. I commend the joint committee on the way it did its work. I do not know what the British will ultimately do. We have asked them to deal with their aspects of the inquiry and we must await an answer. A committee of the House is also awaiting that answer.

The Government has made a decision to appoint a commission of investigation. The Attorney General is making the necessary arrangements for the appointment of a chairperson and staff. That Government decision is in place and will come before the House for approval. The commission should be in place early in the new year.

There has been communication between my officials, the office of the Attorney General and the legal representatives of Justice for the Forgotten. We have co-operated with them and helped them with funding and with other aspects. I do not know about funding a case at the European Court of Human Rights but in all other areas to date we have assisted the group financially.

Aer Lingus.

10. **Mr. Kenny** asked the Taoiseach the number of meetings of the Cabinet sub-committee examining the future of Aer Lingus that have taken place. [30935/04]

11. **Mr. Rabbitte** asked the Taoiseach when the Cabinet sub-committee examining the future of Aer Lingus last met and when the next meeting is planned. [32122/04]

12. **Mr. Sargent** asked the Taoiseach the number of meetings there have been of the Cabinet sub-committee examining the future of Aer Lingus. [32414/04]

13. **Ms Shortall** asked the Taoiseach when the Cabinet sub-committee on Aer Lingus has met. [32528/04]

14. **Caoimhghín Ó Caoláin** asked the Taoiseach the composition of the Cabinet sub-committee on Aer Lingus; and the number of meetings of the

Sub-Committee that have taken place; [33092/04]

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

The Cabinet committee on Aer Lingus has met on three occasions, with the most recent meeting having taken place on 9 December.

Mr. Kenny: I understand from newspaper reports — one cannot believe many of these — that the Cabinet was to make a decision today.

An Ceann Comhairle: That does not arise under these questions. These are very specific statistical questions.

Mr. Rabbitte: Statistical.

An Ceann Comhairle: They refer exclusively to the number of meetings which have taken place. They are statistical questions.

Mr. Sargent: May we talk about the decibel level at the meetings?

An Ceann Comhairle: Members may not discuss policy under these questions.

Mr. Kenny: Did the Minister for Transport brief the Cabinet sub-committee on the Aer Lingus question?

An Ceann Comhairle: That is still not in order under these questions. They are very narrow. The Chair has no control over these matters.

Mr. Kenny: Can the Taoiseach tell the House if he has made a decision on Aer Lingus yet?

An Ceann Comhairle: That does not arise under these questions. We will hear a brief question from each of the Deputies. I do not see how supplementary questions can arise from the questions submitted.

Mr. English: The Taoiseach does not mind. He is a very helpful chap. He answers questions that were not asked.

Mr. Kenny: This is ridiculous.

Ms O. Mitchell: The Taoiseach has indicated that he will take questions.

Mr. Rabbitte: It is a convention of this House for as long as I have been a Member and as long as I have been watching it that one constructs a question that is a peg on which to hang supplementary questions about the substantive issue. If we can only find one way to table a question about the future of Aer Lingus, which is put on the Order Paper, and the Ceann Comhairle tells the leader of Fine Gael and presumably the rest of us that we cannot ask a question except on the number of times the sub-committee met, it makes a complete farce of the proceedings.

Mr. English: The Ceann Comhairle might as well close the door and lock it.

An Ceann Comhairle: The Deputy has been here a long time and he knows the Standing Order. Questions on the substantive issue are a matter for the line Minister.

Mr. Rabbitte: This is a question about the Cabinet sub-committee.

An Ceann Comhairle: Yes, and it is specific. The Deputy's question is to ask the Taoiseach when the Cabinet sub-committee examining the future of Aer Lingus last met and when the next meeting is planned. That is purely a statistical question. The Chair does not have a choice in this matter.

Ms O. Mitchell: It raises further questions.

Mr. English: What happens at the meetings is the Taoiseach's business.

An Ceann Comhairle: No, there is a long-standing precedent in the House, and statistical questions are——

Mr. Rabbitte: It is not a statistical question.

An Ceann Comhairle: We have the same issue with the Minister of State when he answers questions on the Central Statistics Office.

Mr. Rabbitte: I do not give a damn how many times the Cabinet sub-committee met. I want to know what went on, whether decisions have been made, whether the Minister has brought recommendations——

An Ceann Comhairle: It is not in order. The Deputy is well aware of Cabinet confidentiality.

Mr. Rabbitte: Surely I am in order to ask the Taoiseach if the Minister for Transport has brought proposals for consideration.

An Ceann Comhairle: The Deputy is not in order under this set of questions. He has other ways to raise the matter.

Mr. Rabbitte: The Minister will not answer. I am asking whether the Cabinet sub-committee considered at its last meeting a report from the Minister for Transport on the future of Aer Lingus.

An Ceann Comhairle: That does not arise in reply to these five questions.

Mr. English: It does, it is mentioned in a question.

An Ceann Comhairle: It is not in order and the Chair has consistently ruled it out of order. My predecessors ruled such questions out of order.

Mr. Kenny: If the decision has been made, thousands of people will be affected. The Ceann Comhairle should allow the Taoiseach to reply to the question and tell us what is going on.

An Ceann Comhairle: The Chair will not introduce a new precedent at this stage. The precedent of the House has been that such questions are statistical.

Mr. Kenny: It is not long since the former Deputy Oliver J. Flanagan did the same and the Ceann Comhairle's predecessor allowed him to construct many questions on statistics.

An Ceann Comhairle: Since then Leaders' Questions have been introduced to allow the leaders to ask questions.

Mr. Kenny: I will ask the question. Has the Cabinet sub-committee concluded its business? Has the Cabinet made a decision on this?

Ms O. Mitchell: How many more times will the sub-committee meet?

Mr. Kenny: This is critical for thousands of workers and for the economy. Three senior executives are leaving the company and the chairman will leave next year.

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

Mr. Kenny: The Ceann Comhairle is ruling these supplementary questions out because of fractions and percentages

An Ceann Comhairle: The Chair intends to hold the line on these questions. They are statistical questions and the Chair will not allow a policy debate.

Mr. Kenny: The Chair is being extremely tough in the closing week of the session.

An Ceann Comhairle: The Chair is consistent and the Chair has ruled on this matter similarly for the past seven years. My predecessors ruled in exactly the same way.

Mr. Kenny: The Government does not want to stamp down on the flow of information. The Chair should invite the Taoiseach to elaborate on the statistics. If the Government Chief Whip was able to speak about the M50 and feeder roads earlier — what he stated in a newspaper article today was not correct — surely the Taoiseach can comment on the future of Aer Lingus.

An Ceann Comhairle: We are coming to the end of Question Time. I call Deputy Rabbitte.

Mr. Rabbitte: The Chair's ruling is unfortunate and is not——

An Ceann Comhairle: If the Deputy is not satisfied with the Standing Order and the manner in which questions are answered on Cabinet responsibility and confidentiality, he will have to find a way to amend it. The Chair is implementing the Standing Order.

Caoimhghín Ó Caoláin: The clock is ticking on Taoiseach's questions.

Mr. Rabbitte: With all due respect, the Chair could record a CD for Christmas on that theme but that would not help the common-sense conduct of business in this House.

An Ceann Comhairle: There are rules in the House and the Deputy is aware of them. There are other ways for him to raise this issue. It is a policy matter for the line Minister.

Mr. Rabbitte: How many times has the sub-committee met? Does the Taoiseach expect that the next meeting of the sub-committee in respect of Aer Lingus will be the final meeting? When does he expect the sub-committee otherwise to finish its work? Is the sub-committee seized of a report on this matter from the Minister concerned?

The Taoiseach: The sub-committee met three times. Its work will be completed shortly, probably early after Christmas if not prior to it. The Minister will report back then and have consultations with the social partners. It is close to the end of its remit.

An Ceann Comhairle: That concludes Taoiseach's questions as it is now after 3.15 p.m.

Caoimhghín Ó Caoláin: There were two other questions that were not included.

An Ceann Comhairle: The Chair has no control over the length of the replies.

Mr. Sargent: The Chair has control. He keeps telling us that he only has control over questions. He did not exercise control.

Caoimhghín Ó Caoláin: I tabled a valid question that was not replied to by the Taoiseach. It was overlooked.

Priority Questions.

An Ceann Comhairle: There was a printing error in the Order Paper. Deputy McGinley's name appeared on Questions Nos. 38 and 41 instead of Deputy O'Dowd's.

Bullying in the Workplace.

38. **Mr. O'Dowd** asked the Minister for Community, Rural and Gaeltacht Affairs if a departmental investigation into allegations of bullying and cronyism within the cross-Border body, Waterways Ireland, has been conducted by his

Department; if the investigation has been concluded, the findings of said investigation; and if he will make a statement on the matter.
[33322/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): An investigation into allegations of bullying and harassment and related matters in Waterways Ireland was carried out, with the consent of the parties involved, by independent investigators appointed jointly by my Department and the Department of Culture, Arts and Leisure in the North. The report of the investigators has been submitted to the Departments and actions to be taken on foot of the report have been raised with the chief executive, both orally and in writing. I do not consider it appropriate to comment further on the matter.

I acknowledge the efforts of the chief executive and staff of Waterways Ireland in advancing the work of this important North-South body, often in complex and difficult circumstances. The promotion of North-South co-operation in areas within my Department's remit remains a high priority for me and I will endeavour to continue to support the work of the North-South bodies for inland waterways and language matters in every way possible.

Mr. O'Dowd: This allegation was made as long ago as 2002. Was any complaint made to the Department of Community, Rural and Gaeltacht Affairs in regard to it? The matter was raised in the House of Lords by Lord Laird. Without going into the names of the people concerned, will the Minister inform the House whether he is satisfied that the allegation of cronyism was sustained or not?

Éamon Ó Cuív: I do not want to go into the outcome as the issue is under consideration. In January 2003 the Department first became aware of the allegations of patronage, bullying and harassment within Waterways Ireland. There was an informal investigation. A written report containing the findings of that investigation was submitted in November 2004. We have only just got it and the matter is now being considered. The complainant and the person against whom the complaints were made have both been informed in writing of the findings of the investigation. They have been given an opportunity to comment on those findings. We do not want to pre-empt that. The matter is ongoing and not final. Therefore it would be inappropriate to make further comment until the matter is concluded.

Mr. O'Dowd: I have no problem with regard to not naming people. My point is that it is a serious allegation. The issue is important. Here in the South we spend approximately €32 million per year on this cross-Border body. It is essential that there is credibility in the context of whether there is bullying at the top of the organisation. After the people concerned have commented on it, will the Minister lay the report before the House or

can the matter be discussed here again rather than being buried? I am not implying the Minister is burying the issue.

Public interest dictates that we should know exactly what the findings are. I agree that we should wait until the people concerned have commented. However, we want the result on the record, particularly since it concerns a North-South body. We must have due regard to the hoped-for success of the Anglo-Irish and Good Friday Agreements. Co-operation must continue and we must ensure that there is no question but that the highest standards are adhered to by everybody at all times.

Éamon Ó Cuív: I fully accept what the Deputy said. I stress that we have not yet come to the end of the procedure. When it is finished, the Department will decide what action, if any, needs to be taken. Obviously once a definitive decision has been made on whether action should be taken, we will be obliged to explain what decisions were made. However, I do not wish to pre-empt the decision-making process.

I am anxious to marry two requirements, namely, the right of the individual to confidentiality, especially when the process is ongoing, and the need for accountability to the Dáil for public money spent and to ensure that proper procedures were followed by an agency to which, as the Deputy said, we contribute a significant amount of money.

The Deputy can take it from me that we will certainly seek advice and will make public as much information as would be appropriate once a decision has been made. At this stage it is better to let the process come to an end and give the parties a chance to respond to the report of the investigators.

I stress that we are not sitting on this matter and that has been the case at all stages. It is being dealt with in a thorough manner. The Deputy is aware how complicated issues like this can be. We are anxious to bring closure to the matter.

Irish Language.

39. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs if he made comments in July 2003 to a newspaper (details supplied) that there would be a dividend of almost 2,000 posts for the Irish language community as a result of the enactment of the Official Languages Act 2003; and if he will make a statement on the matter. [33313/04]

Éamon Ó Cuív: I refer the Deputy to Questions Nos. 188 and 189 of 25 November 2004 in which I outlined that full implementation of the Official Languages Act would require us to draw on the language competences of significant numbers of people across both the public and private sectors. I reiterate that I did not at any time indicate that an additional 2,000 jobs would be created in the public sector as a consequence of the legislation. The service has a staff com-

plement of approximately 280,121 people. Within this, a complement of 2,000 people with a competence in Irish would represent less than 1% of the public service. It may be anticipated that further employment would be created in training, translating etc. outside the public service.

Mr. O'Shea: Does the Minister agree that the prediction of the creation of almost 2,000 jobs for the Irish language community arising from the enactment of the Official Languages Act 2003 amounts to little? The Minister gave an exclusive interview to an Irish language daily newspaper printed in Belfast and read by the Irish language community. In the course of that interview he knowingly presented a false and grossly inflated prediction of the jobs to be created for the Irish language community, thereby strengthening support for the Official Languages Act in that community. He considered he was quite safe to make this outlandish prediction as no one outside the Irish language community would be aware of it and he would not be called to account for it.

Éamon Ó Cuív: I seriously and vigorously dispute what the Deputy said on a number of grounds. The interview was given in July 2003 after the legislation had been passed. I do not understand how I can be accused of garnering support for legislation which had already been enacted. I was asked a reasonable question to which I gave a reasonable answer. A total of 280,000 public servants work in the State. The Official Languages Act must mean something. Either it will bring about an improved service or it will not. It appears reasonable to me to predict that 2,000 people with a competence in Irish will be required to provide services following the enactment of the Official Languages Act. As I said, that would amount to only 1% of the public service which would be required to provide an Irish language service across the service.

I made the point in the interview that those people with bilingual ability would have an advantage when it would come to such jobs. Why should they not? Doctors have an advantage when it comes to jobs in medicine and lawyers have an advantage when it comes to jobs in law. Why would somebody who is bilingual not have an advantage in this respect, just as those who are trilingual have the edge when it comes to jobs in the European Union? Nobody complains about that. They say that is reasonable because, as we live in a multilingual society, one would need to have three languages to get a job there. Somebody like me who only speaks Irish and English would not be able to get a job in the European Union. The same principle applies here.

Mr. O'Shea: That is not the way the interview reads. The Minister stated in the interview that 1,000 jobs would be created within the Gaeltachtaí and almost the same number outside it. That statement was clear and unequivocal. The article was headed: "Ó Cuív's dividend: language

[Mr. O'Shea.]

Act to create 2,000 jobs." Either that is correct or it is incorrect. Is the Minister prepared to refute that statement which he allegedly gave to *Lá*?

Éamon Ó Cuív: I do not and cannot write newspaper headlines and cannot therefore take responsibility for them. What I said to *Lá* and am clear on is exactly what I said to the Deputy. Jobs in the public service that did not previously have a bilingual requirement will have one. A number of those will be in Gaeltacht areas. That is a fact.

Mr. O'Shea: Are there to be 1,000 jobs in Gaeltacht areas?

Éamon Ó Cuív: The newspaper got that mixed up. It is easy to explain the 1,000 jobs in the Gaeltacht. All Members have done interviews. I am quoted and misquoted in newspapers every day. In the past week it was alleged that I said things about rights of way that I never said. The reference to 1,000 jobs was a separate issue. I stick by what I said which was that Údarás na Gaeltachta could create 1,000 language-based jobs in the Gaeltacht that have nothing to do with the Official Languages Act. They are two separate issues. Such jobs would be in the areas of cultural tourism, translation which would relate to the Official Languages Act, third level education and so on. We had broken it down in rough form in the various earnálacha. That reference to 1,000 jobs did not relate to the Official Languages Act. That was the newspaper's mistake.

As Members are aware, when one does an interview like that, there is always a certain press aim and, at times, misunderstandings. The two issues were separate. That is the case. I hope that clarifies the issue for the Deputy.

Mr. O'Shea: I find it difficult to follow the Minister's logic. He is quoted in the article as saying a dividend of almost 2,000 jobs for the Irish language community would be one of the main results that would come from the enactment of the Official Languages Act. Does the Minister now refute that statement? Why has he made no attempt in the intervening year and a half to set the record straight?

Éamon Ó Cuív: I do not correct inaccuracies in every newspaper article because if I did, I would be writing to newspapers virtually every day. I sometimes do and sometimes do not. It depends on a number of circumstances.

I do not believe there will be 2,000 extra jobs in the public service but I believe that extra jobs will be created. If one wishes, one can put a figure of 2,000 on it. That is a reasonable figure which is about 1% of the public service. More people in the public service will be required to be bilingual than is the case at present if the Act is to have any effect. In other words, it would be reasonable that an extra 1% of the public service would need to be bilingual. One must distinguish an extra

2,000 jobs in the public service and an extra 2,000 jobs where there would be a requirement for bilingualism, which is what I said to *Lá*.

The third issue is separate. I spoke to *Lá* about this but it obviously got mixed up. I predicted and continue to predict that if Údarás na Gaeltachta pursues a policy of maximising the employment possible from language in the Gaeltachtaí, 1,000 jobs could be created, separate from but including the Official Languages Act, from many sources, including cultural tourism, third level education etc. It would be similar to setting a target to create 400 or 500 jobs in fish farming or any other industry. It is a reasonable target to set ourselves as it is quite achievable.

Mr. O'Shea: That is rubbish.

Deontais Ghaeltachta.

40. D'fhiafraigh **Mr. Sargent** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil sé ar an eolas faoi chairéal i mBaile na hAille, Contae na Gaillimhe (sonraí tugtha); comhlacht a fuair deontais ó Údarás na Gaeltachta in ainneoin nach bhfuil sé sa Ghaeltacht agus in ainneoin go bhfuair An Bord Pleanála amach go raibh sé ag feidhmiú i gcoinne dlí pleanála; gur chuir Comhairle Chontae na Gaillimhe fógra dlí chuige i mí Feabhra 2003 agus an bhfuil sé i gceist ag an Aire an t-airgead Stáit a tugadh don chomhlacht seo a fháil ar ais de bharr na neamhrialtachtaí seo. [33487/04]

Éamon Ó Cuív: Ní mór dom a mheabhrrú don Teachta ar an gcéad dul síos nach dtagann an t-ábhar sonrach seo faoi mo chúram, ós rud é go mbaineann ceadú an deontais chaipitil le feidhmiú Údarás na Gaeltachta ar bhonn laethúil agus go mbaineann an ghné pleanála de leis na húdaráis phleanála féin. Mar a chuir mé in iúl don Teach i mo fhreagra ar Cheisteanna Uimh. 160 agus 76 ar 5 Deireadh Fómhair agus 9 Samhain 2004 faoi seach, cheadaigh Údarás na Gaeltachta deontas caipitil don chomhlacht seo ar an mhíthuiscint go raibh sé ag feidhmiú laistigh de limistéir na Gaeltachta.

Tuigim go bhfuil na céimeanna cuí glactha ag an Údarás chun aon atarlú a sheachaint. Tá athbhreithniú déanta ag an Ard-Reachtaire Cuntais agus Ciste ar an gcás le gairid mar chuid d'iniúchadh eatramhach ar chuntais 2004 an Údaráis, agus tá sé curtha in iúl aige nach mbeidh aon bheart eile sa chás á thógáil aige.

Mr. Sargent: Ní dúirt an tAire go raibh an chás seo ina chúis imní aige. Dúirt sé nach raibh sé freagrach as gach rud a dhéanann Údarás na Gaeltachta, agus tuigim é sin. Ag an am céanna, an féidir leis a rá go bhfuil sé ina chúis imní? Ní amháin go bhfuil an cairéal seo i mBaile na hAille taobh amuigh den Ghaeltacht, ní baile fearainn é Baile na hAille féin. An bhfuil an tAire á rá go mbeidh an deontas a fuair an cairéal seo á aistarraingt? An bhfuil sé ar an eolas go bhfuil An Bord Pleanála tar éis rá go bhfuil an tionscnamh

seo ag briseadh rialacha pleanála agus go bhfuil an tAontas Eorpach tar éis cur ina leith go raibh disrespect agus non-enforcement i gceist in Iúil 2003?

Dá bharr sin, an bhfuil sé ina chúis imní ar fad aige, ní amháin go bhfuil an tionscnamh seo ag teacht salach ar bhunrialacha pleanála agus bunriachtanais an Údaráis ach go bhfuil go leor den rud ceanann céanna ar siúl, de réir dealraimh? Tá figiúr agam: idir 1998 agus 2002, tarraingíodh beagnach €5 milliúin siar as deontais a tugadh amach sna cúig bliana sin. Nach cúis mhór imní é sin go bhfuil airgead á thabhairt amach agus ansin €5 milliúin á tharraingt ar ais? Nach gciallaíonn sé sin go bhfuil gá le mionscrúdú agus iniúchadh chun an scéal sin a réiteach?

Éamon Ó Cuív: Baineann an chuid dheireanach den cheist le ceist eile atá le freagairt inniu, agus sílim go mba cheart é sin a fhágáil go bhfreagrófaí an cheist sin.

Maidir leis an gcéad cheist, cheadaigh an tÚdarás deontas don chairéal seo i 1998 ar an míthuiscint go raibh sé sa nGaeltacht. Bhí sé mícheart. Mar a mhínigh mé sa Teach cheanna, bhí sé deacair teorainn na Gaeltachta a aithint ag an bpointe sin, agus rinne sé botún. Níor cheart do dhuine botún a dhéanamh, ach tá sé daonna, agus is dóiche go dtuigimid ar an taobh seo den Teach gurbh é botún bona fide a bhí ann.

Ní bhaineann ceisteanna pleanála leis an ábhar seo ar chor ar bith. Nuair a tugadh an deontas, bhí sé ráite ag an údarás áitiúil gur chreid sé go raibh pleanáil ag an gcairéal seo ar an mbunús go raibh sé ann sular tháinig na dlíthe pleanála i bhfeidhm. I ndiaidh go raibh an deontas ceadaithe agus íoctha, thóg duine éigin ceist go dtí An Bord Pleanála, agus rialaigh sé ina dhiaidh sin nach raibh cead pleanála aige mar go raibh méadú úsáideach chomh mór sin is nach bhféadfaidís úsáid a bhaint as an chead pleanála a bhain le cairéilacha a tosaíodh roimh theacht na nAchtanna Pleanála. Ní féidir an milleán a chur ar Údarás na Gaeltachta, mar ní raibh a fhios aige roimh ré cad a déarfadh An Bord Pleanála trí nó ceithre bliana ina dhiaidh sin. Ghlac sé le focal bona fide an údaráis pleanála. Míníonn sé sin ceist na pleanála, agus dá bhrí sin, is féidir an cheist sin a chur ar leataobh.

Bhí imní orm maidir leis an gcás seo, ach thóg muid an cheist, agus go bhfios dúinn níl aon dearmad eile déanta. Ní amháin sin, ach dhearbhaigh Údarás na Gaeltachta dúinn go bhfuil céimeanna cuí glactha aige le déanamh cinnte nach dtarlóidh sé seo aríst. Mar atá ráite agam sa bhfreagra, scrúdaigh an tArd-Reachtaire Cuntas agus Ciste na cuntais. Ceadáíodh an deontas sa mbliain 1998, agus íocadh €55,234 sa mbliain 1999-2000. Níl sé i gceist aon aisíoc a lorg sa gcás seo.

Mr. Sargent: Is léir go bhfuil sé de nós ag an Údarás deontas a aistarraingt, más gá, agus tá sé ráite gurbh é botún a bhí ann. Is airgead poiblí é seo, agus tá An Baile Dóite, an áit a bhfuil an cairéal, taobh amuigh den Ghaeltacht.

Éamon Ó Cuív: Tá An Baile Dóite sa nGaeltacht.

Mr. Sargent: Tá brón orm. Tá An Baile Dóite sa Ghaeltacht, agus dúradh go raibh an áit i An Bhaile Dóite. Ag an am céanna, tá sé taobh amuigh den Ghaeltacht. Tá go leor tionscnamh ag iarraidh dul ar aghaidh agus rud éigin a bhunú sa Ghaeltacht, agus tá sé dochreidte go bhfuil an tAire agus an tÚdarás sásta an t-airgead a fhágáil cé go bhfuil botún déanta. Tuigim go bhfuil cúrsaí pleanála taobh amuigh den cheist *per se*, ach is léir go bhfuil fadhbanna ag an dtionscnamh seo, agus tá airgead poiblí á infheistiú, ní amháin i dtionscnamh atá i gcoinne rialacha pleanála ach i gceann atá taobh amuigh den Ghaeltacht. Tá sé de nós ag an Údarás airgead a aistarraingt. Cén fáth nach bhfuil sé á dhéanamh aige sa chás seo?

Éamon Ó Cuív: Mar gheall ar an chaoi ar tugadh an t-airgead, mar gurbh é an tÚdarás a rinne dearmad, agus mar nach raibh, dá bharr sin, seans ag an té a fuair an deontas dul chuig na heagraíochtaí taobh amuigh den Ghaeltacht. Shíl sé féin agus an tÚdarás go raibh sé taobh istigh den Ghaeltacht nuair a ceadáíodh an deontas. Nuair a scrúdaigh an tArd-Reachtaire Cuntas agus Ciste é, níor mhol sé go lorgófaí aisíoc.

Acht na dTeangacha Oifigiúla 2003.

41. D'fhiafraigh **Mr. O'Dowd** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad atá déanta go dtí seo chun forálacha Acht na dTeangacha Oifigiúla a chur i bhfeidhm. [33275/04]

Éamon Ó Cuív: Seo a leanas roinnt de na príomhchéimeanna atá tógtha go dáta maidir le cur i bhfeidhm an Achta: rinne mé ordú tosach feidhme ar 19 Eanáir 2004 a thugann feidhm don chuid is mó d'fhorálacha an Achta le héifeacht ón lá sin agus ó 1 Bealtaine 2004 i gcás Alt 10; cuir-eadh soláthar ar fáil i Meastacháin mo Roinne chun Oifig Choimisinéir na dTeangacha Oifigiúla a mhaoiniú, agus tá an tUas. Seán Ó Cuirreáin ceaptha ag an Uachtarán mar Choimisinéir Teanga le héifeacht ó 23 Feabhra 2004; foilsíodh ar 30 Meán Fómhair 2004 an leagan daingnithe de na treoirlínte a ullmhaíodh faoi Alt 12 den Acht chun cabhrú le comhlachtaí poiblí dréachtscéim a ullmhú faoi Alt 11 den Acht.

Tá scéim mo Roinne faoin Acht don tréimhse 2004 go dtí 2007 foilsithe freisin ó 30 Meán Fómhair 2004, agus tá sí ar fáil anois mar eiseamlár do chomhlachtaí poiblí eile; d'fhógair mé ar an lá céanna ainmneacha an chéad 25 chomhlacht poiblí a bhfuil iarrtha i scríbhinn agam orthu dréachtscéim a ullmhú i gcomhréir leis na treoirlínte sin. I measc na gcomhlachtaí sin tá Ranna, údaráis áitiúla, boird sláinte agus institiúidí tríú leibhéal. Tá mé ag súil go mbeidh na comhlachtaí poiblí atá san áireamh sa chéad bhabhta de phróiseas na scéimeanna ag cur dréachtscéimeanna faoi mo bhráid roimh dheireadh Mhárta 2005.

Mr. O'Dowd: Molaim an obair atá déanta cheana féin, agus níl aon dabht go bhfuil níos mó Gaoluinne á húsáid ná a bhí roimh an Acht. Tá ceist bhunúsach agam, áfach. Tá fhios agam go bhfuil an tAire go mór i bhfabhar an Bhille seo, ach tá mé ag éisteacht lena lán daoine timpeall na tíre á rá liom go bhfuil an iomad sin béime curtha ar an Ghaoluinn sna pleananna bliantúla atá á gcur i gcrích anois, ag na húdaráis áitiúla ach go háirithe — development plans, annual reports agus rudaí mar sin — go gcosnaíonn sé na mílte euro na pleananna seo a chur faoi bhráid an phobail gan aon daoine á léamh. Ba chóir go mbeadh ní ba mhó béime ar Ghaoluinn a úsáid sna Gaeltachtaí agus níos mó seirbhísí a chur ar bun as Gaoluinn sna ceantair a bhfuil Gaoluinn á labhairt ach go háirithe. Tá daoine ag gearán go mór faoin méid airgid a chaitear amú ar an aistriúchán ach go háirithe. Ba chóir an t-airgead sin a dhíriú ní b'fhearr ar na daoine a bhfuil Gaoluinn acu.

Éamon Ó Cuív: Ní thiocfainn leis an Teachta faoi sin. Maidin inné bhí mé i mBrí Cualainn, agus ní Gaeltacht í. Tá dhá bhunscoil lán-Ghaeilge agus meánscoil lán-Ghaeilge bunaithe le scaitheamh anois, agus feictear gasúir óga ag fás aníos i ngach baile in Éirinn agus iad ag fáil a gcuid oideachais trí Ghaeilge. Muna bhfuil an Ghaeilge taobh amuigh de na scoileanna, muna bhfuil sí le feiceáil i gcáipéisí poiblí, muna bhfuil múinteoir ranga, mar shampla, in ann a rá le gasúir go bhfuil cáipéisí poiblí ar fáil i nGaeilge, tá sé deacair ag na gasúir sin a thuiscint go bhfuil an Ghaeilge beo ina bpobail féin taobh amuigh den Ghaeltacht.

Bhí figiúirí thar a bheith spéisiúil mar thoradh ar fhreagra Ceiste in *Foinse* ag an deireadh seachtaine. Taispeánann sé go bhfuil Ranna ar an meán ag caitheamh €17,000 ar chur i bhfeidhm an Achta. Nuair a chuirtear é sin i gcomhthéacs na n-ollsuimeanna airgid a chaitheann Ranna — an méid, mar shampla, a chaitheann siad ar fhógraíocht nó taisteal — feicfear go bhfuil muid ag caint ar fhíorbheagán airgid i gcomhthéacs na mbuiséad riaracháin sna Ranna éagsúla.

Mr. O'Dowd: Ní aontaíonn an pobal leis an Aire. Ba cheart an t-airgead a dhíriú ar rudaí ar nós na scoileanna lán-Ghaeilge atá, buíochas le Dia, ag fás i ngach áit. Sílim go mbeadh sé an-mhaith seirbhís ní b'fhearr a thabhairt do na scoileanna sin agus do na daoine atá ag múineadh iontu, a bhíonn ag labhairt na teanga agus a bhfuil baint acu léi. Is é an gearán a chloisim ná go bhfuil an t-airgead á chaitheamh amú ar thuarascálacha bliantúla na n-údarás áitiúla, pleananna forbartha agus rudaí eile nach léann aon duine iad. Nár chóir an t-airgead sin a chaitheamh ar an ghnó sin? Ní dhéanann sé aon mhaitheas, mar ní léann aon duine in am ar bith iad. Níl aon duine ag gearán faoin méid airgid atá á chaitheamh ar son na Gaoluinne; níl aon cheist faoi sin. Tá an tAire sásta an t-airgead a chaitheamh, ach ceapann na daoine a bhí ag caint liom gur féidir é a chaitheamh níos fearr.

Éamon Ó Cuív: Ní chaithfí an t-airgead atá á chaitheamh ar an obair seo ar an Ghaeltacht, mar tagann sé as buiséad eile.

Mr. O'Dowd: Ba chóir go mbeadh plean forbartha Gaoluinne ag na comhairlí contae chun an Ghaoluinn a fhorbairt. Cén fáth nach bhfuil an t-airgead á chaitheamh ar sin seachas é a chaitheamh ar cháipéisí nach léann aon duine?

Éamon Ó Cuív: Más cáipéisí nach léann aon duine iad, níl a fhios agam cén fáth a bhfoilsítear i mBéarla nó Gaeilge iad.

Mr. O'Dowd: Tá an ceart ag an Aire.

Éamon Ó Cuív: Ach níl aon cheist faoin iliomad páipéir a fhaighimid i mBéarla. Dá ndéanfadh duine iarracht é a léamh, ag tosacht ar 1 Eanáir gan aon chabhair nó tada, ní bheadh sé léite ag deireadh na bliana aige. Sin fadhb ghinearálta, agus ardaítear na fadhbanna sin nuair a chuirtear na cáipéisí millteanacha seo ar fáil sa Bhéarla. Feicim — chonaic mé go minic san am atá caite — cáipéisí á gclóbhualadh ar chostas mór a bhí uafásach trom, agus ní dóigh liom gur léigh mórán daoine iad agus iad i mBéarla amháin. Níl aon cheist faoi sin. Sílim féin go bhfuil sé in am breathnú ar fhadhbanna mar sin go ginearálta. Má bhreathnaítear ar na tuarascálacha bliantúla, feictear go bhfuil siad an-mhaisithe agus lán de phictiúir. Cosnaíonn sé sin airgead, ach ní deir éinne rud ar bith. Ní thagann aon cheist costais le rud ar bith a bhaineann le cúrsaí riaracháin go dtí go n-iarrtar ar dhuine éigin rud a chur ar fáil san dá theanga oifigiúil.

Nuair a bhí an díospóireacht faoin Acht ar siúl anseo, bhí argóint go raibh an méid cáipéisí a bhí á lorg againn trí Ghaeilge agus trí Bhéarla i bhfad ró-theoranta. Ag an am, ghlac mé leis go mbeadh argóint an Teachta á cur i mo choinne, agus choinnigh mé teoranta é, mar bhí a fhios agam go n-impódh an taoide. Ag an am céanna, creidim gur bunrud é tuarascáil bhliantúil eagraíochta poiblí. Ós rud é go mbaineann na meáin Ghaeilge úsáid astu seo le labhairt le pobal na Gaeltachta, tá sé thar a bheith tábhachtach go bhfuil na cáipéisí seo ar fáil trí Ghaeilge.

Mr. O'Dowd: An mbeadh an tAire sásta dul i gcomhair leis na comhairlí contae le caint leo mar gheall ar an bhuiséad atá acu chun an Ghaoluinn a chur chun cinn le feiceáil an mbeidís sásta plean eile a chur i bhfeidhm seachas an ceann atá ann faoi láthair in áiteanna nach labhraítear aon Ghaoluinn ar chor ar bith? Sin é an gearán is mó. Níl daoine á rá nár cheart an t-airgead a chaitheamh ach gur féidir value for money a fháil dó.

Éamon Ó Cuív: Níl a leithéid d'áit ann níos mó nach labhraítear an Ghaeilge inti. Bíonn spéis ag an bpobal i gcoitinne i bpleananna contae. Níl na daoine ag maireachtáil i gcoirnéal den tír; tá siad ag dul anonn is anall. Má bhreathnaímid ar thuarascálacha bliantúla i mBéarla, feicimid gurb é an dream is mó a chuireann i láthair an phobail iad

ná na meáin Bhéarla. Ní rud a cheannaíonn an mórfhobal iad. They are not bestsellers, mar a deirtear. Úsáideann na meáin Bhéarla iad chun rudaí a chur i láthair an phobail. Is éard a tharlaíonn leis an Ghaeilge anois, buíochas le Dia, ná go n-úsáideann na meáin Ghaeilge iad chun an rud céanna a dhéanamh. Go minic, ní hé an léitheoireacht atá tábhachtach ach an úsáid a bhaintear astu, mar a gcéanna leis an Bhéarla, chun rud a chur os comhair an phobail. Go minic is é an chaoi a bhfaigheann daoine amach céard atá i dtuascáil bhliantúil Béarla ná an páipéar áitiúil a léamh.

Inland Waterways.

42. **Mr. Connolly** asked the Minister for Community, Rural and Gaeltacht Affairs if consideration will be given to the restoration of the Ulster Canal as a navigable waterway and to the development of this project on a cross-Border and all-island basis; his views on its potential as an integral part of one of the world's longest inland waterway systems; and if he will make a statement on the matter. [33405/04]

Éamon Ó Cuív: The Deputy will be aware that one of the functions of Waterways Ireland, one of the six North-South implementation bodies established under the British-Irish Agreement Act 1999, is to examine the possible restoration of the Ulster Canal. No decision has yet been taken to proceed with the restoration of the Ulster Canal.

A commissioned study estimated the cost of restoration of the full canal to be approximately £90 million Sterling based on 2000 costs. The issues arising in regard to the Ulster Canal, including the question of whether a phased or partial approach to the matter might be feasible, are being considered by my Department and the Department of Culture, Arts and Leisure in the North.

Mr. Connolly: I thank the Minister for his reply though I regret it is not a little more positive. Will he agree that the financing and re-opening of the Ulster Canal connecting the Shannon-Erne waterway and Lough Neagh and passing through counties Leitrim, Cavan, Fermanagh, Monaghan and Armagh, is a classic example of a cross-Border project and of cross-Border all-island co-operation? Will he agree that project would breathe the new life into large tracts of the BMW region, in particular small towns such as Belturbet, Killesno, Smithboro-Monaghan and the Glaslough-Tyholland areas?

Will the Minister further agree there is no major tourist attraction in that area? The Ulster Canal has done wonders for County Leitrim, west Cavan and the Ballyconnell area. The re-opening of that canal has enormous potential. The framework for doing so already exists as does the route. All that is needed is for it to be revamped. The project is headed by a North-South voluntary committee which acts, as cross-Border bodies

should, in a true spirit of co-operation. However, the committee has met with many obstacles in trying to obtain finance. Some €1 million raised by it through private investment has been lost but could be recouped if the two Governments were to show a willingness to enter into such a cross-Border project.

Éamon Ó Cuív: The opening of the Ulster Canal, taking into account the scale and costs of the project, estimated in 2000 to be £90 million Sterling, is a matter for the two Governments in conjunction with Waterways Ireland. I do not believe a voluntary body could carry out such a sizeable project. A major project requires major decisions. We must all hope and pray the current ongoing talks come to fruition. In that context, much greater progress would be made on this issue. There is general support in both communities, North and South, for the project. The representatives of the various counties in question have approached me on it. However, a consideration of the project would have to be a joint one between the authorities, north and south of the Border. The conditions for this to happen would require certain political events to unfold in a favourable way.

Mr. Connolly: We either have cross-Border co-operation or not. While similar major projects in Dublin have been discussed, this project seems to be in the wrong geographical area. The Minister talks about the scale of the project, yet this should be balanced with its benefits. Over time it would represent excellent value for money and more than likely would be self-financing. People want to see examples of cross-Border co-operation but there have been few tangible projects. This project is tangible, with research completed and committees in place. The committees have much expertise and are more than willing to give their time freely to ensure this project becomes a reality. I ask the Minister to reconsider it.

Éamon Ó Cuív: I said I believed it was not a project that a voluntary body could undertake. If it is to happen, it will happen under the aegis of Waterways Ireland. That is a reasonable statement. I never said it should not take place—

Mr. Connolly: The Minister is not coming across in a positive way.

Éamon Ó Cuív: I cannot make a unilateral decision on the project as any decision must be taken jointly between the authorities North and South. The Deputy is aware of the current political situation in which we find ourselves. I hope the situation will work its way through. If the talks come to a positive conclusion, then a stable political situation would exist where representatives of the Northern Ireland Assembly, acting once again as ministers, could re-engage with these issues. At this juncture, it is not possible to make any significant progress on the issue.

Mr. Connolly: People on both sides of the Border would like to see such a project take off and develop. It would show what can be gained from North-South co-operation.

Éamon Ó Cuív: I fully agree with the Deputy. However, another issue in North-South co-operation must be resolved first. The appropriate structures in Northern Ireland must be in place before major projects such as this can proceed. There is no question about the benefits the Shannon-Erne waterway has brought to Ballyconnell. Every time, I visit counties Leitrim and Cavan——

Mr. Connolly: It has done wonders for County Leitrim.

Éamon Ó Cuív: It has done incredible wonders for the county. The project will be examined but I cannot make a unilateral decision on it and will not be goaded into making such an announcement. Certain circumstances must be in place before we can proceed with the project.

Other Questions.

Departmental Bodies.

43. **Mr. Cuffe** asked the Minister for Community, Rural and Gaeltacht Affairs the reason it was necessary for Údarás na Gaeltachta to make an exceptional provision for depreciation in 2002, ten times the normal annual provision; if the previous policy on depreciation was inadequate; and if he will make a statement on the matter. [33281/04]

Éamon Ó Cuív: Note 11(b) of the financial statements of Údarás na Gaeltachta's published 2002 annual report states:

In previous years property and industrial facilities were depreciated on the basis of an estimated life of 50 years. As a result of a review carried out in 2002 it was decided that a more accurate estimate of useful lives was 25 years for property and 33 years for industrial facilities. In 2002 these assets have been depreciated accordingly and, in addition, the net book value of these assets at 1 January 2002, has been reduced by €37,952,810 on foot of the accumulated impairment in value of these assets up to 31 December 2001.

I have been informed by Údarás na Gaeltachta that the decision was made on the basis of prudent policy, having consulted with the Office of Comptroller and Auditor General. It takes into account policies in similar organisations and the changing nature of business and industrial property and facilities in recent years. This approach reflects a continuing development of best practice in accounting policies.

Mr. Boyle: Does the Minister accept it is somewhat extraordinary, given conventional accounting standards, that this adjustment was made in one year? The re-adjustment was twice the normal level of depreciation on some buildings and two thirds on industrial buildings, but it took place for one financial year. Depreciation affects the bottom line of income and expenditure in any organisation. The picture is distorted as to whether Údarás na Gaeltachta is cash rich or needs cash injections from the Exchequer. Has the Department expressed any concern that this particular adjustment happened in the one year and was not made a contingency over a longer period?

Éamon Ó Cuív: No, we are not concerned. The note in the annual report explained the action in financial terms. For anyone examining the accounts, the given figure in the report had a note beside it, giving a full explanation of the exact procedure used. Many accounts and annual reports contain these. Unlike a normal trading company, Údarás na Gaeltachta has a large number of assets, exceeding €100 million. It does not borrow against those assets and, therefore, this accounting practice does not have any implications for bank borrowings. Údarás na Gaeltachta's borrowings are modest, usually relating to day-to-day operations. It is a book value adjustment to the assets that has no effect on the body's liquidity or its demand for State money.

Mr. Boyle: Other development agencies, such as the IDA and Shannon Development, have been affected where leased properties have been leased back at high value, with losses to the agencies and bodies. Has Údarás na Gaeltachta leased properties that have remained unused and distorted the book and asset value of the body itself?

Éamon Ó Cuív: Traditionally, Údarás na Gaeltachta has a policy of constructing its own buildings and then leasing them. Reductions in rental income have occurred due to several factors, including EU rules and the closure of big factories in areas such as Gweedore, County Donegal. However, this has not had a serious effect on Údarás na Gaeltachta, as it owns most of the properties it leases to clients.

Mr. O'Dowd: If properties are depreciated as such, can they then be sold off at a lower value?

Éamon Ó Cuív: No. We had a good debate earlier this year on procedures to be used in selling Údarás na Gaeltachta property. In selling any property, the full value, as far as is possible, must be attained. Even if a property had been written off at zero value, it does not take away from the obligation of Údarás na Gaeltachta to maximise its return from the sale of property.

Factory buildings were considered to be permanent structures. However, changing technologies mean that many Údarás na Gaeltachta's

advance factories, built from the 1940s to the 1980s, must be refurbished from scratch if new industrialists are to locate in them. The nature of industrial buildings has changed dramatically and they are now more purpose built. I have discussed with Údarás na Gaeltachta the need to adjust its policy on buildings. The old idea of the advance factory and standard units is not the same as it was in the 1970s and 1980s when many of them were built by Údarás na Gaeltachta. Many industries locating in these areas want purpose-built facilities, not standard units.

Community Development.

44. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs if he has proposals to provide extra funding for those whose needs he had intended to meet originally under the RAPID programme; and if he will make a statement on the matter. [33228/04]

Éamon Ó Cuív: My Department has made a number of specific allocations to projects that were submitted in RAPID plans. Six new community development projects in RAPID areas were prioritised since the commencement of the programme, with each receiving a renewable one year contract for funding of €60,000. Approximately €3.6 million was allocated to specific projects from RAPID plans from funding available to my Department for local drugs task forces and the young peoples facilities and services fund. A further €1 million was also allocated under the premises initiative for a community drugs project. Special provision was made for RAPID areas under the dormant accounts plan. Of the €30 million dormant accounts fund allocated to date, 70%, or €21 million, has been allocated to RAPID areas.

As the Deputy is aware, I have also put in place a mechanism to help progress small scale proposals at local level in RAPID areas, supported by a dedicated fund of €4.5 million in 2004. These proposals are being co-funded by the relevant Department or local agency under a number of categories, with broad levels of funding agreed at national level. Funding totalling €2 million was allocated to RAPID areas under the local authority housing estate enhancement scheme, which is co-funded by my Department and the local authorities. Under the RAPID playgrounds scheme, which my Department co-funds with the Department of Health and Children, a total of €3 million was allocated to RAPID areas. My Department has provided top-up funding of €2.2 million to successful projects in RAPID areas that were endorsed by the area implementation teams under the Sports Capital Programme 2004, which is administered by the Department of Arts, Sport and Tourism. My Department is also providing approximately €170,000 to co-fund a number of specific projects in RAPID areas with the Department of Justice, Equality and Law Reform. The roll-out of these co-funding

measures will continue into 2005 with an increased allocation of €6 million. I hope to make further announcements in this regard in the New Year.

As regards the larger projects from RAPID plans that have already been submitted to Departments, these will continue to be considered for funding within existing funding streams in each Department. However, I expect that Departments will now be dealing with a smaller number of projects and will, therefore, be in a better position to prioritise projects and set out time scales for further actions. Work on improving integration and co-ordination of service delivery at local level will also continue, as this is a key component of the RAPID programme.

Finally, I will continue to raise prioritisation of the RAPID programme with my ministerial colleagues, particularly in regard to non-capital issues from RAPID plans.

Mr. O'Dowd: In view of the report published yesterday on poverty, particularly among women, will the Minister ask RAPID teams throughout the country to identify projects which would target this problem? I welcome the Department's increased allocation from €4.4 million to €6 million for next year.

Eamon Ó Cuív: It pleased me that, under the equal measure, which is targeted towards women, the Department of Justice, Equality and Law Reform specified that €7 million of the €12 million would be spent in RAPID areas. This indicates that Departments are entering into the spirit of things in regard to the RAPID programme, which is a significant step in the right direction.

When I visit partnerships and community projects, I generally find that women are very much to the fore and the leaders in much of the development taking place. I welcome this, even though it is also important to have gender balance.

Mr. O'Dowd: The report indicates that women are least likely to become involved in the business of local government, politics and so on. While I agree with the Minister that women are particularly prominent in community projects, attention should be directed to the specific issue identified in the report with a view to devising strategies for the greater involvement of women in public life in particular.

Eamon Ó Cuív: We are straying into a much bigger question if we are talking about local and national politics and so on.

Mr. O'Dowd: It is empowerment.

Eamon Ó Cuív: It might be many things. However, many people would say the career of a Deputy, particularly a non-Dublin Deputy, is not one that leads to a great lifestyle in terms of being away from home and so on. People must make choices, and who is making the wise choice? I am

[Eamon Ó Cuív.]

sure all of us in this House like what we do, but many people tell me that they would not do this job.

Mr. O'Dowd: Even standing for local councils or town commissioners.

Eamon Ó Cuív: All the parties should address this issue in their national programme. I would like to see many more women involved in politics. However, it is a much wider issue than the RAPID programme. We must continue to address the matter nationally.

Mr. O'Dowd: It is about building confidence in communities. One in four women lives in poverty. I did not expect the figure to be so high. It is not an intellectual wish, it is a fact that we need to do more about getting women involved in politics and so on.

Eamon Ó Cuív: We should separate the two issues. Perhaps if we changed our lifestyle we would attract more women into politics.

However, to go back to the other issue, it is fair to say that if one visits the communities targeted in the RAPID programme, one will find that a disproportionate number of women are engaged in the process, which is a good thing. Yesterday, I visited a project in which just one man was involved. All the others involved were women. At times the problem is ensuring that men engage in projects, because we do not want just one man involved. We want a balance. I have always said that in many ways women are the key to their own self-development and they are a huge driver of change. It is important to ensure that women are involved in these projects.

Mr. Boyle: In his original reply, the Minister referred to the Dormant Accounts Fund, the Young Peoples Facilities and Services Fund and funds for local drugs task forces. Does citing these funds not leave the Minister open to the charge that many community organisations made, that the RAPID programme is now a badging exercise? Rather than having separate funding in its own right, it is re-allocated funding from other sources which the Minister is choosing to refer to as RAPID funding.

Eamon Ó Cuív: I do not know how often I must repeat myself. I did not create the RAPID programme, which was introduced to bring about re-prioritisation under the national development plan. Some €17 billion was included in the national development plan for social inclusion and RAPID was meant to be a front-loading of that into RAPID areas. Therefore, it was explicit from the beginning that there would not be a specific fund for RAPID. Because I felt it would be a significant addition to RAPID, I persuaded the Government last year to provide €4.5 million matching funds to deal with small issues and €6 million this year. The dormant accounts plan was

changed to ring-fence money for RAPID areas. We are also dealing with issues raised in RAPID plans that had nothing to do with the national development plan. These are all added on to RAPID. The Deputy should read the documentation and the press releases. When announced, the RAPID programme was about exactly what I read out in the reply to the question. It was about prioritising spend under the national development plan on social inclusion measures in RAPID areas.

Legislative Programme.

45. **Mr. Wall** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding publication of draft legislation on charities; if there is a possibility that this legislation will be published before the end of 2005; and if he will make a statement on the matter. [33264/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): In response to a similar question recently from a colleague, I confirmed that the current best estimate publication date for the draft legislation on charities regulation would be the end of 2005. I advised that the most up-to-date information on progress has been available on the charities regulation web page of my Department's website at <http://www.pobail.ie/en/CharitiesRegulation>.

I informed the House that the content of the draft legislation would be likely to reflect the proposals in the Government approved consultation paper on establishing a modern statutory framework for charities, which received a broad overall endorsement in the public consultation phase earlier this year. I indicated that the draft legislation would be substantial in size given that, as already signalled in the consultation paper, it would involve statute law revision and restatement in addition to the new legislative provisions to regulate the charities sector.

Mr. O'Shea: I thank the Minister of State for his reply. He has an unenviable task in bringing this legislation to conclusion. I am somewhat concerned about an article which appeared in a newspaper some months ago. It deals first with the warning by the UN, following the tragedy of 11 September 2001, that member countries should review their laws on charity because terrorist organisations could use charities for funding or for money laundering. The article states the Minister of State said there are some charities in Ireland which do no fundraising, and that he made the point that our lax laws would leave us wide open to terrorist organisations setting up such a charity in Ireland.

There seems to be an implication in the article that such a problem may already exist. If so, do we need to look more urgently at that situation and possibly take some short-term action?

Mr. N. Ahern: I have no knowledge of any current situation of great significance, but the structure and the system are basically so wide open that anything could be going on. We are proceeding on different levels and the end of the year is the best estimate for enacting the legislation. With regard to legislation, consultation with Departments is often a slow process. We are not proposing any single measure. The EU is also taking an initiative and is moving on the issue following on the UN moves and in light of the 11 September tragedy. A meeting was recently called by the EU to formulate policy on the issue of terrorist organisations. That is at quite an early stage but the Department was represented at the meeting and the process has been kick-started. We can expect developments on the EU level in the future.

Mr. O'Shea: I accept the answer, but could the Minister of State confirm that contact has been made by his Department with the Department of Justice, Equality and Law Reform or with the Garda to find out if there are any areas we should be concerned about?

Mr. N. Ahern: We are conducting reforms through my own Department but on an EU level we are working with the Department of Justice, Equality and Law Reform. The European Commission's Director General for Justice and Home Affairs organised the recent meeting and regarding the issue under consideration we are operating on that level with the Department of Justice, Equality and Law Reform. Our own relevant regulation, previously the responsibility of that Department and before that the responsibility of what was then the Department of Social Welfare, is now my responsibility. There has been a couple of examinations by Deputy O'Shea's colleagues and others over the past ten or 15 years, and long before 11 September we were working towards bringing in new legislation in the area. We are certainly co-operating with the Department of Justice, Equality and Law Reform and working together on the EU issue. Presumably much legislation exists with regard to criminality and fraud in general and is available to the Garda and the Department of Justice, Equality and Law Reform. The entire charity structure is nevertheless wide open. There may be nothing wrong going on, but no one has to register, to publish data, to say how much money is collected or how much, if anything, is given to a particular charity. The area is wide open, as has been signalled by different people and reports in recent years.

Mr. J. O'Keeffe: For 25 years.

Mr. N. Ahern: We need to regulate it and we are trying to do so as quickly as possible. It will take at least a year, and hopefully no more, before we bring forward the legislation.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Deenihan — the need to advance stages two and three of the extension to a school (details supplied) to provide proper facilities for autistic children; (2) Deputy Enright — that the Minister outline the steps she intends to take to provide new school buildings at Tullamore college; (3) Deputy Jerry Cowley — to ask the Minister if a school (details supplied) will be included in the small schools pilot initiative or the summer works scheme 2005; (4) Deputy McHugh — the need for the Minister to provide adequate resources to the pain service department at University College Hospital, Galway (details supplied); (5) Deputy Arthur Morgan — to ask the Minister the procedural checks his Department has in place to prevent deviation by local authorities from the terms of the tenant purchase scheme; (6) Deputy Hctor — further to the Minister's announcement yesterday on additional renewable energy capacity, the reason 27 small projects were excluded from participation in the scheme; (7) Deputy Neville — a report on service provision in the eastern region by an association (details supplied); and (8) Deputy Kirk — that the Minister bring forward hardship alleviation measures in relation to the liquid milk production sector.

The matters raised by Deputies Neville, Hctor, Cowley and Morgan have been selected for discussion.

Message from Select Committee.

An Leas-Cheann Comhairle: The Select Committee on Social and Family Affairs has completed its consideration of the Social Welfare Bill 2004 and has made an amendment thereto.

Leader's Questions.

Mr. Kenny: The House will have an opportunity tomorrow to discuss the current position regarding Northern Ireland so I will not raise that issue today.

At the close of the Order of Business last Thursday, the Tánaiste made a significant announcement to the House about the dropping of charges in public nursing homes for people aged 70 and over. The House had no opportunity to debate that matter or discuss it further with the Tánaiste after she made her announcement.

I understand the Government is now considering the introduction of draft legislation on this matter today. Will the Taoiseach say if legislation has been approved and if so, when it will be published? Why was this issue not addressed by the Department in the first instance and by the previous Minister for Health and Children, Deputy Martin, in 2002, when it was first raised? What was indicated by the legal opinion obtained by

[Mr. Kenny.]

the health boards and provided by the Department of Health and Children in 2003? What did it say? Does the Government intend to repay the charges drawn down illegally? Given the Tánaiste's statements that these charges would cost the health boards approximately €8 million per month, does this mean that the cost of repaying the illegal charges of approximately €300 million could be much greater than has been estimated to date? If the new legislation is to be drafted or introduced, will it make any reference to the treatment of patients in private nursing homes?

The Taoiseach: The Government has discussed this matter at some length. The Tánaiste has been working on the matter over the short period since the Attorney General gave his advice. We have to bring forward new legislation immediately to deal with the issue. The Attorney General's advice was that it requires legislation. It can be argued whether this goes back to the 1976 Supreme Court judgment, to other judgments since then or to the legal advice given in more recent years. Whatever about that argument, legislation is now required to deal with the matter. Deputy Kenny has raised this matter with me a number of times over the past five or six weeks. It is the intention of the Tánaiste and the Chief Whip to discuss the matter with the Whips and the spokespersons. Our advice is that we should deal with the matter urgently. If I recall correctly, the figure involved is more than €10 million monthly.

The proposals have been considered today and the Government has decided to outline its strategy to the spokespersons. We have detailed advice from the Attorney General. He has incorporated his advice into the proposals. I hope we will be in a position to go through that legislation in detail later with the health spokespersons to try to process the legislation as quickly as possible.

Mr. Kenny: The Taoiseach said the other day that negotiations should start from a basis of truth. I accept that the Tánaiste had no knowledge of this situation when she was appointed Minister for Health and Children. I assume she had not. However, it is not clear whether her predecessor as Minister for Health and Children, Deputy Martin, had any knowledge of the issue and did nothing about it. The Government's claim that this was an inadvertent consequence of the 2001 Act just does not stand up. If that was the case, why did the Government not do anything about it before this? It is a matter for the Government to introduce primary legislation and to oversee its consequences. It is not good enough to say it is waiting on a health board to seek legal advice. One cannot have a situation where advice given to a health board means that a charge in its area is illegal while being legal in another health board's area which had not opted to take legal

advice. Neither may one have a situation similar to that involving AIB where it was asserted that what was good enough in respect of that bank should be good enough for Government.

Will the Taoiseach outline the nature of the legislation to be introduced? Can he confirm that the patients from whom contributions were taken since 2001-02 will be repaid that money and, if so, when may they expect to get it? Will they have it before Christmas if the legislation is to be drafted so quickly? What arrangement does the Government intend to make in respect of the ongoing charge of €10 million a month? From what source will this be funded?

The Taoiseach: On the first issue, as Deputy Kenny knows, there was advice from one of the health boards. A number of health boards deal with these issues in different ways. Some charge and some do not. They charge in different ways as their systems are dissimilar and that has always been the case. On the basis of the legislation for the imposition of charges on all persons in respect of inpatient services in long-term care in health board institutions, the Attorney General's advice was that the Government did not have this power and primary legislation was required to introduce it.

The Attorney General's advice is that the Government does not have to go back over the period in question. It is not even clear what period would have to be reviewed. Some argue that the first time this was raised was in a 1976 case of the Supreme Court. Others say it was when one of the health boards received its legal advice. The view of the Department and that of successive Ministers for Health and Children is that there should be a payment for care in health boards. In any event, the Attorney General has ended that argument. His firm view is that the legislation to grant the power to have a charge does not exist. That is the issue which must be dealt with in the legislation. The Government would like to deal with this issue immediately. We will outline the details of the proposed legislation to the health spokespersons later today.

Mr. Rabbitte: What steps does the Taoiseach propose to take to investigate the circumstances surrounding the appointment of a media co-ordinator by the previous Minister for the Environment, Heritage and Local Government? I am sure the Taoiseach will agree that taxpayers will wonder why this question has not been raised with the Taoiseach and why he has not commented on it, given the extent of public concern over the manner of this particular appointment.

It would appear the appointment was made in such a fashion to deliberately avoid the regulations governing the appointment of a political adviser. Whereas I have no objection to the appointment of a political adviser, it seems that this was deliberately done so that the normal obligations governing a political adviser would not

apply and neither would the restrictions on remuneration.

The person seems to have been recruited because the Minister needed someone in a hurry. Once *in situ*, the matter was then properly put to tender. Although one of the longest established companies providing this type of service in the city apparently tendered at half the price, it was unsuccessful. Another long-established and successful company in the city, which was providing services with regard to the spatial strategy, for example, was apparently dislocated.

I am not casting any aspersions on the person concerned and the current Minister for the Environment, Heritage and Local Government said he was immensely impressed by her professionalism and that she was capable of rendering complex phenomena intelligible to the public. I understand why a Minister might find that an extraordinary concept. It is, however, an unusual way to recruit a close political confidante based in the Minister's constituency and pay her €3,600 for a three-day week.

We would all like to have someone minding the constituency for us while we are in the House trying to do the best we can. I am sure we would all like if the taxpayer paid that person €3,600 for a three-day week. If the rainbow Government had made such an appointment, the Taoiseach and especially the Minister for Foreign Affairs, Deputy Dermot Ahern, who had a record for this kind of thing—

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

Mr. Rabbitte: —would be up on his hind-legs—

Mr. D. Ahern: Deputy Rabbitte would do well to remember—

An Ceann Comhairle: I ask the Minister for Foreign Affairs to allow Deputy Rabbitte to conclude. He has already exceeded his time.

Mr. D. Ahern: Former Deputy De Rossa appointed five and advertised these positions in the Democratic Left party's own paper. Does Deputy Rabbitte remember that party?

Mr. Rabbitte: The Minister would be the first to allege political cronyism against anybody who would have made an appointment such as this. Will the Taoiseach say—

An Ceann Comhairle: The Deputy's time is long since finished.

Mr. Rabbitte: —if he is prepared to put in place any investigation of this by someone such as the Ombudsman, a former Cabinet Secretary or someone of that calibre to establish whether there are reasonable or any answers to the questions on this issue being adduced in the media?

Mr. Hogan: I remember well the issue referred to by Deputy Rabbitte.

Mr. D. Ahern: And I remember the Deputy.

Mr. Hogan: He raised it 47 times in one day.

Mr. D. Ahern: The Deputy had to withdraw.

Mr. Hogan: I had the good grace to do so. The Minister never withdrew anything.

An Ceann Comhairle: The Taoiseach will speak, without interruption.

Mr. D. Ahern: I never made these allegations against the Deputy.

An Ceann Comhairle: The Minister for Foreign Affairs must allow Leaders' Questions to proceed.

The Taoiseach: In reply to Deputy Rabbitte, it is already agreed, I understand, that the Committee of Public Accounts will examine this issue. If it does not, I have no problem with it being investigated by another forum. That is not an unreasonable suggestion since there has been considerable interest in the matter. This individual was retained on a six-month short-term communications contract by the Department in July 2002 following a single tender process which was overseen by Department officials.

Mr. J. O'Keeffe: What is a single tender process?

The Taoiseach: The individual was informed of the duration of the contract and that the Department would be undertaking a full tendering procedure at the end of the contract. On this occasion, a single tender approach was taken because of the pressing communication demands on the Department at the time of her arrival. In November, five months later, three firms were invited to tender for the longer-term communications consultancy contract. The selection process was again overseen by officials of the Department and the same individual was recommended and commissioned. Before that, the individual had been retained by the Office of Public Works in December 2001, where the Minister then was, to act as a project information co-ordinator on projects in Waterford and the south east. The individual was retained by the OPW until July 2003 and was involved in a number of other projects. I accept the point Deputy Rabbitte made and I am not talking about the competence of the individual. If the procedure at the outset had not been a single tender contract, if there had been three names involved from the start, it would not look the way that it does. The explanation the Minister and the Department have given is that they were looking for someone.

The individual has been involved in a number of other works during the Presidency and in

[The Taoiseach.]

e-voting and other projects. When the three firms were invited to tender for the longer-term communications consultancy contract, the selection process was overseen. It was based upon a fee of €800 per day at 12 days per month, excluding VAT at 21%. I do not have a difficulty. Perhaps it would be better if I agreed with Deputy Rabbitte's point that if the Committee of Public Accounts will not look at the papers, someone else should do so. I would not object to that.

Mr. Rabbitte: I do not want to speak to the Chairman of the Committee of Public Accounts as he is not looking at it. In the normal course of events, the committee will only cover the context of the annual report from the Comptroller and Auditor General. That is likely to be a long way down the road. I do not want to cast aspersions on anyone, but this issue will not go away. It would be better if it were investigated by someone like the Ombudsman or some former eminent civil servant. We are talking about a close political confidante who is a fundraiser for the Minister, someone who shored up the constituency for the Minister, someone who reported to the communications unit during the last general election and who is a political adviser. The Department is well catered for with its own press unit. If the Minister wanted to retain a political adviser who would be subject to the rules that apply for such persons, why did he not do so? I read this morning in the *Irish Independent* that this person had no PR experience whatsoever. Rather than let it fester, the Taoiseach should agree to have the circumstances surrounding the person's recruitment and appointment investigated and deal with the questions that are in the public domain.

The Taoiseach: As I understand it, the individual was not involved in any fundraising activity during the period the Minister, Deputy Cullen, was in the Department of the Environment, Heritage and Local Government. The individual was a member of a voluntary committee which organised an event recently in the constituency. This was done in an open and transparent way. The individual does not hold any contract with the Department. I have been told that the individual has shown good experience and knowledge in dealing with a range of public relations and other issues. However, I am not against the point. Deputy Rabbitte is right that this will not go away and I am not against finding someone to look at these papers.

Mr. J. Higgins: What is the Taoiseach's view of the purchase of 11 acres of building land in south Dublin for €32 million and its resale for €85 million a few weeks ago, a breathtaking speculative profit of €53 million after just four years? As a result of this speculation by a cabal of wealthy legal business and medical personnel, the site price for each one of the 478 apartments will

average €200,000 before a single brick is laid on top of a brick. This means that young working people who are first-time buyers will spend 20 to 30 years under huge pressure to make draconian repayments on massive loans so that a few pillars of the establishment can reap obscene wealth and swan around in Barbados, buy villas in the Mediterranean or do whatever the fruits of their greed lead them to do. Does the Taoiseach find it perverse that pillars of the establishment who indulge in this orgy of speculation, which intensifies the misery of those suffering from the housing crisis, should be lionised in sections of the media as canny businessmen and the like? Would it not be more accurate to describe them as anti-social parasites who prey on the community?

Does the Taoiseach think it appropriate that a person up to his neck in such speculation should be appointed by Ministers to be chairman of the Irish Aviation Authority and the National Pensions Reserve Fund, which are two State bodies? Is this not a fundamental conflict of interest between the community and private greed? It may well put the management buy-out controversy at Aer Lingus in the shade. That is just one example in Dublin. Speaking to Independent Deputies in Clare, Mayo, Cavan-Monaghan, Galway and Tipperary, exactly the same thing is happening elsewhere. Is this not a glaring and shameful failure by the Taoiseach to have stood by for seven and a half years while a handful of spivs obscenely profited from a basic human need to the detriment of ordinary people? He stood with the speculators and allowed them to enrich themselves at the cost of ordinary people, which is shameful. At this late stage, can he offer any words of comfort to those young people needing and hoping to purchase a home?

An Ceann Comhairle: I suggest to the Deputy that he be a little more temperate in describing people who are not in a position to defend themselves in this House and who are identifiable outside the House.

Mr. J. Higgins: I would be very happy to debate publicly with any of them at any time and to give them the right to reply.

An Ceann Comhairle: It is not right to use the House to speak of people who——

Mr. J. Higgins: That is my view of them.

The Taoiseach: The Deputy has raised a number of issues, including social and affordable housing and speculators. The Government has been working on policies on all fronts. We are now in a position where 30,000 houses are being built every year. We have got the supply side of housing in order, where 80,000 houses are now being built. It took a few years to complete the planning and development issues, serviced land initiatives and other initiatives, and we are now building an enormous number of houses. This

year in the range of 450,000 houses will be built. The vast majority of these houses are going to young people, people who are able to buy in the areas where they wish. Depending on the areas, prices and demand vary, and we have continued to press for that.

On social housing, we are delivering the highest level of local authority completions and on affordable housing we have provided over 10,000 sites. The report was issued yesterday on the housing initiative. Local authorities will provide houses built by private builders without land costs to assist young people in getting houses at prices that are at a more attractive level. Those criteria have been agreed under the special initiative of social partnership. We already have the Oireachtas committee report and the NESC report will be published this week. We said we would examine what else can be done about speculative land on the basis of these reports and whether that could be done through legislation. That will help somewhat.

However, we now have the highest rate of private house building in the European Union. It is far higher than the rate in the UK. Changes in costs, supply and demand will follow. We cannot regulate the prices. I agree that prices are expensive in some areas. Yesterday, I saw that a garage is for sale for €15 million. Houses are very costly in some areas. We will have to try to continue to provide for the demand.

I do not believe the points made by the Deputy are fair to the people in the business. If people were sitting on land banks, the point arises, but in many cases it is straightforward construction of new homes, which we need to provide accommodation for young people.

Mr. J. Higgins: Am I correct that the Taoiseach has no problem with a group of business people purchasing land speculatively, sitting on it for four years without lifting a finger or adding to the wealth or well being of the community and then selling it for a profit of €53 million? That is fine as far as the Taoiseach is concerned. That is shameful. It explains the fact that the Taoiseach has not lifted a finger to control the price of building land in seven and a half years.

Will legislation ever be introduced to control the price of building land or will the Taoiseach allow this type of obscene speculation to continue? Will he compound it, given that the Tánaiste has ordered a review of land held by health boards with a view to selling it on the open market? The State is proposing to cash in on the speculation as well. What is the Taoiseach's legislative intention with regard to controlling the activities of speculators and giving some comfort to those who will have mortgages around their necks for most of the rest of their days if this continues?

The Taoiseach: There has been a range of measures to improve supply in the market. These have included serviced land initiatives and pro-

viding the necessary infrastructure. As a result, 450,000 houses have been built in a relatively short period. Obviously, there are cases where building land changes hands and is left dormant. However, reports in the Department of the Environment, Heritage and Local Government show that it is not as common as it was previously. Nobody likes it that speculators can acquire valuable land and get astronomical prices for it. Neither I, Deputy Higgins nor any other Member supports that. Whether it can be legislated out of existence is a matter which has been debated extensively in the Oireachtas committee report, which includes some suggestions in this regard. We will also shortly see the conclusions of the NESC report.

The Government will continue, in whatever way it can, to provide affordable housing. The Tánaiste has allocated a large amount of land towards the provision of more than 10,000 sites. This will help the people who are not among the 80,000 to 90,000 people per year who can buy houses — an enormous number — to get affordable housing. There is also the voluntary co-operative housing sector, which is growing rapidly, as well as our social housing programme. We will continue to work on these areas.

We look forward to receiving the NESC report and, taking it in conjunction with the Oireachtas committee's report, we will take the necessary legislative action on that basis.

Requests to move Adjournment of Dáil under Standing Order 31.

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

Mr. Morgan: I seek the adjournment of the Dáil under Standing Order 31 to debate the following matter of urgent public concern, namely, that the Minister for Health and Children move immediately to address the consequences of the barbaric symphysiotomy operations carried out on women in the State without their knowledge or consent until the early 1980s and to fulfil the commitments made by the former Minister for Health and Children to these women in October 2003.

Mr. Gregory: I seek the adjournment of the Dáil under Standing Order 31 to raise the following issue of national importance, namely, the ongoing Irish Ferries dispute, which is now in its second week with more than 600 employees out of work, many hundreds of them locked out of their livelihoods, and, following the collapse of the Labour Relations Commission's talks last weekend, the urgent need for the Minister for Enterprise, Trade and Employment to intervene in this dispute and bring the two sides together to seek to resolve the issues dividing the parties concerned.

Mr. Connolly: I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of public concern, namely, the reform of the work permit system for non-national workers to enable the spouses of immigrant workers to be granted permits, thereby benefiting immigrant families, employers and the State.

Mr. Broughan: I seek the adjournment of the Dáil under Standing Order 31 to discuss the following important matter of public interest, namely, the need for the Minister for Enterprise, Trade and Employment and the Minister for Communications, Marine and Natural Resources to intervene in the two week ongoing dispute at Irish Ferries to secure a resolution prior to the Christmas season due to the detrimental effect the dispute is having on Irish Ferries workers, its customers and the economy.

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. 12, Supplementary Estimates for Public Services — Votes 6, 9, 10, 19, 20, 22, 23, 26, 27, 32 and 35 — back from committee; No. 13, motion re referral to joint committee of proposed approval by Dáil Éireann of the Bovine Diseases (Levies) Regulations, 2004; No. 20, Criminal Justice (Terrorist Offences) Bill 2002 — Order for Report, Report and Final Stages; and No. 21, Social Welfare Bill 2004 — Order for Report, Report and Final Stages.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 8.30 p.m. and business shall be interrupted not later than 10 p.m.; Nos. 12 and 13 shall be decided without debate and in the case of No. 12, the Supplementary Estimates for Public Services — Votes 6, 9, 10, 19, 20, 22, 23, 26, 27, 32 and 35, shall be moved together and decided by one question which shall be put from the Chair and any division demanded thereon shall be taken forthwith; 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 7 p.m. by one question which shall be put from the Chair and which shall, with regard to amendments, include only those set down or accepted by the Minister for Justice, Equality and Law Reform; and Report and Final Stages of No. 21 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 10 p.m. by one question which shall be put from the Chair and which shall, with regard to amendments, include only those set down or accepted by the Minister for Social and Family Affairs. Private Members' business shall be No. 45, motion re An Post.

An Ceann Comhairle: There are four proposals to put to the House. Is the proposal for the late sitting agreed? Agreed. Is the proposal for dealing with Nos. 12 and 13 without debate agreed?

Mr. Kenny: When he spoke in the debate on the budget, the Minister for Finance, Deputy Cowen, said he would favour a more radical and comprehensive approach to conducting the business relating to the budget, Estimates and so forth. Has the Minister indicated when he might bring forward proposals in that regard, arising from suggestions made by Deputy Bruton to make the conduct of business more professional? I do not object to the proposal but I seek clarification in this regard.

The Taoiseach: The Minister for Finance said in his Budget Statement, and since then, that he is prepared to examine proposals in the context of a reform of Dáil business. It can be channelled through the Government Whip. We are ready to start it but we wish to deal with it in the context of general reforms. It makes sense. We have been using this system for a long time and there are some good suggestions for reform.

An Ceann Comhairle: Is the proposal for dealing with Nos. 12 and 13 without debate agreed? Agreed. Is the proposal for dealing with No. 20, conclusion of Report and Final Stages of the Criminal Justice (Terrorist Offences) Bill 2002, agreed?

Mr. Rabbitte: Notwithstanding some improvement since the Minister for Education and Science achieved high office, we have had to respond completely unnecessarily to guillotines on a great many Bills throughout the term. A total of 72 amendments have been tabled to the Bill, of which 34 come from the Minister. The Minister has made more law by amendment than he has by original Bill and we are asked to agree to this process again between now and 7 p.m. I am afraid my party cannot agree. It is completely unreasonable to expect that the legislation will have been subjected to quality scrutiny in the time available.

The Minister for Justice, Equality and Law Reform, Deputy McDowell, takes offence at having to come before the House to have his legislation examined. He thinks he ought to be let off to go back to his office to make laws and diktats and announce them from that location. He thinks the people should recognise the inherent sagacity of that position. We are not prepared to do so and will not agree to the Order of Business for that reason.

Mr. Sargent: The Green Party opposes the use of the guillotine, especially where it has not been demonstrated to be absolutely necessary. In a demonstration of a practice which is not completely confined to Progressive Democrats Party members of the Cabinet, the Tánaiste acted like

an Opposition spokesman in bringing forward so many amendments to the Health Bill 2004. The farce of asking the House to deal with a new thrust in legislation which has not been debated on Second Stage is compounded by the use of a guillotine. As Deputy Rabbitte stated, the Criminal Justice (Terrorist Offences) Bill is another case in point. The Government must take stock and cease to introduce legislation to which late amendments indicate was rushed at the drafting stage.

Caoimhghín Ó Caoláin: Sinn Féin objects to the guillotining of this highly controversial Bill. We note that the Minister has completely failed to address the concerns raised by the Human Rights Commission and the Irish Council for Civil Liberties, both of which organisations have indicated the Bill constitutes a further infringement of fundamental democratic rights and freedoms. While Deputy Rabbitte was correct to refer to the number of amendments tabled, the Bill is 111 pages long and contains 66 sections and seven Schedules. The legislation was first published two years ago. Despite the passage of over a year since Second Stage was completed, the Bill is being rushed through the House before Christmas in 90 minutes. It is disingenuous of the Minister to act in this way.

I believe what colleagues have said to be the case. The Minister does not want scrutiny of legislation, especially of this kind. Given the Minister's recorded acknowledgement
5 o'clock that the framework decision on which the Bill is based is fundamentally flawed, we must ask why it is being rushed through. It must require careful scrutiny and a full opportunity to address all amendments which have been tabled. It is likely that the most controversial provisions, which are set out in Schedule 2 on page 74, will not be reached. Clearly, this is a very serious matter indeed and I must record that Sinn Féin cannot accept the application of a guillotine. The Bill requires full airing in the House. I request the Taoiseach to overturn the proposition.

The Taoiseach: I take the point. During the session, we have endeavoured to pass legislation while avoiding the guillotine, but it is unavoidable in the last week as we come to the end of the session. Most of the amendments the Minister has tabled to this Bill relate to the European arrest warrant. While it is obvious there will not be much time for debate, it is important to get the legislation through before Christmas.

Question put: "That the proposal for dealing with No. 20 be agreed."

The Dáil divided: Tá, 73; Níl, 55.

Tá

Ahern, Bertie.
Ahern, Dermot.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Blaney, Niall.
Brady, Martin.
Brennan, Seamus.
Callanan, Joe.
Callely, Ivor.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Collins, Michael.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Cullen, Martin.
Curran, John.
Davern, Noel.
Dempsey, Noel.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Dermot.
Fox, Mildred.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Harney, Mary.
Haughey, Seán.
Healy-Rae, Jackie.
Hoctor, Máire.
Jacob, Joe.

Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
McDowell, Michael.
McEllistrim, Thomas.
McGuinness, John.
Martin, Micheál.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Donnell, Liz.
O'Donovan, Denis.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Keeffe, Ned.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Peter.
Sexton, Mae.
Smith, Brendan.
Smith, Michael.
Treacy, Noel.
Wallace, Mary.
Walsh, Joe.
Wilkinson, Ollie.
Woods, Michael.
Wright, G. V.

Níl

Allen, Bernard.
Boyle, Dan.
Breen, James.
Breen, Pat.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Costello, Joe.
Cowley, Jerry.
Crawford, Seymour.
Crowe, Seán.
Cuffe, Ciarán.
Deenihan, Jimmy.
Durkan, Bernard J.
English, Damien.
Enright, Olwyn.
Ferris, Martin.
Gilmore, Eamon.
Gormley, John.
Gregory, Tony.
Higgins, Joe.
Higgins, Michael D.
Howlin, Brendan.
Kenny, Enda.
Lynch, Kathleen.
McCormack, Padraic.
McGrath, Finian.
McGrath, Paul.

McManus, Liz.
Mitchell, Olivia.
Morgan, Arthur.
Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Noonan, Michael.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Dowd, Fergus.
O'Keeffe, Jim.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Perry, John.
Quinn, Ruairí.
Rabbitte, Pat.
Ryan, Seán.
Sargent, Trevor.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Upton, Mary.
Wall, Jack.

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

Question declared carried.

An Ceann Comhairle: Is the proposal for dealing with No. 21 agreed?

Caoimhghín Ó Caoláin: It is not agreed. In regard to Report and Final Stages of the Social Welfare Bill, we are asked to accept a guillotine to this very important legislation of 10 p.m. The Social Welfare Bill, and all the amendments thereto, should receive a full airing in this House and, accordingly, I cannot accept a guillotine in this case. I point out that the use of the guillotine has become almost standard over the past few

weeks and, as we indicated previously, that is not the way to proceed with critical business. We do not oppose it totally, but this Bill and the legislation on the guillotining of which we expressed our opinion are very important Bills which require full address by the House. Accordingly, I oppose the imposition of a guillotine on Report and Final Stages of the Social Welfare Bill.

Mr. Stagg: We also oppose the guillotine of this matter.

Question put: "That the proposal for dealing with No. 21 be agreed."

The Dáil divided: Tá, 70; Níl, 55.

Tá

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

Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Dermot.
Fox, Mildred.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Harney, Mary.
Haughey, Seán.
Hoctor, Máire.
Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
McDowell, Michael.
McEllistrim, Thomas.

Tá—*continued*

McGuinness, John.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Connor, Charlie.
 O'Donnell, Liz.
 O'Flynn, Noel.
 O'Keeffe, Batt.
 O'Keeffe, Ned.

O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Sexton, Mae.
 Smith, Brendan.
 Smith, Michael.
 Treacy, Noel.
 Wallace, Mary.
 Walsh, Joe.
 Wilkinson, Ollie.
 Woods, Michael.
 Wright, G. V.

Níl

Allen, Bernard.
 Boyle, Dan.
 Breen, James.
 Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 Burton, Joan.
 Costello, Joe.
 Cowley, Jerry.
 Crawford, Seymour.
 Crowe, Seán.
 Cuffe, Ciarán.
 Deenihan, Jimmy.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Ferris, Martin.
 Gilmore, Eamon.
 Gormley, John.
 Gregory, Tony.
 Higgins, Joe.
 Higgins, Michael D.
 Howlin, Brendan.
 Kenny, Enda.
 Lynch, Kathleen.
 McCormack, Padraic.
 McGrath, Finian.
 McGrath, Paul.

McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Murphy, Gerard.
 Naughten, Denis.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Dowd, Fergus.
 O'Keeffe, Jim.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Pattison, Seamus.
 Penrose, Willie.
 Perry, John.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Ryan, Seán.
 Sargent, Trevor.
 Sherlock, Joe.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Upton, Mary.
 Wall, Jack.

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

Question declared carried.

Mr. Kenny: In his speech to the Fianna Fáil Ard-Fheis two years ago, the Taoiseach made a central point of the necessity for an impetus on major infrastructural projects. Out of that came the national infrastructure Bill. I understand the Minister for Justice, Equality and Law Reform has put a damper on the incinerator for Ringsend, with the approval of the Minister for the Environment, Heritage and Local Government who is currently in Buenos Aires discussing climate change.

An Ceann Comhairle: This matter is not appropriate to the Order of Business.

Mr. Durkan: It is very appropriate.

Mr. Kenny: The Minister for Transport, who was in Ballina yesterday, emphasised the necessity for infrastructure to be developed speedily and on time and of getting value for money. Will

the Taoiseach, therefore, explain why the Bill, which was published and brought before the Cabinet, has been withdrawn? Why has it not proceeded to a point where the House can debate it?

The Taoiseach: The Minister has been re-examining the Bill and looking at why there are delays in the legislation. He said there are more delays in the courts than in the planning process. The House will be delighted to hear that the Bill will be back after Christmas.

Mr. Rabbitte: Is the Government making representations to the United Kingdom Government regarding the Bill published in pursuit of the Weston Park agreement in respect of Mr. Pat Finucane?

The Taoiseach: Yes. We cannot give our support to the Bill in its present form. It is not in line with what was agreed in Weston Park. We will continue to oppose the Bill and work with some

[The Taoiseach.]
of the Northern Ireland MPs to try to have the Bill changed during its passage in Westminster.

Mr. Sargent: Will the Taoiseach correct the impression given in newspaper reports that the infrastructure Bill is dead? That is not what he just said. During Question Time, Opposition Members attempted to raise the matter of Aer Lingus. On the basis of the Goldman Sachs report—

An Ceann Comhairle: That matter does not arise on the Order of Business. I call Deputy Crawford.

Mr. Sargent: There is an air navigation and transport Bill. I am talking about promised legislation.

Mr. Boyle: The Taoiseach last week promised a debate on the Goldman Sachs report.

Mr. Sargent: I am talking about a promised debate and promised legislation. I cannot see how that is not in order. I am asking a straight question and I would like a straight answer regarding when we will have the debate and whether legislation will be introduced or the issue will be debated on its own merits.

The Taoiseach: It will be debated in the new year. I am not certain legislation is required. We will have a debate in the new year.

Mr. Sargent: What will be the structure?

The Taoiseach: I have replied to that question.

Mr. Gormley: After Christmas. The Taoiseach said it was off the agenda.

Mr. Crawford: I refer to the desecration of a crib and other objects in Clones as a result of drunken misbehaviour. When will Alcohol Products (Control of Advertising, Sponsorship and Marketing Practices/Sales Promotions) Bill be taken so we can have a full debate on the problem of drunkenness and disorder?

The Taoiseach: The heads of the Bill have been approved. It is being drafted and should be available in the spring session of next year.

Mr. Quinn: I have asked this question a number of times but I am asking it again in view of the continued sustained activity in the construction industry and record outputs in most sectors. The building control Bill has been promised for almost two and a half years. It will cover a number of sectors of relevance and importance to different professions and consumer safeguards. The traditional response has been that it will be published some time in 2005. Is there new

urgency regarding its introduction because it would add a dimension of protection for citizens, which they require?

The Taoiseach: The Deputy is correct that I have replied to him about this a number of times. I will take it up with the legislative committee.

Caoimhghín Ó Caoláin: One of the commitments in the programme for Government under the heading, working for peace, is the implementation of an all-Ireland travel scheme for pensioners resident in all parts of the island. Where does that commitment stand? Is legislation required? Why is it taking so long to implement such a relatively straightforward provision?

The Taoiseach: That commitment has been made and it is being discussed with the Northern authorities.

Caoimhghín Ó Caoláin: How soon will it be implemented?

Mr. Timmins: Roadstone is one of the companies that admitted to illegal dumping on its property and it may not be prosecuted. Has the Taoiseach plans to amend the legislation in this area? When will the companies Bill be published?

An Ceann Comhairle: The Taoiseach may answer the second question.

Mr. Timmins: He might like to comment on the first question.

An Ceann Comhairle: That question is more appropriate to the line Minister.

The Taoiseach: The heads of the Bill are expected after Christmas. It will be called the company law (consolidation and reform) Bill and it will be introduced later next year.

Ms McManus: The Taoiseach promised legislation relating to the charges for nursing home care in reply to Deputy Kenny last week. Will the legislation be rushed through the House before Christmas? The Health Bill 2004 has just been rushed through the House in a most disgraceful manner. Will the Taoiseach clarify whether there will be an even faster track for legislation to address this issue, which should have been dealt with years ago?

The Taoiseach: The Deputy is probably correct. If the Act had been amended in the 1970s, we would not have been talking about it every decade since.

Mr. Howlin: What about the past seven years?

The Taoiseach: The Attorney General has given advice that we must stop raising the charges

and that primary legislation is required. The Government's view is that we should legislate now. The Tánaiste and Minister for Health and Children will discuss it with the health spokespersons and the Government Chief Whip will discuss it with the other Whips later.

Ms McManus: Will we deal with this before Christmas?

The Taoiseach: The Government would like to take the legislation before the recess.

Mr. Gormley: The Taoiseach stated the Government would re-examine the strategic national infrastructure Bill and it would be re-introduced after Christmas. Will the Bill come back to the House in some shape or form? How will it be re-examined?

I refer to the International Criminal Court Bill, which was published in August 2003. Does the Taoiseach share my concern about reports from Fallujah that napalm is being used to terrorise the citizens and that this legislation is needed to bring the United States to heel, even though it does not support the court?

An Ceann Comhairle: That issue does not arise on the Order of Business. The Deputy can raise it when the Bill comes before the House.

The Taoiseach: The International Criminal Court Bill 2003 is awaiting Committee Stage. I am not sure what is holding it up at the committee. The Minister will report on his proposals regarding the critical infrastructure Bill in the new year.

Mr. Gormley: Is it coming back to the House?

The Taoiseach: Yes.

Mr. J. Higgins: Will it include incinerators or has the Minister for Justice, Equality and Law Reform put that off the agenda?

Mr. Durkan: When will the Postal (Miscellaneous Provisions) Bill 2001 be brought before the House notwithstanding the recent explanation of the Minister for Communications, Marine and Natural Resources? Will there be a dramatic input by the Minister into the plethora of legislation promised by his Department, because nothing will happen this year?

The Taoiseach: I do not have a date for the Postal (Miscellaneous Provisions) Bill 2001.

Mr. Crawford: It is in the post.

The Taoiseach: It is some time since the Bill was ordered for Second Stage and I do not know what is the latest position.

Mr. Gilmore: In recent days, the National Roads Authority has been running Michael O'Leary style advertisements regarding the M3 issue, which is currently under consideration by a committee of the House.

An Ceann Comhairle: Has the Deputy a question relevant to the Order of Business?

The Taoiseach: Has the money to pay for the advertisements been voted by the House?

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

Mr. Gilmore: It does. The House votes the money allocated to the NRA, which has no other source of—

An Ceann Comhairle: The Deputy should table a question to the Minister for Finance or the Minister for Transport.

Mr. Gilmore: Has the money been voted or is a Supplementary Estimate required?

An Ceann Comhairle: Is a Supplementary Estimate promised?

The Taoiseach: No, but the costs of the NRA is a matter for the authority.

Mr. Stagg: It is a quango so it does not need the approval of the House.

Mr. Cowen: The Labour Party has a problem with the facts. It does not want the public to know the facts.

Ms McManus: The problem is the public does not know them.

Mr. Connolly: Given the great difficulty experienced in recruiting and retaining overseas nurses to work in our hospitals, will the issue of their spouses being allowed to work in the State be dealt with under the immigration and residence Bill?

The Taoiseach: As I understand it, they can work here.

Estimates for Public Services 2004: Motion.

Minister for Finance (Mr. Cowen): I move the following Supplementary Estimates:

Vote No. 6 — Office of the Minister for Finance (Supplementary).

That a supplementary sum not exceeding €1,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2004 for the salaries and

expenses of the office of the Minister for Finance, including the Paymaster General's office, for certain services administered by the office of the Minister and for payment of certain grants and grants-in-aid.

Vote No. 9 — Office of the Revenue Commissioners (Supplementary).

That a supplementary sum not exceeding €1,850,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2004 for the salaries and expenses of the office of the Revenue Commissioners, including certain other services administered by that office.

Vote No. 10 — Office of Public Works (Supplementary).

That a supplementary sum not exceeding €6,148,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2004 for the salaries and expenses of the office of Public Works; for services administered by that office including the Stationery Office as part of the Government Supplies Agency, and for payment of certain grants and for the recoupment of certain expenditure in connection with flood relief.

Vote No. 19 — Justice, Equality and Law Reform (Supplementary).

That a supplementary sum not exceeding €7,662,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2004 for the salaries and expenses of the office of the Minister for Justice, Equality and Law Reform and of certain other services including payments under a cash-limited scheme administered by that office, and payment of grants and grants-in-aid.

Vote No. 20 — Garda Síochána (Supplementary).

That a supplementary sum not exceeding €14,850,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2004 for the salaries and expenses of the Garda Síochána, including pensions, etc.; for payments of compensation and other expenses arising out of service in the local security force; for the payment of certain witnesses' expenses, and for payment of a grant-in-aid.

Vote No. 22 — Courts Service (Supplementary).

That a supplementary sum not exceeding €1,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2004 for such of the salaries and expenses of the Courts Service and of the Supreme Court, the High Court, the Special

Criminal Court, the Circuit Court and the District Court and of certain other minor services as are not charged to the Central Fund.

Vote No. 23 — Land Registry and Registry of Deeds (Supplementary).

That a supplementary sum not exceeding €900,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2004 for the salaries and expenses of the Land Registry and of the Registry of Deeds.

Vote No. 26 — Education and Science (Supplementary).

That a supplementary sum not exceeding €60,027,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2004 for the salaries and expenses of the office of the Minister for Education and Science, for certain services administered by that office and for payment of certain grants and grants-in-aid.

Vote No. 26 — Education and Science (Second Supplementary).

That a second supplementary sum not exceeding €10,000,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2004 for the salaries and expenses of the office of the Minister for Education and Science, for certain services administered by that office and for payment of certain grants and grants-in-aid.

Vote No. 27 — Community, Rural and Gaeltacht Affairs (Supplementary).

That a supplementary sum not exceeding €11,297,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2004 for the salaries and expenses of the office of the Minister for Community, Rural and Gaeltacht Affairs and for certain services administered by that office, including payment of certain grants and grants-in-aid.

Vote No. 32 — Transport (Supplementary).

That a supplementary sum not exceeding €1,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2004 for the salaries and expenses of the office of the Minister for Transport, including certain services administered by that office, for payment of certain grants and grants-in-aid, and certain other services.

Vote No. 35 — Arts, Sport and Tourism (Supplementary).

That a supplementary sum not exceeding

€20,000,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2004 for the salaries and expenses of the office of the Minister for Arts, Sport and Tourism, including certain services administered by that office, and for payment of certain subsidies, grants and grants-in-aid.

Votes put and agreed to.

**Bovine Diseases (Levies) Regulations 2004:
Motion.**

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

“That the proposal that Dáil Éireann approve the following Regulations in draft:—

Bovine Diseases (Levies) Regulations, 2004,

copies of which were laid in draft before the House on 8 December 2004 be referred to the Joint Committee on Agriculture and Food in accordance with paragraph (2) of the Orders of Reference of that Committee, which, not later than 16 December, 2004, shall send a message to the Dáil in the manner prescribed in Standing Order 85, and Standing Order 84(2) shall accordingly apply.”

Question put and agreed to.

**Criminal Justice (Terrorist Offences) Bill 2002:
Order for Report Stage.**

Minister for Justice, Equality and Law Reform (Mr. McDowell): I move: “That Report Stage be taken now.”

Question put and agreed to.

**Criminal Justice (Terrorist Offences) Bill 2002:
Report and Final Stages.**

Mr. Costello: I move amendment No. 1:

In page 7, between lines 15 and 16, to insert the following section:

“(2) The Offences Against the State Acts 1939 to 1998 and sections 48 to 53 may be cited as the Offences against the State Acts 1939 to 2004.”.

The amendment proposes the inclusion of the legislation in a collective citation covering emergency legislation relating to domestic offences and offences expected to be committed by international organisations or an external element. As these Acts are of this nature, make amendments to the Offences Against the State Act and deal with the proceeds of crime and confiscation of the proceeds of crime — terrorist crime in this case — it is appropriate that they would all be cited as Offences Against the State Acts 1939 to 2004.

The legislation under discussion goes back a long way. We had the initial framework docu-

ment in 2001, the legislation was introduced in 2002 and now in the latter days of 2004 we are at the 11th hour. It is possible now to look at the legislation and the framework document and decision that preceded it from a more distant perspective than in the immediate aftermath of the tragic events of 11 September 2001. I am glad the legislation was not rushed through at that time. There are some occasions when it is good to leave legislation on the books for a while and this was one.

Much of this legislation is of an emergency nature. It will introduce offences against the State when we had reached the stage of reviewing such measures. We had hoped, especially with the possibility of a peace deal in Northern Ireland arising from the Good Friday Agreement, that we would review all emergency legislation. The Hederman committee produced a report on which action has not been taken, but some decision is required on it because it is part of the Good Friday Agreement from 1998. I had hoped we would try to eliminate some elements of this type of legislation rather than increase the corpus of emergency powers. However, we seem to be going in the wrong direction.

I notice that in the new Criminal Justice Bill we are again normalising what would be regarded as powers of detention. I remember the debate that took place in 1984 on the increase in the period of detention from six to 12 hours. When we pass the Criminal Justice Bill 2004, we will double that period to 24 hours.

This is emergency legislation and therefore should be cited appropriately rather than giving the impression that it is something less. It is also important that we review it periodically. We are passing substantial powers. While there is some justification for them, we do not have an assessment of that justification. We should have an assessment here and internationally. An international threat is not necessarily a domestic threat. However, that does not mean we should not be careful and take whatever measures are appropriate.

When we passed our offences against the State legislation in 1939, followed by amending legislation in 1992 and 1998, it was to deal with a domestic threat to the State. In this case it seems we are responding to a threat to other states, particularly the United States. Do we need the same level of protective measures as would be required in the United States? We need to do a full review and assessment of security in this country and examine where the threats lie.

I would welcome an explanation from the Minister in the form of a background assessment as to why we need anti-terrorism legislation as distinct from the current domestic legislation, the Offences Against the State Acts. What is the international threat to this country and from where does it come? Is the threat internal? Are there elements of it in the country, for example, al-Qaeda or other organisations with terrorist contacts, engaging in or threatening terrorist

[Mr. Costello.]

activities? The definition of terrorism includes both the threat and the activity.

It would be useful for this House to know the Minister's assessment from the information available in the Departments of Defence and Justice, Equality and Law Reform. He need not reveal confidential matters to provide this but let us know where we stand at this point. We see on CNN and Sky News the level of fear and the perception of the global threat of terrorism, but where do we stand? What is the threat to us and how does this legislation fit into the global context.

An Leas-Cheann Comhairle: The Deputy is making a speech.

Mr. Costello: I wanted to argue that this legislation falls into the category of emergency or special legislation, such as offences against the State or anti-terrorism legislation, and should, therefore, be collectively cited as such.

Minister for Justice, Equality and Law Reform (Mr. McDowell): I undertook to examine this matter between Committee and Report Stages. The Office of Parliamentary Counsel advises that collective citation arises where an Act or set of Acts are being amended in a number of places but only arises where there are non-textual amendments. In other words, if a subsequent Act inserts new material into an earlier Act, the two are not cited together or the amending section is not cited because it effectively makes the change in the first Act. Therefore, it is not cited collectively with that Act. That is the technical reason I am advised against accepting this particular amendment.

I can understand this distinction. If there were a section in this Bill which said that the provisions of an earlier Act had a different meaning, or had an extended ambit or whatever, then, in those circumstances, if it were a non-textual amendment or a substantive law amendment which was new, there would be an argument for doing what the Deputy suggests. However, in the case of a textual amendment where the subsequent legislation merely inserts new material in the earlier Act, it is not normal to extend the citation for the earlier Act to include the subsequent legislation because we will not find anything in the latter which is independent of the first Act. In those circumstances, I do not propose to accept the Deputy's amendment.

I do not want to go into a Second Stage speech but wish to say this. We have international obligations. We are part of a common space of freedom, security and justice in the European Union and are part of the global community. We also have a common travel area with the United Kingdom. It is incumbent on us to ensure that our law is as effective against international terrorists as it is against domestic terrorists with domestic agendas.

This legislation is necessary to give effect to a number of obligations into which this State entered at international level in the form of agreements and conventions and which we voluntarily undertook as part of a global move against the use of terrorism to effect political change. From that point of view, the international terrorist situation is one we have undertaken to address. We cannot walk away from those undertakings now.

The Deputy may ask how stands the threat today. How stood the threat on 11 March in Madrid? Nobody saw it coming, but it struck out of the blue. I would hate it to be the case that this country was used as a platform to plan or to further an international terrorist cause and then to have to explain to fellow members of the international community that we had not got around to changing our law to give the Garda the right to take effective counter measures against the people in question. That would be a difficult thing to do. They could rightly consider it strange that we allowed a group of people in Dublin to plan a bombing in a European city and that we refrained from bringing measures into being which were as effective as if the bombing were to be carried out in our cities, or that we allowed organisations to operate in our midst which were as damaging to a fellow member of the European Union as they would have been had they been unlawful organisations working to subvert the Irish State.

We cannot have a double standard on this and, therefore, without going into any confidential information in my possession in regard to the level of international terrorist threat in Ireland, we are simply obliged to get on with this. Common sense dictates that we should not be out of line with the European Union.

From a micro-political point of view, I must attend Justice and Home Affairs Council meetings of the European Union, and a number of the provisions of the Bill are obligations which I solemnly undertook to bring about when holding the Presidency of that Council. I am not in a position to walk away from those commitments and to say that I have lost interest in the fight against terrorism. The political cost would be enormous if something were to go wrong and Ireland were implicated in a major terrorist atrocity or outrage in Europe. That is a responsibility I do not wish to bear. For that reason I thank Opposition spokespersons for facilitating me in getting the legislation through this House in this session because if we do not get it through the House this session and something does go wrong in January, February or March of next year, I and this House collectively will face the wrath of the international community for failing to act in the matter.

Amendment put and declared lost.

An Leas-Cheann Comhairle: Amendment No. 3 is an alternative to amendment No. 2 and they will be discussed together by agreement.

Mr. McDowell: I move amendment No. 2:

In page 7, to delete lines 16 to 20 and substitute the following:

“2.—Section 32 comes into operation 4 months after the passing of this Act.”.

Deputy English's amendment repeats a Committee Stage amendment tabled by Deputy Jim O'Keeffe. That amendment sought to delete the commencement provision in section 2 in its entirety so that the Act would come into operation on its enactment. I understand and share Deputy English's and Deputy O'Keeffe's interest in seeing this legislation come into force without delay and, with one exception, the amendment in my name provides for that. The one exception is section 32. The financial institutions have advised they need some lead-in time to enable them to be ready to implement their obligations under that section. I consider that a reasonable request and am satisfied that my response to it is also reasonable.

Section 32 brings the offence of financing terrorism within the scope of the provisions which already impose obligations on banks and other financial bodies to take certain measures to prevent and assist in the detection of money laundering. These measures involve, among other things, the training of directors, officers and employees of banks and other institutions for the purposes of enabling them to identify transactions which may relate to the commission of such offences and, therefore, I have provided a period of four months from the date of the passing of the legislation before section 32 comes into operation.

In commending amendment No. 2 to the House, I thank Deputies O'Keeffe and English for bringing this matter to my attention in the first place.

Mr. English: I accept the Minister's explanation. Four months is probably a little too long but I accept it is probably the best that can be done by the financial institutions. However, the Minister referred to the problems that could be caused in January, February or March if the legislation is not implemented and there is a contradiction in this regard.

Amendment agreed to.

Amendment No. 3 not moved.

Aengus Ó Snodaigh: I move amendment No. 4:

In page 7, between lines 20 and 21, to insert the following:

“(3) This Act shall cease to be in operation after one year unless a resolution has been passed by both Houses of the Oireachtas resolving that the Act shall continue in operation.

(4) Resolutions under *subsection (3)* shall be preceded by a full parliamentary debate,

which shall not be taken prior to the publication of a report under *subsection (5)*.

(5) This Act shall be subject to an annual independent review of its operation, to be conducted by the Human Rights Commission, the results of which shall be published and laid before the Houses of the Oireachtas no less than 30 days prior to the date on which the Act is due to lapse under *subsection (3)*.”.

Sinn Féin is opposed to the legislation because, as I said after Committee Stage, it is a human rights disaster waiting to happen. The amendment is a very specific one which I debated with the Minister on Committee Stage. It would be preferable to call this Bill an Act to allow for the introduction of draconian measures because the State's Human Rights Commission has recommended against it. The proposed legislation goes well beyond the requirements of the EU framework decision on combating terrorism and also conflicts with Ireland's international obligations in regard to the protection of civil and political rights. I would have offered this amended title except that the Ceann Comhairle would have ruled me out of order on the grounds of derision, as he has done when I recommended other titles which best reflected the purpose of the legislation being debated.

Everything about the Bill is fundamentally flawed, from the hasty and unaccountable process whereby the framework decision was thrown together in response to a written request from the US President, George Bush, to the unacceptably broad wording of the common definition itself, which the Minister conceded on Committee Stage. The legislation copperfastens existing repressive legislation that has been the subject of international criticism and was also the subject of criticism by our Human Rights Commission and the respected jurists and legal minds of the Hederman committee which was empowered to review it as a consequence of the Good Friday Agreement.

I tabled legislation to repeal the Offences Against the State Acts in June this year because, as Deputy Costello said, we should be getting rid of this type of legislation as part of the normalisation process under the peace process, not adding to the body of draconian laws at this stage. It is unfortunate that the Minister has decided to move in the opposite direction to which everybody signed up in the Good Friday Agreement.

The framework decision and the process that led to it were fundamentally flawed. I am not alone in this belief. For this reason, we should not rush the Bill through at the last minute as the Minister proposes. It is not right that we have less than 90 minutes to debate a Bill of 111 pages, incorporating 66 sections, seven Schedules and 36 new ministerial amendments, many of which are substantive and which the Opposition only had sight of this morning. Why the familiar last minute rush when the Bill was published two

[Aengus Ó Snodaigh.]

years ago and Second Stage concluded a year ago?

In a memorandum from the Chief Whip's office dated almost three weeks ago, it was stated that the Minister would contact Opposition spokesperson's offices to explain his reasons for the rush. He did not contact me up to today. The Minister's urgent rush on legislation this long and complex which concerns the curtailment of fundamental rights is unacceptable. I contend that the urgency is manufactured and that the real intention is to suppress debate on this important Bill with significant implications.

Given the depth and scope of concerns raised by the Human Rights Commission, Ireland should not rush to incorporate the framework decision into law but instead we should refuse and let the Commission take us to the European Court of Justice so that we can argue these points on behalf of the Irish people and all Europeans. As a result of the Minister's approach I have made no substantial effort to table comprehensive amendments. Instead, I propose a few critical changes that reflect the concerns of the Human Rights Commission and the Irish Council for Civil Liberties, to which the Minister has essentially refused to respond. Among other provisions, amendment No. 4 proposes that this legislation shall cease to be in operation after one year, unless a resolution has been passed by both Houses of the Oireachtas resolving that it shall continue in operation.

I have taken this approach because I examined the statements of the human rights organisations such as the Irish Council for Civil Liberties and the Irish Human Rights Commission as well as the detailed report of the Hederman committee. As Deputy Costello pointed out, we should examine the report and legislate to address the concerns raised by it. We should also listen to the dissenting views of many eminent people on the Hederman committee about the Offences Against the State Acts — the very reasonable views of Professor Dermot Walsh, Mr. Justice Hederman and Professor William Binchy should be considered.

I read the correspondence which I received from these groups and tabled a number of amendments based on their comments. If the amendments are not taken on board, Sinn Féin will vote against this legislation because the necessary safeguards of human rights are not provided for in the Bill as presented. Moreover, the Bill undermines human rights and should not be presented to the House in any shape or form; we should legislate for the opposite position. In April I received a letter from the Irish Council for Civil Liberties, which contained a detailed examination of the legislation, accurately outlining some of the flaws of the legislation.

An Leas-Cheann Comhairle: The Deputy should confine himself to debate on amendment No. 4.

Aengus Ó Snodaigh: Amendment No. 4 is concerned with ceasing the operation of this legislation after one year. The reason for this, unless the House decides otherwise, is that it is common practice in terms of repressive legislation and has been common practice in the House in the past. Sunset clauses are provided for to ensure that such draconian laws do not become part of the legislation of the State. No democratic State should have repressive legislation as part of the body of its permanent law, which is what I seek to prevent by tabling this amendment. When this happens, the democratic credentials of the State become questionable.

The Sinn Féin amendment would allow a review of the operation of this legislation after one year by providing that the legislation would cease to be in operation after one year, unless a resolution has been passed by the Houses of the Oireachtas resolving that it shall continue in operation. It also provides that resolutions under subsection (3) shall be preceded by a full parliamentary debate which shall not be taken prior to the publication of the report under subsection (5), which will be the independent review of its operation to be conducted by the Human Rights Commission, the results of which will be published and laid before the Houses of the Oireachtas not less than 30 days prior to the date on which the legislation is due to lapse under subsection (3).

The Irish Council for Civil Liberties raised issues in regard to safeguards and time limits provided for in the legislation. It noted that the Bill does not provide for a requirement that it be subject to regular review and periodic renewal by the Oireachtas. It stated that such a provision would, at a minimum, seem to be required by international law, whereby derogations from normal legislation should be periodically reviewed to determine when they are necessary and continue to be a proportionate response to the established and verifiable threat. The ICCL also referred to many other issues in regard to the legislation, to which we can return at a later stage.

The Irish Human Rights Commission also made a detailed submission and I would like to know how many of its recommendations the Minister has taken on board. Has he made any particular changes which give effect to the concerns it raised, in particular those addressed in amendment No. 4 on a review and the provision of a sunset clause? My reading of the Bill is that these are not provided for.

The report of the Irish Human Rights Commission has a section on the annual review. I presume the Minister received the report, although I do not know whether he took the time to read it. I hope he did and perhaps he will elaborate on why he turned down the IHRC's reasonable requests and recommendations that, given the controversial nature of this Bill and the sweeping powers it confers on the Garda Síochána and the courts, it be reviewed annually by an independent expert. Such a review would consider whether the

legislation was still necessary and whether any aspects of it disproportionately infringe the rights of those affected by it. The review should be published promptly on completion and should be considered during the periodic debates we have suggested on whether the legislation should be renewed. The IHRC has called for such periodic reviews on this basis but they are not provided for in the legislation, which amendment No. 4 seeks to address.

The IHRC also points out that previous legislation, for example, the Offences Against the State Acts, can lapse unless it is extended or revived for further periods of three months at a time, as provided for in sections 52 and 53. It is not uncommon to have such a renewal process for justice legislation, particularly legislation of this type which seeks to undermine human rights in this House and beyond, including in the European Union, if the Minister's proposals are tied to the framework decision.

The Irish Council for Civil Liberties is not some fringe group. It was founded by very eminent people, such as Kader Asmal and Mary Robinson, who still struggle against such legislation and the Minister's agenda and have done a great service to the nation. The submission of the ICCL reflects the standards set down by such people.

The intent of the amendment is to provide, in terms of the process in which we engage, that we do something similar every second year as provided for in certain sections of the

6 o'clock

Offences Against the State Act 1998.

That has been regular practice in the past in respect of legislation. There is nothing unusual or unreasonable about the sunset clause which I have recommended and for which the Irish Human Rights Commission and ICCL have called. This, for me, is the bottom line. I cannot and will not support a Bill which does not take on board this amendment.

Subsection (4) of the amendment seeks to ensure debate in this House is mandatory and to prevent the suppression of debate, which regularly occurs given the Minister for Justice, Equality and Law Reform in particular is more concerned about the volume rather than the quality of legislation passed. It also seeks to prevent guillotines which are routinely—

An Leas-Cheann Comhairle: The Deputy should confine his remarks to amendment No. 4.

Aengus Ó Snodaigh: I am speaking to amendment 4(4) which reads: "Resolutions under *subsection (3)* shall be preceded by a full parliamentary debate, which shall not be taken prior to the publication of a report under *subsection (5)*." This legislation is being rushed and we are all aware of the effects of rushed legislation. The amendment proposes that there be a full parliamentary debate, which shall not be taken prior to the publication of a report. Given that under this legislation we would be aware of the

date on which the Act would lapse, such debate could be properly planned. It is in the public interest that that is done. No reasonable person on either side of the House would oppose late or additional sittings to ensure the matter is debated.

I want to ensure that the operation of this legislation is thoroughly, critically and independently examined in contrast to the bare-bones reports which the Minister collates with the Garda Síochána. Such reports do not involve critical analysis, the specifics of which are so aggregated as to be nonsensical. Members of this House have a right to know what the evidence states about whether the legislation is necessary, effective or human rights compliant at any given time. We have a responsibility to monitor political conditions and to insist, where objective conditions do not warrant the operation of this law, where it is ineffective in practice for the purpose of increasing public safety or where the law does not effectively balance human rights protection, that it be struck down.

Amendment 4(5) states: "The Act shall be subject to an annual independent review of its operation, to be conducted by the Human Rights Commission, [a body set up under the British Irish Agreement, which is independent of this House and has given much time to dealing with legislation] the results of which shall be published and laid before the Houses of the Oireachtas no less than 30 days prior to the date on which the Act is due to lapse under *subsection (3)*." This provision will allow the Irish Human Rights Commission to do the job for which it was established and for which it should be properly funded. It also allows it to do its job by informing legislators and the public of the impact of the law. The 30 day minimum time limit for publication of the report not only allows legislators to give it due consideration but allows it to reach the public domain and to become the subject of public debate in the media and elsewhere. Such mechanisms enhance democracy. The Bill as drafted provides no recourse to independent reviews or full annual parliamentary debate. There is also no possibility the legislation will lapse each year without the passing of a resolution by the House.

We have all seen the effects of repressive legislation. This is yet more legislation which does not require to be enacted. The Irish Human Rights Commission and ICCL stated that this legislation should be enacted on a temporary basis only. It should be passed with the covenant that it will lapse when the situation so requires or, at the very least, that it should be reviewed. The IHRC in its submission stated that a substantial body of anti-terrorism legislation already exists, in the main the Offences Against the State Acts 1939 to 1998, and that the Government, under the British-Irish Agreement, committed itself to a wide-ranging review of these Acts with a view to reforming and dispensing with those elements no longer required as circumstances permit. The committee established to carry out that review, the Hederman committee, reported in May 2002.

[Aengus Ó Snodaigh.]

In the circumstances and while recognising the obligation to implement the EU framework decision, the Irish Human Rights Commission believes that, before drafting this Bill, the Government should have assessed the level of threat from international or transnational terrorist groups and the extent to which that threat and the obligations imposed by the framework decision could be met by existing legislation. In its view, many of the requirements of the framework decision are met by existing law. A number of new provisions introduced by this Bill go further than are strictly required by the framework decision, a matter with which we will deal under other amendments.

The Irish Human Rights Commission further stated that the Bill significantly extends police and other law enforcement powers and in its essence, emergency legislation—

An Leas-Cheann Comhairle: The Deputy is being repetitive.

Aengus Ó Snodaigh: I am reading what the Human Rights Commission had to say on the Bill.

An Leas-Cheann Comhairle: The Deputy should confine his remarks to amendment No. 4. He appears to be making a Second Stage speech.

Aengus Ó Snodaigh: I am dealing specifically with the amendment. The Irish Human Rights Commission states that in its view such legislation should only be introduced when a strong case has been made for it. Such legislation should have strict time limits and include provisions for a review, otherwise it will soon become part of the permanent law of the State. It suggests that the legislation should lapse after a specified period, as provided for in the amendment, of one to three years unless renewed by a vote of the Oireachtas, also provided for in the amendment, that an independent review of its operations be carried out annually and that the report of the review be debated by the Oireachtas.

An Leas-Cheann Comhairle: The Deputy is being repetitive.

Aengus Ó Snodaigh: No, I am not.

An Leas-Cheann Comhairle: I have heard the Deputy make that point already.

Aengus Ó Snodaigh: I may have done so earlier but I am now stating what the Irish Human Rights Commission had to say on the matter. The amendment is informed by the Irish Human Rights Commission, the Hederman committee and a submission which Sinn Féin made in 1999 to that committee to review the Offences against the State (Amendment) Act 1998. We believe our repressive and draconian legislation should be subject to annual review by way of full debate in

this House. I ask the Minister to take on board these concerns. He has acknowledged in committee that sunset clauses exist and stated that he could not include this provision as we were dealing with EU legislation. That statement contradicts the supposed rights we in Ireland have in terms of our sovereignty in matters of judicial and criminal affairs.

This is a framework decision which, if fully implemented, will undermine the little sovereignty we have left in these areas. It should be rejected or, at least, the conditions I have requested should be put in place. At a later date, it can lapse when the conditions are right in Irish, European and international affairs. If the Bill's provisions are allowed stand, as the European Union moves towards a fortress Europe, at a later stage we will not have the opportunity to undo the damage. I recommend acceptance of the provisions of this amendment.

Mr. Costello: I cannot see us reaching amendment No. 72 this evening. The amendment raises a serious issue. I received the same documentation as Deputy Ó Snodaigh from the Irish Human Rights Commission and the Irish Council for Civil Liberties. Both express concern about the extra powers to be granted in this new emergency type legislation and that it could be oppressive in its operation. Both propose a mechanism whereby a report would be made on the operation of the legislation each year. On that basis, the Oireachtas would determine whether the legislation was working effectively and if it needed to be amended, done away with or continued. That is an appropriate proposal.

It must be remembered that this Bill will amend the Offences Against the State Acts. In 1998, after the dastardly and tragic act in Omagh, the Oireachtas agreed to an annual review of the existing legislation with a report from the Garda Commissioner on the Act's workings. The Irish Human Rights Commission believes the report should come from an independent source. Last week, the Garda report on the workings of the seven day detention provisions was skimpy, revealing that some aspects of the legislation were not operated. Special legislation must not be passed for effect or to fulfil our international duty. I accept that we have an obligation to the EU framework decision but it is up to us to implement it in accordance with our domestic legal norms. We do not have to be slavish in the implementation of the decision as it can be adjusted.

On Committee Stage, the British definition of terrorism was requested, yet we only received it today. That definition is worse than ours.

Mr. McDowell: Deputies will be glad I am the Minister.

Mr. Costello: We thought the Minister was bad, but they are awful. The definition includes provisions such as the attempt to influence the

Government or to intimidate the public or a section of it. The Dáil Chamber is bad enough as we can be seriously intimidating and we are only attempting to influence the Government. The language in this definition is inaccurate.

I appreciate the Minister tabling amendments which will tone down considerably certain provisions in this regard. Amendment No. 22 will exclude individuals engaged in any protest, advocacy or dissent, strikes, lock-out or other industrial action. I welcome the provision that these activities cannot be deemed terrorist offences. I also welcome amendment No. 23 that provides for the exclusion of an individual from the definition who is determined by the Attorney General to have had the intention of compelling the government of a state to perform or abstain from a certain act or from seriously destabilising or from destroying the fundamental political, constitutional economic or social structure of such a state. I acknowledge these proposed caveats in the Bill. How to legislate for the serious intimidation of a population is, however, beyond me. Some caveat must be introduced to determine when and how this could happen.

In 1998, a good principle was established in having a report on the workings of legislation presented to the Oireachtas for it to determine whether the legislation should continue in operation. The Minister has indicated that we should dispense with this practice, making legislation permanent. I do not agree because we have had an abundance of special legislation since 1939, which has been added to all the time. After the Good Friday Agreement, a solemn commitment was made to examine emergency legislation with a view to normalisation as much as possible rather than going further down the road of special powers. However, we are now introducing a new set of special powers, similar to existing special legislation.

The amendment proposes that this legislation will be reviewed annually. Why can there not be a single annual review of all special legislation from 1939 on in the context of the Good Friday Agreement and, hopefully, a near future deal on the North with decommissioning on the cards? The Minister is to the forefront in claiming that what is happening now is not of a political nature but a criminal one. The law of the land, therefore, should be the mechanism used. The further we go down that road, the better. Such an approach would be welcomed by the Garda. The review should be encapsulated with one single debate on all special legislation, whether domestic, such as the Offences Against the State Acts, or arising from the international threat of terrorism.

If a report on the workings of the special legislation were presented to the Oireachtas, one day a year could be set aside for debate to determine whether any aspects of the legislation needed to be amended, deleted or strengthened rather than simply passing legislation and leaving it on the Statute Book willy-nilly. Otherwise we may never know what aspects of it are or are not being used

by the Garda and the thrust of the legislation may be lost.

If we go to the trouble of implementing a European Union framework document, which the Minister indicated is part of our international obligations, and the European Council deals with these matters in a European context, it is important for the Minister to be able to go to Europe and say we passed the Bill last year and how it is operating in Ireland. He should be able to ask how it is operating in other countries, whether a review of the legislation been carried out, if it is useful legislation, whether we hit the nail on the head or whether we put in place measures that were ineffective and unworkable and need to redress the situation, and whether we have gone overboard and found that its operation infringes civil liberties as the Commission on Human Rights and the Irish Council for Civil Liberties believe may happen.

I find merit in the amendment tabled by Deputy Ó Snodaigh but I do not necessarily believe it should be in this format. A number of formats could be used, but the principle of periodic review, debate and decision in this House is desirable and would be welcome.

Mr. McDowell: I listened carefully to the points made repeatedly on the amendment. I indicated to Deputy Ó Snodaigh on Committee Stage that I am not agreeable to what might be termed a sunset clause for the Bill. This Bill will become a semi-permanent feature of legislation. No legislation is permanent in the sense that it cannot be changed, but this Bill is intended to be a standing part of our legislation. I remind Deputy Ó Snodaigh that the central purpose of the Bill is to give effect to our international obligations under the UN conventions on terrorism and the EU framework decision on combating terrorism. Therefore, it is not appropriate to introduce a sunset clause into the Bill, as suggested in the amendments. Whatever about a review of its operation, to say that Ireland's response to a permanent international law obligation will cease periodically is inappropriate. The Bill is necessary because we live in a world where international terrorism is on the march. We know people are willing to do terrible things in pursuit of their political ends. There is no point coddling ourselves or hoping that Ireland can opt out of the global reality. These threats are real.

I was critical of the looseness of the language and the phraseology of the framework decision which was put to this House before any of us were elected to it. It was approved of and received the prior assent of this House as a framework decision by which process this House and the other House obliged Ireland to implement it. One can argue the toss as to whether the decision should have been made, but it was made. The old story of the Kerryman who said he would not start from here when asked for directions may be applicable in this case. In the aftermath of the 11 September 2001 atrocity, this House and the

[Mr. McDowell.]

other House undertook as part of our obligations under the European Union treaties to enact a law in conformity with the framework decision. We also signed UN conventions which we are free not to live up to if we wish. We can denounce them and walk away from our international obligations, but imagining that these obligations under EU and UN law cease to exist periodically is not a viable way of approaching this subject.

We must face up to the fact that it is perfectly conceivable that plans will be put in place by people in Ireland to carry out terrorist threats elsewhere in the world. It is by no means a fanciful thought. The question we must ask ourselves, should it eventually come to pass, is whether we did anything about it and whether the Garda Síochána was given the powers to arrest, detain and question people on these matters on the same basis as if the terrorism were directed towards our own State. Deputy Ó Snodaigh said that, under the Good Friday Agreement, there is an obligation to review the Offences Against the State Act and that review is carried out in good faith. One does not have to be Einstein to remember that those who participated in the Good Friday Agreement thought paramilitary activity in Ireland would come to a rapid halt shortly after the Agreement was entered into in Belfast in 1998. It is sometimes uncomfortable for people to remember that it was part of the Agreement, even though the language could have been tighter, that the parties to it would use their best endeavours to ensure that all arms would be decommissioned within two years of its signature. What happened to that? Nothing happened.

It would be foolish of us in this House to think for one minute that there is not still a domestic terrorist threat. Recently, a group of people who were caught at Inniskeen, County Monaghan, assembling a bomb with 1,200 pounds of explosives received sentences of up to ten years' imprisonment in the Special Criminal Court. What possible use could that activity have had except terrorism? More recently, the Garda informed me that it caught individuals in possession of timing devices driving within the country with a view to committing further offences. It is not as if the threat has diminished. The threat still exists. In these circumstances, I must deal with that threat. It is not repressive to have a legal framework to deal with the threat because, to coin a phrase, the threat has not gone away. The people who are carrying on these activities would be wholly unimpressed if I were to repeal the Offences Against the State Acts in their entirety. They would laugh at me and get on with their business. It is not a choice which is open to me.

Parts of the Offences Against the State Acts are temporary in nature and depend on Government proclamations and so on. However, other parts of them are permanent. The State must have protection in law. It will always be an offence against the Irish State to establish an unlawful organisation, advocate the overthrow of

the State or the resistance of the power of the State or hold rallies in a way which would compromise the independence of these Houses in the way that happened in the 1930s. These are permanent aspects of our law.

I agree that provisions such as internment and the use of the Special Criminal Court depend on factual matrices coming into existence which justify the deployment of those powers, but they are not repressive on that account. They are simply a response to a situation which exists as a matter of fact. The word "repressive" when used by Deputy Ó Snodaigh is technically correct. The provisions are in place to repress subversion. If the word is used in its pejorative sense, it is a response to armed aggression against the democratic institutions of the Irish people. Accordingly, I do not believe it is appropriate to categorise the Offences Against the State Act as emergency legislation. Such Acts are not emergency legislation, properly so called. Those such as that which followed the Omagh bombing which have a requirement for repeated renewal if they are to remain in existence may have been intended as an *ad hoc* response to a set of circumstances, but that does not make them repressive in the pejorative sense of the term. It just means that they are proportionate responses to a lethal force or tendency within society.

When Deputy Ó Snodaigh argues for a sunset clause to be put in this legislation, he argues that Ireland should opt out of the framework decision periodically or alternatively that we must keep repeating new legislation in this House virtually every year. We have enough to do in this House. Repeating this Bill is not an appropriate way to deal with matters. I do not accept the amendment.

Aengus Ó Snodaigh: As the Minister says, we have enough to do in this House without repeating legislation. As I said initially, this type of legislation is emergency legislation. We all live in hope that any emergency that might happen will not continue for any length of time, but since the Offences against the State Act was enacted in 1939, it looks like we are in a permanent state of emergency.

We should be entitled in this House to deal with this type of legislation on an ongoing basis until such time as it is deemed by the elected representatives of the people not to be required any longer. The easiest way of doing that is to force us to review and debate such legislation on an ongoing basis. Otherwise it becomes a permanent feature of our law, we become complacent, the legislation is accepted and we may then move on to the next legislation which might come from Europe with its range of demands on national legislators to tighten up and create fortress Europe.

The European drive, backed by the US, towards increasingly repressive legislation has not been effective and can never be so. The most effective way of dealing with conflict throughout

the world is to tackle its causes and to tackle the issues on a basis of human security. That this is, as the Minister said, binding on us in some way because it involves international obligations does not make it right. We need to undo the mistake this House made when it discussed the framework decision. The Minister said that this House accepted it. There was a cursory Dáil debate of only an hour on the issue. We did not have a substantial debate on the matter in the House. I was not present.

An Leas-Cheann Comhairle: The Deputy is only allowed to speak for two minutes.

Aengus Ó Snodaigh: I have said all I wanted to say. The presence of international obligations does not make this matter right. At some stage, nation states must take a stand, and this is one of the issues on which we should take a stand.

Mr. Costello: I have a question related to the notes given to us by the Department of Justice, Equality and Law Reform on the British definition of terrorism and the interpretation of it in British legislation. Regarding temporary legislation, the notes say that the Prevention of Terrorism (Temporary Provisions) Act 1989 and the Northern Ireland Emergency Provisions Act 1996 will cease to have effect. In their implementation of the legislation, the British authorities rescind some existing legislation on their statute books. They have abolished the emergency legislation which they had on a temporary basis. I would be interested to know the context. They are presumably interpreting the legislation before us as covering Northern Ireland and any threat which might come from these shores. That seems to be the thrust of the matter. I understand that there is also other legislation related to the prevention of terrorism. How stands the special legislation dealing with Northern Ireland which was introduced following the Troubles there over the past three decades.

Mr. McDowell: As I understand it, Britain's Terrorism Act 2000 is intended to be a permanent part of British legislation and to provide a permanent framework within the United Kingdom for dealing with terrorism. The single page with the definition, which was handed to Deputy Costello, may be slightly misleading because the Act is very substantial. It deals with proscribed organisations, membership of them, support for them, uniforms, terrorist property, fund-raising use and possession, funding arrangements, money laundering, disclosure of information about terrorism and the like, and with the seizure of terrorist cash. These issues are all part of our law too. The Act also deals with terrorist investigation, power to cordon off and designate areas, the duration of the provisions, information and evidence, suspected terrorists and their arrest without warrant, duration of the authorisations, and powers to stop and search. It also deals with terrorist offences,

directing terrorist organisations — which is part of our law — possession for terrorist purposes of information, collection of information, inciting terrorism overseas, terrorist bombing and jurisdiction in that regard. It also has special provisions relating to Northern Ireland.

This is not a temporary provision. The United Kingdom has put into its law a comprehensive anti-terrorism law. We have taken a different approach. We have taken parts of the Offences against the State Act and married new provisions to them.

Deputy Costello might note that the United Kingdom's definition of terrorism is not as bad as might be thought. For something to qualify as terrorism it must come under section 1(i)(a), (b) and (c). That is a cumulative requirement for the action in question. It is not as if it is radically different from anything we have proposed in this House.

Aengus Ó Snodaigh: Even at this late stage, I again urge the Minister to accept the amendment. This is not just about the Bill as a whole. Taking the Bill as a whole, new powers are being introduced which are not, and were not, part of the framework decisions. The framework decisions were intended to afford discretion to legislators and as such we had an opportunity. The Minister is correct in saying there was a debate in this House. As I said, it was a cursory debate, lasting only an hour. As a Parliament, we can, if we so decide, undo that debate and signal accordingly to our partners in Europe, having given it the proper consideration and allowed the time to lapse in which to view the world from a different viewpoint rather than from the emergency blinkered outlook that followed 11 September.

The rush to pass emergency temporary legislation to deal with terrorist threat dated from that time. At this remove we have the opportunity to say enough is enough and that we have the Offences Against the State Act, which is more than capable of dealing with the issues and problems which I hope will not arise. The Offences Against the State Act is almost a permanent fixture on the Statute Book at this stage after its temporary introduction, originally, in 1939 and the changes that occurred afterwards. In fact one section of the Act was so temporary in nature that it was scheduled to lapse after three months, yet that section is being reintroduced.

The original debate on the Offences Against the State Act shows that it was to be an emergency provision to establish the Special Court in

Green Street. In fairness to the late Deputy William Norton of the Labour Party, he argued at the time

that no circumstances could justify the introduction of this unusual type of legislation. That is what it is. It is not normal day-to-day legislation and, therefore, we should treat it differently. We should treat it as a temporary measure and put it to the test of these Houses, in my view, on an annual basis but in the opinion of the Human

7 o'clock

[Aengus Ó Snodaigh.]

Rights Commission, on a three-yearly basis. People should see a review of the process on an ongoing basis so that they can accept or otherwise the suspension of some of their rights on the basis that it is for the best. If the suspension of these rights is not acceptable, the people should be able to demand of parliamentarians a change in the law, bringing it back to normal legal standards. That is what we are looking for.

All the legislation I call repressive, which the Minister has contradicted, has been criticised by various international groups. We have been found wanting in that area in terms of the European Court of Justice and other bodies which

have criticised our temporary repressive legislation, namely, the Offences Against the State Act. We keep adding bits to it so that eventually we will have on our Statute Book some of the most repressive legislation available to any Government. I hope the Government will never have to give effect to what already exists and what it is now proposing. Some of the provisions of the Bill go well beyond anything which a democratic society should contemplate. That is why I have argued that this should be a temporary measure and not a permanent feature of our law, which cannot be undone in the future.

Amendment put:

The Dáil divided: Tá, 30; Níl, 64.

Tá

Breen, James.
Broughan, Thomas P.
Burton, Joan.
Collins, Michael.
Costello, Joe.
Cowley, Jerry.
Crowe, Seán.
Ferris, Martin.
Gilmore, Eamon.
Gregory, Tony.
Higgins, Joe.
Higgins, Michael D.
Howlin, Brendan.
Lynch, Kathleen.
McGrath, Finian.

McManus, Liz.
Morgan, Arthur.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Quinn, Ruairí.
Rabbitte, Pat.
Ryan, Seán.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Upton, Mary.
Wall, Jack.

Níl

Ahern, Dermot.
Ahern, Michael.
Andrews, Barry.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Callanan, Joe.
Carty, John.
Cassidy, Donie.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Cullen, Martin.
Curran, John.
Davern, Noel.
Dempsey, Noel.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Dermot.
Fleming, Seán.
Fox, Mildred.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Haughey, Seán.
Hoctor, Máire.
Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.

Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
McEllistram, Thomas.
McGuinness, John.
Martin, Micheál.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Donnell, Liz.
O'Donoghue, John.
O'Donovan, Denis.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Keeffe, Ned.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Peter.
Sexton, Mae.
Smith, Brendan.
Smith, Michael.
Treacy, Noel.
Wallace, Mary.
Wilkinson, Ollie.
Wright, G. V.

Tellers: Tá, Deputies Ó Snodaigh and Stagg; Níl, Deputies Kitt and Kelleher

Amendment declared lost.

An Ceann Comhairle: As it is now 7 p.m., I am required to put the following question in accordance with an order of the Dáil of this day: "That the amendments set down by the Minister for Justice, Equality and Law Reform and not disposed of are hereby made to the Bill, that Fourth Stage is hereby completed and the Bill is hereby passed."

Question put.

Deputies: Vótáil.

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

Deputies Ó Caoláin, Ó Snodaigh, Crowe, Morgan, Ferris, Gregory, Joe Higgins and Finian McGrath 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 who claimed the division will be recorded in the Journal of the Proceedings of the Dáil.

Question declared carried.

Private Members' Business.

An Post: Motion.

Mr. Broughan: I move:

That Dáil Éireann,

- recognising the critical importance of a vibrant universal public postal service;
- alarmed at the repeated failure of the Minister for Communications, Marine and Natural Resources to clearly set out the Government position on the future of the universal postal service and to clarify the deep confusion on the financial outlook of An Post and its subsidiary, SDS;
- deeply dismayed by the refusal of An Post management to award the workers of An Post their due pay entitlements under Sustaining Progress and to pay the linked cost of living rises to the An Post pensioners;
- disappointed by the unilateral decision of An Post management to close the State SDS parcel and courier company without debate in this House and abandon a strategic recovery plan agreed with the workforce and its trade union representatives;

- noting the challenges posed to the An Post workers and management by the development of e-commerce and market deregulation; and
- opposed to any attempt to dismantle or privatise the universal public postal service;

calls on the Government to:

- ensure that the management of An Post immediately pays the arrears due to An Post workers under Sustaining Progress and the linked arrears due to the An Post pensioners;
- suspend the closure of SDS pending a departmental investigation of the financial record and outlook of the company and full consultation with the trade unions and workforce;
- utilise the 1990 Industrial Relations Act to request the Labour Relations Commission to urgently investigate the present crisis at An Post and to provide a platform for its resolution through agreed industrial relations procedures, including the full involvement of the workers and their trade union representatives in the CWU, CPSU and PSEU trade unions; and
- prepare a Government White Paper on the future development of the postal service and on the economic means to enable An Post to discharge its universal service obligation, including any necessary State supports to postal services as with other critical universal public services.

I wish to share time with Deputy Michael D. Higgins and Deputy Gilmore.

An Ceann Comhairle: Is that agreed? Agreed.

Mr. Broughan: I am delighted to have this opportunity to discuss the current difficulties at An Post and the urgent necessity to secure the future of the Irish public postal service. The frustration and deep anger of postal workers at the failure of the Government and past and present management of the company to provide a clear vision for the future of the postal service led to the one day strike last week and to the recent overwhelming vote by the workforce to reject the collection and delivery restructuring proposals.

I will outline, as I did last week in my address to the 7,000 striking postal workers and their families, where the Labour Party stands with regard to the current industrial relations situation and the future well-being and security of the An Post company and its staff. The Labour Party is deeply committed to the continuance and strengthening of the universal public postal service. We greatly appreciate the wonderful daily and nightly work of our 10,000 postmen and post-

[Mr. Broughan.]

women as they process over 1.5 million letters and parcels per day to 1.75 million households and businesses. We thank them and salute them for their service. We are strongly of the view that this great and invaluable national service should continue to be available daily to every citizen in every part of the country, urban and rural, and at uniform rates of postage. We utterly reject any attempt to dismantle, diminish or privatise our universal postal service and we oppose every proposal to allow private contractors to cherry-pick valuable elements of the universal service while ignoring the needs of our dispersed rural population.

We view the 1,500 post offices and sub-post offices as a great national communications network which should be cherished and developed along the lines proposed in the commendable report of the interdepartmental post office working group of July 2001 and in the earlier Flynn report. The Labour Party is alarmed at the failure of successive Fianna Fáil Ministers with responsibility for public enterprise and communications to clearly set out the Government's position on the future of An Post and to clarify the deep confusion which exists among the workforce, the media and other interested observers, such as the Oireachtas, on the financial history and outlook for An Post and its subsidiary, SDS. We urge the Minister, Deputy Noel Dempsey, to resume the work of the 2001 interdepartmental working group and to publish a White Paper on the future of An Post up to the year 2020.

The postal workers and their representatives in the Communications Workers Union have, rightly, argued over the past two years that the fundamental issue in the current dispute is whether the Government is prepared to support the continued provision of a universal postal service, including the provision of financial supports, especially for the rural infrastructure. The postal workers, as represented by the CWU, the CPSU and the PSEU trade unions, have strongly opposed any attempt to reduce the level of pay and conditions in their public service jobs and to "yellow pack" their important communications role. The Labour Party also opposes it.

Over the past 15 months it was the postal workers who paid a high price for the past mistakes and miscalculations of management. The pleading by An Post management of inability to pay the cost of living increases under the Sustaining Progress national pay agreement was a gross breach of faith by management of the transformation of An Post through the partnership agreement of July 2000. The pay rises of 3% on 1 November 2003 and 2% on 1 August 2004 would have barely kept An Post workers in line with inflation, given the modest incomes in the company. Now, however, they have been left behind all other workers. On the Adjournment debate on 20 October last, I raised the appalling treatment of An Post pensioners. The deprivation of 8,000 pensioners and their families of their due,

linked increases under Sustaining Progress is reprehensible and should have been avoided by the current management at all costs. I call again on the Minister, Deputy Noel Dempsey, to ensure that all due increases under Sustaining Progress and the linked arrears owed to pensioners are paid immediately.

Apart from its failure to pay nationally agreed pay rises, An Post has been brought to its current crisis by the unilateral decision to close SDS, its parcel service subsidiary, last July with the loss of 270 jobs. The decision flew in the face of the strategic plan for 2002-05, which was agreed between unions and management, and the recovery plan which was also agreed in 2003. The Communications Workers Union has raised serious doubts about the financial outturn for the company in 2004 and there are suggestions that without the July decision for closure, the SDS company was heading for greatly reduced losses this year. I was informed through a management briefing, which I acknowledge gratefully, that, financially, An Post would break even operationally in 2004. If that is the case, it seems likely that losses at SDS would also be significantly reduced. The Labour Party believes, therefore, that the Department of Communications, Marine and Natural Resources should report on the financial position of SDS to Dáil Éireann. Pending the report and full and open consultation with SDS workers, owner drivers and their trade union representatives, the proposal to close SDS should be suspended.

The Labour Relations Commission has referred the current dispute to the Labour Court. I welcome warmly the development whereby Mr. Tom Pomphrett will meet management and the Communications Workers Union on Thursday to draw up an agenda for meetings between the two sides. The Communications Workers Union has also received and accepted an invitation to meet the Minister for Communications, Marine and Natural Resources. I hope the invitation represents an acknowledgement by the Department that it has a crucial role to play in the resolution of the current difficulties. It is for the Minister to provide a political response on a future vision for the universal postal service, rather than simply for management, workers or indeed the regulator, ComReg. The Government has an obligation to utilise urgently all instruments open to it under the Industrial Relations Act 1990 to ensure the speedy resolution of current difficulties.

A few weeks ago, the Minister, Deputy Noel Dempsey, told me he did not have a magic wand with which to address the difficulties at An Post and SDS. The comment followed an earlier statement by the previous Minister, Deputy Dermot Ahern, that he would not micro-manage An Post. That Minister referred issues repeatedly to An Post management and workers or hid behind the regulator, ComReg, on Question Time over the previous 18 months, especially during the earlier lock-out of postal workers last March. On a whole plethora of communications and postal issues, the Office of the Ceann Comhairle turned

down questions I wished to table on the basis that the subjects to which they referred were matters for ComReg alone. Where they involve the general political direction to be given to a great semi-State body like An Post, such questions should be accepted.

The Minister, Deputy Dermot Ahern, was also opposed to what he called a look-back exercise on the astonishing financial deterioration at An Post during 2003. Any such exercise would, of course, have drawn serious attention to the abysmal failure of the Minister to address core problems and to the swiftly changing external environment facing An Post.

The Fianna Fail-Progressive Democrats Government has seriously failed An Post since 1997 and placed the universal public postal service in great danger. During the term of office of the first Government led by the Taoiseach, Deputy Bertie Ahern, little was done under the then Minister, Senator O'Rourke, to prepare the company for the arrival of e-commerce, e-mail and texting. As Government, businesses and households went or prepared to go on-line little was done by the then Minister to prepare An Post management and workers for the significant business and cultural changes new technology was effecting in personal and business communications. Thanks to the ongoing strong efforts of the An Post workforce and the nationwide network of post offices and sub-post offices, the company continued to produce operating profits averaging £10 million a year during the five years to 2000. As the Celtic tiger economy roared ahead, mail volumes of course increased by over one third in that period.

According to the July 2001 report of the inter-departmental working group, post office counter services lost just under £3 million in 2000. At that time, losses were predicted by An Post management to reach £27.7 million by 2004. There was an operating loss for the An Post group of €6.7 million in 2001. As reported in the final report of group chief executive officer, Mr. John Hynes, which covered 2002, this loss rose to €17.4 million for the year. A further €52.5 million was set aside as an exceptional item to be used for voluntary redundancies. During his first year in office as Minister for Communications, Marine and Natural Resources, Deputy Dermot Ahern, like his predecessor, Senator O'Rourke, could have had no doubt that very difficult times were ahead for the An Post workforce and management, but he chose to do little or nothing to energise his Department to take action and approach the workforce and management with a vision for the future of An Post and the universal postal service.

The Minister's performance was part of a general pattern in the administration of his Department. In a newspaper profile, the journalist Stephen Collins described the Minister as a dark horse for the future leadership of Fianna Fáil and said he made the work of the Department look easy. I must say he is a very dark horse. The Minister's work looked easy because he did not

address a single major issue faced by this most important enabling Department. A brief survey of the key responsibilities of the Department of Communications, Marine and Natural Resources bears out this observation. Days after the current Minister, Deputy Noel Dempsey, was landed in the Department, a key national development agency, Forfás, reported a deficit of 360,000 household and business broadband connections. According to the agency, Ireland and Greece were struggling for last place in the EU table of broadband take-up.

In the broadcasting sector, the then Minister, Deputy Dermot Ahern, did little to encourage listener or viewer choice and failed to support the national public broadcaster RTE to develop a digital platform. In the energy sector, the move to sustainable and alternative technologies such as wind power completely stalled in the hopeless wrangle over the grid code. As in the case of his approach to An Post, the Minister, Deputy Dermot Ahern, made no effort to spell out the future national outlook for the ESB and Bord Gáis. I do not remember the Minister ever mentioning Bord na Móna. There was a similar story in the fisheries and marine sector. Key issues of conservation, decommissioning and support for vulnerable fishing communities were put on the back-burner while difficult decisions on the protection of salmon stocks and the urgent need to preserve angling tourism were completely avoided. As the Minister, Deputy Dermot Ahern, ascended the steps of the Department of Foreign Affairs, a potential major fisheries scandal erupted in the faces of his successors in the Department of Communications, Marine and Natural Resources, the Minister, Deputy Noel Dempsey, and the Minister of State, Deputy Gallagher.

As the briefing notes assembled for the current Minister by the Department and published on its website confirm, the Minister, Deputy Dermot Ahern, is a classic example of a cowboy who gets out of town just ahead of the posse. The poor Minister, Deputy Noel Dempsey, is left to clear up the mess, and on many of the issues I have outlined, there may not be enough time for him to do so before we both face the people.

Mr. O'Flynn: That is an outrageous statement about the Minister, Deputy Dermot Ahern.

Mr. Broughan: As Chairman of the Select Committee on Communications, Marine and Natural Resources, Deputy O'Flynn knows that better than anyone.

Mr. O'Flynn: It is an outrageous statement on the fisheries fraud.

An Ceann Comhairle: Allow Deputy Broughan to continue.

Mr. Broughan: On 12 May last, I asked the then Minister, Deputy Dermot Ahern, if his

[Mr. Broughan.]

attention had been drawn to a call from An Post staff at the Communications Workers Union conference in Galway for an Oireachtas inquiry into the earlier mismanagement of the State postal service. The Minister reported to the Dáil that it was not until he decided to refuse to bring its 2002 accounts to the Cabinet that the company accepted it was in financial difficulty.

I have before me the An Post presentation given by group chief executive officer, Mr. John Hynes, to the Joint Committee on Communications, Marine and Natural Resources in January 2003. According to the report, an operating loss of €18 million was predicted to become a €1 million profit in 2003. In reality, the 2003 outturn was an operating loss of €42.9 million even after profits of €13.3 million on the disposal of land and buildings were taken into account. In the meantime, significant bonuses were paid to the outgoing chief executive, Mr. Hynes. While Mr. Hynes's board refused to prepare a so-called survival plan in the first part of 2003, the new chief executive, Mr. Donal Curtin, declared very soon after he took over in July of that year that ongoing losses at An Post were unsustainable. The revelation of this astonishing turnaround in the finances of a vitally important semi-State body was a shocking blow to the workforce and its confidence in An Post's management. It raises serious doubts about financial forecasting and the reliability of elements of audited accounts.

The previous Minister, Deputy Dermot Ahern, declared he was only advised of what he called the true financial situation in September 2003. In apparent panic, he demanded monthly financial reports to the shareholder — in this case, himself — and attended several board meetings. He also began to suddenly take an interest in the calibre of Government appointments to State boards and talked about personal probity tests and the provision of tax clearance certificates. There appears to have been an effort by the Minister, as in Chairman Mao's China, to re-educate directors on boards under his remit, but as with much of the Minister's administration of this Department, those reports turned out to be useless waffle.

The saga of the 2002 and 2003 accounts have played a major role in the breakdown of trust between An Post workers and management. The financial mismanagement is regarded by workers as a grotesque repudiation of the transformation through partnership deal to which they committed themselves wholeheartedly. The more recent lack of consultation by the present management and total confusion over the financial prospects of SDS has greatly added to this sense of having placed trust in the professional competence of managers and feeling badly let down. It must be noted that the decision not to increase the price of the basic stamp for 12 years up to 2003 is also a factor in the current difficulties that have emerged at An Post.

I refer briefly to the nature of the universal postal service. For over a century and a half,

every developed country had a national post office following the British invention of the stamp in 1844 and the German creation of the international Universal Postal Union in 1874. All the member nation post offices delivered a universal postal service without distinction between urban and rural or local and national, and with free daily delivery to every door. In economic terms, there was cross-subsidisation between cheap "to handle" urban post and the more expensive "to deliver" rural service. The great post office networks of the world were rightly celebrated and included in national laws such as the US postal code, which instructed the post office in its governing legislation to bind the nation together through the personal, educational, literary and business correspondence of the people.

The British Royal Mail, the ancestor of our Irish service, inspired the poet W. H. Auden to commemorate the great national endeavour of the postal service in his poem, *Night Mail*, which reads:

This is the Night Mail crossing the border,
Bringing the cheque and the postal order,
Letters for the rich, letters for the poor,
The shop at the corner and the girl next door ...

Letters of thanks, letters from banks,
Letters of joy from the girl and the boy,
Receipted bills and invitations
To inspect new stock or visit relations,
And applications for situations
And timid lovers' declarations

And gossip, gossip from all the nations . . .

Nowadays, the lovers would not be so timid. They would be texting, and some of the rest would be sent by e-mail.

That wonderful and interesting universal postal service celebrated by Auden is now being captured bit by bit by market and regulatory forces unleashed under EU legislation in the name of transparency and competition. In this new framework, national public postal services must be reclassified as monopolies. The mutually beneficial terminal dues regime operated across the Universal Postal Union by national governments must be subject, under Article 81 of the EU treaties, to close scrutiny by the European Commission and the European Court of Justice.

Increasingly, the Universal Postal Service, one of the chief representatives of European culture and civilisation, is being reclassified as "services", that is, commercial activity within a market structure. An intense international campaign is being waged against Universal Postal Service terminal dues by organisations like the International Express Carriers Conference based in Washington DC, with the aim of replacing public provision by competitive market provision in one segment of the postal market, namely, cross-

border mail, and that effort is increasingly successful.

As these developments proceed, the EU is increasingly confining and reducing the sphere of so-called monopoly held by national postal services, that is, the reserved activities. The sphere of the universal postal service, the area of service of general interest, is being squeezed increasingly and ComReg and similar regulatory bodies across Europe have busied themselves with studies and consultations regarding service delivery performance, future postal rates and bland talk about sharing the universal service obligation across various companies.

The development of the EU Single Market for postal services began in 1992 and the Postal Directive 97/67/E.C. was issued in December 1997. This directive, as amended by Directive 2002/39/E.C. of the European Parliament and Council of June 2002, was pushed through Dáil Éireann by the then Minister, Deputy Dermot Ahern, as the European Communities (Postal Services) Regulations 2002, SI 616 of 2002. Under these provisions, from January 2003 the reserved area was reduced to letters of 100 grammes, with a price multiple of three. In January 2004, the market for all outgoing international mail was opened to competition and in January 2006, the thresholds for full competition will be reduced to letters of 50 grammes and over. In 2009, it is envisaged that full market opening will extend to the 20 gramme letter.

Full market opening for all letters may not happen. Our larger EU partner countries appear to be having second thoughts about the so-called competitive markets as they fail to deliver the excellent universal service that was once taken for granted when there was not a regulator in sight. This decision will depend on a European Commission study of the effects of deregulation on the universal market due in 2006.

Meanwhile, the delivery of a nationwide universal service becomes more and more difficult as An Post operated main post offices are sold to support the cost-cutting programme or regraded to become sub-post offices. Throughout the past two years, I and many other Deputies in this House were contacted by important centres like Clonakilty and Cahir where the main post offices are being reclassified as sub-post offices or on an agency basis. The Irish Postmasters Union made a worrying submission to the Oireachtas committee on communications showing a massive decline in the post office network over recent decades from nearly 2,000 offices to just under 1,400. The graph is still falling as operators in small rural communities become older and possible successors refuse to carry on the service given the low rates of remuneration paid by An Post. In 2001, approximately 100 sub-post offices were temporarily closed as a result of postmasters retiring.

Given the growing danger to a universal national network, the 2001 interdepartmental report set out a range of options to secure the

service. Financial supports from the State to maintain rural networks was seen as essential, although that would entail State aid clearance from the European Commission. The retention of the contract for social welfare transactions was also seen as critical. The report also proposed an interesting Government services outlet model as a one-stop-shop for all Government services in small local and rural communities. Other proposals included a universal banking service and Internet links, where the local post office would act as the local link of the public services broker, and Reach, the new enabling website for Government. Over the past three years, An Post management has received little encouragement from the Government to develop those models. That is the challenge now facing the Minister, Deputy Noel Dempsey, in the remainder of his term and I urge him to address it.

The failure to pay cost of living increases to workers and pensioners, and the recently rejected restructuring proposals for the collection and delivery service, are other effects of the pressure to downgrade the whole postal service in the name of spurious competition. The impact on the delivery of the universal service obligation from the restructuring proposals as outlined to me by the Communications Workers Union seems to be detrimental. An Post management proposes to rationalise the number of delivery offices and delivery posts and rural deliveries will be handed over to private contractors who, presumably, will also be awarded a universal service obligation. Important priority deliveries for business customers will be drastically cut.

The conditions of the postal workers will be savagely worsened in the current proposals with the abolition of traditional grades, compulsory redeployment, compulsory relocation, reductions in annual leave and electronic tracking of deliveries. Despite the negative national and Oireachtas reaction to roadside delivery boxes when proposed by the previous management, the idea has re-emerged in these proposals. It seems clear that the long and wonderful tradition of the rural and urban post person who knew every customer and was a lifeline to the world for elderly and infirm residents is under serious threat if these proposals are accepted in their current form. The Minister, Deputy Noel Dempsey, has a grave responsibility in that regard to ensure that type of development does not happen. He also has a grave responsibility with regard to the events at SDS.

I met a group of owner drivers in this House a few weeks ago who outlined to me their tremendous hard work to develop the business of the company. They had been full SDS workers up to the time of the recovery plan of 2003 when they took voluntary redundancy to become owner drivers. Despite fierce competition in the parcels market, they spoke of their deep appreciation of their mainly small business customers and the scope for higher revenues from their service. The detailed information obtained on the subsidiary by the Communications Workers Union shows a

[Mr. Broughan.]

reasonable revenue projection from February 2004 of €69 million. That would put the expected losses for the year at under €5 million and would, therefore, indicate a significant reduction from the €12 million lost by the company in 2003. Had there been modest price increases, which workers indicate the market could have borne, and a reduction of other costs identified in the Sweeney report, SDS would have approached a break even position in 2004. I urge the Minister and his Department to investigate and urgently address these apparent discrepancies and halt the closure of the SDS company.

With regard to the Government's proposed amendment of the Labour Party motion, I too welcome the involvement of the national implementation body and the greatly experienced Mr. Peter Cassells. One of the key issues which Mr. Cassells and other facilitators must address is the failure of An Post, the Minister and his two predecessors to bring forward an employee share ownership trust in An Post. Although there was a definite commitment to an ESOT in the Transformation Through Partnership agreement of 2000, the Minister's predecessor made no serious attempt to introduce the Postal (Miscellaneous Provisions) Bill 2003 on Second Stage in Dáil Éireann. I have grown weary asking the Taoiseach to bring forward this agreed legislation.

Despite the current difficulties An Post remains a great national resource. The collection and delivery service for mail and parcels, the post office branch network, the bill payments facility, the investments and savings products, the very successful management of the national lottery and the other great An Post undertakings represent a nationwide service of great distinction. Again, I salute the An Post workforce.

Given the onslaught from deregulation and the arrival of electronic substitution, it is clear that a modernisation and development of the company in a spirit of close consultation and partnership between the workers and their trade union representatives, management and the Government is essential to secure the future of the universal public postal service.

Management failure over the past few years with regard to the financial administration of the company has brought us to the present position. This is illustrated by the unilateral decision to close SDS and threaten 1,400 jobs.

With a spirit of partnership in a company which is a classic people business and the strong support of the Minister and the industrial relations machinery of the State, the Labour Party believes the current difficulties can be overcome. I thank Mr. Steve Fitzpatrick, Mr. Seán MacDonagh and Mr. Michael Bride of the CWU and Mr. Larry Donald and Mr. John Foley for their useful briefings. I have also been assisted in my contribution by unpublished work on the erosion of the public postal service by Mr. Fergus Ó Raghallaigh, the distinguished journalist and economist and per-

sonal adviser to the leader of the Labour Party. I commend the motion to the House.

Mr. M. Higgins: I wish to share the remaining time with Deputy Gilmore.

I am delighted to have the opportunity of speaking on this Labour Party motion on an issue which brought thousands of workers onto the streets of Dublin last week. Most people who watched that demonstration would have been shocked at the basic pay of a post person in 2004.

As I listened to the speeches in Molesworth Street, I was struck by the extraordinary attitude of An Post's management. The changes to which Deputy Broughan has referred are being proposed and introduced by management. They are reminiscent of a time when authoritarian managements could totally ignore the rights of workers. They reveal a kind of prejudice. It is as if management can have a go at visiting the trough of bonuses, be free not to publish the figures the public are entitled to have and then, when it does not succeed, turn on its low-paid workers and tell them they are responsible for having to work overtime. None of this is acceptable.

There is also a deep prejudice at its basis, based on two fundamentals. One is that there is something antiquated and old fashioned about working in the public service. The second is that there is something unimportant about the right to communicate. The right to communicate is fundamental in a democracy. The right of an older person, irrespective of where he or she lives, to send and receive a letter is fundamental. If An Post had a problem about honouring the basic right to communicate it should have come to Government and said, "We need to be compensated for accepting this right of citizens to participate".

Instead of that, the whole tenor of the debate has been structured in terms of the distribution of commodities. I rarely listened to such an extraordinary performance as that of a spokesperson of An Post recently on radio. Her every second sentence referred to the need to get real. The same person did not tell her predecessors to get real when they were asked for information and figures about the performance of An Post, one year taken with another. It was easy to say to the people on low pay, "Get real, turn over and lose your job".

The Labour Party is committed to a universal postal service that accepts the right to communicate and to participation as a citizen. Reference is made to 2009. At the heart of the European Union is a contradiction in the Lisbon agreement which must be fought for. On the one hand, the agreement spoke about cohesion and on the other about competitiveness. It is the function of governments to defend the basic rights of citizens of the new and extended Europe and to be able to speak to citizens about such services as are appropriate in a democracy.

This company has an extraordinary recent history with regard to published accounts. It appears

to move from the prospect of profit and surplus to extraordinary levels of loss. On what basis could such a company give bonuses to those who are having a go at a commercial ethos and suggest changes and offers relating to positions to those at the top of its executive structure, while refusing to publish the basic figures for which the public was asking?

It is not a time for surrendering the right of every citizen to send and receive a letter and to participate as an equal citizen. It is not a time for letting down the post persons who have been working in all kinds of weather, in every season and on low pay and who are suffering abuse through a tissue of propaganda in relation to their working conditions. The word "partnership" is nonsense to those who have not got what they were promised under agreements and who had to bring their pensioners onto the streets to make their case.

An Post management is going down the road of attacking the citizens by removing their right to communicate and attacking workers' rights to a job and fair conditions and their basic right to be given information and to participate in discussions about their future. That is what is at stake. The public owe it to themselves and to the public service workers involved to support the CWU and the other unions involved in this dispute. They must make sure the State accepts its obligations to provide a universal postal service and decent working conditions in real and genuine partnership.

Mr. Gilmore: It would be easy, as the Government seeks to do, to characterise the current difficulties in An Post as a dispute between trade unions and management. There is a political responsibility for what is happening in An Post. The Government's responsibility with regard to the postal service has not been discharged over the past number of years.

The statements issued by Deputy Broughan on behalf of the Labour Party in the past year make it clear that the difficulties in An Post did not happen overnight. Consistently over that period, the Labour Party has drawn to the attention of the Minister and his predecessor their responsibility for the delivery of postal services. On 4 March last, a statement issued by the Labour Party spokesperson stated, "Ultimate responsibility falls on the shoulders of Minister Dermot Ahern who has, so far, failed to bring forward the 2001 Postal Services Bill". The statement went on to call on the Minister to intervene in An Post. Later that month the spokesperson pointed out that ultimate responsibility for the situation at An Post rested with the Minister for Communications, Marine and Natural Resources, Deputy Dermot Ahern. The spokesperson stated, "He cannot stand by and let the situation deteriorate". The calls continued throughout the course of the last year.

The response from Government was to allow the situation to drift. There has been a failure on

the part of Government to come to terms with the requirement for a decent, universal, modern postal service. Government has failed three groups of people in particular. First, it has failed the people who work in the company. We talk about a universal postal service, but it is only a slogan until one considers the position of the workers who must deliver that service. They get up at all hours of the morning to sort and deliver the mail. They have delivered a service to the public for years for which they have not been adequately rewarded. It is proposed to break up An Post through part privatisation with one type of postal service provided in one part of the country and a different type elsewhere. This, in turn, will break up the sense of public service among the workers. That cannot be replaced nor can a price be put on their loyalty to the company and their sense of duty to the public they serve not only in delivering the mail but in acting as a conduit to the community and between other services.

In allowing the situation to drift, the Government has also shamefully betrayed and let down the pensioners of An Post. A total of 8,000 people have not been paid increases due in their pensions. They cannot engage in the collective bargaining negotiations between trade unions and the company. They are being denied part of their pensions. Pensions are often described as deferred pay. They have worked for this money and have made a contribution to these increases, if not directly, through their level of pay while working. The increases to which the pensioners are entitled are being denied to them and it is shameful. Whatever happens during the discussions and negotiations, at the very least, the moneys owed to the pensioners should be released and paid to them.

The public is the third category of people being let down by the Government's attitude to An Post. People want a decent public service, which they are not getting. The ComReg survey highlights that only 71% of mail is delivered the following day. All of us have anecdotal evidence of postal deliveries that did not happen or that were considerably delayed. The expectation people traditionally had that if a letter was posted today, it would be delivered tomorrow no longer holds. This cannot be landed at the feet of the postal workers because this has been a failure on the part of management and the Government to set out the strategy and direction of the postal service in a modern society.

I can also give examples of the way in which the postal service infrastructure has been dismantled. A series of sub post offices have been decommissioned and put out of operation in my constituency. Blackrock is one of the largest suburbs in my constituency but the local post office was downgraded last year to the status of sub-post office. Registered post has not been delivered through the local post office in Shankill for the past two years. If somebody is due to get a registered letter, a note is dropped through the

[Mr. Gilmore.]
 door and to collect it, he or she must travel five and a half miles to the Foxrock post office, which is not accessible by public transport and is only open for certain hours. Such post should be available for collection locally. That post office serves a population of approximately 20,000 who do not accept this as an adequate service but neither is the public calling for the privatisation and break up of the company. People want An Post to operate efficiently and deliver the postal service they expect. The great failure of Government is that it has not addressed that issue or set out a strategy on the future of the postal service.

The motion calls on the Government to pay the employees and pensioners of the company the money they are owed; to suspend the closure of the SDS pending a departmental investigation of the financial record and outlook of the company and full consultation with the trade unions and workforce; to address and settle the immediate industrial relations issues; and, in particular, to prepare a White Paper on the development of the postal service so that we can all see where the company is going and end the drift that has characterised the Government's attitude to the postal service and the company that has been charged with its delivery.

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I move amendment No. 1:

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): To delete all words after "Dáil Éireann" and substitute the following:

- recognises the:
- critical importance of a vibrant universal public postal service;
- commitment of the Government to the postal network as set out in European Communities (Postal Services) Regulations 2002 which explicitly provide for the universal service obligation in relation to nationwide postal deliveries at uniform tariffs and, in recognition of the universal service obligations on An Post, the designation of part of the postal market as reserved to An Post;
- difficult financial situation faced by An Post in recent years with losses of over €24 million between 2001 and 2002 and a loss of €43 million in 2003;
- challenges posed to the postal service by electronic substitution, potential liberalisation by 2009 and the entry of strong international operators into the Irish postal market;
- need for An Post to develop a customer service ethos and to offer a range of high quality, competitively priced ser-

vices and products to customers who increasingly will have a choice of postal provider;

- difficult issues arising in SDS, the parcels division of An Post, arising from the loss making situation of €12 million in 2003 and expected losses currently being dealt with in the National Implementation Body; and
- difficulties caused to An Post pensioners by the non-payment of Sustaining Progress.

notes the:

- work already undertaken by the Labour Relations Commission in brokering a proposal in regard to restructuring An Post collection and delivery processes;
- progress made by the LRC in facilitating agreement between An Post unions and management in agreeing Christmas mail arrangements;
- work being undertaken by Mr. Peter Cassells under the auspices of the National Implementation Body in resolving issues arising from the SDS closure; and
- work undertaken by the Labour Court in resolving issues between An Post management and the AHCPs.

urges:

- management and unions to continue to finalise these talks as a matter of urgency and in a spirit of partnership and expects that on agreement that both sides will honour all aspects of that agreement in spirit and letter.

and commends:

- the commitment of the Government to the renewal of An Post as demonstrated by the decision of the Minister for Communications, Marine and Natural Resources to meet the An Post Board and the CWU this week to outline the Government's views on the future of the postal service."

I wish to share time with Deputy O'Flynn.

I join the Labour Party speakers in acknowledging the role played by postal workers for more than a century. My grandfather was a postman and I am familiar with the commitment he showed. I agree that postal workers regard the postal service as a great national resource and it must be ensured it not only survives but thrives into the future. That will be my aim for as long as I hold this post. I also agree with the comments on the necessity to move forward in partnership.

However, I do not agree with many other comments made by the Labour Members, particularly Deputy Broughan's attack on my predecessor

who he claimed did nothing about the situation in An Post. As early as 2002, my predecessor asked the company's board for a survival plan and pursued the company in this regard. Early in 2003 he initiated monthly meetings at which the Department got the latest figures from An Post. He refused to bring the accounts to Government because he was not satisfied with them and, eventually, he managed to have the true picture revealed.

However, it is strange that the Labour Party, in tabling this motion, did not kill itself doing much homework because its first demand is details of Government commitment to a universal service. Deputy Broughan paid tributes to his researchers but basic research would have highlighted that the commitment of the Government to the postal network, is set out in the European Communities (Postal Services) Regulations 2002, which explicitly provide for such a universal service. It states our obligation to nationwide postal deliveries at uniform tariffs. The universal service obligations on An Post allow the designation of part of the postal market for An Post. The universal postal service provided to every address in the country is enshrined in European and Irish law.

The Government recognises the critical importance of having a nationwide, reliable and efficient postal service. Despite the changes that have taken place in recent years, particularly with regard to electronic communication, we recognise that postal deliveries and the range of services available at post office counters are an integral part of the daily lives of our business communities, our public services and the citizens of our towns and villages in every corner of Ireland. There is no wavering in the Government commitment to our postal services. It is precisely because of this commitment that we believe urgent action is needed to put in place the necessary measures to ensure An Post can deliver a quality service to its customers and to the community at large.

There has been a long and honourable tradition of postal services in Ireland. In an age when transport and communication services were neither as numerous nor as rapid as they are today, postal services were critical to the social and economic well-being of our citizens. However, we cannot live in yesteryear. We must recognise that the challenges facing us now at the start of the 21st century are not the same ones that faced us at the start of the 20th century. Like all businesses, if An Post is to prosper and grow, it must adapt to changing circumstances and the demands of its customers. It must develop a genuine partnership relationship with its employees that places delivery of quality services to its customers as its primary focus. We must focus on the consumer and customer.

The European Communities (Postal Service) Regulations 2002 make specific provision for a universal service obligation, featuring nationwide deliveries of mail at a uniform tariff and with guaranteed frequency. This is not an aspiration, but a statutory obligation which An Post must

meet. On the other hand, An Post also has the benefit of having normal letter post deliveries reserved solely for itself. This reserved area represents a significant commercial advantage for An Post, one on which it must capitalise if it is to be fully prepared for liberalisation of the market when it comes on stream, probably in 2009. We cannot afford to assume, as Deputy Broughan does, that it will not happen then. I would rather take the approach that it is likely to happen, prepare for that and ensure that An Post is strong and viable enough to meet whatever competition comes in 2009 or thereafter.

Already, there has been part liberalisation of postal services in the parcels area. Unfortunately, An Post's specialist parcels delivery service, SDS, has been unable to survive in this market. Nobody can say that Irish consumers do not have available a range of fast and efficient service providers for parcel delivery, but it is a cause for regret that An Post has not been able to effectively compete with other players in this market. All is not lost, however, and An Post management is taking steps to integrate its parcels service back into the main business, thereby saving the jobs of 180 SDS employees.

Mr. Crowe: That is nonsense.

An Ceann Comhairle: The Minister, without interruption. The Deputy will get an opportunity to contribute.

Mr. N. Dempsey: The redundancies required will be entirely voluntary.

It is a timely reminder to us all that if consumers are to have the benefit of competition in all sectors, including the postal area, existing players in the market must adapt to the competitive world. Our citizens are demanding the right to have choice available to them wherever possible. Accordingly, the way forward for our postal services is to ensure that we have, on the one hand, adequate competition and, on the other, no diminution of the universal service.

The European Commission has embarked on an extensive analysis of postal services throughout the 25 member states. Over the next two years it will continue with that analysis with a view to proposing a model for European postal services that combines competition and the delivery of a reliable service to all 450 million European citizens. This is a daunting task to which Ireland will contribute with particular regard to the need to cater for both our significant rural population and our fast growing and vibrant economy.

I have deliberately concentrated on sketching out the rapidly changing business environment in which our postal services operate because it is important that we are under no illusion about the challenges facing An Post.

I would like to address some of the specific issues An Post management and unions are attempting to resolve so that the company can be

[Mr. N. Dempsey.]

placed on a firm financial footing. An Post lost €43 million in 2003. This fact cannot be disguised. Nobody can argue that following losses of this scale, workers, management and Government were not facing a crisis. Thankfully, during 2004 management and unions working together have made some progress in dealing with the situation. Despite all the negative comment we have heard in recent weeks, I acknowledge there has been a joint commitment by all parties to restructuring. All sides are to be commended for their efforts to date.

I am not trying in any way to ignore or minimise the significant disagreements that exist between the management and the Communications Workers Union. I recognise that we are not yet in the position where we can say that the necessary restructuring programme to secure the future of An Post has been agreed. This is the nub of the problem we face today.

The unsustainable losses of 2003 have been stemmed by implementing a number of drastic measures, including the non-payment of Sustaining Progress increases and the vigorous control of costs. I very much regret that Sustaining Progress payments have not been made to the workers and pensioners of An Post.

The only way An Post workers can ensure that they achieve increases in line with other sectors in the economy is for management and unions to sit down and agree details of a restructuring programme. Much work has been done by both sides under the auspices of the Labour Relations Commission. However, it is essential that both sides continue to work together in conjunction with the State's industrial relations machinery to broker a deal that will allow the company to deliver quality services to our citizens, while at the same time offering good well-paid employment to its employees. That is the challenge facing us today and the board and management, together with the unions in An Post, should not allow themselves to be deflected from meeting that challenge.

I take this opportunity to commend the Labour Relations Commission and the work it has done to date. There can be no doubt but that it has made a big contribution towards teasing out the possible way forward for unions and management in An Post. We are fortunate to have industrial relations dispute resolution procedures which are widely recognised as being both fair and effective.

One regularly hears concerns with regard to the future of our extensive rural post office network. Since coming to office I have made it clear to the board and management of An Post that I will be extremely supportive of them in their efforts to ensure that our post office network continues to develop and thrive. I am aware that An Post, in partnership with postmasters, has had some recent success in acquiring new business for our post offices. Many Members of the House will no doubt be aware that in accordance with a contract between An Post and AIB, customers of

that bank can now transact business at more than 1,000 post offices throughout the country. This is good for AIB, An Post and their customers.

Other opportunities in the public and private sectors are being explored by the company and I have assured the Irish Postmasters Union and the management of An Post that my
8 o'clock Department will play its part in assisting An Post to secure additional Government business, whether it be in the field of social welfare or development of e-Government services. My predecessor provided an equity injection of €12.7 million to enable the post office network to face the challenge to modernise.

To return to the immediate problem of agreeing a restructuring plan, I have invited representatives of the CWU to meet me to discuss with them the future of the postal services and the future of An Post. I want to hear their views and ideas and I want to initiate debate with them on the liberalisation agenda that is current in Europe. I do not intend entering into negotiations on industrial relations issues but I will impress on the union representatives that both sides must approach the difficulties now arising in a spirit of partnership, while at the same time making full use of the available industrial relations machinery.

The future can be bright for An Post if the company and its workers seize the moment to implement the changes that all agree are necessary to secure the company. We desperately need both sides in An Post to get out of the trenches and stop fighting the battles of the past. We need a heads-up approach to tackling the radically different problems of the future that are faced by workers and management.

The Government is committed to a great future for a renewed postal service. We believe An Post can provide the universal service, innovation and seamless adaptation required in response to the changed environment. I will hammer home that message when I meet the An Post board and the CWU later this week when I will share with them the Government's view on the future of the postal service.

Mr. O'Flynn: I thank the Minister for sharing his time with me. I wish to put on record my appreciation of the contribution of An Post workers to the State over many decades. As Chairman of the Joint Committee on Communications, Marine and Natural Resources, I look forward to meeting the three unions, especially the CWU, on 2 February to hear their side and listen to their vision for the future of the company.

When Donal Curtin, the new CEO of An Post appeared before the committee in January 2004, he informed us that An Post was heading for losses of €43 million in 2003. Emergency action was called for and the newly appointed management team put in place substantial cost saving measures in 2004, including, as the Minister stated, the non-payment of Sustaining Progress

increases and rigorous control of costs. An Post is now looking at operating profits of €14.8 million for this year. However, I am advised, following an allowance of between €22 million and €25 million for the closure of SDS and profits from subsidiaries, the bottom line for 2004 is a loss of between €2 million and €9 million. I congratulate all those involved in the company, management and staff members——

Mr. Broughan: It was the sacrifice of the workers that paid for it in their wages.

Mr. O'Flynn: ——for turning around the fortunes of the company, from a loss of €43 million to between €2 million and €9 million this year. Without an agreement on the restructuring plan the outlook is obviously very bleak.

The former CEO appeared before the committee on 29 January 2003 and informed us that An Post would make a profit of €1 million in 2003. I was annoyed, as was my colleague, Deputy Broughan, who makes an important contribution to the committee, at the way an Oireachtas committee was misled by the former chief executive of An Post — I do not think Deputy Durkan was a committee member at the time. It is possible to read what he said in the committee proceedings on the Oireachtas website. One can also read the text I read on 8 January 2004 on this matter.

Competition can be expected to increase, whether from the privately owned express sector, the large European public operators now looking for international business or the electronic communications technologies such as e-mail and texting. The trend of dropping mail volumes internationally is also impacting on An Post, which does not bode well for the future of a volume-based business.

The parcels business has been liberalised, with major international players operating in the Irish market. Furthermore, as the Minister pointed out, the European Commission's stated intention is to complete the Internal Market for postal services in 2009, thereby opening up letter post to full competition. The Commission will undertake further studies on the impact of competition on the universal service requirement which is enshrined in EU and Irish law. The universal service requirement means that all addresses, both business and private, are entitled to deliveries at uniform tariffs, with a guaranteed frequency.

Changes in the collections and delivery operations area are critical to addressing the company's precarious financial circumstances. They will enable the company to provide a cost-effective mail service and quality of service standards which meet customer expectations. The changes will increase operational flexibility and significantly reduce the company's existing cost base. The proposals are aimed at cutting existing overtime levels and employee numbers involved in collections and delivery in addition to increasing operational efficiency by replacing current work practices.

The information available suggests that the Communications Workers Union will report to the Labour Relations Commission on Thursday and that a ballot on the proposals developed at the LRC has been overwhelmingly rejected. The next step will be to try to resolve the disagreement between the union and management in the Labour Court. I encourage the CWU to go to the Labour Court to resolve the issues.

As I said, the committee which I chair invited the three unions involved in the postal business to come in on 2 February. We are keen to hear the views of the unions as they did not address us last year and we only have a one-sided picture at present. I want to chair a discussion with the unions which is frank and open so that we can hear what they have to say on the viability of An Post. It was regrettable that on the last occasion the union leadership decided not to appear before the committee. Deputy Broughan and other committee members will know that a letter from the union was read into the record and this can be accessed on the Oireachtas website.

An Post workers have not been paid Sustaining Progress increases as the company pleaded inability to pay. In such circumstances it is open to the union to refer this to the LRC and ultimately the Labour Court where a binding ruling can be made. The inability to pay claim was based on the fact that An Post made losses of €43 million in 2003 and projected group losses of €20 million this year. At the end of this year the company will show an operating profit of €14.8 million, but this needs to be viewed in the context of savings made through the non-payment of Sustaining Progress increases. The cost of those increases this year would be €18 million.

Mr. Broughan: They should be paid.

Mr. O'Flynn: The cost of Sustaining Progress increases would be €37 million in 2005 and €56 million in 2006. Furthermore, an allowance of between €22 million and €25 million will have to be made in 2004 for the closure of SDS, but this is expected to be offset by the sale of SDS property in 2005. The recovery plan presented by the board of management, which assumed significant changes in work practices, tariff increases and the payment of wage increases, projected that An Post could have an operating profit of €4.5 million in 2005. I hope this will be achieved by the management and the unions. I acknowledge this is a break even position but it is on the right side in order to become profitable and sustainable.

The adoption of restructuring which delivers real change is the only way An Post workers can look forward to receiving pay increases in line with other sectors. I encourage talks to ensure the company, which has served the State well since its foundation, survives and prospers in the years to come for the sake of all the workers who have passed through it over the decades and those currently employed, who are proud of their jobs and the company.

[Mr. O'Flynn.]

My company, Noel O'Flynn Ltd. in Cork, was probably one of the first customers of SDS when it opened in 1989. Its service was second to none, which I stated on the record when the company's representatives appeared before the Oireachtas Joint Committee on Public Enterprise of which I was a member during my first term in the Dáil. If Deputy Broughan does not believe me, he can check the Official Report. I have not been involved with the company for seven years but, when I asked my general manager who now runs it what he thought of the SDS service, he informed me that it was fantastic. The company operates a number of couriers but SDS provides a fantastic service and I was very sorry to hear the company was closing with the loss of 170 jobs.

An An Post pensioner came to my clinic about a medical problem last week and expressed concerns about whether workers would receive full medical care or not, which is an issue which must be examined and was taken up with the company today. I understand An Post has its own superannuation scheme funded by employer and employee contributions managed by a board of trustees. Payment of the pension increases was delegated to An Post by the Department in 1989. Normally, the Minister does not have any operational involvement in the management or payment of An Post pensions. The issue of non-payment of pensions increases to An Post pensioners arising out of Sustaining Progress is due to the financial difficulties experienced by the company. An Post management has taken the view that the company was unable to pay Sustaining Progress increases to its serving employees as it was entitled to do so under the terms of the agreement. I hope to see this urgent matter resolved before the meeting on 2 February.

Post offices enjoy some advantages in the delivery of financial and Government services by virtue of a nationwide retail network with a recognised brand name. Last year there were 96 company offices, 1,400 sub-post offices and 160 postal agencies operating nationwide, 1,000 of which are automated. The post office network accounts for 18% of the overall turnover of An Post and is important. The Fianna Fáil parliamentary party raised this issue with the Minister for Communications, Marine and Natural Resource, Deputy Noel Dempsey. It is important that all post offices should be on an equal footing, be automated and be able to provide services and compete through the facilities which are available to the network. I hope we will find a mechanism with the company to ensure the remaining 450 post offices are able to—

Mr. Broughan: Who will pay for it?

Mr. O'Flynn: If the company was making a profit and I was running the company, I would ensure all these post offices were automated. Moreover, I would augment the existing services with more financial institutions using the post

office system, I would include more e-Government services and I would like to see implemented a recommendation of the Oireachtas Joint Committee on Communications, Marine and Natural Resources on the provision of broadband and Internet facilities in post offices. For a small fee, this could provide Internet access and on-line booking facilities in post offices to people who do not own a computer. I hope members of An Post management are in the House tonight or are listening to the debate because this is just one of the services which could be provided through the post office network and which would help bridge the digital divide.

A practical expression of the Government's commitment was its decision in 2003 to invest €12.7 million in An Post to facilitate the modernisation of post offices. That equity was paid to the company in 2003. Last year, An Post management told us the post office network was making a small profit, whereas a few years ago it was the poor relation. New communities are springing up all over the country and county development plans are encouraging the development of towns and villages, as opposed to ribbon development and one-off housing, and strengthening local communities. This represents an ideal opportunity to build our post office network and expand these services.

I wish to record my appreciation to all An Post staff in Cork for the service they are providing to the people of Cork. As I stated, I have experienced the SDS service but I have also experienced An Post delivering to my office on the Malloy Road in Cork city. One can time one's self by the arrival of the postman at the same time every day. I will have been in business for 20 years on 1 April next year. I am not sure whether I made a mistake by starting on April Fool's day; perhaps time will tell. I look forward to engaging with and listening to the three unions on the committee on 2 February with my colleagues Deputies Broughan and Durkan.

Mr. Durkan: I propose to share time with Deputies Wall, Deenihan and Murphy.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Mr. Durkan: It is my honour and privilege to speak on this important and topical matter. I support the Labour Party motion, which is timely in more ways than one. It gives us an opportunity to appreciate the time and space which have been afforded by both unions and management at An Post to providing a service over the Christmas period, thereby alleviating what might have become a very traumatic time for many people who depend on postal services. I congratulate both sides for this.

We all recognise that this time should be put to good use. All agencies, including the Labour Court, the Labour Relations Commission and the

facilitator, should be called upon to give of their best to ensure the issues and problems which have arisen at An Post in regard to changing times, work practices and technology are addressed. The time should be used to review all the services which have been provided in recent years and decide what it is best to provide for.

Sections 45 and 46 of the Postal and Telecommunication Services Act 1983 relate to pensions, superannuation etc. This original legislation sets out quite clearly that staff in An Post will be treated as if they were civil servants who remained part of the Department of Posts and Telegraphs at the time of the changeover in 1983. That should be borne in mind by management to ensure there is no exacerbation of the situation and that the service is provided on the same basis as that provided 30, 40, 50 or 80 years ago. The proposed changes must be based on negotiations with the relevant unions as provided for in legislation.

It is important operational changes are debated in an open, frank and fair manner and that equal opportunity is given to the survival of An Post and its workforce. I do not take the view taken by many other speakers that because we are in changing times everything must be changed and that we must throw out the baby with the bath water. An Post has a powerful network of services throughout the country. Its post office and postal workers have done enormous work for the country. They have provided essential services in areas where few would provide them. The last thing we should do during this time of change is leave matters to one side, as was done with Eircom during its privatisation.

There has been much talk of privatisation and the benefits of same. We have only to look across the water to Royal Mail which had planned to go down that road. However, it will not now do so, or if it does it will not be as had been planned. I hope the services provided by An Post and appreciated by the public can continue to be provided in the future. We should in the meantime focus the attention of the Minister's heart and mind on the issues ahead.

Mr. Murphy: I have a particular interest in this issue as my family have been involved in the postal sector for many years. The immediate issue to be dealt with in terms of what is at stake for postal workers and their families is ensuring An Post pays them their due rights and entitlements under Sustaining Progress. The bigger question that will affect the lives of postal staff, their families and the entire wider community is to what degree the Minister and management at An Post are committed to ensuring the survival of a vibrant postal service. We need to be clear on one matter. The Government is the sole shareholders in An Post and if it wishes to intervene, it has the power and authority to do so. It is fooling nobody by suggesting it must abide by the decisions of the directors and management of An Post. If the Government does not agree with the directors

and management, it can sack them or instruct them to carry out its wishes.

For many years, we have heard Fianna Fáil Deputies and Ministers tell us rural post offices would not close. We heard sanctimonious speeches from Fianna Fáil backbenchers on how post offices were the central plank on which villages and rural life survived. Yet, despite this outcry, village post offices are closing by stealth, from a lack of resources to enable them to provide adequate services for their communities. The SDS service is to close. Every effort put in place by local community councils, Leader groups and enterprise boards to create small industries in rural Ireland is being jeopardised. The SDS postal service is the only way of getting goods to customers at home and abroad. Courier services will not serve small rural towns and villages.

The Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, and the Minister for Transport, Deputy Cullen, spoke of their support in the drive to revitalise rural communities and small villages and towns and insisted that An Post serve these communities because without this service, without the ability to transport their products and import raw materials, businesses in rural areas cannot survive.

This issue brings us to another disturbing aspect of An Post's restructuring proposals, the contracting out of deliveries, particularly in rural areas. Admittedly, current postal workers are being offered these contracts. They must purchase vans, pay tax and insurance and maintain their vans, at a totally uneconomic rate. I have no doubt that, as sure as night follows day, within three years An Post will suggest these postal workers should, to cut their costs, deliver twice weekly in rural areas. An Post will constantly cut the contract price, put the routes up for tender and, eventually, reduce the service to rural Ireland to once weekly.

If the Government does not intervene and take its responsibilities seriously, most rural people will have to collect their post from central sorting offices 20 or 25 miles away. Now is the time to call a halt. The Government must be held accountable before it is too late. It is closing by stealth post offices throughout the country and by sheer incompetence and lack of vision it will close parcel services. The introduction of contracts for postal workers will deprive rural Ireland of worthwhile services for the future. Postal workers and their families have been a central and crucial part of rural life for generations. They are poorly paid yet deliver a vital service. It is true this job has a social dimension and the Government must subsidise An Post in that regard if necessary. The absolute minimum that must be done is that An Post pay postal staff money owed to them and maintain the current level of service in rural Ireland.

Mr. Wall: I, too, congratulate the Postal Workers Union and An Post staff for the wonderful service provided by them for many years. It

[Mr. Wall.]

was the postman upon whom people in rural Ireland depended during good times and bad. When people did not have telephones in their homes, it was they who carried messages of illness to the local doctor or the Garda on behalf of people in trouble in rural areas, a service welcomed by all in rural Ireland.

If the proposals referred to by Deputy Murphy are accepted many elderly people in rural Ireland will be isolated as they will be unable to get to locations 20 or 25 miles away to collect their post. Currently there is no transport for them to the local towns to collect post or other necessities. The postal worker was a vital link for those in rural Ireland. Before coming to this House today, I met postal workers in Athy who told me they felt they had been left behind in terms of the Civil Service. They had received no extra payments under benchmarking or Sustaining Progress for the past two years, yet they are expected to provide a service second to none and to ensure business operates efficiently. The workers at An Post have been ignored resulting in their taking to the streets to highlight the problems experienced by them.

This is yet another matter on which we are told the Minister is not accountable to the House. How many times a week do we hear that statement? We raise issues of concern to our constituents only to be refused permission by the Chair to discuss them. An Post is another issue for which we are told the Minister does not have responsibility. Workers at An Post provide a good service and, given their daily activities on the ground, are often the only people available to feed information to elderly people in need.

They have been ignored over the years. In the last two years, they have been told they are not on a par with any other section of the Civil Service. They have always been part of the Civil Service yet have been ignored in benchmarking and Sustaining Progress. It is time the Minister for Communications, Marine and Natural Resources and An Post accept there is a case to be made to ensure these payments are made.

Debate adjourned.

Social Welfare Bill 2004: Report and Final Stages.

Mr. Penrose: I move amendment No. 1:

In page 3, between lines 8 and 9, to insert the following:

1.—The Minister shall within 6 months from after the passing of this Act prepare and lay before both Houses of the Oireachtas a report on the operation of the rent supplement scheme.

On Committee Stage, Opposition Members acknowledged the Minister has moved a considerable distance on the matter of rent supplements. Last year, the minimum contribution

required from recipients of supplementary welfare allowance or mortgage supplement was raised by the then Minister for Social and Family Affairs, Deputy Coughlan, from €1 per week to €30 per week.

An Leas-Cheann Comhairle: Can we have silence in the Gallery please?

Mr. Penrose: While there is no change in this, the Minister has said there will be no further increases and the measure will be kept under ongoing review. In the case of couples, if one is in full-time employment and the other is on supplementary welfare allowance, both are excluded from rent or mortgage supplement. Again, there is no change in this and it has been sent for review with the social partners.

Changes were made in the other aspects of the supplement for which the Minister can claim some credit. To be in receipt of rent supplement, the tenant must be in need of accommodation and unable to provide from his or her own resources. For the most part, a health board decided whether an applicant for rent supplement was in need of accommodation without reference from the relevant local authority. In future, claimants for rent supplement will be referred to the local authority for an assessment of housing needs in a more systematic manner. The Minister amended this, subject to consultation from the Department of the Environment, Heritage and Local Government. This measure was needed to ensure that rent supplements are paid in appropriate circumstances, in accordance with established policy, and to allow for the objectives of the supplementary welfare scheme which focuses on meeting immediate short-term needs.

This was the critical issue for us. My colleagues, Deputies Seán Ryan and Wall, and I made strong and coherent arguments for focusing on this area, rather than the long-term housing need. The housing groups, such as Focus Ireland and Threshold, all agree that this issue would be dealt with if adequate resources were provided for long-term housing need. However, particular care is needed to ensure the interests of vulnerable groups, such as the homeless, the elderly, people with disabilities and those on unemployment benefit, are fully protected in the course of implementing these measures. The Minister has amended the six month criteria to ensure that those on short-term income needs, such as those who become ill, unemployed or are assessed by a local authority as having a housing need, are not disadvantaged. I acknowledge this development.

The rent supplement was also to be refused to those who refused offers of local authority accommodation. This has been amended so that rent supplement will be continued to be paid, unless the third offer of local authority accommodation is refused. Deputies Seán Ryan and Stanton have brought certain difficulties faced by those in this situation to the Minister's attention. A person may be offered a house in an area with

anti-social activities. The Minister was asked to take careful note that turning down accommodation in such a case cannot necessarily be construed as a refusal.

I acknowledge that some improvements have been made to the scheme. Some aspects of the supplement have been untouched as they are going for further review. We will keep the pressure on, as those cuts should never have been visited on the marginalised and those who could not afford to bear them. If €50 million can be found for electronic voting and other madcap schemes with no popular demand, we must ensure the like of these cuts never happen again. The Committee of Public Accounts must examine issues where moneys are squandered and wasted while cuts are visited on those least able to bear them. The poverty proofing section of the Department allowed these cuts to be introduced. The Minister for Social and Family Affairs, Deputy Brennan, is a wise politician who saw the merits of the Opposition's arguments. However, they were rejected by his predecessor, Deputy Coughlan. However, he has only travelled the half marathon; the other half must be completed.

Mr. Stanton: This amendment asks the Minister, within six months of the passing of the Bill, to prepare a report on the operation of the rent supplement scheme. Even after the Minister's amendments to the scheme, it is still unclear how it will work as there is no idea of the impact the adjustment, as it was called, had. One fundamental human right is the right to a roof over one's head.

Questions, however, remain about how one qualifies for the scheme. How does a person prove he or she is homeless? Must he or she register with a homeless agency? What about women in crisis pregnancy situations? If a person finds oneself on the side of the street as a result of a domestic row, will he or she be covered? These issues need to be teased out. In the next six months, the Minister should prepare a report, making it clear where we stand on this scheme. I support this amendment.

Mr. Boyle: I support this amendment as a debate is necessary on the future of the rent supplement scheme. Should it be handled by the Department of Social and Family Affairs or the Department of the Environment, Heritage and Local Government? Should it be come under housing benefit rather than supplementary welfare allowance? A register of landlords exists, but should unregistered landlords be allowed to avail of the rent supplement scheme, contradicting other legislation passed by the House? Many of those who have built much of the accommodation rented out have already availed of considerable largesse from the taxpayer in tax incentives. Should this be allowed?

I have some sympathy with the Minister's predecessor who attempted to provoke such a debate. However, the decision to make the cuts

in November 2003, without any short-term replacement, was reckless. To put in place a contradictory rule that rent supplement would be available to those who could subsequently show they could house themselves for the previous 12 months, was the ultimate insult to many needy people. Rowing back on these cuts must be welcomed.

Compiling information on the scheme is necessary if we want to reform it. One criticism of the Minister's predecessor was that she did not seek that information when the cuts were in place. Neither was information collected before the decision was taken to change the qualifications for supplementary rent allowance. The only information was a report compiled by Cross Care as to how it saw the effect of the pernicious cuts. There is a value to having reports of this nature on a regular basis to allow Members assess how a particular payment is effective, or otherwise, in meeting the needs of the beneficiaries. I would like the Minister to be more proactive in examining whether rules should be in place whereby those who are involved in the black economy in making the accommodation available should be forced to account for themselves before receiving any further State subsidy. This is why these reports are needed. On these grounds, I support the amendment.

Mr. Crowe: I support the amendment. One of the concerns of the Society of St. Vincent de Paul is that local authorities may not have the capacity to process and support tenants under their remit. Yesterday, my attention was drawn to the problem faced by a Dublin person, living in Kilkenny, who wanted to move back to Dublin but who could not afford the increase in rent. This person could not get a community welfare officer in Dublin to agree to the transfer. Her father died recently and she wanted to move back to Dublin to her family but there was a difficulty in regard to rent allowance. This summed up for me the difficulties people are facing. The previous Minister said people were not affected in this regard. In fairness, while the present Minister has introduced some of the changes we sought, there are still outstanding issues.

Deputy Boyle referred to the private rented sector. He is correct that the number of people who have registered with the private residential tenancies board range from 30,000 to 40,000, while the accurate number should be in the region of 150,000 plus. I hope landlords who fail to comply with the legislation will be brought before the courts. When I was growing up, it was easy to get rented accommodation. However, it is hugely difficult nowadays to find rented accommodation and charges are increasing all the time. The market exists for these investors. The Minister is doing what he can to help people on low incomes but the provisions in the budget have not touched investors because there are still loopholes. The emphasis in the budget was supposed to be on the less well off, but my difficulty with

[Mr. Crowe.]

the overall package is that the people who made vast fortunes over the past seven budgets are continuing to do so. The Minister will argue that the money was not available, but opportunities existed to do something for the less well off because multiple house owners were not touched by the budget.

Mr. F. McGrath: I support amendment No. 1 on the rent supplement scheme for the following reasons. First, it is a positive and effective amendment that reflects accountability after six months, which is important. We need to see how the measure reflects on the most needy after six months. These are the issues at the heart of the amendment. There is no point assisting people if there is not a serious examination of how the money is spent and how the rent supplement directly affects people.

This is an appropriate proposal because the debate about wealth and resources has now concluded. All parties accept that we have a very wealthy country and a strong economy, yet, after seven years of this Fianna Fáil-PD Government, between 23% and 25% of people are left behind completely, which is not acceptable. It is important to face up to this reality because many Members of this House, particularly members of the larger parties, for some strange reason do not accept there are poor people in society after seven or eight years of a massive economic boom. It is important to point out that these people exist, and there is no excuse for not helping them. I said in my budget speech to the Minister, Deputy Brennan, and others, that the proposals in the budget were a step in the right direction in trying to address the imbalance in society. However, much more work needs to be done on these issues. Poverty and rent supplement is still a major problem. We could talk all day about rent supplement and poverty, but if we do not face up to reality and deal with the issue of social justice for people, we will be wasting our time. The bottom line is that we can talk about rent supplement, but we must accept that people have a right to a home.

It is important to put forward constructive proposals to the Minister in regard to tackling the whole issue of housing and disadvantage generally. We must consider raising the low social welfare rates to 30% of the average industrial earnings by 2007. We must face up to the reality of increasing social housing provision. I would also like us to tackle the two-tier health system. This is all linked into a fairer society and a fairer tax system. We must also deal with the issue of child poverty and address rural and regional deficits. These issues are an important part of the debate on amendment No. 1, which I support.

Mr. S. Ryan: I appreciate the changes the Minister, Deputy Brennan, made to his predecessor's proposals. These have been brought about because of the concerns raised by the Opposition

in this House and by people involved with the homeless, and rightly so. The original proposals were an utter scandal. The requirement that people should be on the housing list has been dealt with. The previous Minister, Deputy Coughlan, would not budge on the requirement to be in private rented accommodation for six months before receiving rent supplement. I thank the present Minister for removing this requirement. I would like the whole issue of rent supplement dealt with, while ensuring there is no abuse of the system. Obstacles should not be put in the way of people who have no other recourse to housing accommodation.

I am still concerned about certain issues, one of which relates to delays in processing applications. Many homeless people who are not on the housing list would not be familiar with the requirement to fill in application forms in order to have their needs assessed. That could be disastrous and I ask the Minister to bring it to the attention of the local authority.

Another issue involves the refusal of accommodation offered by a housing authority. I raised this issue on Committee Stage. The Minister has advanced on the issue in terms of moving from two offers being refused to three offers being refused. Considering the new set-up and structures, will the Minister agree to an arrangement whereby the offers made after 31 December 2004 will be taken into consideration? The Minister is new to his position. There could be people, though perhaps not many, who in the past 12 months have been taken off a housing list because they twice refused accommodation. The Minister has altered the position of the offer. Let him clean the slate and start the new process from 31 December 2004 so that refusals taken from 1 January 2005 will start the ball rolling. If, from that date, three reasonable accommodation offers are made and refused, that indicates that people are not very interested in getting accommodation. If the offers are unreasonable, there should be some flexibility in the area. If the Minister took that on board we might deal with another aspect of the issue. Progress has been made as a result of pressure from the Opposition and the Minister's commitment to deal with the problem.

Mr. Wall: My question relates to the same section. The decision taken in 2004 was that the rent supplement would no longer be paid to people who refused offers of local authority accommodation or to people who leave local authority accommodation without reasonable cause. That aspect has been dropped in the amendment for 2005, but will people be paid rent supplement if they leave local authority housing with reasonable cause and have letters from the Garda stating that there was intimidation? Over the past six months I have been dealing with a family in these circumstances. The people involved have been in their own house for 32 years and, because of intimidation and so on, had to leave. They have not been paid the rent sup-

plement. Will the local authority address that problem? What is the position in this regard? Is that aspect being entirely deleted or will a person who, with reasonable cause, has to leave local authority accommodation get the supplement? People in a house for 32 years will not leave it without reasonable cause. I would like the Minister to clarify the matter.

Minister for Social and Family Affairs (Mr. Brennan): I thank Deputies for their contributions on amendment No. 1. Deputies will appreciate that the wording of the amendment is *pro forma* in the sense that, as I said on Committee Stage, one would not normally insert into legislation a demand for a report, given that it is a money Bill and the Deputies are not in a position to table amendments.

I have no difficulty with reporting to the House after six months on the operation of the rent scheme and will be happy to make such a report to the House either by means of debate or parliamentary questions, or indeed the report to the social partners group. I am happy to look at mechanisms which will allow me to report on the operation of the rent supplement scheme.

It is worth noting that as of last week there were 57,546 people in receipt of rent supplement. That shows a drop of 2,430, or 4%, during the calendar year 2004. Most of that fall was due to an increase in employment. In December there were 1,900 fewer people in receipt of supplement whose primary source of income was an unemployment support payment from the Department. As I said on Committee Stage, since the beginning of 2004 more than 39,000 rent supplement claims have been awarded.

I acknowledge the role played by the Members opposite and on this side of the House in seeking a review of the rent supplement — I refer in particular to the Chairman of the Joint Committee on Social and Family Affairs, Deputy Penrose. The points he has made in the past day or two were also made by him some time ago.

The rent supplement expenditure this year is in the region of €350 million, up 5% on last year's figure. I have abolished the six month rule to ensure that people who have a short-term income need, such as people who become ill or unemployed, or are assessed by local authorities as having a housing need, are not disadvantaged. We have amended the rule that excludes those who refuse two offers and raised the number of offers to three.

Deputy Seán Ryan made a point about people caught in certain circumstances. I suggest that they contact the local authority in writing and indicate the position that has arisen for them. I can discuss with local authorities whether they will take a sympathetic view of such cases in view of the changes made. That is probably as far as I can go. The people involved should write to the local authority and explain how they have been caught in a situation. Now that there is a new cir-

cumstance I will ask local authorities to take a sympathetic view.

I have transferred €19 million in funding from the rent supplement scheme to local authorities. I did so as an initial measure to enable them to put long-term housing solutions in place because at the end of the day, that is the solution. Rent supplement is not a long-term or even a medium-term solution, but at best a short-term solution. A sum of €350 million is an appreciable amount of taxpayers' funds aimed at a short-term solution. The real answer is to supply housing and get people into the houses as quickly as possible.

Other Deputies raised other issues. The specific provisions to ensure that the interests of vulnerable groups are protected will continue. Included are women with crisis pregnancies — the situation mentioned by Deputy Crowe — the homeless, the elderly and those with disabilities. Such people are excluded from the requirement to be on a housing authority list so they will be dealt with automatically, and any such person on a housing list will be offered a rent supplement.

Deputy Crowe asked about the conditions in the private rental market. We continue to keep that under review. Recent figures from the Central Statistics Office show that the level of rents being charged has dropped by 3% between January 2004 and November 2004. I will keep the issue of the cap under review and see what happens regarding charges. We will respond to the situation as best we can.

I have taken on board the requests made by Deputies. I will send a circular out soon which will lay out the manner in which this will have to work and the methodology involved. We are consulting officials to ensure that circular reflects what I want to see achieved, which is that anyone who needs a rent supplement gets it. The criteria will be solely the housing and accommodation needs of people.

Mr. Penrose: I thank the Minister for his efforts in this regard. He should not send out the circular at Christmas, though there will at least be ameliorating circumstances this year. I recall that a very crude circular arrived on 23 or 24 December last year. I will never forget it as it added insult to injury.

The Minister is astute enough to know that we cannot table amendments with financial implications. This is all about having our voices heard in discussion. The number of Deputies who have remained in the House until this late hour to contribute to the debate indicates how sincerely they feel and how difficult this issue has been for many people. I will withdraw the amendment and I accept the Minister's bona fides. He has demonstrated them up to now and has honoured many of his commitments. Perhaps he will report after six months to the Joint Committee on Social and Family Affairs.

We want to ensure there is no recurrence of what happened when the Minister's predecessor was in office. I recall there was some controversy

[Mr. Penrose.]

involving rent supplement and a local authority housing development in Ballymun. This should take care of all the territory about which we are concerned, so that there are no exclusions. I will accept the Minister's commitment to report to the Joint Committee on Social and Family Affairs after six months. That is important and will give our colleagues in the House the opportunity to contribute to that debate while reporting on how the legislation is operating at that point. In that context I withdraw the amendment.

Amendment, by leave, withdrawn.

An Leas-Cheann Comhairle: Amendments Nos. 2 and 11 and related and will be taken together. Is that agreed? Agreed.

Mr. Penrose: I move amendment No. 2:

In page 3, between lines 8 and 9, to insert the following:

1.—The Minister shall as soon as may be after the passing of this Act prepare and lay before both Houses of the Oireachtas a report on the implications of abolishing the means test for carer's allowance.

We have had an intensive debate and I know colleagues want to deal with other amendments. The Minister will tell me he has made significant improvements. I have to accept he has made some improvements. The Labour Party position, however, is that we want to abolish the means test. We believe in the principle of universality. As far as I can recall, 10% of schemes are means tested across the European countries. In Ireland 28% of schemes are means tested. I have put much work into this area not just for the sake of having something controversial to say. My father was a beneficiary of the medical card scheme. If the medical card is given to people with an income of €100,000 we cannot tell carers the State cannot afford this proposal. We should be able to find €220 million, which would be the cost of abolishing the means test. Abolishing the means test would be only due recognition for the people who have given the State tremendous service. They do not want money as such, it is only to allow them to buy in some additional respite care.

I acknowledge the Minister's efforts under the respite care grant but I can see administrative problems arising. Only 23,000 or so will benefit from the carer's allowance, either at a full or reduced level. Approximately 9,000 will benefit from the additional respite care grant and that is good, but how is it to be administered? The Minister's accountancy background will be tested in this regard. I accept that it will be done and am delighted about this, as another step. However, €154 is only a small amount for people who give 24 hours a day, seven days a week, 52 weeks of the year.

We gave the example of someone looking after a child, where the husband dies and the widow

does not get a carer's allowance because the double social welfare payment rule precludes this. The Joint Committee on Social and Family Affairs recognised such an eventuality and suggested that the widow in such cases be given half the carer's allowance in recognition of the work being done. It is just a small token. There are some 150,000 carers, whole time and part-time. Money is not the issue, but rather a small degree of recognition from the State.

It is estimated that carers save the State approximately €2 billion. That is a 9 to 1 return, on a cost-benefit analysis of money invested versus money saved. We are able to put money into urban renewal, car parks and accommodation schemes of all kinds. The State can never get a return from these equivalent to what it can get from the carers, if it invests appropriately and it should recognise carers. We will continue to fight on their behalf. We will certainly keep them on the front burner. We gave that commitment at joint committee level and the Labour Party believes it is its duty to articulate the cause of carers. It harks back to something we believe in very strongly. There is not a family in this State that has not helped this country in providing care for someone who was ill or disabled. I hope the Minister reaches a point where the means test can be abolished. It is miserly, time consuming and costly to administer, apart altogether from the form being so complex and so on.

Why does the Department of Social and Family Affairs, on medical grounds, turn down so many applicants for carer's allowance? A significant number is turned down. It is ironic that they are accepted at the social welfare appeal level. A reasonable, compassionate view should be taken when they go to the Department. They deserve a gold medal for actually filling in the form, for a start.

I was a guest of honour of the Carer's Association of Westmeath, in Mullingar the other night. There were 148 carers present, who acknowledged some of the improvements made by the Minister. However, one woman said something I will never forget, when I asked her how she felt now. "They ground us down," she said. With all the forms to be filled in, and having to care for someone in an electric bed, she was not in a position to do anything. She was physically exhausted and had to visit the doctor twice in the past month on her own behalf. Often carers suffer some debilitating illness. Some die from the strain and others end up in rest homes. That is what we are facing. Let us acknowledge the contribution those people are making. If ever people deserved money out of dormant accounts or any other pot filled through detected tax evasion or whatever, this was the community on which the maximum benefit should devolve. They deserve it. It was they who were deprived in the past by the actions of some of the guilty people. The State could have made a name for itself by saying, in effect that carers deserve a share of this pot and acting

accordingly. Not alone do they deserve a fair share, but they will repay us all a thousandfold.

Mr. S. Ryan: The total number of carers is 148,300 or 148,700. The number in receipt of carer's benefit is approximately 23,000. Some 120,000 carers work day and night to provide for their loved ones and save the State billions of euros. In the end it will be about choices. I will not be satisfied until the efforts of these people doing trojan work are recognised in a tangible way by the State. The only real way for the Minister to do that is to do away with the means test on carer's allowance. As outlined, we in the Labour Party will pursue that. In the meantime I would like to see this Minister create a situation that would enable this goal to be accomplished much more quickly. For too long the role of carers has been taken for granted, defined by tradition, culture and religious factors. They want to be recognised for what they are and the roles they play. The least we can do is work toward the elimination of means testing of the carer's allowance. Other than that, the Minister has made some tangible improvements for them. However, I feel that carers still want to be recognised in the way outlined in this amendment.

Mr. Stanton: I will be brief because we have to go through 12 more amendments and unfortunately there is a guillotine on this Bill tonight. In the Minister's estimation, how many people will receive the carer's allowance when this measure goes through? There is uncertainty about this figure. Colleagues in the House have said that 23,000 are already getting it, but the Minister has said that everyone who is providing full-time care to an older person or a person with disabilities, regardless of means, will get the carer's allowance. I would certainly welcome that if it is the case that the respite care grant would be given to everybody who is providing full-time care and attention. We need to see if that includes the number mentioned by Deputy Ryan a while ago.

Disappointment was expressed that people receiving a relatively small social welfare allowance are excluded from the carer's allowance. If their circumstances change and someone is in need of full-time care, they get nothing extra for it. A change was expected in that area as there is so much money around. Such people, who are often older people, would get that extra help. The Minister said that he had to make a choice, but I urge him to make available as soon as possible payment for people who are providing full-time care and attention, especially those who are in receipt of a payment and who are barred from getting this. It is confusing for them as they have a payment and think that they qualify for the other payment, yet they do not. Sometimes, they have a carer's allowance, they become eligible for an old age pension and their carer's allowance is taken away. That does not make sense. There is an enormous workload and very often the carers

end up needing care as they wear themselves out. Such people need that extra help.

Mr. F. McGrath: I support these amendments on means test for the carer's allowance. This means test should be abolished. It is important that we face up to the reality of what is happening. Many Deputies have touched on the issue of carers and their role in society. They are our health patriots as far as I am concerned. Thousands of people are looking after our sick, elderly and people with disabilities. We have to recognise this as they are a part of our health strategy and part of our health service. In many ways, they are the backbone of our health service as they look after the elderly and the disabled. We have to thank them and commend them for their work. However, it is not good enough just to thank them; we also need to assist them by abolishing the means test for carer's allowance. That is why I support these amendments.

I welcome the fact that 9,000 carers were helped in the budget, but we need to face up to the reality that there are 120,000 carers who do not get help. They are saving the Exchequer approximately €2 billion. It is very important that we recognise that and that is why these two amendments are before the House. The carer's role with people with disabilities has been crucial, as has the role of those involved with the carer. They have been fighting, screaming, pushing, protesting and lobbying, and they had an input into the budget. There is a special disability funding package of almost €900 million in the budget. I welcome that because it is a major step in the right direction. It is a major step for those who are waiting for day care places and respite care and those with intellectual disabilities who were waiting for residential places. These are people who do not have carers and they are very sad cases. People with intellectual disabilities in their 40s and 50s whose parents have died are now on their own. As a society, we have a duty to protect and safeguard them. That is why I welcome the €900 million that will be spent between 2006 and 2009.

Hidden among the figures is a massive poverty problem. A recent ESRI study found that there was a dramatic increase in poverty among households headed by a person who is ill or who has a disability. It is very important that we target these people with resources.

I strongly support amendments Nos. 2 and 11. The Minister will probably say that it is not fair to assist people who are very well off in society. The number of carers is very small and if the means test is abolished, the families who need the support will be targeted. These are the families who are working 24 hours a day, seven days a week. We all know them. Among them are our families, neighbours and friends. There is cross-party consensus on this and I urge Deputies to support the amendment.

Mr. Crowe: I agree with Deputy McGrath that there is cross-party consensus on this, but I would go further. I have met people in Fianna Fáil and the Progressive Democrats at carers' conferences and we all know of the difficulties that families have trying to look after a loved one. It increasingly impacts on us as our society gets older. The figures from the 2003 report of the national intellectual disability database show that almost two thirds of those with an intellectual disability, or 15,563 people, live with their families. Of this group, 15% of them are over 55 years of age. These carers save the State a considerable amount of money. A residential place costs approximately €40,000 per annum. The 2003 report by the Joint Committee on Social and Family Affairs on the position of full-time carers made the abolition of the means test for the carer's allowance its first recommendation. It was reckoned that the cost of implementing this was between €150 million and €180 million, which is a small amount in the overall picture. Deputy McGrath was right that very few rich people would abuse the system.

All this impacts on our hospitals, where we have difficulties in accident and emergency departments with a lack of step-down beds and so on. Many families often feel that they cannot afford to take back a loved one into the home. This should be analysed across Departments. It could save money for the Department of Health and Children, but it may cost the Department of Social and Family Affairs a lot of money. However, it saves the State money at the end of the day. It also improves the lot of those who go into care because the ideal situation is that people stay with their families. The abolition of the means test could cost between €150 million and €180 million. The Carers Association believes that, depending on the level of care required, alternative care by the State might cost over €1,300 per week and that carers save the State €2 billion per year. The Minister should look at his proposals for the previous amendment and come back with some provision on this. He might say that it costs the State money, but it certainly needs to be considered. There is support for this measure among all parties, including the Minister's party, and throughout the State, and it needs to be addressed urgently.

Mr. Boyle: Most of what needed to be said has been said so I will be brief. It has long been the Department's position that carer's allowance is not an income support and in that case, a means test should not be applied. It is that simple. Once the Government manages to bridge that gap, there will be a degree of reality in the debate.

Two of the areas of greatest disappointment in the context of the advances that could and should have been made in social welfare payments were in payments related to children and carers. The double jeopardy rule regarding existing social welfare payments has been mentioned. The first surrender was by the Minister's predecessor

when, after the savage 16 cuts, the widow's half rate payment was reinstated. Once the principle exists for one social welfare payment, an argument cannot be made that the double jeopardy rule should be applied in other payment schemes, particularly those for carers.

My final point is a grammatical one. I might be wrong but my understanding of using the apostrophe before the "s" in "carer's allowance" means that it is an allowance for one carer rather than an allowance that exists for carers as a group. I do not know if there are grammarians in the Department but these are matters we should consider when introducing legislation. We do not wish to convey the message that we are passing legislation under which the carer's allowance would be a benefit for one carer in the coming year.

Mr. Brennan: I will be happy to find a mechanism to report on this to the House and the social affairs committee. I acknowledge the work of the committee in this area. Its members have put much work into it.

The budget allocated approximately €40 million extra for carers. There are 23,700 carers in receipt of carer's allowance and carer's benefit. The cost of the scheme in 1997 was €46.36 million and it was €190 million at the end of 2003. That figure has been increased this year by approximately €40 million. A new rate increase of €14 per week for recipients of carer's allowance and carer's benefit was also announced in the budget. That is a substantial across-the-board increase.

I have made provision for an increase, from April 2005, in the income disregard in the carer's allowance means test from €250 to €270 and from €500 to €540 for a couple. This will enable an additional 1,000 new carers to qualify for carer's allowance and 2,400 existing carers to receive an increased payment. It will ensure that a couple with two children earning a joint annual income in the region of €30,700 will qualify for the maximum rate of carer's allowance. If the same couple had an income of €49,200, they would qualify for the minimum carer's allowance as well as the free schemes and the respite care grant.

Most Deputies spoke about removing the means test. I estimate it would cost approximately €160 million to abolish the means test, pay the maximum rate of carer's allowance, the respite care grant and the free schemes to the approximately 9,170 people who are estimated to be providing full-time care and are not currently receiving carer's allowance or benefit. I am acutely aware that there are differing views on whether the best use of the €160 million is to remove the means test or to target it in a more focused way at a time when there are competing demands for funds.

Deputy Seán Ryan referred to 150,000 carers. I dealt with this on Committee Stage but will do so again. According to the Central Statistics Office, there are 84,000 carers providing up to two hours unpaid help; 15,000 carers providing

care for over two hours but less than four hours; 8,000 are providing care for over four hours but less than six hours per day; and 40,000 are providing care for over six hours per day. The total number involved is approximately 150,000. The oft quoted figure of 150,000, therefore, is broken down by the Central Statistics Office to show that 40,000 are providing care for over six hours per day. I am not saying the other caring is not useful and valuable, but in terms of the caring being substantially full time, the relevant figure is 40,000.

This year we focused on the respite grant, which was increased from €835 to €1,000. It was extended to all carers who are providing full-time care to a person who needs such care. By extending that grant to all carers, I hope to meet, to some degree, the requirement that widows get an additional 50% rate, which is what the committee sought. They will now get the €1,000. It does not quite meet the 50% sought by the committee but I reserve the right to continue to examine that issue to see what we can do in that area. I believed it would be more appropriate this year to give them an immediate lump sum for respite care. This acknowledges the fact that they do the work even though they do not get the allowance. Providing the respite care grant is, perhaps, a show of our appreciation for what they do.

A number of categories will receive the respite care grant. The recipients of carer's allowance and carer's benefit will continue to receive their respite care grant, as will recipients of other social welfare payments, for example, widow's pension, old age pension, one-parent payment, who are also carers, and carers who are not currently receiving payment from the Department but who are providing full-time care. These improvements mean an additional 9,200 full-time carers will receive this grant for the first time. There are criteria relating to employment. The carer must be providing full-time care to a person in need of such care for a period of time and, as in the case of recipients of carer's allowance, a full-time carer must not be engaged in employment for more than ten hours per week.

A total of almost 33,000 full-time carers, therefore, will receive the respite care grant of €1,000 per year. Another change that has been made is that a separate grant is paid in respect of each person for whom the carer is caring.

I thank Deputies for their comments on these amendments.

Mr. Penrose: As I said on Committee Stage, and the Minister agreed, this is a subject on which the Department of Social and Family Affairs, the Department of Health and Children and the Department of the Environment, Heritage and Local Government should be involved on a cross-departmental basis. This transcends a number of Departments, especially the Department of Finance. On that basis, I withdraw the amendment. The Minister will report back to the Houses. The issue is being developed in the Department with the Mercer and O'Shea reports and the report

from the committee. I hope more progress will be made in this regard because we owe it to the people involved.

I accept the Minister's bona fides and that he is trying to target resources this year. We will certainly be more critical of him over the next 12 months. If money becomes available in the Exchequer, the Minister will have our support in ensuring that it is targeted at the people who need it rather than the fat cats who are getting fatter.

Amendment, by leave, withdrawn.

Amendments Nos. 3 to 5, inclusive, not moved.

Mr. Stanton: I move amendment No. 6:

In page 3, between lines 11 and 12, to insert the following:

2.—The Minister shall, as soon as may be after the passing of this Act, prepare and lay before both Houses of the Oireachtas a report on *pro rata* contributory pensions for those with less than 10 years contributions.

The Minister agreed on Committee Stage to examine the *pro rata* pensions issue so on that basis I will withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Stanton: I move amendment No. 7:

In page 3, between lines 11 and 12, to insert the following:

2.—The Minister shall, as soon as may be, after the passing of this Act prepare and lay before both Houses of the Oireachtas a report on the impact of the increasing of the Back to Education Allowance qualifying period from 6 months to 15 months.

This is an important amendment which was strongly debated on Committee Stage. The Minister agreed that we must do the best we can to assist people to improve their lot and better themselves. It is acknowledged that the best way to do that is through education. Members saw what happened to the back to education allowance last year with a certain amount of disbelief. The qualifying period for the allowance was increased from six to 15 months. That disqualified people from getting the allowance.

The education cycle usually starts in September or October. That is when people have an opportunity to enter it. If the qualifying period is increased, as happened last year, to 15 months, the effect is to disbar people from involvement in education with the support of the allowance. Ideally, we would like to see the qualifying period brought back to six months as soon as possible. A cost-benefit analysis would show that in the long term the person who is unemployed, the State and society would all benefit greatly. The more people we can encourage to return to education, the better. Perhaps the Minister will tell

[Mr. Stanton.]

us how much extra the proposal would cost and how much extra has been saved. I contend the sum is very small relatively. My colleagues and I would strongly support the Minister if he were to get rid of the current nonsense and bring the period back to six months.

There was talk of foreign nationals being disbarred or abusing the system, but we were not provided with any facts or figures. Even if that is the case, why does it matter? There must be a way to use the allowance to encourage people to go back to education. A number of people have come to me who dropped out of school early or did not progress beyond the leaving certificate and who, a few years later, found they wanted to return to education to pursue a degree or certificate. They want to qualify to obtain better jobs and are willing to return to third level. While no one can become a millionaire on the back to education allowance, it has certainly helped. It has provided people with the extra support they needed. I urge the Minister to do what he can. We would all support an amendment were the Minister to introduce one. We have been barred from doing so.

While we welcome the move which has been made, it is not nearly enough. We speak constantly of the need to be more competitive and to empower people to stand independently rather than depend on the State. As the back to education allowance was the one sure winner in this context, I cannot understand why the Government went against it and did what it did last year. I still cannot understand why the Minister will not completely rescind last year's decision and reduce the qualifying period to the original six months. I can make my plea no stronger. The case is very persuasive. I see no reason the original period cannot be reintroduced. All we can do is ask the Minister to issue a report on the matter, which will appear feeble to anyone looking in from the outside. We are barred from doing anything else.

Mr. Penrose: I withdrew previous amendments due to the guillotine, but this one is very important as my colleagues realise. We debated the matter *ad nauseam* on Committee Stage. While the Minister said he could not reintroduce the six month period due a number of difficulties, we urge him to consider a reduction to even nine months. A nine-month period would allow people to get back into the cycle in September whereas to go to 12 months might put them outside the academic year. To establish a nine-month period would cost approximately €2.5 million, which is small beer in anyone's estimation. While the Minister has made an adjustment in the criteria to bring the period to 12 months, I still do not understand why the Department emasculated the back to work and back to education allowances in the first place. It amazes me.

The national anti-poverty strategy and all reports emanating from the Minister's Department indicate that the best way to bring people

out of poverty is to encourage them into work. The back to education allowance relates to the third level stream. I have previously provided the House with the example of a young girl who became a lone parent. She had completed two years of her degree and was ready to return for her third year. She planned to be a teacher. The scheme would have helped her return to the third level institution at which she had studied, but because she had only been out for 11 months, her parents had to try to assist her. It did not work out. What sort of society do we have if that can happen? The allowance represents something we set out to achieve and the cutback in the scheme was one of the more insidious introduced by the Government. It undermined the very ethos and policy of the Department and the supposed policy of the Government to facilitate and ensure the orderly transition of people from welfare to work.

Deputy Finian McGrath and I spoke about cost-benefit analyses a few minutes ago. In the back to school allowance there is a very positive relationship between cost and benefit. Young people from the third level stream contribute to our economic enhancement and development. Many of the back to education allowance beneficiaries were single parents who were getting on their feet and escaping circumstances of poverty to enter the workplace. While much of the money they were given was consumed by crèche payments and child care, they were at least in a position to gain independence and make a solid contribution to society.

I hope the Minister has come to the House to knock us back on our heels by telling us he is prepared to go to nine months.

Mr. Wall: Three months.

Mr. Penrose: The Minister is a very reasonable person and we have had very productive debates so far. My colleagues will acknowledge that.

Mr. F. McGrath: The Deputy is being too soft on the Minister.

Mr. Penrose: We are always optimistic. While it can be difficult, the Minister must show us his bona fides as we have shown him ours. We have made very solid arguments on other matters but accepted the Minister's position. If the Minister fails to make an amendment in this case, he will have to vote in a division. It is a matter about which we feel very deeply. We have bypassed a number of other important amendments to discuss amendment No. 7 due to the guillotine. Deputy Finian McGrath and others wanted to contribute, but cannot. We cannot resile. We have found the empirical evidence of what the cut has meant on the ground and seen the negativity it has brought into the lives of people who wanted to prosper and get on.

While we will not see as many pictures of the current Minister as we have of the last, next July he will publicise the savings which have been

made in his Department. In the context of the potential savings, €2.5 million will be very small beer. Every year, the Department indicates that it has saved €180 million to €190 million by eliminating abuses. As we say at home, “the cock always crows”. The Government always says it is on a winner and the Minister will tell the House about the savings which will no doubt be made. We want the Minister to ensure some of the money is redistributed in this area. The sums involved would be €2.5 million if the qualifying period were reduced to nine months or €5 million if it were reduced to six months. We are prepared to play ball with the Minister and assist him to reduce the period to nine months to fit it with the academic year. We appeal to him to do so.

Mr. F. McGrath: I support strongly amendment No. 7 on the back to education allowance. The amendment is very positive and its provisions would prove very effective. It is important to note that the way to escape poverty, about which we had a debate earlier, is through education. We all accept the truth of that. Educational disadvantage is a common subject of discussion in the Chamber. We talk a great deal about investing in early education, especially at pre-school level, in disadvantaged schools and in schools in poorer communities generally. We speak about the number of children who drop out of secondary school and about students from disadvantaged communities who do not get to third level. Amendment No. 7 presents us with an opportunity to address the problem. It is a strong and important amendment and will help us to help people who find themselves in the situation outlined. We have a duty to address the matter.

I strongly support back to education opportunities and other supports because those type of projects are not only good for society but for the people concerned. They pay back their cost ten-fold when one sees what happens to people who benefit from such schemes. I urge the Minister to listen to the constructive proposals on this issue from people like Deputy Penrose. He has serious knowledge of the issue and is sincere about it. This is a sensible proposal to help people deal with major financial hardship and get them back into the education system. If we are serious about the from welfare to work issue, we should support amendment No. 7.

I worked for more than 20 years in a school in a disadvantaged community, where only 3% or 4% of our children got as far as third level. One of the saddest aspects of working in communities that suffered badly, particularly in the 1980s, was to witness the extensive poverty, major heroin abuse problems and educational disadvantage. For the few children who got through, however, there was recognition from their community. I remember attending a function one night for a past pupil of mine who graduated from DCU a

few years ago. He invited some of the staff to meet him and his family and to have a few drinks in the fire officers' club in Parliament Square. Thinking only the family and a few friends would attend the function, some of us went along to offer moral support. We walked in the door to find 450 people from the north inner city celebrating the fact that this man went to third level and got a degree. That drove home to me the importance of third level education because he was the only person in their area who had gone to college and gained a degree but every one of those people — street traders and many people from the north inner city — came out to celebrate with him. It was like a wedding or some other major family celebration. It was a brilliant night and a very proud night for the person concerned but it drove home to me the message that children from disadvantaged communities can make it to third level and be an example to many others. That is very much part of the debate on welfare and work. If we are talking about breaking the cycle in terms of education, personal development and reducing crime and poverty, amendment No. 7 hits the nail on the head in that respect and should be accepted.

The €2.5 million cost is chicken feed when it is something that can be dealt with effectively. We can do something with that amount of money and get value for money. I ask the Minister to listen to the sensible proposals from this side of the House. Amendment No. 7 is vital and I strongly support it.

Mr. Boyle: One of the more satisfying experiences I had in local government was becoming a member of the vocational education committee in my second term and, subsequently, becoming chairman of a further education college. That experience showed me the benefit of what is known as “second and a half” level education in that 90% of the people attending the courses were doing so because of the economic safety net that was provided either through the vocational training opportunities scheme or, more importantly, the back to education allowance. The changes announced in November 2000 were regrettable.

Special importance is attached to the back to education allowance because it has a particular effect on the more marginalised groups in society, particularly lone parents. The Minister had a sojourn as Minister for Education and Science and he should use that experience to critically examine how the back to education allowance can fit in more closely with the academic year and be made more effective. The benefit of the scheme is that not only does it improve the self-confidence of many people who have been economically and socially isolated from conventional education but it makes them more economically active and helps them become assets to our

[Mr. Boyle.]

society and economy. On those grounds, the Minister must closely examine the operation of the back to education allowance to ensure it becomes more effective. I have confidence that his experience in other Departments will allow him to do that.

Mr. S. Ryan: I will be brief. Members of all parties in this House will be aware of individuals throughout the length and breadth of the country, most of whom are lone parents in receipt of the lone parents allowance, whose opportunity to get back to education was taken from them when the previous Minister raised the requirement from six months to 15 months in respect of third level options. That is the reality. Life changed overnight for a substantial number of people who aspired to get out of unemployment and into education.

We are talking about making choices in a country where the tax receipts were €1.7 billion more than expected yet the Government's borrowing was €1.6 billion less than expected. We are talking about this House, as part of the Oireachtas, making choices. A total of €5 billion is being provided for people who already have money under the SSIA scheme. The choice was made to throw money at people, including myself, who already had sufficient money. We now have a proposal to take people out of the mire, get them into education and back to work by reducing the time to nine months, as recommended by Deputy Penrose, rather than 12 months as recommended by the Minister, at a cost of €2.5 million. The Minister knows there is more buoyancy in his Department than that €2.5 million and I urge him to go that extra yard and reduce the requirement to nine months. If he does that we will all support him.

Mr. Wall: I said in the committee that no Government should deprive anyone of education. That remains the line on this issue. This Government, or any Government, should not be known as the one that deprived someone of an education, but that will be the effect of this measure. It is depriving those who are less well off in society of gaining access to education and it is a major blunder. I ask the Minister to ensure that requirement is changed.

I recently attended a seminar on anti-social behaviour and many of the speakers talked about ways of dealing with the youngsters who were causing the problem. A number of them asked whether those youngsters ever got the education needed to give them responsibility and respect for society. It was agreed that lack of education was one of the main causes of anti-social behaviour. We are talking about giving people a chance to have pride in the society and the area in which they live.

I spoke about this issue on local radio the other day and I was asked if I thought the Minister would be positive in regard to this measure. I said I believed he would be positive and that he would change the requirement to the benefit of the people because no Government should be known for depriving people of an education. I doubt the Minister will want to be known for that and I am confident he will make a change in that regard.

Mr. Crowe: I am sure the Minister would not like to hear Deputy Wall criticising him on the radio. It is up to the Minister. The measure introduced by the Minister's predecessor was a bolt from the blue. When questioned at the time she spoke in terms of education tourists coming to Ireland to have the craic. She suggested that people from other EU countries were abusing the scheme. She later reaffirmed her belief that this widespread abuse was continuing. Those of us who pride ourselves on having our ears to the ground have never heard of people abusing this scheme. Perhaps it is not a Dublin phenomenon or perhaps the people who are in contact with me have not come back to me on the matter.

However, all groups which deal with poverty are opposed to this measure. They all recognise that the longer a person is on welfare the harder it is to get off it. We need to encourage people back into education and to upskill. To abolish a scheme which encourages the move from welfare to work because of mythical individuals who are abusing it is a contradiction.

If this abuse is widespread, will the Minister give us figures for the number of people who abuse the scheme? Where is the abuse happening? Is it prevalent in tourist areas? I have never heard of it and neither have the groups or individuals who talk to me.

Mr. Ring: I ask the Minister to accept this amendment, which merely asks him to place a report on this matter before the House within the next six months. I ask the Minister to make the correct decision on this matter next week. It is a simple and cost-effective scheme.

The Department said the scheme was being abused. What harm would it be if it was being abused? The scheme brought people into full-time education. They wanted to educate themselves and would not use the social welfare system in the future. They would have been a benefit to the State. The changes made last year by the Department of Social and Family Affairs mean that new residents of Ireland cannot draw social welfare. Therefore, the 12 month limit does not make sense.

I ask the Minister to go back to the old system, which worked. When Deputy O'Dea was Minister of State with responsibility for adult education, he introduced a White Paper which stated that someone who was out of education for more than six months found it difficult to get back.

Deputy Brennan has been a good Minister for Social and Family Affairs, given that he was thought of as a reluctant Minister. He has reversed many of his predecessor's cutbacks. This measure does not make sense and I urge the Minister to ignore his officials in this regard. They will tell him what they want him to hear. I urge him to make his own decision and to make the correct one. He should show his officials that he is in charge, unlike his predecessor. She was not in charge, her officials were.

I ask the Minister to make the correct decision. He should not wait for six months. I urge him to accept this amendment. Next week, he should go back to the six months rule and look at the matter again in two years' time.

Mr. Brennan: This matter is not in the Social Welfare Bill. The amendment before the House will not change it. The amendment asks me to make a report to the social affairs committee in six months' time, which I will gladly do. This matter is dealt with by way of regulation. I make that point clear because the House will vote shortly. After five years as Chief Whip, I know we will vote at 10 o'clock because that is the temperature of the House. We will vote no matter what I say.

As a former Minister for Education, I like this scheme and I am determined that it will survive and do the job it was intended to do. We are talking about third level education. Many of our clients are struggling at first and second level. The back to education scheme is not affected at second level. The qualifying time for that is still six months. I have reduced the qualifying period at third level from 15 months to 12 months because 12 months unemployed is the definition of long-term unemployment, and the scheme was intended for the long-term unemployed. Some 35% of participants in the third level scheme have been on the register for nine months or less and 15% for 12 months or less. Therefore, 50% of those receiving the allowance are unemployed for less than 12 months. This indicates that the third level scheme is being used substantially by those on short-term unemployment while it was intended for those on long-term unemployment.

With 7,212 participants in the scheme at present, it will cost €2.4 million to reduce the qualifying period from 15 months to 12 months and it would cost €4.4 million to reduce it to six months. I am well disposed to reducing the qualifying period to nine months. Nothing I can do to the Bill will make that happen but I will examine the situation in the coming weeks and come back to the House with a clear decision. I have listened carefully to what has been said. I am unlikely to change the time to six months but if, having looked at the matter more closely, I conclude that nine months is manageable within our financial constraints and will strike a balance between abuse and targeting funds at those who need them, I will gladly make the change by way of regulation in the coming months.

Time is on our side because most participants join the scheme in September. I have a couple of months to examine his matter and I will gladly do that. However, that decision is not relevant to the Bill.

Mr. Penrose: The amendment was our only way of raising the issue.

Mr. Stanton: I thank the Minister for his response. The fact that he can make the change by way of regulation means it does not require primary legislation. The ball is now in the Minister's court. On the strength of that, I will withdraw the amendment. We will hold the Minister to his commitment to come back to the House within weeks with a positive decision. A reduction to nine months would make a huge difference. If we had more time we might have progressed other amendments.

Mr. Ring: We would have got them all sorted.

Mr. Penrose: I thank the Minister. He has proved he is prepared to listen to reasonable suggestions from this side of the House. We appreciate that our work is not always looked on negatively. I have no doubt the Minister will honour his commitment. He has proved himself a person of his word. I look forward to continuing this work.

Amendment, by leave, withdrawn.

Mr. Crowe: I move amendment No. 8:

In page 3, between lines 11 and 12, to insert the following:

"2.—The Minister shall as soon as may be following the passage of this Act prepare and lay before both Houses of the Oireachtas a report on the costs and benefits of extending the school meal programme across the State."

Mr. Brennan: The school meals programme provides financial assistance to local urban authorities for the provision of school meals for 10 o'clock national school children who are unable, by reason of lack of food, to take advantage of the education provided for them. My Department provides funding for school meals under two strands, the urban school meals scheme and the local projects scheme. The urban school meals scheme operates in conjunction with certain local authorities and is co-funded by the Department whereas the local projects scheme provides funding for secondary and national schools, pre-schools and community groups in urban and rural areas which provide school meals.

In 2003, the school meals programme cost €3.29 million. I estimate that 382 schools, with a total of 50,000 pupils, benefited from the urban scheme while 347 schools and voluntary organisations received funding which benefited 26,000

[Mr. Brennan.] children under local school meals projects. The 2004 provision for the overall school meals programme is €6.08 million. A review of the urban and Gaeltacht school meals scheme was published in 2003. A number of recommendations were made and my Department is working with the Department of Education and Science in this regard. I will be happy to report to the joint committee on this issue as well.

Acting Chairman (Cecilia Keaveney): In accordance with an order of the Dáil of this day I am required to put the following question: "That the amendments set down by the Minister for Social and Family Affairs and not disposed of are hereby made to the Bill, that Fourth Stage is hereby completed and the Bill is hereby passed."

Question put.

The Dáil divided: Tá, 67; Níl, 40.

Tá

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Brady, Johnny.
Brady, Martin.
Breen, James.
Brennan, Seamus.
Callanan, Joe.
Carty, John.
Cassidy, Donie.
Collins, Michael.
Connolly, Paudge.
Coughlan, Mary.
Cowen, Brian.
Cowley, Jerry.
Cregan, John.
Cullen, Martin.
Curran, John.
Davern, Noel.
Dempsey, Noel.
Dennehy, John.
Devins, Jimmy.
Finneran, Michael.
Fitzpatrick, Dermot.
Fleming, Seán.
Gallagher, Pat The Cope.
Grealish, Noel.
Hanafin, Mary.
Harney, Mary.
Haughey, Seán.
Hector, Máire.
Jacob, Joe.

Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
McDowell, Michael.
McEllistram, Thomas.
McGuinness, John.
McHugh, Paddy.
Martin, Micheál.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Fearghail, Seán.
O'Connor, Charlie.
O'Donnell, Liz.
O'Donovan, Denis.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Keeffe, Ned.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Sexton, Mae.
Smith, Brendan.
Smith, Michael.
Treacy, Noel.
Wallace, Mary.
Wilkinson, Ollie.
Wright, G. V.

Níl

Allen, Bernard.
Boyle, Dan.
Breen, Pat.
Broughan, Thomas P.
Bruton, Richard.
Costello, Joe.
Crawford, Seymour.
Crowe, Seán.
Deenihan, Jimmy.
Durkan, Bernard J.
English, Damien.
Enright, Olwyn.
Gilmore, Eamon.
Gormley, John.
Higgins, Joe.
Howlin, Brendan.
Lynch, Kathleen.
McCormack, Pdraic.
McGrath, Finian.
McGrath, Paul.

McManus, Liz.
Morgan, Arthur.
Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Noonan, Michael.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Rabbitte, Pat.
Ring, Michael.
Ryan, Eamon.
Ryan, Seán.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Wall, Jack.

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

Question declared carried.

Adjournment Debate.

Eating Disorders.

Mr. Neville: I thank the Ceann Comhairle for allowing me to raise the issue of eating disorders. With so much attention on food, Christmas is a difficult time for people with eating disorders. Last year, Bodywhys dealt with over 2,000 helpline contacts, sent out over 3,000 information packs and facilitated 40 on-line support meetings. Calls to its helpline increase dramatically over Christmas.

There is a need for recognition that eating disorders are a serious psychiatric illness from which up to 20% of sufferers die. Eating disorders have the highest mortality rate of any psychiatric illness. The expert group on mental health report, *Speaking Your Mind*, says: "Eating disorders such as anorexia and bulimia have the highest rates of mortality for any psychiatric condition."

Eating disorders are not self-inflicted. They affect all classes, urban and rural, male and female, albeit the majority of sufferers are young and female. They are complex disorders that have no one cause or cure. Addressing the problem involves coordinated efforts from school education programmes, public awareness and health promotion activities, professional training for health professionals and access to service provision at community, primary and inpatient level.

Some 1% to 2% of young females are affected by anorexia while 3% to 5% are affected by bulimia. It is estimated that 10% of new eating disorder cases are male. A recent community survey indicated an increase in the number of people engaging in inappropriate weight management behaviours such as laxative abuse and forced vomiting. These dangerous behaviours can lead to an eating disorder. People with eating disorders can and do recover — 60% make a full recovery. Early intervention is the key to recovery.

The report on service provision by Bodywhys pointed out that the majority of health care professionals, including general practitioners, nutritionists, psychiatrists, counsellors and psychotherapists, had treated one to two eating disorder patients in the previous 12 months. Over 20% of respondents had between three and four patients. It also pointed out that there are no specialised services for patients at a local level. The three public beds in St. Vincent's Hospital have long waiting lists with an average of four new clients being diagnosed via the outpatients' department each week. The average stay for an eating disorder patient is eight weeks while the longest length of stay at St. Vincent's in 2003 was 217 days. The report indicated that a multidisciplinary approach is currently not available within the public health care system despite recom-

mendations from health care professionals, and from Fine Gael. Both the public and private inpatient programmes do not provide aftercare community based services. Aftercare therefore falls back to the primary health care team who often feel ill equipped without specialist understanding. Some 75% of general practitioners surveyed stated that they had no training in eating disorders. Of the 25% who had, the majority felt it was inadequate. The report also found that general practitioners were the first point of contact with a health care professional for a person with an eating disorder.

We eagerly await the report from the expert group on mental health policy in 2005. While Bodywhys can provide a listening ear and play a vital support role for people facing their disorder and seeking treatment, it cannot signpost people to professional health care services which are not available. The majority of sufferers will require professional intervention to overcome their eating disorder.

Some of the key recommendations of the report are the need for research into eating disorder incidence, that is the number of new cases, and prevalence, the number of people living with an eating disorder; the need to include professional training for all health care professionals on eating disorders; the need for specialised services, including access to a multidisciplinary team for mental health and social services, at a local community level; and the need for greater self-esteem building work and development of coping skills within the education system. Other key recommendations are that messages of positive body image and healthy eating need to be addressed and not allowed get lost in the midst of more recent discussions on obesity; and the need to implement and resource the recommendations of the expert group on mental health policy which is consulting with an eating disorders subgroup.

There should be specific arrangements for a clinic in each health board area to deal exclusively with eating disorders. I welcome the Minister of State at the Department of Health and Children, Deputy O'Malley, and look forward to his comments.

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I thank Deputy Neville for raising this matter on the Adjournment.

The report referred to by him on service provision in the eastern region was prepared by Joy Wall for Bodywhys. Established in 1995, Bodywhys is the national voluntary support organisation for people affected by eating disorders. In addition to an information and helpline service delivered from its central office, there is a network of support groups and BodywhysConnect volunteers delivering services throughout the country. Its mission is, "to provide help, support and understanding on a national basis to people with eating disorders, their families and friends

[Mr. T. O'Malley.]
and to promote awareness and understanding among the wider community.”

My Department has provided funding in the region of €400,000 to Bodywhys since 2001 to further develop its activities in this area. Eating disorders, including anorexia nervosa and bulimia nervosa can be extremely serious for those affected and their families. Although these conditions are not specific to either gender, they particularly affect women. The symptoms of the disorders may range from mild to severe.

As part of a comprehensive community-oriented psychiatric service, persons presenting with eating disorders are generally treated through the psychiatric services of their local health board. Outpatient psychiatric services are provided by a network of hospitals, health centres, day hospitals and day centres. Where inpatient treatment is deemed necessary, it is provided in the local acute psychiatric unit or hospital, where beds are allocated on the basis of patient need at any particular time.

In addition, a tertiary referral service for eating disorders is available in St. Vincent's Hospital, Elm Park, Dublin, where three inpatient beds are designated for this purpose. A similar service is available privately at St. Patrick's Hospital, James's Street, Dublin 8, and at St. John of God Hospital, Stillorgan, County Dublin.

In August 2003 I established an expert group on mental health policy to prepare a national policy framework for the further modernisation of mental health services, updating the 1984 policy document, *Planning for the Future*. The future direction and delivery of all aspects of our mental health services, including those services for persons with an eating disorder, is being considered in the context of the work of the group.

The report referred to by Deputy Neville, which details the nature of eating disorders, the services available to those suffering from the disorder in the eastern region and makes recommendations for the future development of such services, has been referred to the expert group and will be taken into account in the development of a national policy framework. It is expected the expert group will report in June 2005.

Alternative Energy Projects.

Ms Hector: Go raibh maith agat a Leas-Cheann Comhairle. Táim an-bhuíoch díot as an seans seo a bheith agam labhairt ar an gceist thábhachtach seo.

I am grateful for the opportunity to address the House on the announcement by the Minister, Deputy Noel Dempsey, last Monday regarding the additional renewable energy projects that will now benefit under the AER VI programme. I am concerned about the 27 small renewable energy projects that were awaiting approval under AER VI which have been excluded. I call on the Minister to explain why these 27 small projects were excluded from participation in the scheme.

The Electricity Regulation Act 1999 provided an opportunity for farmers and other like-minded people who wished to become involved in the production of renewable energy, thus ensuring that the harnessing and marketing of green energy would not become the sole domain of the bigger power generators and supply companies, thereby ensuring that market liberalisation and competition as envisaged under the Act would be achieved. However, there is great concern among the small wind farm project holders who were anticipating approval under the announcement made on Monday. They met with great disappointment because their smaller wind projects have yet again been excluded.

The people awaiting approval for these small scale wind farm projects in the north Tipperary area took the risk of becoming involved in this venture. They borrowed money and made significant investments. They were also approved for the BES scheme until 31 December 2004. What will become of these small projects that were recognised under the Electricity Regulation Act 1999?

I also wish to refer to the Leas-Cheann Comhairle's constituency of Kilkenny where the Camphill Community residence for people with disabilities in Callan, County Kilkenny, has also expressed concern. Many of my constituents in north Tipperary avail of the excellent services provided by this Camphill Community. The Biomass AD plant that is up and running in the Camphill centre produces 800 m³ of gas per day for the production of electricity. However, in the absence of a power purchase agreement they have had to flare off substantial amounts of gas, especially during the summer. This research and development project was funded at a cost of almost €1 million but the centre has now learned it is in a lottery-type situation where it may be pulled out of the hat to gain from the AER VI announcement. It puzzles me why such investment in made in research and development yet it is left to fate to decide if such projects will come to fruition.

Will the Minister of State explain why less than half a megawatt of additional capacity has been issued for Biomass AD instead of the 8 MW plus that was sought, particularly in view of the fact that this technology is doubly beneficial in reducing greenhouse gas emissions?

It appears the large-scale corporate developers have once again gained in this recent announcement and that local communities who want to have a stake in the future of local renewable resources will have to wait. The recent announcement was a disappointment for them, which I share. The people involved in small local schemes have waited patiently since the allocation of the 140 MW. The news they received on Monday is devastating. Many of them were waiting in anticipation and were ready to go but now they do not know where they stand.

Many questions remain in regard to this issue. I am familiar with the work of Meitheal na Gaoithe

which represents small wind farm projects. Its concerns are reflected in what I have said. I look forward to the Minister of State's reply. I hope there will be an opportunity for Meitheal na Gaoithe to meet the Minister in the near future.

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Gabhaim buíochas don Teachta Hóctor as ucht an cheist seo a ardú agus deis a thabhairt dom freagra a thabhairt thar chionn an Aire maidir le chomórtas AER VI.

The alternative energy requirement programme is a competitive process to support the construction and operation of new renewable energy based electricity generating stations.

The need for the AER programme arises because renewable energy technologies cannot yet compete on price with conventional technologies. Section 39 of the Electricity Regulation Act 1999 requires that the additional costs of new stations supported by the AER programme be passed on to final customers under a public service obligations order.

The net benefits of the AER process are the 15 year guaranteed purchase contract which gives investors and financiers, particularly banks, sufficient confidence to finance projects which would not otherwise be funded, and that the competitive process minimises the additional cost passed on to electricity consumers as a levy.

There was no question of excluding any project in any category in AER VI. The biomass anaerobic digestion, biomass general, large-scale wind, small-scale wind and offshore wind categories of AER VI were each oversubscribed in a competitive bidding process. It is inevitable in any competitive process which is oversubscribed that some applicants will be disappointed. In the case of AER VI, the initial target of 500 megawatts was significantly increased by 140 megawatts. This additional capacity has been distributed fairly among all the oversubscribed categories.

The initial and revised targets were both notified to the EU Commission under state aids rules. The Commission determined, in a formal decision, that the support mechanism constitutes state aid. However the Commission also concluded the programme is compatible with state aid, providing it is not changed without prior notification to it. The overall amount of aid that can be granted at this time is therefore limited by the overall volume cleared by the Commission under state aids rules.

The cumulative capacity of projects submitted exceeded the capacity limits cleared by the EU Commission. There is no discretion available to further increase the available support level above state aids clearance without the delay of a further notification to the EU Commission under state aids rules. However, each applicant who has received AER VI support has ongoing obligations to the Department to progress the selected projects. Any project that does not proceed at a reasonable pace will have the Government

support withdrawn and this will be offered to the next ranked project in the particular category. Therefore, there is a possibility that some projects now on the reserve list will subsequently receive an offer of AER VI support.

There will also be future opportunities available to all the disappointed applicants in AER VI. The renewable energy development group established in May last and chaired by the Department is currently examining future support mechanisms and targets for the renewable energy market. The group includes relevant experts from the administrative and scientific sector including Sustainable Energy Ireland, the Commission for Energy Regulation, ESB National Grid and the Economic and Social Research Institute among others. The renewable energy industry is also represented on the group through the participation of members nominated by an industry sub-group.

The group's review of options on future policies, targets, and programmes to support the increased use of renewable energy in the electricity market to 2010 and beyond is due shortly. Its views will form a basis for the Minister's future policy decisions on new challenging targets for renewable energy technologies in the electricity market. I refute the suggestion that 27 projects entered in AER VI were excluded from the process. AER VI was oversubscribed in several categories of a competitive programme. Although I understand Deputy Hóctor's disappointment, it is inevitable in any oversubscribed competition that some disappointed applicants arise. AER VI was no different. More importantly, to meet market demand and ensure Ireland meets its environmental obligations under the renewables directive, work is ongoing to develop a future programme to offer additional support to those disappointed in AER VI and others exploring the sector at this time. This is consistent with the priority this Government places on increasing the use of indigenous renewable energy technologies.

Schools Refurbishment.

Dr. Cowley: I support Deputy Hóctor's comments about the Camphill community. I know of the organisation and the wonderful work it is doing. If the project to which the Deputy referred is helping Camphill, it is worthwhile and I ask the Minister of State to examine it.

I am very grateful for the opportunity to raise this important matter on the Adjournment. I am concerned about Facefield national school, which is located between Ballagh and Claremorris in County Mayo, which I am sure the Minister of State, Deputy Gallagher, knows well. The board of management has applied for the school to be included in the small schools pilot initiative last March but has so far heard nothing other than an acknowledgement of its receipt. The board also made an application under the summer works scheme 2005, but has not heard anything about it either.

[Dr. Cowley.]

The school is 112 years old but is in generally good condition for its age due to the splendid and dedicated work of successive boards of management and the teachers in maintaining it over the years. The board of management and parents are not looking for a new school, but rather one which can cope with their needs. They require essential works as a matter of some urgency in order to cope with the space required for the extra activities specified by revised curriculum. The classroom needs to be expanded. The simple and reasonable plan is to build on to one of the classrooms to allow for all the hands-on work to be done, which is necessary under the new curriculum.

The school has two classrooms, the second of which is very small. There are 37 children in the school at present, 20 of whom in the higher class are accommodated in one room. Next year, an additional seven children will be enrolled, which will bring the total number of children to 44. Some 24 children will be accommodated in the smaller classroom and 20 children in the higher classes. This represents a great number of children in very small rooms, therefore, the classroom needs to be extended urgently to cater for the increased numbers.

The school intends to use the space occupied at present by the children's toilets to enlarge the room to create an adequate classroom. The toilets are badly in need of upgrading as they are of poor quality. To that end, it is proposed to build children's toilets linked to the classrooms as well as a staff toilet as there is none at present; staff and pupils share the pupils' toilets which is not recommended, satisfactory or acceptable. There is no staff room or office in the school, therefore, it is intended to have a room which will serve as a staff room at break times and an office at other times.

These are reasonable plans for very necessary improvements in the interests of health and safety and in order to provide a better teaching environment for pupils and teachers. It is not too much to look for. Anything less is unacceptable, as is the present situation, which will get worse with the new input of seven pupils next year. These improvements are essential to allow the new curriculum to be taught, to keep up with the times and maintain proper standards of health and safety and give these children from a rural area a proper chance.

The board of management and the teachers are in no doubt that if these repairs are made, the school will be in a sound educational position and provide a strong base for the next 100 years. The board of management is very willing and enthusiastic. It is prepared to take on this project and work in association with the teachers, the pupils and their families. I urge the Minister of State to give those people a chance. They are willing to do so much. This is a new idea the board is prepared to undertake. I urge the Minister of State to deal with this issue urgently.

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I thank the Deputy for raising this matter as it affords me the opportunity to outline to the House the strategy of the Department of Education and Science for capital investment in education projects and to outline the current position regarding the application received for improved accommodation at Facefield national school, Claremorris, County Mayo.

The Minister for Education and Science recently outlined details of the school building and modernisation programme. Next year alone, €270 million will be allocated to primary schools and €223 million to post-primary schools for building works representing an increase of 14% on the 2004 allocation. The programmes supported will include 141 major building projects already on site and a further 28 due to commence in the coming weeks, and details of 75 major primary and 30 major post-primary projects, already at an advanced stage of design, will be authorised to complete the design process in the coming weeks. This will provide a flow of projects to go to construction over the next 12 to 16 months, a further 18 to 20 post-primary schools suitable for inclusion in public-private partnership project bundles and 120 primary schools which will be invited to take part in the small and rural schools initiative and the devolved scheme for providing additional accommodation.

The new Schools Building and Modernisation Programme 2005-2009 will be underpinned not just by a significant increase in overall funding but also by major improvements in the administration of that funding. Devolving more funding to local level through the summer works scheme and the small and rural schools initiative will allow schools to move ahead with smaller projects while also delivering better value for money. Funding for the summer works scheme will be almost doubled to €60 million in 2005 to allow schools to carry out improvement works during the summer holidays. A total of 448 schools benefited from works under this scheme in 2004 at a cost of €31 million.

Last March, the school authority of Facefield national school submitted an application to the Department of Education and Science for the provision of an extension to and refurbishment of the existing school building. This application is being considered in the context of a review of all projects which did not proceed to tender and construction as part of the 2004 school building programme. In addition, the management authority of the school recently made an application for the construction of a new toilet block and conversion of existing toilets at the school under the 2005 summer works scheme. This application will be assessed by reference to the relevant criteria outlined in the published documents and it is planned to publish the list of successful applicants early in the new year.

It is hoped Facefield national school will be on the new list to be published in January.

Local Authority Housing.

Mr. Morgan: I thank the Minister of State for coming to the House to deal with this issue which was brought to my attention by Wexford Sinn Féin county councillor, Mr. John Dwyer, who discovered that New Ross Town Council had not, when calculating the discount to be applied to the gross property price in the sale of local authority houses, applied the additional €3,809 as per circular HRT 6/95 from the Department of the Environment, Heritage and Local Government. The suspicion is that the failure was ongoing over approximately ten years and amounts to a considerable sum of money. The Minister of State needs to tell the house how long this situation has been ongoing and when it was brought to his attention.

The effect of the overcharging on those purchasing local authority housing in New Ross by €3,809 should not be underestimated. Tenants of local authorities tend to be on the lower end of the income scale and the extra €3,809 may, in some cases, have prevented some people from proceeding with plans to buy local authority houses. How much money must New Ross Town Council now pay to those who did not receive the appropriate discounts when buying their house? From where will this money come? Will it be paid by the Department in recognition of its failure to conduct adequate audits?

I acknowledge that, following the raising of this issue by Councillor Dwyer, New Ross Town Council has begun to apply the discount. There are serious concerns that the practice of not applying the €3,809 discount in all cases has been in place in all five local authorities throughout Wexford. As Wexford County Council is the loans authority for the county all valuation certificates for local authority houses sold under the tenant purchase scheme passes through that office. If New Ross Town Council was alone among the Wexford local authorities in not applying the discount this matter would have been spotted and rectified.

The question that the Minister must answer is whether there has been full compliance by all local authorities with the terms of the tenant purchase scheme at all times during the past ten years and if there had been any deviation from those terms whether the money due to purchasers of local authority homes has been returned to them. Has the Minister investigated the compliance of other authorities with the terms set out by his Department? The Minister of State needs to outline what procedural checks his Department has in place to prevent deviation by local authorities from the terms of the tenant purchase scheme? If these procedural checks are in place, how did this go undetected? Does the local government auditor routinely check purchase-sale details of local authority housing?

The Minister was recently involved in a rather childish blame game with local authorities where he sought to put the entire blame for poor delivery in terms of the construction of new social

housing units on to local authorities. The Minister for the Environment, Heritage and Local Government must stop abdicating his responsibility for local government and housing.

Combined with the Minister's attempts to bury his head in the sand on local government and housing issues, the Government has been responsible for taking powers away from local authority members and increasing the powers of unelected county and city managers. Consequently, the problem of lack of accountability within local authorities has been aggravated. This lack of accountability is intimately connected to the occurrence of problems such as the failure of New Ross Town Council to comply with terms of circular HRT 6/95. I hope the Minister will fully answer all the questions I have raised.

We recently witnessed the systematic ripping-off of customers by banks and others. I will not go so far as to claim that local authorities have joined them. Generally, local authorities are staffed by honourable officials who perform an excellent public service and long may that continue.

Mr. N. Ahern: The allowance of a discount of €3,809 for tenants purchasing houses under the current tenant purchase scheme is provided for under article 6 of the Housing (Sale of Purchase) Regulations 1995. The regulations apply to all houses purchased under the scheme of which the application of the discount is an integral part.

My Department has been in contact with New Ross Town Council and I understand that the matter of the discount has been brought to its attention. The council accepts that a mistake was made and, again, I understand that letters have issued to a number of house purchasers informing them that the amount due will be refunded immediately.

Under the Housing Acts the operation of a tenant purchase scheme is a matter for a housing authority subject to compliance with regulations and directions from the Minister for the Environment, Heritage and Local Government. Prior to this case, my Department was not aware of problems in terms of the interpretation of the regulations regarding the discount. The scheme has been in operation for ten years and the discount has applied throughout this time.

As indicated, this is not a question of deviation from the terms of the scheme but rather a simple mistake by the local authority concerned. Fortunately, in this case, the matter, having been brought to the attention of the authority, is being dealt with and the mistake is being rectified. The Deputy suggested there may be other housing authorities which do not apply the discount. To allay fears in this regard I have asked that my Department write to all housing authorities immediately to remind them of the position relating to the discount. I find it hard to understand how this happened. The Deputy claims it may have gone on for ten years but so has the scheme. It is possible that the local authority in question

[Mr. N. Ahern.]

believed the abolition of the first time buyer's grant applied to this extra discount. The discount amounted to €3,089, the equivalent of £3,000, which was also the figure for the first time buyer's grant. It was never specified as such in the regulations. Only a dozen cases are involved but someone presumed this was the first time buyer's grant. It is possible that some other local authorities have done the same but it is most unlikely. However, the possibility exists that when the first time buyer's grant was abolished, the New Ross local authority believed the extra discount, which was the equivalent figure, was also abolished.

Mr. Morgan: Should the auditor not have picked it up?

Mr. N. Ahern: I will check on that in case there has been a similar misunderstanding elsewhere. This would surprise me as all Members are dealing with such cases in their constituency clinics. I appreciate the Sinn Féin Party's councillor spotted this. When one is going through figures such as this, I am surprised it was not copped on to earlier. However, I am informed that less than a dozen cases are involved. I thank the Deputy for raising the matter and I will ask other local authorities to check if the same misinterpretation has occurred.

The Dáil adjourned at 10.55 p.m. until 10.30 a.m. on Wednesday, 15 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 14, inclusive, answered orally.

Questions Nos. 15 to 37, inclusive, resubmitted.

Questions Nos. 38 to 45, inclusive, answered orally.

Acht na dTeangacha Oifigiúla 2003.

46. D'fhiafraigh **Dr. Upton** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an raibh aon chruinniú aige leis an Roinn Oideachais agus Eolaíochta maidir le haistritheoirí Béarla-Gaeilge a chur ar fáil; agus an ndéanfaidh sé ráiteas ina leith. [33237/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Bíonn teagmháil idir mo Roinn-se agus an Roinn Oideachais agus Eolaíochta maidir le cúrsaí aistriúcháin agus ceisteanna eile a bhaineann le cur i bhfeidhm Acht na dTeangacha Oifigiúla 2003. Anuas ar sin, bíonn teagmháil idir mo Roinn agus comhlachtaí atá i mbun an soláthar aistritheoirí a mhéadú, ollscoileanna agus Údarás na Gaeltachta ina measc.

Maidir le ceist an aistriúcháin agus cur i bhfeidhm an Achta, tá próiseas bunaithe ag Foras na Gaeilge chun córas creidiúnaithe a cur ar fáil d'aistritheoirí san earnáil phríobháideach. Nuair a bheidh an córas sin i bhfeidhm, beidh sé mar chabhair phraiteiciúil do chomhlachtaí poiblí a bheidh ag iarraidh aistritheoirí seachtracha a fhosú.

Is eol dom go raibh fadhbanna áirithe — idir fadhbanna pleanála agus soláthair — ag líon beag comhlachtaí poiblí le doiciméid áirithe go dtí seo agus tá sé intuigthe, ar ndóigh, go mbeadh deacrachtaí mar sin le sárú sa chéad bhliain de thogra chomh suntasach le cur i bhfeidhm na reachtaíochta seo. Ach táim sásta, mar sin féin, go bhfuil dóthain aistritheoirí oilte ar fáil chun freastal ar na riachtanais reatha ó thaobh an Achta agus go bhfuil agus go mbeidh an margadh ag déanamh soláthar cuí i gcomhréir leis na riachtanais.

Community Development.

47. **Mr. J. O'Keeffe** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the serious difficulties arising from the withdrawal of funding to a society (details supplied); the reason for the withdrawal of funding; and if he will make a statement on the matter. [33026/04]

58. **Mr. J. O'Keeffe** asked the Minister for Community, Rural and Gaeltacht Affairs the steps he proposes to take to immediately re-

instate funding for the development and community activities on Sherkin Island and associated islands (details supplied); and if he will make a statement on the matter. [33025/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I propose to take Questions Nos. 47 and 58 together.

The society referred to by the Deputy has received funding under the community development programme since 1997. Funding to the society has been withdrawn due to the unacceptable level of conflict which has been associated with the project and the inability of the society to address these conflict issues successfully over a sustained period. In the circumstances, I am of the view that the Sherkin community would not be served by the continuation of the project as presently constituted.

My Department is considering the appropriate structures to provide support for development projects on Sherkin Island in the context of a wider review of the support structures on both Gaeltacht and non-Gaeltacht islands. It is hoped to make progress in this context by spring 2005. In the interim, my Department is examining means to provide some funding to ensure continuation of essential administrative support to initiatives on Sherkin Island which were previously supported by the society in question.

Irish Language.

48. **Ms McManus** asked the Minister for Community, Rural and Gaeltacht Affairs if he has had discussions with the Department of Foreign Affairs regarding official working status for the Irish language in the EU; if his attention has been drawn to the fact that ambassadors to the EU have given a cautiously positive response to the Government's request for Irish to be an official EU language; and if he will make a statement on the matter. [33251/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As I indicated in my reply to Question No. 91 on 9 November last, a process of discussions has been initiated with the other EU member states and the EU institutions with a view to seeking official and working language status for the Irish language in the EU under EEC Regulation 1/1958. The regulation is the legal instrument that governs the EU institutions' official and working language regime.

As the Deputy may be aware, my colleague, the Minister for Foreign Affairs, announced on 24 November that Ireland had on that day tabled a formal proposal — by way of a draft amendment to EEC Regulation 1/1958 — requesting that official and working language status be accorded to the Irish language.

The focus in the discussions, which are ongoing, with representatives of the other member states and EU institutions is on securing agreement on the practical modalities in relation to this objective. As I also indicated in my previous reply, it would

[Éamon Ó Cuív.]

not be appropriate for me to make any public comment on the detail of these discussions until they have been brought to a conclusion.

Community Development.

49. **Mr. Gormley** asked the Minister for Community, Rural and Gaeltacht Affairs the meaning of the concept of hosting new community development projects in which such organisations are prevented from interacting with development structures in their own right. [33285/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The Government recognises that local and community development measures are contributing significantly to tackling a range of challenges at local and community level. However, the number of structures involved in the delivery of these programmes is very extensive and complex. With this in mind, a review of the structures employed in the delivery of local and community development programmes has been undertaken and brought to completion. Arising from that review, the Government decided that public bodies and departments should look to existing structures for delivery of new local or community development initiatives. In this regard, the Government also decided that any further community development projects established would be on the basis of maximising recourse to existing structures.

Ten projects currently at pre-development stage have been approved for inclusion in the community development programme, CDP, with a total budget commitment of €600,000 for their first year of operation. In eight of those projects, agreement has been reached with existing local community development organisations to facilitate the establishment of the new projects for the purpose of drawing down funding under the CDP. In one case, negotiations are ongoing. In the remaining case, no appropriate local community development structures exist and this project will be established as a legal entity in its own right.

While the contracts for funding will be between my Department and the existing local community development structures, the day to day operation of the new projects will be similar in most other aspects to the operation of other projects already funded under the CDP. This new model will be reviewed on an ongoing basis to ensure that the needs of communities are being best served.

Departmental Schemes.

50. **Mr. Gormley** asked the Minister for Community, Rural and Gaeltacht Affairs the way in which funding is to be used, having been diverted to his Department from the Department of Enterprise, Trade and Employment, for the administration of community employment, job initiative and social employment schemes. [33284/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): This funding is not being diverted from the Department of Enterprise, Trade and Employment. My colleague, the Minister for Finance, announced in budget 2005 on 1 December 2004 that he was providing “€5 million for the Department of Community, Rural and Gaeltacht Affairs to support the development of community services in disadvantaged areas and to complement the contribution of workers employed for service delivery under the Social Economy and Job Initiative Programmes operated by FÁS”. My Department will consult relevant interests early in the new year so as to ensure this additional funding is targeted to maximise benefits for disadvantaged communities.

Irish Language.

51. **Mr. Broughan** asked the Minister for Community, Rural and Gaeltacht Affairs if he made comments (details supplied) to an Irish language organisation in Spiddal in 2003, as reported in a newspaper (details supplied); and if he will make a statement on the matter. [33240/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As I outlined in my reply to Question No. 190 on 25 November 2004, the purpose of the meeting to which the Deputy refers was to: explain the provisions of the Official Languages (Equality) Bill 2002, as it was then; to inform and update Irish language organisations of the progress of the legislation; and to provide a forum for such organisations to discuss and debate issues in relation to the legislation. The meeting also provided an opportunity for me, as Minister, to listen to and address some of the concerns and issues being expressed by these organisations regarding the proposed legislation.

In relation to the reference to an article in a newspaper, it is vital that the remarks I made at the meeting in An Spidéal are put in context. I spoke in Irish because the whole meeting was conducted in Irish and it would therefore have been strange if I had made any remarks at that meeting in English. At the meeting, I cautioned Irish language groups about having a blinkered view of the proposed Act. They were, as was understandable, looking for the Act to be a lot wider and a lot more immediate than it is. I was aware, however, of the need for the Bill to reflect a fair balance between the rights of Irish speakers, practicality, cost etc.

However, despite public consultation over five years and an effort to engage not only the Irish language media, but also the English language media in the debate, most of the debate involved those with a particular interest in Irish language. This was not because of a lack of effort by my Department, but because very little interest was shown by the non-Irish language media.

I was aware at the time that a small section of our population would react negatively to any effort made to provide basic services in Irish to

the Irish language community. It was to their possible reaction I was referring to in my remarks at the meeting.

Focloir Béarla-Gaeilge.

52. D'fhiafraigh **Mr. Gilmore** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cathain a fhógróidh Foras na Gaeilge céim II de thionscadal an fhoclóra Béarla-Gaeilge; agus an ndéanfaidh sé ráiteas ina leith [33232/04]

71. D'fhiafraigh **Mr. Gilmore** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cathain a fhógróidh Foras na Gaeilge céim II de thionscadal an fhoclóra Béarla-Gaeilge agus an ndéanfaidh sé ráiteas ina leith. [33233/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Tá sé i gceist agam Ceisteanna Uimh 52 agus 71 a fhreagairt le chéile.

Tá an fógra réamheolais mar gheall ar chéim a dó de thionscadal an fhoclóra Béarla-Gaeilge foilsithe cheana ar Iris Oifigiúil an Aontais Eorpaigh agus tá sé foilsithe chomh maith ar shuíomh ríomh-tairiscintí an Rialtais, www.etenders.gov.ie. Tá súil ag Foras na Gaeilge go spreagfaidh an fógra seo suim ag daoine agus grúpaí ar mhaith leo a bheith bainteach leis an raon leathan tas-canna a bheidh i gceist le scríobh an fhoclóra féin le linn chéim a dó.

Is é tuairim Fhoras na Gaeilge go mbeidh ráitis spéise á lorg go foirmeálta go luath san athbhliain agus tá an dáta 31 Márta 2005 luaite san fhógra mar sprioc chuige sin. Beidh próiseas plé ann sula réiteofar an leagan críochnúil den cháipéis tairisceana agus sula lorgófar tairiscintí go foirmeálta.

Irish Language.

53. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs the number of jobs that have been created for the Irish language community as a direct result of the enactment of the Official Languages Act 2003; and if he will make a statement on the matter. [33239/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I have already addressed the issue raised in this question in my reply to Question No. 39 of today. The purpose of enacting the Official Languages Act 2003 was to provide a statutory framework for the delivery of public services through the Irish language and its primary objective is to ensure better availability and a higher standard of such services.

As I outlined in my reply to Questions Nos. 188 and 189 on 25 November 2004, full implementation of the Act will require us to draw on the language competencies of significant numbers of people across both the public and private sectors. A small number of people, fewer than ten in total — the majority of whom were existing public servants — have been employed in the office of An Coimisinéir Teanga or have been assigned in my own Department to the implementation of the Act. These posts were filled from within the over-

all staff numbers ceiling in my Department. Moreover, I do not anticipate the creation of any significant additional employment in the wider public sector as a consequence of the legislation. As I indicated previously, it is to be anticipated that further employment may be created in training, translating etc. outside the public service.

Proposed Legislation.

54. **Mr. Penrose** asked the Minister for Community, Rural and Gaeltacht Affairs when the process of examination and consideration of the recommendations contained in the report of the national committee on volunteering, Tipping the Balance, will be concluded; if he plans to introduce new legislation on volunteering in view of this report; and if he will make a statement on the matter. [33256/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): As I stated in my replies to previous parliamentary questions on this matter, most recently on 17 November last, a sub-committee of the implementation and advisory group, IAG, was formed earlier this year to examine the Tipping the Balance report with a view to identifying how its recommendations might be progressed. The report of the sub-committee makes a number of practical recommendations in this regard. My Department has been considering these recommendations and would hope to be in a position to make available some funding in the new year to support a number of initiatives in this regard. I do not consider that the question of legislation arises at this time.

Decentralisation Programme.

55. **Mr. Costello** asked the Minister for Community, Rural and Gaeltacht Affairs if further progress has been made with regard to the decentralisation of his Department; if there have been more expressions of interest made to the central applications facility in this regard; and if he will make a statement on the matter. [33267/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As the Deputy will be aware, the progress of decentralisation in any Department is guided by the overall implementation process being carried out centrally by the decentralisation implementation group.

In that context, the decentralisation implementation group, in its latest report published on 19 November, has listed my Department as a "potential early mover". Officials in my Department are engaged on a continuing basis, in co-operation with officials of the decentralisation unit in the Department of Finance, in putting in place the necessary arrangements to ensure the efficient implementation of the decentralisation programme in respect of my Department.

I outlined in my reply to Question No. 119 on 9 November 2004 the range of steps that has been taken by my Department to advance the decen-

[Éamon Ó Cuív.]

tralisation process, including the establishment of a dedicated decentralisation unit and a departmental decentralisation committee comprising members of senior management and staff.

The Deputy will be aware that the CAF system, which is operated by the Public Appointments Service, will be open to staff members on a continuing basis. The September 2004 data obtained from the CAF system indicates that 159 civil servants and nine public servants have lodged applications for or expressed an interest in decentralisation to Knock Airport. The number of staff required by my Department for that location is 159.9. There is no information to hand on additional applications through the CAF relating to my Department since September 2004.

Departmental Programmes.

56. **Ms Burton** asked the Minister for Community, Rural and Gaeltacht Affairs the position with regard to the CLÁR programme; and if he will make a statement on the matter. [33266/04]

85. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs if he proposes to revitalise the CLÁR programme with particular reference to the extended needs now emerging; and if he will make a statement on the matter. [33229/04]

237. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which moneys have been expended under the CLÁR programme on a county basis; and if he will make a statement on the matter. [33515/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 56, 85 and 237 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. This honoured the commitment to review in An Agreed Programme for Government in light of the 2002 population census data. There are no plans for any further review of the boundary of CLÁR areas. No other significant areas fulfil the population criteria for inclusion in CLÁR.

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 identified 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. Expenditure in 2004, which I expect to be up to €12 million, has, with ongoing leverage of other funding, continued to support investment in physical, economic and social infrastructure across a wide range of measures.

The breakdown of expenditure by county from 2002 to date in 2004 is as follows:

County	CLÁR Expenditure — 2002 to date
	€
Cavan	2,351,796
Clare	2,265,419
Cork	2,339,944
Donegal	2,362,799
Galway	2,704,601
Kerry	2,881,463
Leitrim	4,443,305
Limerick	153,601
Longford	678,425
Louth	825,885
Mayo	4,757,981
Meath	131,219
Monaghan	556,084
Roscommon	2,638,347
Sligo	1,995,533
Tipperary North	364,840
Tipperary South	221,411
Waterford	186,563
Westmeath	283,519
Total	32,142,735

Irish Language.

57. **Mr. Stagg** asked the Minister for Community, Rural and Gaeltacht Affairs if the high level steering committee for the language planning initiative has been established; if he has received reports from local steering committees on the operation of the scheme; and if he will make a statement on the matter. [33263/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I assume that the parliamentary question refers to the community-based language planning initiative in the Gaeltacht, for which I approved funding last month of €1.36 million over a three-year term. The allo-

cation will be shared between five community-based Gaeltacht organisations, which will undertake language schemes in their areas of operation. The steering committee to which the Deputy refers will be established at the appropriate time and will include senior representatives of my Department and Údarás na Gaeltachta. It is intended that this group will meet approximately every three months to monitor and oversee the general implementation of the initiative.

No reports are anticipated until after the various community-based organisations have established their respective local steering committees, appointed their language managers, and had the opportunity to finalise their language plans and begin implementation. My understanding is that the groups are currently engaged in the initial stages of this process.

Question No. 58 answered with Question No. 47.

Coimisiún na Gaeltachta.

59. D'fhiafraigh **Mr. M. Higgins** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cén dul chun cinn atá déanta maidir le moltaí Choimisiún na Gaeltachta a chur i bhfeidhm; agus an ndéanfaidh sé ráiteas ina leith. [33235/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I measc na gcéimeanna suntasacha a glacadh le tamall anuas chun moltaí sonracha atá déanta i dtuarascáil Choimisiún na Gaeltachta a chur chun cinn: tá Acht na dTeanga-cha Oifigiúla 2003 ina dhlí anois, rud a thugann aghaidh ar chur i bhfeidhm cúig chinn de mholtaí sonracha an choimisiúin; tá cur síos ar an dul chun cinn agus ar chéimeanna eile atá glactha i gcomhthéacs an Achta sa bhfreagra a thug mé inniu ar cheist; tá dréacht rialacháin foilsithe le déanaí ag an Roinn Gnóthaí Eachtracha d'fhonn stádas oifigiúil oibre a iarraidh don Ghaeilge san AE agus leanann an plé idir Éire, na ballstáit eile agus na hinstitiúidí Eorpacha ina thaobh sin; bronnadh conradh i mí Eanáir 2004 ar Acadamh na hOllscolaíochta Gaeilge, Ollscoil na hÉireann, Gaillimh, i gcomhar leis an Institiúid Náisiúnta um Anailís Réigiúnach agus Spásúil, Ollscoil na hÉireann, Má Nuad, chun staidéar cuimsitheach teangeolaíoch ar an nGaeltacht a thionscnamh; sheol mé feachtas feasachta teanga ar 13 Meán Fómhair faoin teideal, Ár dTeanga Nádúrtha Féin, d'fhonn na buntáistí a bhaineann le húsáid na Gaeilge mar phríomh-theanga teaghlaigh a chur ina luí ar thuismitheoirí na Gaeltachta; agus d'fhógair mé níos luaithe i mbliana go raibh ciste gur fiú €1.56 milliún thar trí bliana á bhunú agam chun tionscnamh pleanála teanga a chur chun cinn sa Ghaeltacht ar bhonn trialach; tá na hiarra-tais uilig a fuarthas ó Chomharchumainn Ghaeltachta, chomh maith le heagraíochtaí pobal-bhunaithe eile, scrúdaithe anois agus na heagraíochta rathúla á aithneofar chun críche aitheantais fógraithe agam ar 22 Deireadh Fómhair 2004.

I measc na mbeartas eile a bhaineann le tuarascáil Choimisiún na Gaeltachta atá idir lámha nó bainte amach tá: athbhreithniú ar scéim na gcúntóirí teanga, ar scéim labhairt na Gaeilge agus ar scéim na gcampaí samhraidh agus scéimeanna leasuithe curtha nó á chur i bhfeidhm; aighneacht maidir le gnéithe criticiúla a mbíonn tionchar acu ar úsáid na Gaeilge sa chóras bunoidreachais agus iarbunoidreachais sa Ghaeltacht curtha faoi bhráid na Comhairle um Oideachas Gaeltachta agus Gaelscolaíochta; deontas ceadaithe le hOidhreacht Chorca Dhuibhne lena chumasú scéim chuairteoirí baile a thionscnamh ar bhonn trialach; aighneachtaí curtha chuig na húdaráis áitiúla le ceantair Ghaeltachta iontu, chomh maith leis an mBord Pleanála, chun a n-aird a dhíriú ar a gcuid dualgas i ndáil leis an nGaeltacht, mar atá sonraithe sna forálacha cuí san Acht um Pleanáil agus Forbairt 2000; tacaíocht bhreise curtha ar fáil d'Ollscoil na hÉireann, Gaillimh, chun oideachas tríú leibhéal trí mheán na Gaeilge a fhorbairt tuilleadh sa Ghaeltacht; athstruchtúrú i bhfeidhm ar an gcóras faoina gcuireann Údarás na Gaeltachta cúnamh ar fáil don earnáil réamhscolaíochta sa Ghaeltacht; agus struchtúr nua d'eagrais óige sa Ghaeltacht á gcur chun cinn ag an Údarás, tá na réamh-chéimeanna á dtógáil faoi láthair ag súil leis go mbeidh an comhlacht nua óige na Gaeltachta ag feidhmiú go han-luath; agus d'fhonn tuilleadh béime a chur ar thograí agus ar ghníomhaíochtaí atá tairbheach don teanga sa Ghaeltacht, tá Údarás na Gaeltachta, ar threoir shonrach uaim, ag cur béim níos láidre ar bhonn leanúnach ar naíscolaíocht, ar sheirbhísí don óige, ar ghníomhaíochtaí na gcomharchumann agus ar sheirbhísí tacaíochta eile don Ghaeilge sa Ghaeltacht.

Tá mé sásta go bhfuil dul chun cinn suntasach déanta agus á dhéanamh maidir le cur i bhfeidhm moltaí atá déanta i dtuarascáil an Choimisiúin. Ar ndóigh, tá rath na hoibre seo trí chéile ag brath cuid mhaith ar thacaíocht agus comhoibriú ó phobal na Gaeltachta iad féin, chomh maith leis na páirtithe leasmhara uile a bhfuil baint acu le ceist na Gaeilge sa Ghaeltacht.

Area Development Management.

60. **Ms O'Sullivan** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding the restructuring of ADM; if there has been progress made by ADM in developing appropriate changes to its articles and memorandum of association; if Government approval has been sought for any such changes; and if he will make a statement on the matter. [33254/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I refer the Deputy to my reply to Question No. 75 on 9 November 2004. Work is continuing to develop appropriate changes to ADM's articles and memorandum of association. No further proposals have as yet been brought to Government for approval.

Proposed Legislation.

61. **Ms Lynch** asked the Minister for Community, Rural and Gaeltacht Affairs the plans for the establishment of a league table of charities showing exactly the proportion of contributions that goes to each charity and the amount to the increasing number of commercial fund raisers collecting on their behalf; when new legislation on this issue will be introduced; and if he will make a statement on the matter. [33231/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): In response to similar parliamentary questions on this subject in October and November, I indicated that, as already signalled in the consultation paper on establishing a modern statutory framework for charities, the proposed regulatory body would be tasked with issuing performance reports on areas of the charities sector and that I would expect matters such as the publication of league tables would be a matter for consideration by the proposed regulatory body.

Irish Language.

62. **Ms Lynch** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the fact that Departments have spent almost €300,000 on Irish language classes for civil servants in order to comply with requirements in the Official Languages Act 2003; and if he will make a statement on the matter. [33244/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Departments have been funding Irish language training for civil servants for very many years prior to the enactment of the Official Languages Act 2003. Such training helps to ensure that the public sector is in a position to meet the rights of Irish speakers to avail of public services in the language of their choice. The figure quoted is modest in the context of the overall administrative budgets of Departments.

Voluntary Sector.

63. **Mr. Eamon Ryan** asked the Minister for Community, Rural and Gaeltacht Affairs if the White Paper, Supporting Voluntary Activity, remains policy in this area; and if not, the policy to be put in its place. [33286/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The White Paper on a framework for supporting voluntary activity is a statement of Government policy objectives and supporting actions. In this context, a number of measures under the White Paper, including multi-annual funding for federations and networks and supports for training are now in place. It is also appropriate to note that the community and voluntary sector is a pillar in social partnership and represented on NESF and NESF.

The White Paper remains Government policy. However, the context in which White Paper policy is to be implemented has clearly changed with time. Hence, while the broad principles of the White Paper remain, it is appropriate that the mechanisms for addressing these be adjusted to appropriately reflect wider developments, including contextual, programme and structural changes.

Since publication of the White Paper, there has been a number of developments relevant to this area, including: the establishment of the Department of Community, Rural and Gaeltacht Affairs with a particular mandate to secure a more co-ordinated engagement by the State with communities around the country; the frameworks and priorities established under Sustaining Progress; the implementation of new structures, including the county-city development boards and the community fora; the advancement of the RAPID programme featuring area implementation teams; the strengthening of local drugs task forces and the development of regional drugs task forces; and the establishment of rural social scheme and other initiatives in this regard signalled in budget 2005.

These developments reflect a range of initiatives by Government designed to support communities and also deepen engagement with a sector rich in diversity and in contribution to the common good. Many of these initiatives were not contemplated at the time of publication of the White Paper.

Going forward, therefore, it can be anticipated that, while the broad principles in the White Paper remain Government policy, the actions and processes to deliver on these will reflect emerging needs and priorities appropriate to a changing context.

Údarás na Gaeltachta.

64. **Mr. Cuffe** asked the Minister for Community, Rural and Gaeltacht Affairs the person by whom €4.5 million in grants were repaid to Údarás na Gaeltachta in the years 1998 to 2002, inclusive, according to its annual reports; the reason these sums were repaid; and if he will make a statement on the matter. [33280/04]

245. **Mr. Boyle** asked the Minister for Community, Rural and Gaeltacht Affairs the person by whom €4.5 million in grants were repaid to Údarás na Gaeltachta in the years 1998 to 2002, inclusive, according to its annual reports; the reason these sums were repaid; and if he will make a statement on the matter. [33544/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 64 and 245 together.

I understand from Údarás na Gaeltachta that grant repayments in the amount of €4.5 million were received from 19 companies over the years 1998-2002, as set out in the following table:

1998	1999	2000	2001	2002	Total
€72,497	€2,533,148	€1,202,643	€177,000	€576,534	€4,561,822

Repayments are sought by Údarás in accordance with the terms of grant agreements, and occur mainly in cases where companies cease to trade or transfer their business from a Gaeltacht area to a non-Gaeltacht area. In other cases, repayments are in accordance with specific pre-agreed terms.

Irish Language.

65. **Mr. Quinn** asked the Minister for Community, Rural and Gaeltacht Affairs if representatives from his Department have delivered their presentation on implications to the advisory group to encourage and promote the use of Irish in local authorities; if so the contents and issues raised in the presentation; and if he will make a statement on the matter. [33258/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As I indicated in my reply to Question No. 127 on 9 November 2004, my Department is represented on the new local authority advisory group to encourage and promote the use of Irish in local authorities. My Department made a presentation to the group on the Official Languages Act 2003 and its implications for local authorities at the group's meeting on 7 December 2004. The presentation outlined the provisions of the Act and the current position in relation to its implementation in respect of which there is a separate parliamentary question on today's Order Paper.

Legislative Programme.

66. **Ms Shortall** asked the Minister for Community, Rural and Gaeltacht Affairs his legislative priorities for the Dáil session commencing in January 2005; and if he will make a statement on the matter. [33262/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I anticipate that the Dormant Accounts (Amendment) Bill 2004 will be introduced in Dáil Éireann in early 2005, subject to the agreement of the Whips. This Bill provides for changes to the role of the dormant accounts fund Disbursements Board and in relation to decision-making on disbursements from the dormant accounts fund. The Bill was introduced in Seanad Éireann on 29 June 2004 and completed all Stages in that House on 8 December 2004.

Departmental Appointments.

67. **Mr. S. Ryan** asked the Minister for Community, Rural and Gaeltacht Affairs the number of appointments he has made to statutory boards and bodies under the aegis of his Department since 1 January 2004; the names of all those

appointed; and if he will make a statement on the matter. [33260/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Six appointments have been made or nominated by either myself or Government to statutory boards and bodies under the aegis of my Department since 1 January 2004. The names of those appointed and the relevant board or body are listed below. Commissioners of Charitable Donations and Bequests: Graham Richards — appointed by Government. ADM Limited: Appointments made by ADM Limited on the nomination of the Government-Minister. Patricia O'Hara, Christine Taylor, Thomas Cooke, Gerard Fay, Ellen Cullen. Údarás na Gaeltachta: Seán Ó Droighneáin. co-optation as per legislation by elected member of Údarás na Gaeltachta.

Irish Language.

68. D'fhiafraigh **Mr. M. Higgins** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an raibh aon chruinniú aige leis an Roinn Oideachais agus Eolaíochta maidir le múineadh na Gaeilge ag an gcéad leibhéal, ag an dara leibhéal agus ag an tríú leibhéal; agus an ndéanfaidh sé ráiteas ina leith. [33234/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Bíonn teagmháil rialta agam leis an Aire Oideachais agus Eolaíochta chun ábhair éagsúla a bhaineann leis an dá Roinn a phlé, staid na Gaeilge san áireamh.

Departmental Programmes.

69. **Mr. Boyle** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the criticism of the RAPID programme which makes the accusation of badging the roll out of funding in this area; and the way in which he intends to counteract this criticism. [33279/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I am aware that there is a problem with the poor level of badging of expenditure as RAPID expenditure by Departments. I have previously raised this with departmental representatives at the RAPID national monitoring committee meetings and with my ministerial colleagues at bilateral meetings. Appropriate badging of RAPID expenditure is essential and I will continue to raise the matter with Departments.

Community Development.

70. **Mr. Gogarty** asked the Minister for Community, Rural and Gaeltacht Affairs if it is considered likely that community development pro-

[Mr. Gogarty .] jects in Gaeltacht areas will come under the remit of Údarás na Gaeltachta; and if he will make a statement on the matter. [33282/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Most community-based projects in Gaeltacht areas already come within the remit of Údarás na Gaeltachta. In addition, a small number of community development projects based in and solely dealing with the Gaeltacht are funded by my Department. I have an open mind as to the optimal arrangements for all such community-based projects, taking into account the language requirements attaching to Gaeltacht based development and the need for improved cohesion.

Question No. 71 answered with Question No. 52.

Údarás na Gaeltachta.

72. D'fhiafraigh **Mr. McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil sé de thuairim aige go mbeidh easnamh mór ar liúntas caipitiúil Údarás na Gaeltachta don bhliain 2005; agus an ndéanfaidh sé ráiteas ina leith [33268/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Ba mhaith liom a mheabhú don Teachta go bhfuil €23.5 milliúin curtha ar fáil d'Údarás na Gaeltachta i leith caiteachais chaipitil sna meastacháin choimrithe don bhliain 2005. Is méadú 7% é seo ar an soláthar a cuireadh ar fáil i 2004. Anuas air seo, tuigim ón Údarás go bhfuiltear ag súil le €7 milliúin a fháil i 2005 ó fhoinsí éagsúla — díol sócmhainní, aisíoc deontas agus fáiltais eile — agus beidh an t-airgead seo le caitheamh ar thograí caipitil chomh maith.

National Drugs Strategy.

73. **Mr. English** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of funding which will be allocated to each regional drugs task force in 2005; if the regional drugs task forces will have completed the mapping of drug problems in their areas and will be in a position to begin implementing their plans by the second half of 2005; and if he will make a statement on the matter. [33270/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I am pleased to tell the Deputy that €5 million per annum will be made available to the regional drugs task forces to assist them in implementing their plans, which are currently being drawn up. I hope to be in a position to make recommendations on the plans to the Cabinet sub-committee on social inclusion for approval as early as possible in 2005. I hope that following that approval, a number of new programmes and

initiatives will be put in place throughout the country during 2005.

Dormant Accounts Fund.

74. **Mr. Howlin** asked the Minister for Community, Rural and Gaeltacht Affairs when he expects legislation concerning the dormant accounts fund to be enacted; the criteria the Dormant Accounts Fund Disbursements Board will use in terms of considering the groups that will receive money from the fund; and if he will make a statement on the matter. [33230/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The Dormant Accounts (Amendment) Bill 2004 was published on 24 June 2004, thus fulfilling a commitment given by Government in December 2003, following its review of arrangements in relation to dormant accounts funding. The Bill was introduced in Seanad Éireann on 29 June 2004 and completed all Stages in that House on 8 December 2004. It is anticipated that the Bill will be introduced in Dáil Éireann early in 2005, subject to the agreement of the Whips.

While the Bill provides for key changes to the role of the board and in relation to decision-making on disbursements, the objectives of the disbursements scheme remain unchanged. Allocations from the fund will continue to target programmes or projects designed to assist three broad categories of persons — those affected by economic and social disadvantage; those affected by educational disadvantage; and persons with a disability.

Irish Language.

75. **Ms Burton** asked the Minister for Community, Rural and Gaeltacht Affairs if he has requested, under the terms of the Official Languages Act 2003, any private sector company controlled by a public regulator to translate any of its publications into Irish; if so, the number of times he has requested these companies to do so; the estimated cost of translating these publications into Irish; and if he will make a statement on the matter. [33241/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I have not made any such request under the Official Languages Act.

76. **Mr. Costello** asked the Minister for Community, Rural and Gaeltacht Affairs the estimated costs arising from meeting the requirements of the Official Languages Act 2003 in terms of translating official publications into Irish; the reason he did not provide such a costing at an earlier stage; and if he will make a statement on the matter. [33242/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As I have indicated on more than one occasion in response to similar parliamentary questions in this House, no formal

costings have been done in regard to the full implementation of the Official Languages Act 2003 on the basis that such an exercise would not be feasible in advance of consideration on a case by case basis by each public body of what, if any, specific costs might arise for it. It is clear, however, that there will be some cost issues involved, particularly at start-up, but in the normal course these should be met from within existing administrative allocations.

Since costs will arise in connection with such matters as training and translation services, the position for individual public bodies, or indeed on an overall basis, cannot be established until individual schemes have been agreed in accordance with the legislation.

Circumstances will vary greatly from public body to public body in regard to demand for delivery of services through Irish. Indeed, some bodies will be better placed than others in regard to having the resources to meet this demand, given that they already operate, to varying degrees, a policy of bilingualism.

It is, however, a matter for each public body in the first instance to ensure that resources are made available in order to comply with the provisions of this particular legislation in the same way as resources are made available to ensure compliance with obligations imposed by other legislation and by the requirements to provide quality customer service.

The question of provision of funding for specific administrative costs for individual public bodies — regardless of whether these relate to the Official Languages Act or any other service delivery or policy obligation arising — falls to be assessed against formal business cases or proposals submitted as part of the normal annual estimates and budgetary cycle. Given its position as the first constitutional language, the objective is to ensure that delivery of public services by public bodies, including provision of information about services and activities through the Irish language, is seen a normal requirement to meet appropriate standards of customer service and corporate governance.

77. D'fhiafraigh **Mr. Sargent** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cén dul chun cinn atá déanta maidir le rialacháin a ullmhú i dtaobh úsáid agus caighdeán na Gaeilge ar chomharthaíocht bóthair, ar stáiseannóireacht agus i bhfógairtí ó bhéal. [33277/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Mar is eol don Teachta, tá forálacha san Acht a chuireann ar chumas an Aire rialacháin a dhéanamh i ndáil le húsáid na Gaeilge, nó na Gaeilge agus an Bhéarla, ar stáiseannóireacht, ar fhógraíocht agus ar chomharthaíocht arna húsáid nó arna cur suas ag comhlachtaí poiblí. Tá obair i ndáil le rialacháin den sórt sin a dhéanamh ag dul ar aghaidh i gcónaí. Tuigfidh an Teachta go raibh dualgas ar mo Roinn-se dul i gcomhairle le Ranna Rialtais

eile maidir leis an ábhar seo sula bhféadfaí na rialacháin a dhéanamh. Táthar i gcomhairle le hOifig an Dréachtóra Pairliminte faoi láthair agus ní thig liom, mar sin, dáta deimhnitheach a thabhairt faoi chathain a dhéanfar na rialacháin. Tá sé mar sprioc agam, áfach, go mbeidh na rialacháin déanta go luath an bhliain seo chugainn.

78. D'fhiafraigh **Mr. Sargent** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad é polasaí a Roinne i leith nuachtán laethúil Gaeilge a chur ar fáil; agus cad a dhéanfaidh sé i gcomhthéacs na hagóide ó pholaiteoirí frith-Ghaeilge atá ag iarraidh deireadh a chur le maoiniú an nuachtáin *Lá* a chaill dhá oibrí agus lá foilsitheoireachta le déanaí dá bharr seo. [33276/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Tuigfidh an Teachta gur cheist d'Fhoras na Gaeilge féin cinntí a dhéanamh maidir le soláthar deontas, i gcomhréir leis an réimse reachtúil ina bhfeidhmíonn sé agus na pleananna oibre agus corparáide atá aige.

Faoi mar is eol don Teachta, tá Foras na Gaeilge ag cur maoiniú ar fáil do phreas an phobail le haghaidh an nuachtáin *Lá*. Tuigtear dom gur ionann an maoiniú sin agus 47% de chostais táirgíochta an nuachtáin agus go bhfuil sé geallta do thréimhse a chríochnaíonn ar 31 Nollaig 2004. Faoi láthair, tá measúnú neamhspleách á dhéanamh ag Foras na Gaeilge ar an togra agus, bunaithe ar thorthaí an mheasúnaithe seo, déanfaidh bord an Fhorais cinneadh maidir le maoiniú don nuachtán sa todhchaí.

Tuigtear dom freisin gur dhiúltaigh an Foras d'iarratas breise ó *Lá* faoi na scéimeanna pobail gaeilge a fógraíodh i mí Mheán Fómhair 2004. D'aontaigh coiste sealbhaithe agus úsáide an Fhorais nach raibh an scéim sin oiriúnach le haghaidh maoiniú nuachtáin agus nach bhféadfaí glacadh leis an iarratas da bharr. Cuireadh an cinneadh sin in iúl do bhainistíocht *Lá*.

79. **Mr. Howlin** asked the Minister for Community, Rural and Gaeltacht Affairs when he plans to introduce regulations requiring all signage and stationery for the 700 public bodies to be translated into Irish; the estimated cost of this; and if he will make a statement on the matter. [33243/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): My Department is currently working on a draft of such regulations to be made under section 9(1) of the Official Languages Act 2003. The regulations will apply at a date to be fixed to new and replacement signs and will allow existing stocks of stationery to be used up. Furthermore, the regulations will provide that existing signage may be brought into conformity over a period of years on a replacement basis. The additional costs, if any, arising from these regulations insofar as signage and stationery is concerned will, therefore, be marginal.

Údarás na Gaeltachta.

80. **Ms B. Moynihan-Cronin** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to recent comments from a person (details supplied) in an assessment for TG4 that the board of Údarás na Gaeltachta be cut in half in view of the fact that there is currently an overlap between the work of its executives and its elected board members; if he has plans to review the process by which the development board is appointed and elected; and if he will make a statement on the matter. [33253/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I am aware of the comments to which the Deputy refers and in this connection I draw her attention to Question No. 103 on the 9 November 2004. As I indicated in my response to that question, I propose to engage in public consultation in relation to the functions of Údarás na Gaeltachta. The Deputy will appreciate that it would be inappropriate for me to make any comment until this process is concluded.

Irish Language.

81. D'fhiafraigh **Dr. Upton** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an raibh aon chruinniú aige leis an Roinn Gnóthaí Eachtracha i dtaobh stádas na Gaeilge san Aontas Eorpach; agus an ndéanfaidh sé ráiteas ina leith. [33236/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Mar a thug mé le fios cheana sa Teach, tá tús curtha le próiseas plé le baillstát eile an AE agus leis na hinstitiúidí Eorpacha d'fhonn stádas oifigiúil agus oibre a iarraidh don Ghaeilge san AE faoi Rialachán 1/1958 CEE. Is é an rialachán an ionstraim dlíthiúil a rialaíonn an córas teanga, idir oifigiúil agus oibre, de chuid institiúidí an AE.

Mar is eol don Teachta, d'fhogair mo chomhleacáí, an tAire Gnóthaí Eachtracha, ar 24 Samhain go raibh togra foirmiúil curtha ar aghaidh — i bhfoirm dréacht leasú ar Rialachán 1/1958 CEE — ag iarraidh go dtabharfar stádas mar theanga oifigiúil agus oibre don Ghaeilge.

Tá an plé atá ar siúl faoi láthair le hionadaithe na mballstát eile agus le hinstitiúidí an AE dírithe ar chomhaontú a fháil ar na módúlachtaí praiticiúla maidir leis an gcuspóir sin. Mar a thug mé le fios chomh maith sa Teach seo cheana, ní bheadh sé cuí domsa aon tagairt phoiblí a dhéanamh maidir le sonraí na gcainteanna sin sula dtagann siad chun críche.

Departmental Programmes.

82. **Mr. Broughan** asked the Minister for Community, Rural and Gaeltacht Affairs if he will expand the RAPID programme to include increased numbers of disadvantaged communities; and if he will make a statement on the matter. [33265/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As I have stated previously, I have no plans to expand the RAPID programme geographically. However, I am aware that Ballyfermot met the criteria for inclusion in strand I of the RAPID programme but was omitted due to its inclusion in the URBAN II programme. I am examining this apparent anomaly at present.

Údarás na Gaeltachta.

83. **Mr. Boyle** asked the Minister for Community, Rural and Gaeltacht Affairs the reason that a quarry owned by a company (details supplied), which received grants from Údarás na Gaeltachta, was believed to be in the Gaeltacht townland of Baile Doite when an agreement on the quarry in May 1993 involving Galway County Council and a high court case both referred to the quarry as being in the non-Gaeltacht townland of Ballynahallia; and if he will make a statement on the matter. [33278/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I wish to remind the Deputy that this is not a matter for me in the first instance as it relates to the day to day operations of Údarás na Gaeltachta.

As my response to Question No. 76 from the Deputy on 9 November 2004 indicated, this is a case of mistaken topography. The position is that Údarás na Gaeltachta paid a grant to the company on the incorrect understanding that the company was operating within the Gaeltacht boundaries. As soon as the error came to light in early 2002, new improved procedures were put in place to avoid any similar recurrence. The Comptroller and Auditor General has indicated that, following further examination of the matter in the context of the interim 2004 accounts, no further action is proposed in the case.

National Drugs Strategy.

84. **Mr. Rabbitte** asked the Minister for Community, Rural and Gaeltacht Affairs if a company (details supplied) has issued its report to the steering group in charge of the review of the national drugs strategy 2001-08; the new perspectives and strategies that will be advanced following the extensive consultations undertaken for the review; and if he will make a statement on the matter. [33259/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): As the Deputy will be aware, the mid-term review of the national drugs strategy is currently under way. The review is examining the progress made to date in implementing the strategy and it will enable priorities for future action to be identified — and a refocusing of the strategy, if necessary — for the remaining period up to 2008.

The review is being overseen by a steering group chaired by my Department and comprising

representatives from a number of Departments and agencies who are involved in implementing the strategy as well as the community and voluntary sectors. PA Consulting Group has been engaged to assist the steering group in its ongoing work.

The consultants are currently finalising their work and they are scheduled to report to the steering group before Christmas. Following consideration of the various issues by the steering group, I will make recommendations on the way forward to the Cabinet sub-committee on social inclusion. I expect the review to be completed early next year.

Question No. 85 answered with Question No. 56.

Departmental Appointments.

86. **Mr. Sherlock** asked the Minister for Community, Rural and Gaeltacht Affairs the percentage of those he has appointed to statutory boards and bodies since 1 January 2004 that are women; if this percentage meets Government requirements on female representation on such boards; and if he will make a statement on the matter. [33261/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The six appointments made since 1 January 2004 to statutory boards and bodies under my Department's aegis, three are women. This percentage — 50% — exceeds Government requirements on female representation on such boards.

Implementation and Advisory Group.

87. **Mr. Gogarty** asked the Minister for Community, Rural and Gaeltacht Affairs the number of meetings of the implementation and advisory group that have been held since June 2002; and the programme of work that this group has followed. [33283/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The implementation and advisory group, IAG, first met on 20 July 2001 and has met 32 times in total since it was established. Some 21 of those meetings have taken place since June 2002.

Issues arising from the implementation of the main recommendations in the White Paper on voluntary activity, to which the IAG has provided significant input, include the funding scheme to support the role of federations, networks and umbrella bodies — funding currently stands at €1.83 million per annum over three years to 33 projects; the funding scheme for training and supports in the community and voluntary sector — funding was €670,000 in year one and stands at €580,000 for years two and three to 23 projects; funding for anti-poverty networks provided under the White Paper was transferred to my Department from the Combat Poverty Agency earlier this year and currently stands at €1,430,650 for

ten networks; preparation of a manual of best practice principles for the sector, which is being brought forward by the Combat Poverty Agency on behalf of the IAG and should be completed early next year; and in relation to volunteering, production of a report making a number of practical recommendations as to how issues in Tipping the Balance might be progressed. The White Paper indicated that a review of the IAG should take place after three years. That review process is under way.

Public Relations Contracts.

88. **Mr. P. McGrath** asked the Taoiseach the number and value of contracts awarded for public relations projects by his Department since June 2002. [33041/04]

The Taoiseach: The number and value of contracts awarded by my Department in respect of public relations since June 2002 are detailed below:

Year	Number of Contracts	Value of Contract
		€
2004	2	17,100
2003	1	60,000
2002	0	0

The contracts related to Ireland's Presidency of the EU — awarded in 2003 for €60,000, the publication of the national disability strategy in 2004 — awarded in 2004 for €12,100, and the promotion of the affordable housing initiative, including assistance with general communications issues and interaction with those in the relevant target groups around the country — awarded in 2004 for a total of €5,000.

Departmental Staff.

89. **Mr. P. McGrath** asked the Taoiseach the number of civil servants and other staff in his press office; and the grade and remuneration of each. [33056/04]

The Taoiseach: The number of staff currently employed in the Government press office, their grade and remuneration is set out in the table below:

Grade	Remuneration €
Government Press Secretary	109,244
Assistant Principal	60,467
Press Officer	44,936
Press Officer	43,751
Clerical Officer	23,393
Clerical Officer	24,351

All of the above staff, with the exception of the Government press secretary, are civil servants.

90. **Mr. P. McGrath** asked the Taoiseach the number of civil servants and other staff employed

[Mr. P. McGrath.]
in his constituency office; and the grade and remuneration of each. [33071/04]

The Taoiseach: The number of staff currently employed in my constituency office, their grade and remuneration is set out in the table below.

Grade	Remuneration €
Personal Assistant	43,751
Personal Assistant	46,119
Personal Secretary	30,094
Staff Officer	36,930
Staff Officer (work-sharer)	15,914
Clerical Officer	24,351
Clerical Officer	22,435
Clerical Officer	22,435

All of the above staff, with the exception of the personal secretary, are civil servants.

Departmental Funding.

91. **Dr. Fitzpatrick** asked the Tánaiste and Minister for Health and Children when it is proposed that a centre (details supplied) with 45 constituent organisations and 350 other voluntary and community groups which benefit from the services of the centre, will receive a guarantee from him that the centre's financial future is secure; and if she will make a statement on the matter. [33384/04]

92. **Dr. Fitzpatrick** asked the Tánaiste and Minister for Health and Children when the review of a centre (details supplied) which was announced in June 2004 will be concluded; if she will provide interim funding pending the outcome of the review; if that review has been completed; and if she will make a statement on the matter. [33385/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 91 and 92 together.

The issue of core funding for the Carmichael centre will be addressed as part of a review of the work of the centre. A consultant has been engaged by the Eastern Regional Health Authority to conduct this review. It is expected that the consultant's report will be available by the end of January-beginning of February 2005. In the interim the Northern Area Health Board will continue to fund the operation of the Carmichael centre.

Health Board Staff.

93. **Mr. Perry** asked the Tánaiste and Minister for Health and Children, further to Question No. 167 of 16 November 2004, if her attention has been drawn to the fact that agreement and not consultation with staff on their redeployment in the HSE is a major issue; if her attention has further been drawn to the fact that there is a lack of confidence generally due to lack of communi-

cation with staff and so on and failure to appoint the HSE chairman; the steps that will be taken to address these issues; and if she will make a statement on the matter. [33004/04]

Tánaiste and Minister for Health and Children (Ms Harney): I have been informed by the executive chairman of the interim Health Service Executive that a special communication was issued to all health service employees in November. In this communication, the chairman stated that no one will be expected to move to an area outside his or her existing region without consultation and agreement.

Following the publication of the special communication, the executive chairman and members of the change management team embarked on a series of briefings in each of the four new regional areas — Cork, Galway, Tullamore and Kells. IMPACT trade union instructed its members not to attend the briefing sessions and consequently the attendances were lower than had been intended. However, copies of the communication have been distributed widely right through health boards, voluntary agencies and those agencies scheduled to be streamlined in January.

The communication was in the form of a Link magazine and was the 11th issue of the Link so far this year. As well as the Link magazine, the executive chairman and members of the change management team have been involved in briefing sessions, meetings and working groups with staff right across the health service. The newly appointed national directors will now play an important role in communicating with staff.

Last month I announced that the executive chairman of the interim executive will step aside to take up the position of interim chief executive officer of the executive from 1 January 2005. I have consequently recently announced that I have decided to appoint an existing member of the interim executive, Mr. Liam Downey, to the position of chairperson of the Health Service Executive.

Hospital Waiting Lists.

94. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Mayo will be called for an MRI scan. [33040/04]

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.

Public Relations Contracts.

95. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the number and value of contracts awarded for public relations projects by her Department since June 2002. [33042/04]

Tánaiste and Minister for Health and Children

(Ms Harney): The information requested is being collated by my Department and will be forwarded to the Deputy as soon as possible.

Departmental Staff.

96. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the number of civil servants and other staff in her press office; and the grade and remuneration of each. [33057/04]

Tánaiste and Minister for Health and Children (Ms Harney): There are five staff working in the press office in the Department. All of these staff are civil servants. Their grades and remuneration are set out below:

Number of Staff	Grade	Remuneration per annum
		€
1	AO	40,742
1	EO	42,265
1	EO	27,057
1	CO	27,681
1	CO	24,351

97. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the number of civil servants and other staff employed in her constituency office; and the grade and remuneration of each. [33072/04]

Tánaiste and Minister for Health and Children (Ms Harney): There are 7.5 staff employed in my constituency office, 4.5 of whom are civil servants. Set out below are details of grades and remuneration for each of these staff.

Civil Servants

Number of Staff	Grade	Remuneration per annum
		€
1	HEO	43,568
1	CO	32,298
1	CO	25,310
1	CO	24,351
0.5	CO	11,218

Other Staff.

Number of Staff	Grade	Remuneration per annum
		€
1	Personal Assistant	51,119
1	Personal Assistant	50,065
1	Personal Secretary	46,119

Hospital Accommodation.

98. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the status of the ten extra beds proposed for Monaghan General Hospital; and if she will make a statement on the matter. [33090/04]

99. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the status of the 19 extra beds proposed for Cavan General Hospital; and if she will make a statement on the matter. [33091/04]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 98 and 99 together.

My Department has approved revenue funding of €500,000 to commission ten additional day beds at Monaghan General Hospital. These beds are designed to facilitate the development of surgical services across the Cavan-Monaghan Hospital group. The commissioning of these beds is to be progressed by the North Eastern Health Board.

On 13 December 2004, my Department received a proposal from the board for the provision of an additional 19 beds and additional theatre capacity at Cavan General Hospital. This submission will be considered in the context of the reconfiguration of services across the Cavan-Monaghan Hospital group.

Services for People with Disabilities.

100. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children, further to Question No. 241 of 19 October 2004, if a reply will issue immediately; if action will be expedited in the case to resolve the issue raised; if the appropriate supports and educational training will be put in place for the person; and if she will make a statement on the matter. [33106/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of health services for people with a physical and-or sensory disability is a matter for the health boards and the Eastern Regional Health Authority in the first instance. Accordingly, a further copy of the Deputy's Question on 19 October 2004 has been forwarded to the regional chief executive of the Eastern Regional Health Authority with a request that he examine the matter raised as a matter of urgency and reply directly to the Deputy.

101. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children the number of full-time residential care places nationally funded by her Department in 2004 for persons with intellectual disability; the number of persons on the waiting list for such a service; the number of day care places nationally; the number of persons on the waiting list for such services; the number of respite places nationally; the number of persons on the waiting list for such services; the number of persons deemed to be inappropriately placed and

[Mr. Stanton.]
in need of appropriate service; and if she will make a statement on the matter. [33119/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The most up-to-date information available to my Department concerning services for persons with an intellectual disability is contained in the national intellectual disability database committee's annual report for 2004 which was published on 26 November 2004.

This report states that in 2004, 23,843 people with intellectual disability are receiving services. This accounts for 93.8% of the total population registered on the database and is up from 91.8% in 2003. A summary of the overall level of service provision in 2004 is as follows:

Attending services on a day basis	15,709
Receiving five or seven day residential services	7,619
Resident in a psychiatric hospital	474
Receiving residential support services only	41
Total	23,843

Furthermore, 4,415 day attenders and 483 full-time residents receive residential support services in addition to their principal service. Some 7,936 full-time residents receive a day service in addition to their full-time residential service.

The 2004 report indicates that 1,893 new residential and 347 new day places are required over the period 2005 to 2009 to meet the needs of those who are without any service and those who are without a major element of service such as day or residential service. Some 1,763 people also require access to residential support services — respite — over the same period. Details of the numbers of people who require a service change over the same period are also outlined in the report.

The data from the national intellectual disability database for 2004 identify 474 individuals with intellectual disability — all aged 20 or over — accommodated in psychiatric hospitals. Of this group, 315 individuals have service requirements in the period 2005-09, of whom 286 have an appropriate alternative residential facility identified for them and two require residential support services to assist them to live semi-independently in the community; 24 have identified day service requirements, two of whom also require a residential support service and one of whom also requires increased support within a psychiatric hospital; three require increased support within a psychiatric hospital; and 27 of the 315 individuals who require services will continue to reside within the psychiatric hospital. My Department has arranged for a copy of this report to be sent to the Deputy.

102. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children the number of

rehabilitative training places available nationally funded by her Department in 2004 to persons with a disability; the number of hours of home and personal assistance available in 2004 to persons with physical and sensory disability; the number of persons with significant disability currently in inappropriate settings who will need to be given an appropriate service; and if she will make a statement on the matter. [33120/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The number of rehabilitative training places nationally funded by my Department in 2004 is 2,565. The figures for the number of hours of home supports and personal assistant services available in 2004 are not available to my Department.

The number of people with an intellectual disability currently residing in psychiatric hospitals who require alternative accommodation is 315. The current identified need for alternative residential accommodation for people with a physical or sensory disability relates to 106 people. However, this figure is subject to amendment as work on the finalisation of the national physical and sensory disability database is ongoing.

103. **Mr. S. Ryan** asked the Tánaiste and Minister for Health and Children the way in which she proposes to provide for the needs of a person (details supplied) in County Dublin; and if she will make a statement on the matter. [33124/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the provision of services to persons with an intellectual disability and those with autism in the Dublin region lies, in the first instance, with the Eastern Regional Health Authority. My Department has asked the regional chief executive of the authority to investigate the matter raised by the Deputy and reply directly to him.

Departmental Appointments.

104. **Ms O. Mitchell** asked the Tánaiste and Minister for Health and Children the status of the provision of the chief dental officer in her Department; and if an officer will be appointed without further delay. [33152/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy is aware, the health services are currently undergoing major restructuring and the post of chief dental officer is being considered in the context of this restructuring. In the meantime, Dr. Margaret Shannon, former assistant chief dental officer with the Department, has been seconded to the Department from the South Western Area Health Board as a dental adviser.

Physical Education Facilities.

105. **Mr. J. Breen** asked the Tánaiste and Minister for Health and Children the discussions that have taken place between her Department and

the Department of Education and Science in providing resources for physical education facilities in schools to prevent the increase of obesity in young children. [33159/04]

Tánaiste and Minister for Health and Children (Ms Harney): The national task force on obesity established in March of this year to address the growing levels of obesity in Ireland is cognisant of the fact that a societal approach and cross sectoral working are required to identify solutions to halt the rise and reverse the prevalence of obesity in society. The task force has conducted an extensive consultation process which included the Department of Education and Science and that will be reflected in the final report. The task force is due to present a strategy document by the year end.

Nursing Home Subventions.

106. **Mr. J. Breen** asked the Tánaiste and Minister for Health and Children the reason subvention rates and qualifications differ in parts of the country. [33160/04]

107. **Mr. J. Breen** asked the Tánaiste and Minister for Health and Children the reason subvention does not cover the costs of the services of community occupational therapist, social worker or physiotherapist. [33161/04]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 106 and 107 together.

The nursing home subvention scheme was introduced to help with the cost of private nursing home care and was never intended to cover full cost of private nursing home care. In accordance with nursing home (subvention) regulations 1993, three rates of subvention are payable on a weekly basis as follows: medium dependency, €114.30; high dependency, €152.40; and maximum dependency, €190.50. The subvention rates are statutorily based and were increased by 25% with effect from April 2001.

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.

Health Board Services.

108. **Ms Shortall** asked the Tánaiste and Minister for Health and Children, further to Question No. 106 of 1 December 2004, the reason the

matter was referred to the ERHA for reply when the subject matter related directly to her responsibility; and if she will provide a reply to the question. [33162/04]

Tánaiste and Minister for Health and Children (Ms Harney): The Eastern Regional Health Authority has been allocated revenue funding of €3.597 billion in its letter of determination for 2005. The development of dermatology services in the region is a matter for consideration by the authority in the first instance. My Department has therefore requested the regional chief executive of the authority to investigate this matter and to reply directly to the Deputy.

109. **Mr. English** asked the Tánaiste and Minister for Health and Children when a person (details supplied) will receive speech therapy; and if she will make a statement on the matter. [33164/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of health services, including speech and language therapy, for people with a physical and/or sensory disability is a matter for the Eastern Regional Health Board and the health boards in the first instance. Accordingly, the Deputy's question has been referred to the chief executive officer of the North Eastern Health Board with a request that he examine the matter raised and reply directly to the Deputy as a matter of urgency.

110. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that six persons with disabilities (details supplied) are being made redundant in County Sligo due to the fact that a contract is being awarded to a company in Belfast for the servicing and repair of wheelchairs, aids and appliances; if the necessary funding will be allocated to the North Western Health Board to continue this service; and if she will make a statement on the matter. [33169/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The centre referred to by the Deputy is operated by the North Western Health Board. Accordingly, my Department has asked the chief executive of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

Hospital Waiting Lists.

111. **Mr. English** asked the Tánaiste and Minister for Health and Children the number of persons who are on waiting lists to see consultants at Our Lady's Hospital in Navan; the length of time each of the patients has been on the waiting list; the estimated time each will be on the list before seeing a consultant; and if she will make a statement on the matter. [33175/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the provision of services at Our Lady's Hospital, Navan, rests with the North Eastern Health Board. My Department has, therefore, requested the chief executive officer of the board to investigate the matter raised by the Deputy and to reply directly to him.

112. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if an appointment for a person (details supplied) in County Sligo will be scheduled in Sligo General Hospital; and if she will make a statement on the matter. [33179/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the provision of health services to persons living in County Sligo rests with the North Western Health Board. My Department has asked the chief executive officer of the board to investigate the matter raised by the Deputy and to reply to him directly.

113. **Mr. Neville** asked the Tánaiste and Minister for Health and Children the length of psychiatric waiting lists in each health board area for each of the years 2000, 2001, 2002, 2003 and to date in 2004. [33181/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the issues referred to by the Deputy rests with each of the health boards and the Eastern Regional Health Authority. My Department has therefore asked the regional chief executive of the Eastern Regional Health Authority and the chief executive officer of each health board to investigate the issues raised by the Deputy and reply to him directly.

Hospital Services.

114. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children her views on whether the transportation of seven renal dialysis patients from the Cavan catchment area (details supplied) represents appropriate value for money; if better value for money can be obtained, both socially and economically, by extending the twilight shift to accommodate these patients at Cavan General Hospital's renal dialysis unit on Tuesdays, Thursdays and Saturdays from 5 p.m. until 9 p.m., representing an additional 12 hours; and if she will make a statement on the matter. [33182/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the provision of services at Cavan General Hospital rests with the North Eastern Health Board. My Department has, therefore, requested the chief executive officer of the board to investigate the matter raised by the Deputy and to reply directly to him.

Health Board Allowances.

115. **Mr. Allen** asked the Tánaiste and Minister for Health and Children if she will investigate the case of a person (details supplied) in County

Cork; when a final decision will be made on the application; and if the domiciliary care allowance will be awarded from the date that their child was diagnosed as autistic. [33188/04]

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 Southern Health Board with a request that he examine the query and reply directly to the Deputy as a matter of urgency.

Irish Blood Transfusion Service.

116. **Ms Lynch** asked the Tánaiste and Minister for Health and Children the total legal costs incurred by the Irish Blood Transfusion Service for each of the past five years; the identity and fees of the main two providers of such services for each available year; if all legal tasks contracted were in full compliance with tendering regulations; and if she will provide information on the main five contracts signed during this period. [33189/04]

117. **Ms Lynch** asked the Tánaiste and Minister for Health and Children the total financial consultancy and audit costs incurred by the Irish Blood Transfusion Service for each of the past five years; the identity and fees of the main two providers of such services for each available year; if all such tasks contracted were in full compliance with tendering regulations; and if she will provide information on the main five contracts signed during this period. [33190/04]

118. **Ms Lynch** asked the Tánaiste and Minister for Health and Children the total management consultancy costs incurred by the Irish Blood Transfusion Service for each of the past five years; the identity and fees of the main two providers of such services for each available year; if all such tasks contracted were in full compliance with tendering regulations; and if she will provide information on the main five contracts signed during this period. [33191/04]

119. **Ms Lynch** asked the Tánaiste and Minister for Health and Children the cost per unit of red cells and platelets currently charged by the Irish Blood Transfusion Service to hospitals; the corresponding costs for each of the past five years; and the current corresponding unit costs in Northern Ireland. [33192/04]

123. **Ms Lynch** asked the Tánaiste and Minister for Health and Children the total expenditure of the Irish Blood Transfusion Service for the most recent year for which figures are available; if she will disaggregate this sum into the major cost headings; the costs, in this regard, incurred by way of travel, domestic and foreign; if she will disaggregate total costs between the Cork and Dublin centres of the organisation; and

the costs incurred by central administration. [33196/04]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 116-119, inclusive, and 123 together.

I have requested the chief executive of the Irish Blood Transfusion Service to assemble the information requested by the Deputy and to forward it to her as soon as possible.

120. **Ms Lynch** asked the Tánaiste and Minister for Health and Children the number of persons currently identified as having been exposed to the hepatitis C virus as a result of receiving contaminated anti-D products provided by the Irish Blood Transfusion Service; the cumulative investment in hepatology centres established to provide medical services to such cases; and the total amount of compensation paid to date as a consequence of the contamination tragedy. [33193/04]

Tánaiste and Minister for Health and Children (Ms Harney): It is estimated that around 16,000 people have been exposed to hepatitis C as a result of receiving potentially contaminated anti D products. The estimated cumulative cost of the provision of health care services in the designated hepatology centres for persons infected with hepatitis C from blood and blood products administered within the State to date is €61.5 million. The total cost of the hepatitis C and HIV compensation tribunal to December 2003 — including awards of the tribunal and of the High Court on appeal, reparation fund, legal fees and administration — is approximately €545 million.

Appointments to State Boards.

121. **Ms Lynch** asked the Tánaiste and Minister for Health and Children if the chairperson of any State board reporting to her has acted as a consultant to her Department at any time during such person's tenure as chair of any of the said boards; and if so, if she will give details of each such incident. [33194/04]

Tánaiste and Minister for Health and Children (Ms Harney): As the comprehensive information requested by the Deputy is not readily available in my Department, I am having the necessary inquiries made and I will revert to the Deputy in the matter as quickly as possible.

122. **Ms Lynch** asked the Tánaiste and Minister for Health and Children if the position of chief executive of the Irish Blood Transfusion Service is currently filled on a permanent or temporary basis; if on a temporary basis, the tenure of the incumbent; if any senior staff member of her Department played a role in the most recent filling of this position; and if so, the nature and jurisdiction of that role. [33195/04]

Tánaiste and Minister for Health and Children (Ms Harney): At its meeting on 10 March 2004,

the board of the Irish Blood Transfusion Service, IBTS, appointed a chief executive for the duration of the transition period leading to the integration of the IBTS into the Health Service Executive. My Department agreed the proposed appointment on that basis as part of the implementation of the health reform programme.

Question No. 123 answered with Question No. 116.

Medical Collection System.

124. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if, further to Question No. 204 of 20 October 2004, the health boards have completed their evaluation of the implications of introducing an appropriate system for the collection of bodily fluids; if not, when she anticipates the evaluation will be completed; and if she will make a statement on the matter. [33219/04]

Tánaiste and Minister for Health and Children (Ms Harney): Discussions with health board officials have taken place regarding the methods of collection of blood and other samples from general practitioner practice premises. A number of differing methods are in operation which the health boards will take into account in their evaluation.

Child Care Services.

125. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the reason there is no occupational therapy for paediatrics employed at the county clinic, James Green, Kilkenny; the arrangements which can be made for such a service to be provided in the case of a person (details supplied); if a decision in the case will be expedited; and if she will make a statement on the matter. [33257/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of health services, including occupational therapy, for people with a physical and-or sensory disability 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 South Eastern Health Board with a request that he examine the matter raised and reply directly to the Deputy as a matter of urgency.

Nursing Home Subventions.

126. **Mr. Neville** asked the Tánaiste and Minister for Health and Children if she has plans with the Department for Social and Family Affairs to co-ordinate the methods of calculation of capital means in relation to means tested benefits available from her Department; and if she will make a statement on the matter. [33272/04]

Tánaiste and Minister for Health and Children (Ms Harney): A working group comprising of all

[Ms Harney.]

stakeholders has been established by my Department to review the nursing home subvention scheme. The objective of the review is to develop a scheme which will be transparent, offer a high standard of care for clients, provide equity within the system to include standardised dependency and means testing. It should also be less discretionary, provide both a home and nursing home subvention depending on need, be consistent in implementation throughout the country and financially sustainable, and draw on experience of the operation of the existing scheme. At this stage it is not proposed to make any changes to the scheme, including the method of assessing capital means, pending the outcome of the review.

Appointments to State Boards.

127. **Mr. Ferris** asked the Tánaiste and Minister for Health and Children if, in view of the fact that the current chief executive officer of the Food Safety Authority of Ireland is a board member of the International Life Science Institute which is funded by companies with a direct interest in the promotion of genetically modified food, it represents a conflict of interest. [33332/04]

Tánaiste and Minister for Health and Children (Ms Harney): The International Life Sciences Institute, ILSI, is a global scientific organisation which supports research and publishes works on issues relating to food safety and nutrition. The institute's headquarters are in Washington, USA. It also has a European branch based in Brussels.

The current CEO of the Food Safety Authority of Ireland, FSAI, who took up this position on 28 June last, was formerly a board member of ILSI International and of ILSI Europe. He resigned from the board of ILSI International on his appointment to the FSAI and his final meeting as treasurer and board member of ILSI Europe was on 29 September 2004. The board of the FSAI was at all times aware of the position and, accordingly, I do not consider that any conflict of interest arises.

Health Board Services.

128. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the reason orthodontic treatment has not been arranged in the case of a person (details supplied) in County Carlow in view of the fact that the person was placed on a waiting list having been assessed at the age of 12 years; if she will insist on an investigation into the matter to discover the way in which the original paperwork was misplaced and expedite the treatment required; and if she will make a statement on the matter. [33333/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the provision of orthodontic services to eligible persons in County Carlow rests with the South Eastern Health Board. My Department has asked the chief

executive officer to investigate the matter raised by the Deputy and reply to him directly.

Hospital Services.

129. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if transport will be provided for a person (details supplied) in County Mayo. [33369/04]

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.

Health Board Services.

130. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the position regarding the case of a person (details supplied); and if she will urge an end to this dispute. [33391/04]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the case raised by the Deputy rests with the North Western Health Board. I understand the board has discussed the current position with the Deputy and that the Deputy is satisfied that the outcome meets his requirements.

Hospital Services.

131. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Mayo will be called back to Merlin Park Hospital in Galway. [33392/04]

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.

General Practitioner Co-operatives.

132. **Mr. Murphy** asked the Tánaiste and Minister for Health and Children if funding was made available to her Department in budget 2005 to fund the setting up of an out of hours doctors co-operative in north Cork; and if provision has been made, when funding will become available. [33402/04]

Tánaiste and Minister for Health and Children (Ms Harney): The letters of determination giving details of their funding allocations for 2005 have been issued to health boards. Funding in respect of out of hours was included in these amounts. It should be noted that decisions on the areas for expansion within a particular board of any service, including out of hours services, are made by the chief executive officer of the board bearing in

mind a range of issues, including priority, service provision requirements and funding available.

Genetically Modified Organisms.

133. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children if a feasibility study or market analysis has ever been conducted on consumers' view of genetically modified food either here or in the European Union; her views on whether such a study will greatly enhance the debate on the real need of genetically modified products due to the conclusion of many experts that consumers do not want genetically modified products; and if she will make a statement on the matter. [33407/04]

Tánaiste and Minister for Health and Children (Ms Harney): The most recent survey carried out by the European Commission on the subject of genetically modified organisms, GMOs, was Eurobarometer 55.2 in May-June 2001 which looked at European citizens' experience and perception of science and technology. Results of the EU survey indicated an uncertainty among consumers towards GM foods but displayed a strong demand for information to facilitate the right of the consumer to choose whether to buy GM foods.

The Food Safety Authority of Ireland's, FSAI, food safety consultative council, FSCC, undertook a consumer attitudes to food safety in Ireland survey in 2002. In this survey it was found that, when unprompted, consumers' concerns regarding GM foods were at a very low percentage level — 5%. When specific safety concerns were prompted, the level of concern rose significantly to 62%. However, those concerns were often vague or unspecified.

In the intervening period there have been significant developments. For example, during 2004, the European Union's new regulatory framework for GMOs entered into force with the consequent lifting of what was referred to as the moratorium on new GMOs. In response to consumer concerns, the EU has developed a robust safeguard system of legislation covering the deliberate release of GMOs into the environment, the introduction of regulations on GM food and feed, traceability and labelling of GMOs, transboundary movement of GMOs and guidance on the co-existence of GM and conventional crops.

These developments have paved the way for a high level of consumer, public health and environmental protection as they require the rigorous pre-marketing assessment of GM food and feed and include safeguard measures on labelling and traceability. The safety of GM products is independently assessed by the European Food Safety Authority, EFSA, on a case by case basis and GM food is now required to be clearly labelled, thus ensuring greater consumer confidence and choice.

Ireland, in common with other member states and as required by EU rules, applies EU legislation on GM foods. This legislation is in the form

of EU regulations which are directly applicable to and binding on each member state. At present, Ireland has no additional national legislation on GM foods. However, my Department is working on introducing provisions into national legislation which will allow for enforcement measures, including penalties, in the case of non-compliance with the recently adopted regulations.

The FSAI is the competent authority in Ireland for the enforcement of legislation governing GM food and carries out regular surveys of the marketplace to ensure compliance with GM food legislation. The results of these surveys have been published with national media coverage and also on the FSAI website. The FSAI, through its GMO and novel foods sub-committee, assesses dossiers from EFSA regarding application for authorisation within the EU of GM foods and, consequently, feeds into the decision making process at EFSA.

The FSAI has published a leaflet on food safety and genetically modified foods which is being updated to take account of new legislation. In addition, the FSAI, in conjunction with Departments and industry organisations, is formulating a guidance note for industry which will highlight the legislation with regard to GMOs.

The public has access to unbiased information on GM foods from the FSAI and can also access information from each of three Departments — Health and Children, Agriculture and Food and Environment, Heritage and Local Government — on any aspects of GMOs within the remits of these Departments. This has resulted in requests for information from concerned individuals and groups either directly or through their local representatives in the Dáil. I am satisfied that appropriate arrangements are in place to ensure the safety of authorised GM foods or foods containing GM ingredients placed on the market in Ireland.

Health Board Services.

134. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the reason home help for a person (details supplied) in County Mayo has been discontinued. [33536/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the Deputy will be aware, the provision of health services in the Mayo area is, in the first instance, the responsibility of the Western Health Board. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

Anti-microbial Resistance.

135. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the breakdown of funding provided to each health board under the strategy for the control of anti-microbial resistance here for each of the years 2001, 2002, 2003

[Mr. Kenny.]
and 2004; and if she will make a statement on the matter. [33537/04]

Tánaiste and Minister for Health and Children (Ms Harney): The strategy for the control of anti-microbial resistance in Ireland, SARI, was launched in June 2001. Since then, approximately €16 million in funding has been made available by my Department to health boards under the strategy, of which approximately €4.5 million has

been allocated in the current year. In addition, once-off funding of €565,000 was allocated in 2003 to fund special initiatives and measures recommended by the national SARI committee.

It is at the discretion of each health board CEO, in consultation with his or her respective regional SARI committee, to prioritise measures to be taken in his or her region to implement the recommendations of the SARI report. The amounts set out in the following table are net of the following non-pay inflators: 2002, 3.5%; 2003, 2.8%; and 2004, 2.8%.

Board	Allocation			
	2001	2002	2003	2004
	€	€	€	€
ERHA	907,863	1,567,863	1,567,863	1,567,863
MHB	152,369	257,369	257,369	257,369
MWHB	215,855	375,855	375,855	375,855
NEHB	215,855	370,855	370,855	370,855
NWHB	146,020	253,020	253,020	253,020
SEHB	272,994	472,994	472,994	472,994
SHB	380,921	658,921	658,921	658,921
WHB	247,599	426,599	426,599	426,599
Total	2,539,476	4,383,476	4,383,476	4,383,476

Disabled Drivers.

136. **Caoimhghín Ó Caoláin** asked the Minister for Finance if the guidelines for qualification for the primary medical certificate for disabled passengers and drivers will be amended to extend the specific categories for which applicants will be entitled to the certificate. [33005/04]

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

who have serious difficulties of movement of the lower limbs.

An individual who qualifies under the medical criteria as set out above is issued with a primary medical certificate. Possession of a primary medical certificate qualifies the holder for remission or repayment of vehicle registration tax, a repayment of value added tax on the purchase of the vehicle and a repayment of VAT on the cost of adaptation of the vehicle. Repayment of the excise duty on fuel used in the motor vehicle and exemption from annual road tax to local authorities are also allowed.

An interdepartmental review group was established to review the disabled drivers and disabled passengers (tax concessions) scheme. The group examined all aspects of the scheme, including the qualifying medical criteria. Its report was published on my Department's website in early July and copies have been placed in the Oireachtas Library. As agreed by Government in June, I will consider the report on an ongoing basis in the overall budgetary context, having regard to the existing and prospective cost of the scheme.

Decentralisation Programme.

137. **Mr. Kenny** asked the Minister for Finance the locations in respect of which the Office of Public Works has entered into contractual arrangements relating to the acquisition of sites or property in the context of the decentralisation programme as announced in December 2003; and if he will make a statement on the matter. [33006/04]

Minister of State at the Department of Finance

(Mr. Parlon): To date, nine property solutions on the decentralisation programme have been agreed in principle. I also confirm that of the order of a further 20 locations are at an advanced stage in the acquisition process. The locations where solutions have been identified are as follows: Carlow, Longford, Newcastle West, Athlone, the Curragh, Sligo, Dundalk, Furbo and Donegal. With regard to Carlow, Longford and Newcastle West, the Chief State Solicitor is processing contract documents in respect of sites and it is expected that the associated acquisition phase will be completed as quickly as possible. Contract documents for Donegal are awaited from the vendor.

State owned land will accommodate the decentralised buildings scheduled for Athlone, the Curragh and Sligo, while the proposed location of the Dundalk building will be on land at the Dundalk Institute of Technology. It is proposed to locate the staff relating to Furbo in an extension to an existing building. I also confirm that the balance of the sites for the remaining locations in the programme are being proactively pursued by the Office of Public Works.

138. **Mr. Aylward** asked the Minister for Finance the position regarding Thomastown in County Kilkenny as a decentralised location following the recent reports by the decentralisation implementation group; and if he will make a statement on the matter. [33007/04]

Minister for Finance (Mr. Cowen): The report of the decentralisation implementation group entitled, selection of organisations-locations for inclusion in the first phase of moves, published on 24 November 2004 gave details of the locations to be included in the first phase of moves. Thomastown, however, is not among these locations. The full contents of the group's report, including the criteria used to select the first phase locations can

be accessed at www.finance.gov.ie. The implementation group will report again in spring 2005 on those locations and organisations not covered in the current report.

139. **Mr. Aylward** asked the Minister for Finance the position in relation to Kilkenny as a decentralised location following the recent reports by the decentralisation implementation group; and if he will make a statement on the matter.

Minister for Finance (Mr. Cowen): The report of the decentralisation implementation group entitled "Selection of organisations/locations for inclusion in the first phase of moves" published on 24th November 2004 gave details of the locations to be included in the first phase of moves. Kilkenny, however, is not among these locations. The full contents of the Group's Report, including the criteria used to select the first phase locations, can be accessed at www.finance.gov.ie. The implementation group will report again in Spring 2005 on those locations and organisations not covered in the current Report.

Liquor Licensing.

140. **Mr. Costello** asked the Minister for Finance the number of off-licence premises in each of the Twenty-six Counties and the types of licence in each case; the number of new licences which have been granted in each county and the type of licence granted in each of the past five years; and if he will make a statement on the matter. [33018/04]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners as follows regarding the information requested. It is regretted that some of the information requested regarding licences issued in Galway and Roscommon in the last five years is not immediately available. However, this is being compiled and will be sent directly to the Deputy over the next number of days.

County	Existing Licences		New licences issued 2000-2004					
	Type of Licence	Total	00	01	02	03	04	Total past 5 years
Leitrim	Spirit, Beer and Wine Off	2	0	0	0	0	0	0
	Wine Off	26	2	5	2	6	6	21
	Total	28						21
Longford	Spirit, Beer and Wine Off	9	0	1	0	0	0	1
	Wine Off	13	0	1	2	1	6	10
	Total	22						11
Sligo	Spirit, Beer and Wine Off	10	0	0	2	0	0	2
	Wine Off	45	7	3	6	11	1	28
	Spirit and Beer	1	0	0	0	1	0	1
	Total	56						31

County	Existing Licences		New licences issued 2000-2004					
	Type of Licence	Total	00	01	02	03	04	Total past 5 years
Mayo	Spirit, Beer and Wine Off	21	1	3	3	2	2	11
	Wine Off	110	0	5	61	24	14	104
	Spirit and Beer	2	0	0	1	1	0	2
	Spirit and Wine	1	0	0	0	0	0	0
	Spirit Off	1	0	0	0	0	0	0
	Total	135						117
Louth	Spirit, Beer and Wine Off	21	0	0	2	1	20	23
	Wine Off	41	0	0	6	8	28	42
	Total	62						65
Cavan	Wine Retailer Off	55	5	4	6	7	10	32
	Spirit Retailer Off	12	1	1	0	2	1	5
	Beer Retailer Off	11	1	1	0	2	1	5
	Total	78						42
Monaghan	Wine Retailer Off	40	1	4	2	8	8	23
	Spirit Retailer Off	12	0	1	1	2	2	6
	Beer Retailer Off	12	0	1	1	2	2	6
	Cider Retailer Off	1	0	0	0	0	0	0
	Total	65						35
Westmeath	Spirit, Beer and Wine Off	19	2	1	5	2	0	10
	Wine Retailer Off	45	12	10	15	5	1	43
	Total	64						53
Offaly	Spirit, Beer and Wine Off	15	1	3	2	1	0	7
	Wine Retailer Off	38	9	7	5	5	0	26
	Total	53						33
Donegal	Spirit, Beer and Wine Off	25	1	2	5	4	0	12
	Wine Retailer Off	116	12	8	17	9	17	63
	Spirit and Beer	1	0	0	0	0	1	1
	Spirit Off	4	0	0	0	0	0	0
	Cider Off	1	0	0	0	0	0	0
	Total	147						76
Cork	Spirit, Beer and Wine Off	96	0	5	6	15	13	39
	Wine Off	180	11	31	22	56	28	148
	Cider Off	1	1	1	1	1	1	5
	Total	277						192
Dublin	Spirit, Beer and Wine Off	276	19	10	9	21	21	80
	Spirit and Beer	2	0	0	0	1	0	1
	Wine Off	346	17	30	52	69	57	225
	Beer and Wine	7	0	0	0	0	0	0
	Cider Off	1	0	1	0	0	0	1
	Total	632						307
Limerick	Spirit, Beer and Wine Off	40	1	6	7	1	5	20
	Spirit and Beer Off	2	0	0	0	0	1	1
	Wine Retail Off	70	1	9	18	15	19	62
	Cider Retail Off	2	0	0	0	1	0	1
	Total	114						84

County	Existing Licences		New licences issued 2000-2004					
	Type of Licence	Total	00	01	02	03	04	Total past 5 years
Clare	Spirit, Beer and Wine Off	18	1	0	2	2	4	9
	Spirit and Beer Off	0	0	0	0	0	0	0
	Wine Retail Off	48	0	8	16	11	10	45
	Cider Retail Off	0	0	0	0	0	0	0
	Total	66						54
Kerry	Spirit, Beer and Wine Off	30	0	4	4	5	2	15
	Spirit and Beer Off	0	0	0	0	0	0	0
	Wine Retail Off	75	1	6	22	23	18	70
	Cider Retail Off	2	0	1	0	0	0	1
	Total	107						86
Carlow	Spirit, Beer and Wine Off	10	0	0	5	4	5	14
	Spirit and Beer Retailer Off	1	0	0	0	0	0	0
	Wine Retailer Off	24	1	1	5	6	17	30
	Beer Retailer Off	1	1	0	0	0	0	1
	Spirit Retailer Off	0	0	0	0	0	0	0
	Cider Retailer Off	0	0	0	0	0	1	1
	Total	36						46
Kildare	Spirit, Beer and Wine Off	41	0	2	4	2	1	9
	Spirit and Beer Retailer Off	0	0	0	0	0	0	0
	Wine Retailer Off	81	3	9	11	17	4	44
	Beer Retailer Off	0	0	0	0	0	0	0
	Spirit Retailer Off	0	0	0	0	0	0	0
	Cider Retailer Off	0	0	0	0	0	0	0
	Total	122						53
Kilkenny	Spirit, Beer and Wine Off	13	0	1	6	0	5	12
	Spirit and Beer Retailer Off	0	0	0	0	0	0	0
	Wine Retailer Off	22	0	2	6	4	7	19
	Beer Retailer Off	1	0	0	0	0	0	0
	Spirit Retailer Off	1	0	0	0	0	0	0
	Cider Retailer Off	0	0	0	0	0	0	0
	Total	37						31
Laois	Spirit, Beer and Wine Off	10	2	1	1	1	2	7
	Wine Retailer Off	34	0	6	8	6	10	30
	Total	44						37
Meath	Spirit, Beer and Wine Off	27	1	1	4	3	4	13
	Wine Retailer Off	71	1	10	5	11	15	42
	Total	98						55
Tipperary	Spirit, Beer and Wine Off	38	0	2	11	6	4	23
	Wine Retailer Off	70	1	19	20	16	13	69
	Beer Retailer Off	1	0	0	0	0	0	0
	Spirit and Beer Retailer Off	1	1	0	0	0	1	2
	Spirit Retailer Off	1	0	0	0	0	0	0
	Total	111						94

County	Existing Licences		New licences issued 2000-2004					
	Type of Licence	Total	00	01	02	03	04	Total past 5 years
Waterford	Spirit, Beer and Wine Off	25	0	0	10	9	6	25
	Wine Retailer Off	40	2	5	17	9	9	42
	Beer Retailer Off	1	2	1	1	0	0	4
	Cider Retailer Off	1	0	0	0	0	0	0
	Total	67						71
Wexford	Spirit, Beer and Wine Off	17	0	0	11	3	2	16
	Wine Retailer Off	71	0	6	24	18	18	66
	Beer Retailer Off	1	1	1	0	0	0	2
	Spirit Retailer Off	1	0	0	0	0	0	0
	Total	90						84
Wicklow	Spirit, Beer and Wine Off	19	0	1	4	2	6	13
	Wine Retailer Off	57	2	4	12	16	13	47
	Beer Retailer Off	0	0	2	0	0	0	2
	Total	76						62
Galway	Spirit, Beer and Wine Off	38						
	Wine Retailer Off	210						
	Total	248						
Roscommon	Spirit, Beer and Wine Off	8						
	Wine Retailer Off	42						
	Total	50						

Public Relations.

141. **Mr. P. McGrath** asked the Minister for Finance the number and value of contracts awarded for public relations projects by his Department since June 2002. [33043/04]

Minister for Finance (Mr. Cowen): My Department did not award contracts solely for public relations projects in the period mentioned by the Deputy. It did, however, award two contracts in the period which, while mainly for other purposes, involved a public relations element. One involved advertising expenditure, as well as public relations, for the e-tenders website, while the other involved project and event management, as well as public relations, for the informal ECOFIN. The amount paid to date in respect of public relations under the first of these contracts was €24,103, while the amount paid in respect of public relations under the other contract is estimated at €23,700.

The NDP-CSF information unit, which operates under the aegis of my Department and

is part funded by the European Union, awarded one public relations contract in the period mentioned. The objective of this contract was to raise awareness and increase understanding of the national development plan and the Community Support Framework 2000-2006 as there is a legal requirement on member states to raise public awareness of the role of EU Structural Funds. The value of the contract awarded was €253,000 and €148,136 has been paid out on foot of it to date.

Departmental Staff.

142. **Mr. P. McGrath** asked the Minister for Finance the number of civil servants and other staff in his press office; and the grade and remuneration of each. [33058/04]

Minister for Finance (Mr. Cowen): The staffing, grade and remuneration of the Department of Finance press and information office is set out as follows. The actual pay of individuals is not given as this is deemed to be personal information.

Press and Information Office.

Grade / Title	Number	Salary Range
Press Officer	1	€60,467 — €75,610 (in receipt of allowance equivalent to 10% of salary)
Higher Executive Officer	1	€41,389 — €51,192
Executive Officer	1	€25,704 — €40,669
Clerical Officer	1	€20,520 — €33,274

In addition to the above there are four clerical officers who provide typing and administrative support services to my private office, the constituency office and to the Department of Finance press office.

143. **Mr. P. McGrath** asked the Minister for Finance the number of civil servants and

other staff employed in his constituency office; and the grade and remuneration of each. [33073/04]

Minister for Finance (Mr. Cowen): The staffing, grade and remuneration of my constituency office is set out. The actual pay of individuals is not given as this is deemed to be personal information.

Constituency Office — Dublin

Grade / Title	Number	Salary Range
Executive Officer	1	€25,704 — €40,669
Staff Officer	1	€29,391 — €39,118

Constituency Office — Tullamore.

Grade / Title	Number	Salary Range
Personal Secretary	1	€19,499 — €37,621
Personal Assistant	1	€39,035 — €49,529

In addition to the above there are four clerical officers who provide typing and administrative support services to my private office, the constituency office and to the Department of Finance press office.

Government Expenditure.

144. **Mr. Naughten** asked the Minister for Finance the draw down of funding in the BMW region under each funding category in each year of the NDP; the corresponding figures for the

initial projected spend in each category in each year; the estimated outturn figures for 2004 in each category and the initial projected outturn; and if he will make a statement on the matter. [33097/04]

Minister for Finance (Mr. Cowen): The table sets out the estimated actual annual NDP expenditure and original forecast under various categories of expenditure within the BMW region for the period 2000 to 2003 and an adjusted forecast for the half year to June 2004.

	Infrastructure	Human Resources Development and Social Inclusion	Agriculture & Forestry	Productive Sector	Total
	€ million	€ million	€ million	€ million	€ million
<i>2000</i>					
Expenditure	867	451	19	79	1,416
Forecast	1,066	595	99	281	2,041
<i>2001</i>					
Expenditure	1,190	503	16	155	1,864
Forecast	1,335	614	104	404	2,457
<i>2002</i>					
Expenditure	1,292	505	40	182	2,019
Forecast	1,568	608	106	440	2,722
<i>2003</i>					
Expenditure	1,292	580	50	181	2,103
Forecast	1,528	604	108	472	2,712
<i>2004 (to end June 2004)</i>					
Expenditure	429	275	24	57	785
Forecast	753	290	55	250	1,348
<i>Cumulative January 2000 to end June 2004</i>					
Expenditure	5,070	2,314	149	654	8,187
Forecast	6,250	2,711	472	1,847	11,280

Departmental Surveys.

145. **Mr. Kenny** asked the Minister for Finance the assessments which have been carried out on the extent of asbestos in public buildings here; and if he will make a statement on the matter. [33197/04]

Minister of State at the Department of Finance (Mr. Parlon): The Office of Public Works is engaged in an ongoing survey of approximately 6,000 State buildings, including Government offices, schools and Garda stations, to determine the location type, form and condition of any asbestos present. To date in excess of 3,000 surveys have been completed. Based on the knowledge of OPW staff, buildings most likely to contain deteriorating asbestos were prioritised for early inspection. It is intended to complete the balance of surveys next year.

Garda Stations.

146. **Mr. Ring** asked the Minister for Finance if the Office of Public Works will proceed with the purchase of land from a GAA club (details supplied) in County Mayo; and if he will make a statement on the matter. [33221/04]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works have agreed terms with the GAA club in Ballindine and another party to form a suitable site for a new Garda station. The commissioners will proceed with these acquisitions in accordance with the priority accorded it by the Department of Justice, Equality and Law Reform and subject to the availability of funding in 2005.

Tax Code.

147. **Mr. P. McGrath** asked the Minister for Finance his plans to reduce excise duty on rapeseed oil and other such products in the context of encouraging alternative energy sources, as is the practice in other EU countries; and if he will make a statement on the matter. [33255/04]

Minister for Finance (Mr. Cowen): The Deputy may be aware that section 98(a) of the Finance Act 1999, as inserted by section 50 of the Finance Act 2004, provides for the introduction of a scheme for excise tax relief for biofuels. The purpose of the scheme is to allow qualified and conditional relief from excise of biofuel used in approved pilot projects for either the production of biofuel or the testing of the technical viability of biofuel for use as a motor fuel.

The details of the scheme, which includes pure plant oil, biodiesel and bioethanol, are being finalised in conjunction with the Department of Communications, Marine and Natural Resources. The European Commission has confirmed that the scheme would represent a State aid and consequently its approval is required. The EU energy tax directive 2003 envisages such tax relief and the Commission has approved schemes for excise relief of biofuel in other EU member states. My Department, together with the Department of Communications, Marine and Natural Resources, has had a number of meetings with

European Commission officials in respect of this and it is expected that a formal application for Commission approval will be made shortly and, assuming approval is granted, the necessary commencement order will then be signed.

Pension Provisions.

148. **Caoimhghín Ó Caoláin** asked the Minister for Finance the pension entitlements which have accrued or will be issued to a person (details supplied). [33304/04]

Minister of State at the Department of Finance (Mr. Parlon): The award of pension entitlement is subject to the sanction of the Minister of Finance. I have asked the Commissioners of Public Works to make inquiries as to eligibility in this case. I shall communicate directly with the Deputy when the information is to hand. Any entitlement would, however, be preserved until 2015, the date on which the former employee would have reached his normal retirement age.

Decentralisation Programme.

149. **Mr. Wall** asked the Minister for Finance the position regarding decentralisation for Athy, County Kildare; the position regarding land or property acquisition for the provision of facilities for his Department; the number of staff who have indicated an interest in the Athy option; and if he will make a statement on the matter. [33379/04]

Minister for Finance (Mr. Cowen): The report from the decentralisation implementation group dated 19 November 2004 did not include Athy, County Kildare, as a location in the first phase of moves. A further report will issue from the group in spring 2005 dealing with all remaining locations, including Athy. I have been informed by the Revenue Commissioners that the Office of Public Works is examining a number of proposals on a suitable site in Athy. The data from the central applications facility published in September showed that a total of 134 persons have applied for decentralisation with the Revenue Commissioners to Athy as their first choice.

150. **Mr. Wall** asked the Minister for Finance the position regarding decentralisation for Kildare town, County Kildare; the position regarding land acquisition for the provision of facilities for his Department; the number of staff who have indicated an interest in the Kildare option; and if he will make a statement on the matter. [33380/04]

Minister for Finance (Mr. Cowen): The report from the decentralisation implementation group dated 19 November 2004 did not include Kildare town, County Kildare as a location in the first phase of moves. A further report will issue from the group in spring 2005 dealing with all remaining locations, including Kildare town. My Department, the Revenue Commissioners and the Office of Public Works are in the process of preparing a brief of requirements for accommodation of the units decentralising to Kildare town. When the brief is finalised the process of pursuing a prop-

erty solution will be progressed by the Office of Public Works.

The data from the central applications facility published in September showed that a total of 35 persons have applied for decentralisation to Kildare town with my Department and a total of 120 persons have applied for decentralisation to Kildare town with the Revenue Commissioners as their first choice.

151. **Mr. P. McGrath** asked the Minister for Finance if it is possible for persons employed by An Post who are former employees of the Department of Post and Telegraphs and still holding Civil Service status to transfer to another Government Department under the proposed scheme of decentralisation. [33386/04]

Minister for Finance (Mr. Cowen): All applications to participate in the decentralisation programme must be submitted through the central applications facility launched in May 2004. The creation of the central application facility was recommended by the decentralisation implementation group in its March 2004 report. In paragraph 2.13 of the report, the implementation group recommended that applications would be invited from all civil servants, staff of all non-commercial State sponsored bodies and the two commercial State companies included in the programme. Staff of the remaining commercial state companies, including An Post, are not eligible to participate in the programme.

Tax Code.

152. **Mr. Connaughton** asked the Minister for Finance if he has proposals to relax the tax on soft drinks in public houses; if his attention has been drawn to the fact that a pint of water is now 50% more expensive than a pint of stout (details supplied) in a public house; and if he will make a statement on the matter. [33388/04]

Minister for Finance (Mr. Cowen): In so far as there is a difference between the price of soft drinks and alcoholic beverages in public houses, the margin referred to by the Deputy is not due to taxation. Soft drinks, fruit juices and bottled water are subject to VAT at the standard rate of 21%. This VAT rate is also applicable to alcoholic beverages. However, alcoholic beverages are also subject to excise duties which amount to approximately 47 cent for a pint of stout. Therefore, tax is not the main determinant of price with regard to these products. I have no plans to reduce to the current VAT rate applicable to soft drinks, fruit juices and bottled water.

153. **Ms Shortall** asked the Minister for Finance the social welfare payments which are taxable; and if he will make a statement on the matter. [33538/04]

Minister for Finance (Mr. Cowen): Subject to the exemptions and partial exemptions outlined, the social welfare payments listed are taxable. It should be noted that where a social welfare payment is taxable, the extent, if any, to which taxation will actually arise in any given case will

depend on the level of other income a recipient and his or her spouse, where applicable, have in the same tax year. If there is no other income in addition to the social welfare payment, the existing personal tax credits and exemption limits can generally be expected to ensure that there is no tax to be paid on the social welfare income.

Taxable Social Welfare Payments

- Old age pension (contributory)
- Old age pension (non-contributory)
- Retirement pension
- Widow's-widower's pension (contributory)
- Widow's-widower's pension (non-contributory)
- Blind person's pension
- Orphan's allowance (contributory)
- Orphan's pension (non-contributory)
- Disablement benefit (taxable only if payable in the form of periodic payments and not taxable if paid as a once off gratuity)
- One-parent family payment
- Disability benefit
- Interim disability benefit
- (Occupational) injury benefit
- Carer's allowance
- Carer's benefit
- Unemployment benefit
- Invalidity pension
- Disablement pension
- Unemployability supplement (payable with disablement pension)
- Constant attendance allowance (payable with disablement pension)

Notes on exemptions and partial exemptions:

The special tax exemption in relation to unemployment benefit payable to systematic short time workers was extended in the recent budget to 31 December 2006. The child dependant amounts which are payable with most of the payments set out are also taxable with the exception of the child dependant amounts payable with unemployment benefit, disability benefit, interim disability benefit and occupational injury benefit, that is, the child dependant amounts payable with these four benefits are exempt from tax. As regards unemployment benefit, the first €13 per week is exempt from tax. The first six weeks of disability benefit, occupational injury benefit and interim disability benefit in any tax year are exempt from tax.

154. **Ms Shortall** asked the Minister for Finance the breakdown and total of tax credits and total income tax bill that will apply in 2005 to employees in respect of persons (details supplied), without reference to PRSI, health levies or any tax credits other than single, married and employee credits. [33539/04]

Minister for Finance (Mr. Cowen): The position as regards the three scenarios mentioned by the Deputy is as follows. In the case of a single person earning €24,000, the individual will be entitled to the single person's tax credit of €1,580 and the employee tax credit of €1,270, giving total

[Mr. Cowen.]
tax credits of €2,850. The total income tax bill for 2005 will be €1,950.

In the case of a married couple with one income earning €40,000 the couple will be entitled to the married person's tax credit of €3,160 and one employee tax credit €1,270 in respect of the working spouse, giving total tax credits of €4,430. The total income tax bill for 2005 will be €3,922.

In the case of a married couple with two incomes, one €40,000 and one €15,000, the couple will be entitled to the married person's tax credit of €3,160 and two employee credits totalling €2,540, that is, €1,270 by two, giving total tax credits of €5,700. The total income tax bill for 2005 will be €5,652. It is assumed in this case that the spouses are jointly assessed for tax. The calculations as regards the three scenarios are as follows.

Scenario 1 — Single person earning €24,000 per annum.

Taxable income	€24,000
Tax due	€24,000 @ 20% = € 4,800
Less tax credits:—	
Single person's tax credit	€1,580
Employee credit	€1,270
Total of tax credits	€2,850
Total income tax bill	€1,950

Scenario 2 — Married couple with one income earning €40,000 per annum.

Taxable income	€40,000
Tax due	€38,400 @ 20% = € 7,680 €1,600 @ 42% = € 672 €8,352
Less tax credits:—	
Married person's tax credit	€3,160
Employee credit	€1,270
Total of tax credits	€4,430
Total income tax bill	€3,922

Scenario 3 — Married couple with two incomes, one of €40,000 per annum and one of €15,000 per annum. It is assumed the spouses are jointly assessed for tax.

Taxable income	€55,000
Tax due	€53,400 @ 20% = €10,680 (See Note) €1,600 @ 42% = €672 €11,352

Taxable income	€55,000
Less tax credits:—	
Married person's tax credit	€3,160
Employee credit X 2	€2,540
Total of tax credits	€5,700
Total income tax bill	€5,652

Note: Where both spouses are working, the first €38,400 of taxable income is chargeable to tax @ 20% and this €38,400 may be increased by the lesser of €20,400 or the amount of the taxable income of the spouse with the smaller income. In scenario 3, the 20% rate band of €38,400 is extended to cover the other spouse's income of €15,000 giving €53,400 (€38,400 + €15,000) taxable only at 20%.

Marine Accidents.

155. **Mr. Costello** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the contents of the marine casualty investigation board report on a vessel (details supplied) published in 2003; if his attention has further been drawn to the allegations contained therein; if he intends to refer the report to the Garda; and if he will make a statement on the matter. [33013/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The tragic incident involving the loss of the fishing vessel the *Lisa Selina* and its crew was investigated by the marine casualty investigation board under the Merchant Shipping (Investigation of Marine Casualties) Act 2000. A report on the matter was published by the board on 13 July 2004 following legal vetting and the application of natural justice procedures. The report is available on the Internet at www.mcib.ie and a printed copy is also available free of charge to anyone who requests one.

The main purpose of the board's investigation is to establish the cause or causes of a marine casualty with a view to making recommendations to me for the avoidance of similar marine casualties. Investigations carried out by the MCIB do not attribute blame or fault. While it is not clear what allegations the Deputy is referring to in this case, the Garda is free to undertake an independent investigation into any marine casualty incident and pursue whatever course of action it considers appropriate.

Six recommendations were made to the Department for follow up action to prevent a recurrence of similar casualties. Issuing marine notices and drawing the industry's attention to the various recommended actions and dangers highlighted in the report have implemented four of these recommendations. The Department is considering the implementation of the two remaining recommendations as part of the overall policy for effective enforcement to bring about compliance with the various regulatory regimes in place for fishing vessels.

Fisheries Protection.

156. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources the number of foreign fishing vessels which have been boarded by the Naval Service in the sea area between 11° W and 14° W off the south west coast; and the number of these that were caught using illegal nets. [33037/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Irish Naval Service has boarded 194 non-Irish fishing vessels so far in 2004 in the area between 11° W and 14° W off the south west coast. None of these fishing vessels was caught using illegal fishing gear.

157. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources if he will make a statement on the use of illegal mesh nets by non-national fishing boats in Irish waters. [33038/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The use of various sized meshes to capture fish in different fisheries is laid down under European Community law. The mesh sizes proscribed are an important part of the technical conservation measures laid down under the European Common Fisheries Policy. These rules apply

to all European fishing vessels fishing in Community waters. Officials from the Department of Communications, Marine and Natural Resources and officers from the Irish Naval Service perform checks on fishing gear to ensure it is being used legally.

Public Relations.

158. **Mr. P. McGrath** asked the Minister for Communications, Marine and Natural Resources the number and value of contracts awarded for public relations projects by his Department since June 2002. [33044/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): My Department has not awarded any contracts for public relations projects since June 2002.

Departmental Staff.

159. **Mr. P. McGrath** asked the Minister for Communications, Marine and Natural Resources the number of civil servants and other staff in his press office; and the grade and remuneration of each. [33059/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The number of civil servants and other staff currently employed in the press office, which covers the Minister, Minister of State and Department generally, is as follows:

Title	Number	Grade/ Grade Equivalent	Remuneration
Press Advisor	1	Principal Officer	PO salary scale (full PRSI) €75,780 (min) to €93,733 (2nd long service increment)
Higher Executive Officer	1	Higher Executive Officer	HEO salary scale €39,035 (minimum) to €49,529 per annum (second long service increment)
Executive Officer	2	Executive Officer	Executive Officer salary scale (full PRSI) €27,057 (minimum) to €42,805 (second long service increment)
Clerical Officer	1	Clerical Officer	Clerical Officer salary scale €19,493 (minimum) to €31,612 (second long service increment)
Clerical Officer	(2 work-sharing) 1	Clerical Officer	Clerical Officer salary scale (full PRSI) €20,520 to €33,274 (second long service increment)

160. **Mr. P. McGrath** asked the Minister for Communications, Marine and Natural Resources the number of civil servants and other staff employed in his constituency office; and the grade and remuneration of each. [33074/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The number of civil servants and other staff currently employed in my constituency office is as follows:

Title	Number	Grade/ Grade Equivalent	Remuneration
Personal Assistant	1	Higher Executive Officer	HEO salary scale €39,035 (minimum) to €49,529 (second long service increment)
Personal Secretary	1	Secretarial Assistant	Secretarial Assistant salary scale €19,499 — €37,621 per annum (second long service increment)
Clerical Officer	3	Clerical Officer	Clerical Officer salary scale (full PRSI) €20,520 to €33,274 (second long service increment)

Inland Fisheries.

161. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources if a consultancy report (details supplied) has been published on inland fisheries; and if he will make a statement on the matter. [33133/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): My predecessor appointed consultants to undertake a high level review of the inland fisheries sector. The consortium of consultants is led by Farrell Grant Sparks Consulting and comprises the centre for environment, fisheries and aquaculture science and the National Institute for Regional and Spatial Analysis, NUI, Maynooth.

The review will deliver a root and branch examination of the State's role and objectives in the inland fisheries sector. The consultants are required to evaluate the adequacy of the current model for the governance of inland fisheries sector; to define the current relationship between the Government, the Departments and the inland fisheries sector and suggest new more effective models; and to recommend a structure which will contribute to the optimum development of the inland fisheries resource.

I am advised by the independent steering group, established by the Minister to oversee the work of the consultants, that while the complex review is not yet complete, the process is coming to a close and the consultants expect to present their report to me early in the new year. While I appreciate that previous indications were that I expected to receive this report before now, I am sure the Deputy will nevertheless agree that, given the size and complexity of the task assigned to them, it is important that the consultants be allowed the necessary time to deliver a report which fully and comprehensively addresses all the issues. I have asked the steering group to ensure, however, that there is no undue delay in the process.

Pension Provisions.

162. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources when retired workers from An Post will receive retrospective payments from 1 November 2003, under Sustaining Progress; the efforts being made to have these payments made; and if he will make a statement on the matter. [33134/04]

167. **Mr. English** asked the Minister for Communications, Marine and Natural Resources if An Post will be instructed to pay the 3% increase in the pensions of retired An Post pensioners; and if he will make a statement on the matter. [33176/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 162 and 167 together.

I acknowledge the difficulties created for pensioners by the current position in An Post, which I regret. Authority to implement pension increases was delegated to An Post by the Department on 26 May 1989. Traditionally, An Post has granted increases to serving staff in line with national pay agreements. Increases to pensioners have then subsequently been applied in line with increases granted to serving staff.

The current position arises because of the ongoing failure of management and unions to agree payment and productivity terms in light of the current financial position of An Post. Due to the non-payment of Sustaining Progress increases to serving employees in An Post, the company had decided that pensioners would not be paid the increases, as the practice has been to maintain parity between pay and pensions. Notwithstanding this position, I have expressed my concern to the board and management of An Post about the position regarding pensioners and discussions between relevant Departments and officials on the matter are ongoing.

Postal Services.

163. **Mr. McCormack** asked the Minister for Communications, Marine and Natural Resources if he will make a statement on the decision of An Post to discontinue the special delivery service from January 2005; the reasons for this; and if he will make a statement on the matter. [33136/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): There have been heavy losses in recent years at An Post's parcel delivery subsidiary, the special delivery service or SDS. These losses amounted to €18 million over a three year period to 2003, with losses of €12 million in 2003 alone. Further losses, forecast at €10 million, are likely to be sustained in 2004. In these circumstances, the board of An Post at its July meeting decided to close SDS and to re-integrate the parcels business into the letter post division. A total of 180 SDS jobs will be re-integrated into letter post and an entirely voluntary redundancy package will be introduced for an anticipated 270 job losses. The redundancy package will be funded by property disposals.

It is my understanding that, following a request from ICTU, the national implementation body held a hearing to determine whether the company breached the partnership terms of Sustaining Progress in making its decision to reintegrate SDS. The national implementation body, as part of its determination proposed that an independent facilitator be agreed to share the financial details and institute a process for information sharing. Mr. Peter Cassells has been appointed as facilitator and the process has been up and running for some time.

I stress that both An Post management and the Communications Workers' Union have agreed that issues arising from the closure of SDS would be handled through the national implementation body process. Any unresolved issues arising from

this process can be referred to the Labour Relations Commission and-or Labour Court, as appropriate.

Coastal Protection.

164. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources if he will allocate funding to Clare County Council for remedial measures to protect the road at Ross Bay, Kilbaha, County Clare from the sea; and if he will make a statement on the matter. [33137/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Responsibility for coast protection rests with the property owner, whether it be a local authority or a private individual. In July 2002 my Department requested all coastal local authorities to submit proposals, in order of priority, for consideration in the context of the 2003-06 national coast protection programmes. Clare County Council submitted a number of proposals for coast protection works, including proposed works at Ross, Kilbaha, estimated at €600,000. This proposal was number seven in the county council's order of priority. There was no Exchequer funding for this project in 2004. The question of funding this proposal in the post-2004 period will be considered in the context of the Exchequer allocation for coast protection works and overall national priorities.

165. **Mr. Morgan** asked the Minister for Communications, Marine and Natural Resources the criteria his Department applied when establishing priorities for coastal protection projects; if there is a priority regime in place which promotes the protection of county roads over the protection of individual homes; and if he will make a statement on the matter. [33155/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Primary responsibility for coast protection rests with the property owner, whether it be a local authority or a private individual. The priority is to safeguard human life and protect public property, including roads and other public infrastructures and amenities. My Department has no funding available for the protection of private property.

In July 2002 the Department invited all coastal local authorities to submit proposals, in order of priority, for consideration in the 2003-06 period. All proposals received are carefully examined in the Department in accordance with priority criteria as follows: protect public safety, public property or infrastructure; protect areas of socio-economic, tourism or recreational importance; support the economic development or increase the economic potential of coastal regions; provide essential protection for areas or features of environmental or heritage significance; and avert

the need for costly remedial works at a later stage.

Telecommunications Services.

166. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if, with regard to the recent highly publicised announcements of broadband facilities, the level of service, in particular, the repair facility will be maintained for non-broadband customers; and if he will make a statement on the matter. [33172/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The level of service and repair facilities for telecommunications customers is an operational matter for the private sector and I have no function in the matter.

Question No. 167 answered with Question No. 162.

Mobile Telephony.

168. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has used his directive prerogative to encourage an improvement in the quality and coverage of mobile telephone services throughout the country; if he has given direction to the regulator in this regard; and if he will make a statement on the matter. [33180/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Commission for Communications Regulation, ComReg as the independent regulator of the sector, has the responsibility under the transposed European regulatory framework for electronic communications networks and services, and the Communications (Regulation) Act 2002, to regulate the electronic communications sector, including the areas raised by the Deputy. It has statutory independence in carrying out this function.

As Minister for Communications, Marine and Natural Resources, I have responsibility for overall strategic policy and legislation in the sector. In this regard section 13 of the Communications (Regulation) Act 2002 allows me to issue policy directions to ComReg, in the interest of the proper and effective regulation of the electronic communications markets. However, actual regulatory interventions or decisions relating to operators, such as quality and coverage, are the responsibility of ComReg, the independent regulator. In March 2004 my predecessor issued policy directions including a direction on competition. These directions can be viewed on my Department's website at www.dcmnr.ie.

Seamen's Memorial.

169. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources his plans for a public recognition by way of a memorial to acknowledge the sacrifice made by

[Mr. Perry.]

Irish seamen (details supplied) to ensure supplies into the country and to protect Ireland's wartime neutrality. [33217/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): A memorial committee was established in 1977 to honour the seamen lost while serving on Irish ships during the Emergency, 1939 to 1946. The committee consisted of members of the Irish Association of Master Mariners, the Maritime Institute of Ireland, the Marine, Port and General Workers' Union and the Seamen's Union of Ireland. A site for the memorial, on City Quay in Dublin, was provided by Dublin Corporation and on Sunday 6 May 1990, the official opening of the memorial took place, presided over by the then President of Ireland, Dr. Patrick Hillery. The memorial consists of a 20 foot high monolith of Wicklow granite, fronted by a 17 foot anchor, and it bears the names of the seafarers and ships lost during the Emergency, including the crew of the Irish registered vessel, the *Irish Pine*.

I recognise the enormous sacrifice made by Irish seafarers who contributed towards maintaining supplies into Ireland during the Emergency period. I will give consideration to the form of any further recognition that might be warranted particularly with regard to the tragic loss on 15 November 1942 of the 33 crewmen of the *Irish Pine*. I will consult as necessary and I will revert to the House in this regard as soon as practicable.

Telecommunications Services.

170. **Mr. Neville** asked the Minister for Communications, Marine and Natural Resources the position regarding discussions with Eircom on continuing the 999 emergency telephone service; and if he will guarantee the availability of this service into the future. [33271/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Discussions are ongoing with Eircom and other telecommunications operators on the funding of the emergency call answering service. These discussions only relate to the funding of the service. Eircom has confirmed that there has been no change in the level and quality of the emergency call answering service.

Alternative Energy Projects.

171. **Mr. Murphy** asked the Minister for Communications, Marine and Natural Resources when he will announce the details of the extra 140 MW recently approved by the EU under AER VI. [33461/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I announced the allocations, by category and by applicants, of the remaining unallocated AER VI

support yesterday, Monday 13 December. Full details of the successful applicants and the allocations are available on my Department's website at www.dcmnr.ie.

Postal Services.

172. **Mr. Murphy** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to An Post's efforts to contract out postal deliveries, particularly in rural areas; and his views on whether this will inevitably lead to a reduction in the number of daily deliveries in rural areas. [33462/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The universal service obligation which includes nationwide delivery requirements is enshrined in EU and Irish law. It is, therefore, a statutory requirement for An Post as the designated universal service provider. The issue of detailed arrangements for delivery of mail on a nationwide basis is separate and one which does not dilute in any way the universal service obligation imposed on An Post. As part of the process of restructuring, aimed at improving the efficiency of postal services, An Post has in mind a pilot project with regard to "owner drivers". The matter is an operational one for consideration by the board and management of An Post and, therefore, one for which I have no function.

173. **Mr. Murphy** asked the Minister for Communications, Marine and Natural Resources if he intends to fund the social elements in An Post services to ensure that these services will continue in rural areas. [33463/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Government is committed to a viable and sustainable nationwide post office network. To further this objective, the Government has already provided an equity injection of €12.7 million for An Post to facilitate the modernisation of the post office network. The equity injection was paid to the company in 2003 and with this in mind, the Government is not considering providing a subsidy or subvention towards the post office network.

As a practical commitment to the future of the post office network, An Post continues to pursue new business opportunities. Additional business won includes bill paying facilities for the ESB, telephone top-ups through its Postpoint service and a contract with the AIB under which the bank's customers can access their accounts through the network. Further opportunities from both the public and private sectors are being actively explored by the company with a view to bringing on stream additional services at the post office counter, wherever possible.

The long-term future of the post office network can only be secured by meeting the needs of cus-

tomers. In this regard, I have asked the Irish Postmasters Union and An Post to work in partnership with a view to securing existing business and to pursuing new business opportunities as they arise. As outlined above, that strategy is being followed with some success by the company.

Regarding rural postal services, the universal service obligation which includes nationwide delivery requirements is enshrined in EU and Irish law and, therefore, it is a statutory requirement for An Post as the designated universal service provider. Arising from the universal service obligations imposed on An Post, part of the postal market is still solely reserved to the company.

Border Road Closures.

174. **Cecilia Keaveney** asked the Minister for Foreign Affairs, further to Question No. 184 of 7 July 2004, the position as regards a location (details supplied) in County Donegal; and if he will make a statement on the matter. [33024/04]

Minister for Foreign Affairs (Mr. D. Ahern): I am aware that the closure of the section of Cannings Lane, off Coney Road, which lies in Northern Ireland, continues to be a matter of concern to the citizens of Muff, County Donegal, as it is to the Deputy. My Department has raised this matter on numerous occasions with the relevant Northern Ireland authorities and with the British Government through the British-Irish intergovernmental secretariat. We will continue to do so but a particular difficulty is that a way forward on the issue between the relevant authorities and the landowner in question has not yet been found.

Grade	Number	Pay scale
Counsellor	1	€71,990 — €89,047
First Secretary	1	€55,057 — €68,651
Third Secretary	2	€29,456 — €52,136
Clerical Officer	2	€20,520 — €33,274
Total	6	

I have also appointed a press adviser, under terms and conditions of employment set by the Minister for Finance. The applicable pay scale is principal officer standard, that is, €71,990 — €89,047.

177. **Mr. P. McGrath** asked the Minister for Foreign Affairs the number of civil servants and

Grade	Number	Pay scale
Personal Assistant (non-established)	1	€39,035 — €49,529
Executive Officer	1	€27,057 — €42,805
Clerical Officer	4	€20,520 — €33,274
Total	6	

Public Relations Contracts.

175. **Mr. P. McGrath** asked the Minister for Foreign Affairs the number and value of contracts awarded for public relations projects by his Department since June 2002. [33045/04]

Minister for Foreign Affairs (Mr. D. Ahern): There was no expenditure on public relations in 2002 by the Department of Foreign Affairs. While no public relations consultants or companies were employed by the Department of Foreign Affairs in 2003 and 2004, a design company was employed, following a tendering process, by Development Co-operation Ireland, a division of the Department of Foreign Affairs. The company was paid €46,201.50 in 2003 for work on the design and printing of various publications.

A design company was also employed by the Department, following a tender process, for work relating to the design and branding for the EU Presidency and the launch of the Presidency logo. The company was paid €43,461.37 in 2003 for this work. The same company was paid €23,466.74 in 2004 for a promotion campaign for the EU Presidency website. The greater part of this amount was for the purchasing of media advertising space in national newspapers and on local radio.

Departmental Staff.

176. **Mr. P. McGrath** asked the Minister for Foreign Affairs the number of civil servants and other staff in his press office; and the grade and remuneration of each. [33060/04]

Minister for Foreign Affairs (Mr. D. Ahern): The table below sets out the number of personnel working in the Department's press office, their grades and pay scales:

other staff employed in his constituency office; and the grade and remuneration of each. [33075/04]

Minister for Foreign Affairs (Mr. D. Ahern): The following table sets out the number of personnel in my constituency office, their grades and pay scales:

Diplomatic Representation.

178. **Mr. Perry** asked the Minister for Foreign Affairs if he plans to establish a consulate in Belgrade, in view of the tourism potential in this region; and if he will make a statement on the matter. [33173/04]

Minister for Foreign Affairs (Mr. D. Ahern): Ireland opened diplomatic relations with what is now the State Union of Serbia and Montenegro in April, 1977 and our ambassador to Hungary is accredited there on a non-resident basis. An honorary consul was appointed in Belgrade in December, 2003. The opening of resident Irish missions abroad is considered by the Government on an ongoing basis. As the Deputy will appreciate, however, there are constraints on Government expenditure and limits on the resources that can be made available for new missions. Any expansion of our diplomatic network must take this into account and must be based on a thorough assessment of the costs and benefits involved. At present there are no plans to open a consulate or resident mission in Belgrade.

Human Rights Issues.

179. **Mr. G. Mitchell** asked the Minister for Foreign Affairs if his attention has been drawn to the detention of a person (details supplied) in Zimbabwe; if he will raise this matter with the Government of Zimbabwe and at the GAERC; and if he will make a statement on the matter. [33222/04]

Minister for Foreign Affairs (Mr. D. Ahern): I am aware of the decision of the Zimbabwean Parliament on 28 October 2004 to impose a sentence of 12 months imprisonment with labour on Roy Bennett, the Movement for Democratic Change, MDC, Member of Parliament for Chimanimani constituency. While not condoning the action for which Mr. Bennett was sentenced, the sentence imposed is clearly disproportionate to the offence committed. This, I understand, would normally attract a maximum fine of approximately €12, had it been tried in an ordinary Zimbabwean court. The severe sentence imposed on Mr. Bennett, which results from an action by the Zimbabwean Parliament rather than the Government, forms part of an overall pattern of harassment, intimidation and violence which opposition politicians and supporters have faced in Zimbabwe for some years now. Regrettably, the overall human rights situation in Zimbabwe continues to deteriorate, with arbitrary arrests and political violence continuing while legislation has just been enacted by the Zimbabwean Parliament which will impose serious restrictions on the activities of human rights NGOs operating in Zimbabwe. Ireland and its EU partners continue to take the lead in highlighting the serious human rights situation in Zimbabwe, including through tabling a resolution on the issue at the recent session of the UN General Assembly. The EU will continue to press for the repeal of repressive legislation and

an end to attacks on basic freedoms by the Zimbabwean authorities. Such political reforms are crucial if there is to be any prospect of free and fair parliamentary elections in Zimbabwe next March, carried out in accordance with the principles and guidelines on democratic elections adopted by the SADC, Southern African Development Community, summit in Mauritius last August and with which the Zimbabwean Government has said it will comply.

United States Deportations.

180. **Mr. Deasy** asked the Minister for Foreign Affairs the number of ongoing deportation cases of Irish citizens from the United States that are being dealt with by his Department; and the number of Irish citizens that have been deported each year for the past five years from the United States. [33305/04]

Minister for Foreign Affairs (Mr. D. Ahern): My Department is aware of eight Irish nationals awaiting deportation from the United States. Figures published by the US Office of Immigration Statistics report that 290 Irish nationals were deported from the United States between 1999 and 2004. Of these, 191 were categorised by the United States authorities as “non-criminal” deportations and are likely to have arisen from immigration offences. The embassy in Washington and our network of consulates continue to work closely with Irish citizens in vulnerable circumstances in the United States. Through the ongoing efforts of our embassy and my own contacts and those of my Cabinet colleagues with political leaders in the United States, I will continue to encourage and support measures that would benefit Irish citizens in the United States.

Irish Prisoners Abroad.

181. **Mr. Lowry** asked the Minister for Foreign Affairs his views on the plight of a person (details supplied) imprisoned in the UK; if he will raise the matter with the British Prime Minister; his strategy to ensure the release of the person involved; and if he will make a statement on the matter. [33414/04]

Minister for Foreign Affairs (Mr. D. Ahern): I am aware of this case and, on my instructions, the case continues to be closely monitored by my Department through the Irish Embassy in London. The embassy in London remains in contact with both the person himself and his solicitor. A diplomatic officer from the embassy made a recent visit on 25 November 2004 to him at HMP Gartree. I understand he informed the diplomatic officer that he is receiving treatment for his medical problems at an outside hospital, that the treatment is ongoing and that the prison authorities are fully responsive and helpful in this regard. I also understand that the solicitor is still seeking appropriate grounds on which either to lodge an appeal against conviction or to seek to have the case reopened. This is against the background

where the person in question pleaded guilty at his original trial and was given a mandatory sentence. I can assure the Deputy that my Department will continue to keep in contact with the person concerned, his solicitor and his family, and to provide all appropriate consular assistance and advice. I will consider whether there is any further action that I might take when the legal position has been clarified.

Public Relations Contracts.

182. **Mr. P. McGrath** asked the Minister for

PR Consultant	Service Provided	Year	Value of Contract
			€
Kate Bowe PR Ltd.	Irish Festival in China Provision of Public Relations Management Services	2003/4	71,623.93 (paid to date)
Siobhán Colgan	EU Presidency Cultural Programme Public Relations Management Services Contract term 7 months	2003/4	32,777.53
Murray Consultants	PR Consultants for the Department.	2003/2004	101,667.92 (paid to date)
Murray Consultants	PR Consultants for the Department (New Contract with effect from 1 December 2004).	2004/2005	4,500 per month retainer
Kate Bowe PR Ltd.	Public relations costs for "ReJoyce" Festival	2004	4,800
Fleishman — Hilliard Saunders	Public relations costs for "ReJoyce" Festival	2004	128,581
Brenda O'Hanlon	Public Relations for the National Library (Contracts x 3)	2002/03/04/05	60,662.72 (paid to date)

Departmental Staff.

183. **Mr. P. McGrath** asked the Minister for Arts, Sport and Tourism the number of civil servants and other staff in his press office; and the grade and remuneration of each. [33061/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The staffing of my Department's press office consists of one higher executive officer, one executive officer and one part-time clerical officer, 50%, all of whom are established civil servants. They all receive the appropriate remuneration applicable to their grades.

184. **Mr. P. McGrath** asked the Minister for Arts, Sport and Tourism the number of civil servants and other staff employed in his constituency office; and the grade and remuneration of each. [33076/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): There are 6.2 staff currently employed in my constituency office. The grade breakdown is as follows: 2 Executive officers 3.2 Clerical officers, job-sharing 1 Personal secretary The staff at executive and clerical officer grade are paid at the appropriate rate of remuneration applicable to the grades, and my personal secretary receives the Office of the Houses of the Oireachtas secretarial assistant salary along with a 10% attraction allowance. The executive and clerical officers are all established civil servants.

Arts, Sport and Tourism the number and value of contracts awarded for public relations projects by his Department since June 2002. [33046/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Since the establishment of my Department in June 2002 the following contracts have been awarded for public relations projects. I set out hereunder the details requested in respect of the public relations contracts:

Sports Capital Programme.

185. **Mr. G. Mitchell** asked the Minister for Arts, Sport and Tourism the assistance or grants which are available to a community group hall (details supplied) in Dublin 8; and if he will make a statement on the matter. [33147/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): It is open to the project in question to apply for funding in respect of sports-related elements of the project under the national lottery-funded sports capital programme, which is administered by my Department. The programme allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis. Applications for funding under the 2005 sports capital programme were invited in the press on 5 and 6 December last. Application forms and guidelines, terms and conditions for the programme are available either directly from the sports capital unit of my Department or on-line from my Department's website, www.dast.gov.ie. The deadline for receipt in my Department of application forms and all necessary supporting documentation is 5 p.m. on Friday, 4 February 2005.

186. **Mr. Neville** asked the Minister for Arts, Sport and Tourism when application forms and specifications are available for 2005 in relation to

[Mr. Neville.]
the capital grants for sport and recreational facilities. [33151/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Applications for funding under the 2005 sports capital programme were invited through advertisements in the press on 5 and 6 December last. Application forms and guidelines, terms and conditions for the programme are available either directly from the sports capital unit of my Department or on-line from my Department's website, *www.dast.gov.ie*. The deadline for receipt in my Department of application forms and all necessary supporting documentation is 5 p.m. on Friday, 4 February 2005.

Decentralisation Programme.

187. **Mr. Murphy** asked the Minister for Arts, Sport and Tourism when the decentralisation of his Department to Killarney will take place; the number of staff of the various grades who have applied for positions in Killarney; and the number of staff required for the decentralisation. [33223/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): According to the latest report from the decentralisation implementation group, chaired by Mr. Phil Flynn, my Department is listed in table 1 to be included in the first phase of moves. It is expected that the building work on the new premises will commence in the last quarter of 2005 and be completed in the first quarter of 2007 with the transfer of staff to follow in mid-2007. Details in regard to the number of staff in the various grades who have applied for decentralisation to Killarney are set out in the following table. Under the programme of decentralisation, 140 posts in my Department will be transferring to Killarney.

Department of Arts, Sport and Tourism.

Grade	Number
Civil Service- Accountant/Auditor/Financial Accountant	1
Professional Accountant Grade 1	1
Senior Auditor	0
Trainee Auditor	1
<i>Civil Service — Agriculture</i>	
Assistant Agricultural Inspector	1
<i>Civil Service — Clerk</i>	
Clerk 1	7
<i>Civil Service — Engineer</i>	
Engineer Grade II	0
<i>Civil Service — General Administration</i>	
Administrative Officer	3
Assistant Principal Higher	5
Assistant Principal	20
Clerical Officer	41
Executive Officer	38
Head Service Officer	1

Grade	Number
Higher Executive Officer	31
Principal	2
Principal Higher	2
Service Officer	1
Staff Officer	3
<i>Civil Service — Inspectors</i>	
Inspector	1
<i>Civil Service — IT</i>	
Clerical Officer	1
Executive Officer — Junior System Analyst	1
Higher Executive Officer — System Analyst	1
Staff Officer — Senior Programmer	1
<i>Civil Service — Mapping</i>	
Superintendent Mapping and Applotment	1
<i>Civil Service — Miscellaneous</i>	
Statistician	3
Tax Officer	0
<i>Civil Service Prison Service</i>	
Assistant Governor Works	1
Prison Officer	1
<i>Public Service — General/Admin</i>	
ADM Grade 3	2
ADM Grade 5	0
Higher Executive Officer	1
Principal	1
Total	173

Fuel Prices.

188. **Ms Lynch** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the fact that the price of oil in euro terms continues to fall; when he expects the consumers of home heating oil will enjoy the benefits of this decrease; the steps his Department will take to ensure these benefits are passed on; and if he will make a statement on the matter. [32999/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): There are no price controls in place on home heating oil and I am not in a position to force suppliers to reduce the price when input costs fall. Notwithstanding this, I believe suppliers have an obligation to pass on reductions in raw material costs in the form of lower prices. I think this is particularly so because there is a perception that suppliers are sometimes quick to pass on price increases when costs move in the opposite direction. The most effective form of price control is competition in the market place and it is the responsibility of my Department, the Competition Authority and the Director of Consumer Affairs to ensure that the market operates fairly and to the benefit of all consumers. I urge consumers to make themselves aware of the prices charged by the various suppliers of this product so that they can avail themselves of the best prices.

If the Deputy is aware of any factors that might be inhibiting competition in the market for home heating oil, I would be delighted to hear from her and I will certainly arrange for her concerns to be passed on to the Competition Authority or other appropriate enforcement agencies.

Community Employment Scheme.

189. **Ms Lynch** asked the Minister for Enterprise, Trade and Employment the number of community employment scheme participants who have been employed by the same employer for 104 weeks or more and have had their contract terminated due to redundancy arising from the withdrawal of a community employment place; the number of these participants who have been paid their entitlements to statutory redundancy; and if he will make a statement on the matter. [33000/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): I am informed by FÁS that the information being sought could not be collated in the time available. When it comes to hand I shall communicate with the Deputy.

190. **Ms Lynch** asked the Minister for Enterprise, Trade and Employment the reason persons (details supplied) in County Cork, who were employed in a community employment scheme, paid a class A PRSI contribution, worked for more than 104 weeks for the same employer and had their contracts terminated due to the withdrawal of the community employment places, were not paid redundancy under the Redundancy Payments Acts 1967 to 2003; and if he will make a statement on the matter. [33001/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): I am informed by FÁS that the persons to whom the Deputy refers were replaced on the expiry of their employment with Cork City VEC. The legal advice available is that redundancy does not arise in such a situation.

Public Relations Contracts.

191. **Mr. P. McGrath** asked the Minister for

Enterprise, Trade and Employment the number and value of contracts awarded for public relations projects by his Department since June 2002. [33047/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): From June 2002 until the current date, three public relations companies have been engaged by my Department. Peter G White Ltd. was paid €1,270.50 for the provision of advice on media strategy on behalf of the Personal Injuries Assessment Board prior to its establishment on a statutory basis.

The Office of the Director of Consumer Affairs engaged the services of Caden Communications in 2002, 2003 and 2004 as communications adviser to the Director of Consumer Affairs, and to provide ongoing public relations advice. This contract was renewed in September 2003 following a competitive tendering process. Payments to Caden Communications for these services amounted to €22,633.49 from June to December 2002, €44,032.76 in 2003, and €58,261.50 in 2004.

Carr Communications provide advice to the Companies Registration Office on a number of matters. Since 2002, €87,643 has been paid to this company for public relations services.

Departmental Staff.

192. **Mr. P. McGrath** asked the Minister for Enterprise, Trade and Employment the number of civil servants and other staff in his press office; and the grade and remuneration of each. [33062/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): There is one principal officer with four support staff employed in the press and media relations office of the Department of Enterprise, Trade and Employment. All the staff concerned are civil servants with the breakdown of grades and remuneration outlined in table 1 below. The principal officer has administrative responsibility for the staff of the Minister's office, offices of the Ministers of State, Freedom of Information Act and for the Personal Injuries Assessment Board liaison unit.

Table 1

Grade breakdown	Salary Scale
1 Principal Officer	€75,780 — €93,733 Class A PRSI €71,990 — €89,047 Class B PRSI
1 Higher Executive Officer	€41,090 — €52,136 Class A PRSI €39,035 — €49,529 Class B PRSI
1 Executive Officer	€27,057 — €42,805 Class A PRSI €25,704 — €40,669 Class B PRSI
2 Clerical Officers	€20,520 — €33,274 Class A PRSI €19,493 — €31,612 Class B PRSI

Following my appointment as Minister for Enterprise, Trade and Employment on 29 September 2004, I have also appointed a press adviser, principal officer scale, whose other terms and conditions of employment have not yet been finalised and will require the formal approval of the Minister for Finance.

193. **Mr. P. McGrath** asked the Minister for Enterprise, Trade and Employment the number of civil servants and other staff employed in his constituency office; and the grade and remuneration of each. [33077/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): There are three civil servants, one personal secretary and two personal assistants currently employed within my constituency office as outlined in table 1 below. The three civil

servants are based in the Department's offices in Kildare Street and the personal secretary and personal assistants are based in my constituency office in Cork.

Table 1

Grade Breakdown	Salary Scale
1 Personal Secretary	€19,498 — €37,620 (Secretarial Assistant pay scale)
2 Personal Assistants (including 1 work sharer)	€20,520 — €33,274 Class A PRSI €19,493 — €31,612 Class B PRSI (Clerical Officer pay scale)
1 Staff Officer	€30,937 — €41,172 Class A PRSI €29,391 — €39,118 Class B PRSI
3 Clerical Officers	€20,520 — €33,274 Class A PRSI €19,493 — €31,612 Class B PRSI

Work Permits.

194. **Mr. McGuinness** asked the Minister for Enterprise, Trade and Employment if a decision will be expedited in relation to a work permit renewal (details supplied). [33108/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): The work permit section of my Department has recently made a decision to refuse the application for a work permit in this case on the following grounds: from documentation submitted in support of this application it appears that the employee in question received less than the wage specified on last year's work permit application. Under those circumstances the issuing of a work permit could not be justified. The employer has been notified of this decision and of the right of appeal.

195. **Mr. Kehoe** asked the Minister for Enterprise, Trade and Employment the status of the work permit application from a company (details supplied) in County Wexford; when a decision will be made on the permit; and if he will make a statement on the matter. [33125/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): There is no record in my Department of a valid work permit application in this case. Work permit applications, which are incorrect or incomplete, are not regarded as valid applications and are returned to the employer for completion.

Health and Safety Regulations.

196. **Mr. Deenihan** asked the Minister for Enterprise, Trade and Employment her plans to put measures in place to improve the health of the workforce and to prevent accidents in the workplace in view of the fact that 1,286,100 days were lost due to accidents and illnesses in the workplace in 2003. [33127/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): This Government's commitment to ensuring appropriate standards of health and safety in Irish workplaces is manifested in the Safety, Health and Welfare at Work Bill 2004,

which is currently before the House. The Bill, when enacted will update, repeal and replace the Safety, Health and Welfare at Work Act 1989 and will provide a modern legal framework to guarantee best international practice in regard to health and safety in Irish workplaces.

The Bill aims at striking an appropriate balance between imposing duties, encouraging better consultation at workplace level on occupational safety and health matters, providing for an improved focus on better prevention systems and practices and the possible application of increased fines and penalties, where warranted. Enactment of the Bill will provide the means to continue the downward trend in the rate of accidents in the Irish workplace which has reduced from 1499 accidents per 100,000 workers in 1992 to 738 per 100,000 workers in 2003, against a background of a rising workforce, [Source: occupational injury claims — Department of Social and Family Affairs]. The Health and Safety Authority is the State body charged with overall responsibility for administration, enforcement and promotion of workplace safety and health and I will continue to work closely with the authority in advancing its broadly based prevention programmes, like for example its prevention strategy, published this year covering the various aspects of administration, advice, information, promotion and enforcement in this critical aspect of employment and workplace activity.

Job Creation.

197. **Mr. McGinley** asked the Minister for Enterprise, Trade and Employment the total number of new jobs announced by companies located in County Donegal during 2005; and the efforts being made to create more employment in the county. [33331/04]

Minister for Enterprise, Trade and Employment (Mr. Martin): The issue of announcements of the creation of new jobs is a matter for the companies concerned in the first instance. Of course companies may also choose not to announce the creation of new jobs. Thus, many more jobs can be created than formal announcements would indicate. Where jobs are being

created in companies that are clients of the development agencies under the aegis of my Department, a ministerial announcement may be made at the company's request. These agencies are IDA Ireland, which markets individual areas as a location for additional foreign direct investment; Enterprise Ireland, which concentrates on the development of indigenous industries; and the city and county enterprise boards, which have primary responsibility for the regional promotion of indigenous industry in the micro-enterprise sector. Job announcements in respect of Udarás na Gaeilge client companies in Donegal would be a matter for my colleague, the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív.

The Forfás annual employment survey records jobs gained and lost in any one year in the companies supported by the development agencies for which I have responsibility. The survey for 2004 is currently being completed and specific data should be available for Donegal after January 2005. The figures for 2003 show that there were 141 new jobs created in the Letterkenny, Laghey, Buncrana and Donegal town areas. The development agencies assure me that they are leaving no stone unturned in their efforts to secure additional investment and jobs for the people of Donegal.

Enterprise Ireland continues to work with its client companies in the county to assist them grow their sales and exports and improve innovation so that they can compete globally. Direct support amounting to €15 million has been approved for client companies in the north-west region since January 2000, of which approximately €10 million is for companies in County Donegal. To date in 2004, Enterprise Ireland has approved funding of over €1.5 million and also paid over €1.5 million to companies in County Donegal.

The IDA is actively marketing all areas of Donegal for new investment and jobs and has invested significant moneys in developing a business park to international standards in Letterkenny and companies locating in this park will recruit from the wider Donegal area. This is in line with the national spatial strategy and the designation of Letterkenny as a gateway location.

The Donegal County Enterprise Board continues to be active in helping new and existing micro-enterprises in the county. To date the board has approved a total of €645,470 in funding to 26 projects that will assist in the creation of 66 net new jobs for the region.

Community Development.

198. **Mr. Kenny** asked the Minister for Social and Family Affairs the amount from the family services project that has been allocated to RAPID areas in 2002, 2003 and 2004; and if he will make a statement on the matter. [32987/04]

Minister for Social and Family Affairs (Mr. Brennan): The RAPID programme is a cross-departmental initiative under the aegis of the Department of Community, Rural and Gaeltacht Affairs. There is no specific funding provided for the RAPID, revitalising areas by planning, investment and development, programme in my Department. My Department has responsibility for the operation of the family services project, and moneys which are available through this programme under the National Development Plan 2000-2006, can be applied in RAPID areas.

My Department has expended family services project funding within RAPID areas over the years 2002 to 2004 as follows: 2002 €414,691; 2003 €449,723; *2004 €427,610 (*Year to date).

My Department is represented in the implementation and monitoring committees of the RAPID programme, as part of its role in relation to poverty and social exclusion.

In line with the RAPID programme's objective of using existing structures and resources to poverty progress its aims, the resources available under the services already outlined will continue to form the basis of my Department's contribution to supporting the programme.

199. **Mr. Kenny** asked the Minister for Social and Family Affairs the amount from the school meals programme that has been allocated to RAPID areas in 2002, 2003 and 2004; and if he will make a statement on the matter. [32988/04]

Minister for Social and Family Affairs (Mr. Brennan): The school meals programme operated by my Department gives funding towards provision of food services for disadvantaged school children through two schemes. The first is the urban school meals scheme, currently operated by 35 local authorities. The Department jointly funds the food costs with these local authorities, who also manage and fund the administration of the scheme. The second is the school meals, local projects, scheme, through which funding is provided by my Department to a number of schools and voluntary community groups in both urban and rural areas for specific school meals projects.

My Department is working with the Department of Education and Science to extend the school meals programme. In this regard the Department of Education and Science is using its schools completion programme and Giving Children an Even Break initiative to target disadvantaged schools. It is actively promoting the school meals programme through the local schools completion programme co-ordinators.

A total of €3.19 million has been issued so far this year to schools in RAPID areas. The equivalent totals for 2003 and 2002 were €2.61million and €1.7 million respectively. A breakdown of these amounts for strand 1 and strand 2 RAPID areas is set out in the tabular statement as follows:

Local Projects in Strand 1 Rapid Areas

	2002	2003	2004
	€	€	€
Cork City	10,199	23,331	93,114
Dublin City	385,830	758,792	847,023
Limerick City	13,825	61,098	411,067
Dundalk and Drogheda, Co. Louth	106,890	56,320	306,463
Waterford City	6,561	28,332	58,154
Bray, Co. Wicklow	5,547	17,957	30,684
Local Projects Strand 1			
Sub Total	528,852	945,830	1,746,505

Local Projects in Strand 2 Rapid Areas

	2002	2003	2004
	€	€	€
Co. Carlow	28,696	33,214	40,660
Co. Cavan	6,000	17,173	22,663
Co. Clare	4,722	8,347	8,248
Co. Galway	2,155	14,360	19,257
Co. Kerry	12,228	5,252	8,724
Co. Kildare	16,660	1,360	11,699
Co. Kilkenny	11,388	20,139	55,278
Co. Longford	—	5,660	10,435
Co. Meath	—	1,750	13,461
Co. Sligo	—	3,720	26,459
Co. Tipperary	57,821	39,650	113,300
Co. Westmeath	—	9,242	9,750
Co. Wexford	40,062	32,325	70,717
Local Projects Strand 2			
Sub total	179,732	192,192	410,651
Local Projects			
Total	708,584	1,138,022	2,157,156

Urban School Meals Administered by Local Authorities In Strand 1 Rapid Areas

	2002	2003	2004
	€	€	€
Bray	4,657	18,509	20,299
Cork	30,840	199,310	82,500
Drogheda	7,812	1,121	0
Dublin City Council	672,014	890,279	657,524
Dunlaoghire/Rathdown	17,157	30,109	29,487
Fingal County Council	55,149	77,714	32,906
South Dublin CC	107,946	154,670	116,840
Limerick	54,925	50,064	54,760
Waterford	9,145	11,277	12,491
Urban Scheme Strand 1			
Sub total	959,645	1,433,053	1,006,807

Urban Schools Meals Administered by Local Authorities In Strand 2 Rapid Areas

	2002	2003	2004
	€	€	€
Athy	1,285	3,360	0
Ballinasloe	1,640	1,247	1,369
Carlow	3,725	5,683	4,993
Carrick on Suir	3,124	0	0
Clonmel	0	2,117	0
Kilkenny	0	0	5,280
Longford	1,237	1,400	1,376
Navan	2,787	3,250	1,488
New Ross	1,907	534	716
Sligo	5,107	3,408	2,406
Tralee	1,422	2,907	3,803
Wexford	4,919	15,877	9,005
Urban Scheme Strand 2			
Sub total	27,153	39,783	30,436
Urban Scheme Total	986,798	1,472,836	1,037,243
Overall Total	1,695,380	2,610,858	3,194,399

Public Relations Contracts.

200. **Mr. P. McGrath** asked the Minister for Social and Family Affairs the number and value of contracts awarded for public relations projects by his Department since June 2002. [33048/04]

Minister for Social and Family Affairs (Mr. Brennan): The Department of Social and Family Affairs has not awarded any contracts for public relations projects since June 2002.

Departmental Staff.

201. **Mr. P. McGrath** asked the Minister for Social and Family Affairs the number of civil servants and other staff in his press office; and the grade and remuneration of each. [33063/04]

Minister for Social and Family Affairs (Mr. Brennan): There are three staff in the Department's press office, including the press officer who is a higher executive officer on a pay scale of €39,035 to €49,529, the deputy press officer who is an executive officer with a pay scale of €27,057 to €44,494 and one clerical officer on a pay scale of €20,519 to €33,274. I have also appointed a press adviser on a contract basis for my term of office. The salary for this position is €89,801 together with a private pension contribution of 10% of salary.

202. **Mr. P. McGrath** asked the Minister for Social and Family Affairs the number of civil servants and other staff employed in his constituency office; and the grade and remuneration of each. [33078/04]

Minister for Social and Family Affairs (Mr. Brennan): There are a total of six full-time administrative staff assigned to deal with matters in my constituency office. There are four established civil

servants, one executive officer on a pay scale of €25,704 to €38,079 and three clerical officers on a pay scale of €20,519 to €33,274. I have also appointed, on a contract basis for my term of office, two non-established civil servants, a personal secretary and a personal assistant. The annual salary for my personal secretary is €37,621. My personal assistant is on secondment from the Department of Education and Science. My Department will recoup on an annual basis the cost of a replacement teachers' salary, allowances, PRSI contributions and superannuation contributions. This will be in the region of €31,800.

Social Welfare Benefits.

203. **Mr. Durkan** asked the Minister for Social and Family Affairs when a person (details supplied) in County Kildare will be awarded the one parent family allowance; and if he will make a statement on the matter. [33184/04]

Minister for Social and Family Affairs (Mr. Brennan): There is a statutory obligation, on all claimants of one-parent family payment to satisfy, and continue to satisfy, the conditions for entitlement to the payment. As indicated in previous replies, payment was disallowed in this case on the grounds that the person concerned had failed to disclose all her means. The person concerned subsequently informed the Department that she had changed address and she provided some documentation on her means. The application has been referred to a local officer who has interviewed the person concerned at her new address regarding her means. However, as all the information required to finalise enquiries was not available to the local officer, investigations are ongoing. On completion of the necessary enquiry

[Mr. Brennan.]
ies a decision will be made and she will be notified of the outcome.

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.

204. **Mr. P. Breen** asked the Minister for Social and Family Affairs if he will provide increased funding to ECAT in his budget for 2005; and the amount of funding to be allocated and when; and if he will make a statement on the matter. [33187/04]

Minister for Social and Family Affairs (Mr. Brennan): My Department's free travel scheme is available to all people living in the State aged 66 years, or over; to all carers in receipt of carer's allowance; and to carers of people in receipt of constant attendance or prescribed relative's allowance. It is also available to certain people with disabilities and people who are in receipt of certain welfare type payments.

The Department of Transport is addressing the issue of transport in rural areas through the rural transport initiative, RTI. Area Development Management Limited, is managing this scheme on behalf of that Department. My Department has contributed €500,000 to the RTI each year since 2003 and I have secured €500,000 for the initiative for 2005 and 2006. This is to ensure that free travel pass holders continue to have access to community-based transport services.

The organisation referred to by the Deputy is one of 34 pilots participating in the RTI. Payments are made to the 34 groups by ADM, based on estimated free travel passenger journeys. I have been informed by ADM that ECAT were allocated funding in 2004 based on their estimated number of free travel passenger journeys. When actual passenger journey details are available in January 2005 ADM hopes to be in a position to review the payments position and to make any adjustment necessary in respect of 2004 for all of the groups.

205. **Dr. Upton** asked the Minister for Social and Family Affairs if a person (details supplied) in Dublin 12 is entitled to a free travel pass. [33206/04]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned is in receipt of a companion free travel pass which allows any person aged 16 or over to accompany her free of charge when travelling.

Restrictions apply to the scheme on Dublin Bus and on Bus Éireann city services in Cork and Limerick because of pressure on bus capacity at peak commuter times. These bus companies also have concerns about their inability to cater for the increase in commuters if such restrictions were to be lifted for free travel passholders. There are no time restrictions on DART or other rail services. My Department, in consultation with CIE, has

arranged in a very small number of exceptional cases to issue a temporary unrestricted pass for a period of up to six months to facilitate unavoidable hospital appointments and to enable the passholder to re-arrange appointments outside of the peak hours. Any extension to these very limited arrangements would present significant problems for CIE services.

The person concerned was issued with a temporary unrestricted pass in November 2001 and this expired on 29 May 2002. On an exceptional basis and in view of the circumstances of the case a further temporary unrestricted pass was issued in June 2002, which expired on 31 December 2002. When this special pass was issued to her she was advised by the Department that she should seek to re-arrange her hospital appointments to enable her to travel outside peak times after the pass expiry date. It is not possible to issue a further unrestricted pass in this case.

Social Welfare Code.

206. **Mr. Neville** asked the Minister for Social and Family Affairs if he has plans with the Department of Health and Children to co-ordinate the methods of calculation of capital means in relation to means-tested benefits available from his Department. [33274/04]

Minister for Social and Family Affairs (Mr. Brennan): I understand that the Deputy is referring to the assessment of capital in the means tests applying to the nursing home subvention operated by the Department of Health and Children and the old age pension scheme operated by my Department.

On budget day, I was pleased to announce that the amount of capital disregarded for means test purposes for all social welfare schemes, except supplementary welfare allowance, will be increased from €12,694.38 to €20,000, an increase of over €7,300. It is estimated that approximately 12,000 claimants will gain as a result of the improvement. This measure, which takes effect from June 2005, will cost €5.1 million in a full year.

I introduced this improvement in the context of the overall Government strategy to encourage a regular savings culture among the population in general. As part of this strategy, the innovative special savings investment accounts were introduced in 2001 and these accounts have been opened by a very large number of people, including pensioners and other social welfare recipients. The new arrangements are designed to ensure that the social welfare means testing arrangements do not act as a disincentive to claimants to become savers or to harshly penalise those who have been regular savers in the past.

The enhanced disregard applies to all capital regardless of where it is held, be it in an SSIA, a credit union, with An Post or any other account with a bank or other financial institution. For means testing purposes, capital also includes stocks and shares and the capital value of property, other than the family home. The arrange-

ments, including the underlying criteria, for assessing the value of capital for access to the nursing home subvention scheme is a matter for my colleague, the Minister for Health and Children.

Social Welfare Benefits.

207. **Mr. Ring** asked the Minister for Social and Family Affairs the position regarding the issuing of free travel passes to enable persons who do not have access to a public transport service to avail of taxis; the meetings which have taken place on this matter; the progress made; and the plans of the Government to introduce these passes.
[33306/04]

Minister for Social and Family Affairs (Mr. Brennan): The free travel scheme is available to all people living in the State aged 66 years, or over, to all carers in receipt of carer's allowance and to carers of people in receipt of constant attendance or prescribed relative's allowance. It is also available to certain people with disabilities and people who are in receipt of certain welfare type payments.

The scheme provides free travel on the main public and private transport services for those eligible under the scheme. These include road, rail and ferry services provided by companies such as Bus Átha Cliath, Bus Éireann, Iarnród Éireann and Luas as well as services provided by over 80 private transport operators. The vast majority of private contractors providing services under the scheme operate in rural areas.

I am always willing to consider applications from licensed private transport operators who may wish to participate in the free travel scheme. However, while my Department pays transport providers to operate the free travel scheme, it is not in a position to provide transport services where none exist.

Various alternatives to the existing system, including the use of vouchers, have been examined. A study published in 2000 under the Department's programme of expenditure reviews concluded that a voucher type system, which would be open to a wide range of transport providers including taxis and hackneys, would be extremely difficult to administer, open to abuse and unlikely to be sufficient to afford an acceptable amount of travel. This position remains unchanged.

The issue of access to public transport in rural areas is being addressed at present through the rural transport initiative, which is being managed by Area Development Management, ADM, on behalf of my colleague, the Minister for Transport. My Department contributes annually to the initiative to ensure that free travel pass holders continue to have full access to community-based transport services.

Significant improvements have been made to the free schemes, including the free travel scheme, in recent budgets both in terms of the qualifying

conditions and the coverage of the schemes. I will continue to review the operation of these schemes with a view to identifying the scope for further improvements as resources permit.

208. **Mr. Cuffe** asked the Minister for Social and Family Affairs if the direct provision allowance is €19.10 for an adult and €9.60 for a dependent child; if this rate of payment has not increased since it was introduced in 1999; and if so, the reason therefore; the way in which he ensures that the other needs of children are met, such as clothing and educational materials; the efforts that are made to ensure that asylum seekers are not at risk of poverty; and if he will report on the success of these efforts. [33337/04]

Minister for Social and Family Affairs (Mr. Brennan): Asylum seekers are catered for under the direct provision system operated by the Reception and Integration Agency of the Department of Justice, Equality and Law Reform. Through this service they are provided with accommodation and other facilities to meet their basic living needs. An allowance of €19.10 per adult and € 9.60 per child is payable weekly to people in direct provision facilities. These rates were set in 1999. Payment of the direct provision allowance is being made on an administrative basis by health board community welfare officers through the supplementary welfare allowance scheme. This is an interim measure, pending finalisation of arrangements for the Department of Justice, Equality and Law Reform to take over payment of the allowance along with its management of accommodation and related services for asylum-seekers. Similar arrangements are being finalised with the Department of Health and Children for that Department to take over responsibility for payments to unaccompanied minors. The question of the appropriate rate of direct provision allowance would be a matter for consideration in the context of the overall provision for asylum-seekers in the direct provision system.

Asylum-seekers and their families in direct provision are not considered to be at a higher risk of poverty than persons who depend on social welfare scheme payments, given the standard of goods and services provided through the direct provision system. In addition to the direct provision facilities, it is open to any asylum-seeker to seek assistance for a particular once-off need by way of an exceptional needs payments through the supplementary welfare allowance scheme.

209. **Mr. Cregan** asked the Minister for Social and Family Affairs the way in which the criteria used to refuse the Christmas bonus to a person (details supplied) can be justified in a case in which a person is clearly a long-term recipient of State welfare; if he will make the necessary changes in the rule in order that such persons will not be excluded from Christmas bonus payments;

[Mr. Cregan.]
and if, in the circumstances, the Christmas bonus will be awarded to this person. [33370/04]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned applied for unemployment assistance on 24 August 2004, having previously been in receipt of supplementary welfare allowance. To date he has received unemployment assistance for 100 days only. For unemployment assistance the bonus is limited to those persons who in any continuous period of unemployment have been in receipt of unemployment assistance or benefit for a period not less than 390 days. He is not therefore entitled to receive a Christmas bonus. There are no proposals to change the current regulations relating to Christmas bonus payments.

210. **Mr. Crawford** asked the Minister for Social and Family Affairs if he has considered the need to update the means test for farm assist in view of the fact that farm organisations claim that at least 6,000 extra farmers are eligible but the assessment procedure does not accurately reflect their income position; and if he will make a statement on the matter. [33479/04]

Minister for Social and Family Affairs (Mr. Brennan): Farm assist is a means-tested scheme providing weekly income support to low-income farmers. The assessment of means for the purpose of qualifying for farm assist is designed to reflect the actual net income, which is calculated as gross income less any expenses necessarily incurred from farming. This is based on normal output and costs appropriate to normal stock levels, capacity and market trends. While the income and expenditure figures for the preceding year are generally used as an indicator of the position, account is taken of loss of income due to exceptional circumstances such as the foot and mouth crisis in 2001 or the adverse weather conditions which effected many farmers early in 2002 so as to ensure that the assessment accurately reflects the current situation.

For the purpose of determining the rate of farm assist payable, deductions are allowed from net income in respect of qualified children, with the balance assessed at 70%. In this regard, the means test is more favourable than the scheme's predecessor, the unemployment assistance scheme for small-holders. In addition, income from the rural environment protection scheme is assessed separately, with the first €2,539 and 50% of the balance disregarded, while 40% of net pay from insurable employment and almost €12,700 of capital are also disregarded.

Significant improvements were announced in budget 2005, which will benefit those on farm assist and other social welfare payments, from January 2005. These include a €14 weekly increase in

farm assist for a single person, and up to €23.30 per week for a married person. In addition, the capital disregard in the means assessment will increase from under €12,700 to €20,000, from June 2005.

Currently, almost 8,400 farm assist cases are in payment, receiving an average weekly payment of €145.15. It is considered that the current procedures are effective from the perspective of both policy and administration, in achieving the aim of reflecting the normal level of commercial activity on the farm, while having sufficient flexibility to adapt to unforeseen circumstances.

To increase awareness of the scheme, the Department undertook a publicity campaign in 2002 which included radio and press advertising, including specialist farming publications, and the production and showing around the country of a promotional video on the scheme. More generally, the network of social welfare offices throughout the country provides information to members of the public on the range of schemes and services available, including the farm assist scheme. Information leaflets and applications forms for farm assist are available at these offices. In addition, social welfare inspectors in rural areas promote the scheme when meeting the public in the course of their duties.

211. **Mr. Crawford** asked the Minister for Social and Family Affairs the number that are receiving farm assist on a county basis; and if he will make a statement on the matter. [33485/04]

Minister for Social and Family Affairs (Mr. Brennan): The information requested by the Deputy is contained in the following table.

I am satisfied that the farm assist scheme, which was introduced on 7 April 1999, has brought about a worthwhile improvement for low income farmers and particularly for those who are at the lower end of the farm income spectrum.

Farm Assist Recipients — Breakdown by County at 3 December 2004.

(It should be noted that the figures have been compiled from data that is maintained on a local office catchment area basis and these do not correspond exactly with county boundaries.)

County	Number of Cases
Carlow	61
Cavan	307
Clare	438
Cork	597
Donegal	1,178
Dublin	12
Galway	901
Kerry	655
Kildare	45
Kilkenny	128
Laois	88
Leitrim	227

County	Number of Cases
Limerick	210
Longford	111
Louth	68
Mayo	1,547
Meath	56
Monaghan	417
Offaly	83
Roscommon	326
Sligo	345
Tipperary	220
Waterford	45
Westmeath	87
Wexford	171
Wicklow	56
Total	8,379

Rural Transport Initiative.

212. **Mr. Kehoe** asked the Minister for Transport his views on the recommendation in the report by a company (details supplied) that the rural transport initiative increase its services; if he will provide the additional €2 million to help it provide the current level of service and in order that no further cut backs are necessary; and if he will make a statement on the matter. [33002/04]

217. **Mr. Naughten** asked the Minister for Transport if he will increase the funding provided for the RTI; and if he will make a statement on the matter. [33103/04]

222. **Mr. Lowry** asked the Minister for Transport further to Parliamentary Question No. 186 of 2 December 2004, if he will provide a substantial increase in funding to the RTI in north Tipperary; if he will visit the RTI in question to view first hand the valuable service provided in an isolated and remote part of north Tipperary; and if he will make a statement on the matter. [33411/04]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 212, 217 and 222 together.

I have already announced that the RTI allocation for 2005 is €3.45 million which 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 the end of 2005 and is all the more impressive when it is borne in mind that a total of €4.4 million was provided for the RTI when the initiative was first proposed in the national development plan. In addition, funding is also available to the scheme from the Department of Social and Family Affairs in respect of free travel and from health boards and from other interests who support it. While I am very happy to allocate substantially increased funding to the rural transport initiative, I am keen to ensure that we get value for money for these financial resources. Accordingly my officials will work with Area Development Man-

agement Limited, ADM, 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.

In administering the RTI on behalf of my Department, ADM makes specific allocations to individual RTI projects from funding provided under my Vote. ADM has sole responsibility in deciding on the individual RTI allocations and neither I nor my Department has any function in the matter. Similarly neither I nor my Department has any function in relation to the number and level of services provided by individual RTI projects. I will bear in mind Deputy Lowry's request for me to visit the scheme in north Tipperary at some stage in the future.

Road Safety.

213. **Ms O. Mitchell** asked the Minister for Transport when he expects the report into the instance of late night road accidents will be published; and if he will make a statement on the matter. [33003/04]

Minister for Transport (Mr. Cullen): Following the growth in the reporting of concerns in the fatalities resulting of single vehicle crashes occurring late at night, the Medical Bureau of Road Safety, MBRS, and the department of forensic medicine at University College Dublin were asked if they could examine the issue surrounding single vehicle and late night collisions to determine if drugs and-or alcohol is a factor.

There are two very separate and distinct classes of toxicological analyses carried out depending on whether or not the person provided the sample under the Road Traffic Acts or the sample was taken during post-mortem examination. The MBRS does not receive samples from fatalities. However, within the department of forensic medicine at UCD, a pilot study in relation to road traffic crashes is being carried out in relation to the coroner's district of Kildare for a ten-year period and analysis of this data is ongoing. This analysis will assist in providing a more solid evidence based assessment of the causes of crashes and fatalities including single vehicle late night crashes. I expect to receive a copy of the report in the near future.

Public Relations Contracts.

214. **Mr. P. McGrath** asked the Minister for Transport the number and value of contracts awarded for public relations projects by his Department since June 2002. [33049/04]

Minister for Transport (Mr. Cullen): My Department has not awarded any contracts for public relations projects from the period June 2002 to present.

My Department has, on occasions, employed outside professional public relations advice. Tony O'Brien Communications was employed in August-September 2004 to assist my Department with media relations and was paid a fee of €5,920.

[Mr. Cullen.]

Laurie Cearr Associates was engaged for the organisation and management of public relations activities in October 2002, and April, August and September 2004 and was paid a total of €8,880 in fees in respect of this work.

Departmental Staff.

215. **Mr. P. McGrath** asked the Minister for

Office	Total Staff	Grade/Job Title	Salary Scale Cost per Annum
Press Office	1	Press Officer (Ministerial Appointment)	€71,990 — €89,047
Press Office	1	Higher Executive Officer	€41,090 — €52,136
Press Office	2	Clerical Officer	€20,520 — €33,274

Transport the number of civil servants and other staff in his press office; and the grade and remuneration of each. [33064/04]

Minister for Transport (Mr. Cullen): The following tables provide the information requested by the Deputy. The salary costs are based on current salary scales.

216. **Mr. P. McGrath** asked the Minister for Transport the number of civil servants and other staff employed in his constituency office; and the grade and remuneration of each. [33079/04]

Minister for Transport (Mr. Cullen): The following tables provide the information requested by the Deputy. The salary costs are based on current salary scales.

Office	Total Staff	Grade/Job Title	Salary Scale Cost per Annum
Constituency	1	Personal Administrative Assistant	€39,035 — €49,529
Constituency	1	Personal Assistant	€39,035 — €49,529
Constituency	1	Personal Secretary	€19,768 — €38,140
Constituency	.5	Executive Officer	€27,057 — €42,805
Constituency	1	Staff Officer	€30,937 — €41,172
Constituency	1	Clerical Officer	€20,520 — €33,274
Total	5.5		

Question No. 217 answered with Question No. 212.

Motor Vehicle Registration.

218. **Mr. Hogan** asked the Minister for Transport when the registration of a vehicle will be completed in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [33150/04]

Minister of State at the Department of Transport (Mr. Callely): The registration of motor vehicles is a matter for the Revenue Commissioners.

Irish Aviation Authority.

219. **Mr. Curran** asked the Minister for Transport the Act of the Oireachtas under which the Irish Aviation Authority issued a direction (details supplied) which created a restricted area around a privately owned aerodrome at Weston, Lucan County Dublin. [33204/04]

Minister of State at the Department of Transport (Mr. Callely): The Irish Aviation Authority (Aerodromes and Visual Ground Aids) Order, SI 334 of 2000 empowers the Irish Aviation Authority to direct the licensee of an aerodrome licensed for public use to prepare a safeguarding map for lodging with the relevant local authority.

The current relevant “Notice to Aerodrome Licence Holders” is NR T.02 issue 4, date 02.09.04.

It is a matter for the local authorities to adopt the safeguarding maps into their county development plans. The responsibility for proper planning and development is a matter for the relevant local authority.

Driver Testers.

220. **Mr. Deasy** asked the Minister for Transport his views on the fact that, due to the changes whereby a driver tester no longer checks for the presence of a motor tax disc, these testers will now be carried in vehicles that are illegally on the road; his further views on whether, under the rules of the road, a vehicle should be properly taxed before it is taken out on the road; and if he will make a statement on the matter. [33300/04]

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 in relation to 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.

Rail Network.

221. **Mr. Wall** asked the Minister for Transport when the necessary funding will be provided to upgrade the Waterford to Dublin train lines to permit the provision of additional train services; if his attention has been drawn to the serious concerns of commuters in relation to the present service on the line; and if he will make a statement on the matter. [33368/04]

Minister for Transport (Mr. Cullen): I am informed by Irish Rail that the renewal of track and signalling on the Waterford to Dublin line was completed earlier this year with the support of Exchequer funding. All track work along the route is now continuous welded track. All this investment has laid an excellent foundation for further improvements to services along the route. Already Irish Rail has reduced the journey time on the route significantly and I am informed by the company that, from yesterday, there is an additional service from Heuston to Carlow, servicing Athy, leaving Dublin at 19.45 hours.

The next step is to provide new rolling stock on the route. Irish Rail has recently submitted proposals to my Department for funding for the purchase of a fleet of 120 intercity railcars to operate on its intercity network. The provision of these new trains will allow Irish Rail to offer two-hourly services on all intercity routes from December 2007. Additional frequencies and better connections will also be provided over the entire intercity network as a result.

Question No. 222 answered with Question No. 212.

Air Services.

223. **Mr. Lowry** asked the Minister for Transport if a time-frame has been established for the EU-US open skies negotiations to begin; and if he will make a statement on the matter. [33415/04]

224. **Mr. Lowry** asked the Minister for Transport the mandate he has given his officials travelling to the US for discussions on the US-Irish bilateral agreement; if the mandate he has given them includes safeguarding Shannon Airport and the economies of the west of Ireland; and if he will make a statement on the matter. [33416/04]

225. **Mr. Lowry** asked the Minister for Transport if a delegation from his Department has travelled or is planning to travel to the United States to commence discussions on the Irish-US bilateral agreement; and if he will make a statement on the matter. [33417/04]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 223 to 225, inclusive, together.

No definite time frame has been established for the resumption of EU-US talks. The general expectation is that they will not resume before next February.

As I indicated in answer to Question No. 61, of 7 December, officials from my Department will meet with US officials to explore what adjustments to the current Ireland-US arrangements are possible. That meeting is taking place today in Washington.

Proposed Legislation.

226. **Mr. O'Shea** asked the Minister for Transport his legislative proposals to regulate motor insurance premiums; and if he will make a statement on the matter. [33439/04]

Minister of State at the Department of Transport (Mr. Callely): Following setting up of the Irish Financial Services Regulatory Authority the Government decided that the following arrangements should apply in regard to responsibility for motor insurance issues. The authority has overall responsibility for the regulation and supervision of financial services including insurance companies. The Minister for Finance, as part of his IFSRA-related responsibilities, will deal with general policy issues relating to regulation of the insurance sector.

The Department of Enterprise, Trade and Employment, as part of its general responsibilities, retains an interest in the impact of insurance costs on the general competitiveness of industry. The Competition Authority also has a role in the competitiveness of the insurance market and the impact of mergers on it.

The Minister for Transport will deal with general policy in relation to the availability and cost of compulsory motor insurance. The actual transfer of the relevant functions to the Department of Transport will take place over the coming weeks as the necessary staff resources are put in place.

One of the first tasks for the Department of Transport, in respect of its additional insurance functions, will be to review the final report of the Motor Insurance Advisory Board paying particular attention to its many recommendations. The outcome of the review will inform my approach to building on the success of the Tánaiste and former Minister for Enterprise, Trade and Employment's insurance reform programme as evidenced by recent CSO data. This data shows that there was a reduction of 19.2% in car insurance premia between the months of April and October 2004.

Public Relations Contracts.

227. **Mr. P. McGrath** asked the Minister for Community, Rural and Gaeltacht Affairs the number and value of contracts awarded for public relations projects by his Department since June 2002. [33050/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): My Department has not directly engaged any public relations consultants since its establishment. The national advisory committee on drugs is an independent non-statutory

[Éamon Ó Cuív.]

body that operates under the aegis of my Department and is funded from the Department's Vote.

The national advisory committee on drugs has engaged Montague Communications to handle media relations and manage events including research launches and dissemination seminars. In this regard, since June 2002, they have been paid the sum of €143,072.

Departmental Staff.

228. **Mr. P. McGrath** asked the Minister for Community, Rural and Gaeltacht Affairs the number of civil servants and other staff in his press office; and the grade and remuneration of each. [33065/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Five staff are employed in my Department's press and information office as follows: one media adviser on the pre-1995 principal officer standard salary scale, €71,990 to €89,047; one administrative officer on the post-1995 AO standard salary scale, €29,456 to €52,136; one executive officer on the post-1995 EO standard salary scale, €27,057 to €42,805; one clerical officer on the pre-1995 CO standard scale, €19,493 to €31,612 — this officer is a 50% job sharer and is being paid at half rate; and one clerical officer on the post-1995 CO standard scale, €20,520 to €33,274.

229. **Mr. P. McGrath** asked the Minister for Community, Rural and Gaeltacht Affairs the number of civil servants and other staff employed in his constituency office; and the grade and remuneration of each. [33080/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): There are four staff members currently employed in my constituency office, as follows: one personal assistant on the higher executive officer pre-1995 standard scale, €39,035 to €49,529; one executive officer on an off-scale point of the pre-1995 EO standard scale, €25,704 to €40,669; one clerical officer on the pre-1995 CO standard scale, €19,493 to €31,612; and one clerical officer on the post-1995 CO standard scale, €20,520 to €33,274.

Grant Payments.

230. **Caoimhghín Ó Caoláin** asked the Minister for Community, Rural and Gaeltacht Affairs the criteria by which funding was allocated under the recent improved co-ordination of local community schemes; and the reason no project or programme in Dublin south east met the necessary criteria. [33093/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I refer the Deputy to my reply to Question Nos. 371 on 30 November 2004. Based on the assessment of the external consultant of the proposals received, Dublin South County Development Board was one of those county

development boards to which I referred in that reply where I was unable to commit funding.

I confirm that a meeting has taken place between my Department and representatives of the county development board. The county development board has confirmed that further to that meeting, it is working on an updated submission. I hope, subject to receipt of appropriately focused proposed measures, to be in a position to support these proposals when they are received in my Department.

Harbours and Piers.

231. **Mr. Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs if, in view of new funding available to each Department, he will consider reinstating the €600,000 grant to a pier (details supplied) in County Donegal; and if he will make a statement on the matter. [33135/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): My Department is currently implementing a seven-year plan to build or improve strategic Gaeltacht piers under the national development plan. Under this scheme, grants of up to 100% of cost are available to help build or improve strategic Gaeltacht piers.

Downings pier has been recognised by my Department as having potential for development under the Gaeltacht strategic piers scheme administered by my Department. However, the estimated cost of development works on the Downings pier is in the region of €10 million. A project of this size does not come under the remit of my Department's scheme. In 2002 it was indicated to the local committee that €500,000 would be available to carry out the necessary preliminary studies on condition that the Department of Communications, Marine and Natural Resources was willing to substantially fund the project in partnership with my Department. It is my understanding that due to other commitments that Department has been unable to fund the project to date. Therefore my Department has had no option but to suspend the proposed provision of moneys.

Community Development.

232. **Mr. G. Mitchell** asked the Minister for Community, Rural and Gaeltacht Affairs the assistance or grants which are available to a community group hall (details supplied) in Dublin 8; and if he will make a statement on the matter. [33145/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The programme of grants for locally-based community and voluntary organisations offers two schemes of once-off grants. The scheme of equipment and refurbishment grants provides essential physical supports for the local community and voluntary sector, while the scheme of education, training and research grants is aimed at enhancing the capacity of local communities. The maximum grant available under the scheme of

equipment and refurbishment grants in 2004 was €50,000.

This year's programme is now closed. However, it is intended to advertise the programme again early in 2005.

Rural Social Scheme.

233. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if rural social scheme participants will qualify for increased payment rates when the rates on FÁS schemes are increased; and if he will make a statement on the matter. [33220/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Participants on the rural social scheme will receive increased payment rates equivalent to the increased payments provided to community employment scheme participants. A small number of participants on the rural social scheme are in receipt of disability allowance and receive payment each week directly from the Department of Social and Family Affairs. Therefore they will receive the increase announced by my colleague, the Minister for Social and Family Affairs.

RAPID Programme.

234. **Mr. Boyle** asked the Minister for Community, Rural and Gaeltacht Affairs if a review of the RAPID programme is to be initiated; and if so, when. [33302/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): While there are no plans at present to carry out a formal review of the RAPID programme, my Department regularly receives updates on the implementation of the RAPID programme. These updates include informal updates, reports for regular Department liaison meetings with ADM Limited, and reports prepared by the national co-ordinator for the RAPID national monitoring committee, which oversees the operation of the RAPID programme.

Rural Social Scheme.

235. **Mr. Crawford** asked the Minister for Community, Rural and Gaeltacht Affairs the number of persons on farm assist who have accepted jobs on the rural social scheme; and if he will make a statement on the matter. [33485/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): There are currently 262 participants on the rural social scheme who were previously in receipt of farm assist payments.

Rural Housing.

236. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs if, having regard to his previous pronouncements on the issue, he has satisfied himself that An Taisce's objection to housing for rural dwellers has abated; and if he will make a statement on the matter. [33514/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I refer the Deputy to my reply to Question No. 93 of 9 November 2004 in relation to rural housing.

The expression of views by An Taisce on this issue is a matter for that organisation.

Question No. 237 answered with Question No. 56.

RAPID Programme.

238. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the original intention in respect of expenditure under the RAPID programme; the extent to which such moneys have been spent to date under these headings; and if he will make a statement on the matter. [33516/04]

239. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which the RAPID programme has developed or otherwise; and if he will make a statement on the matter. [33518/04]

240. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the types of works originally envisaged as being eligible for support under the RAPID programme; if this level of support has been provided; and if he will make a statement on the matter. [33519/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 238 to 240, inclusive, together.

No specific budget was allocated to the RAPID programme. However, it was stated at the time that "Under the national development plan up to €15 billion has been earmarked for social inclusion measures, to be spent on development measures over the next five years. The RAPID programme will prioritise the 25 identified areas and frontload a significant share of this money to them over the next three years."

Grant Payments.

241. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which applications for grant aid or other financial support from County Kildare have received consideration in the past two and a half years; and if he will make a statement on the matter. [33520/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I am pleased to advise the Deputy that details of applications for grant aid or other financial support for County Kildare, since June 2002, are set out in the following Appendix. Appendix Under the Ireland-Wales INTERREG III Programme one application has been approved from County Kildare under the rural development and diversification measure. The grant approved for this project was €245,420.

Under the farm relief services measure of the NDP programme €2,120 has been spent to date

[Éamon Ó Cuív.]

by farm relief services limited on the training of operators in County Kildare.

The rural social scheme, launched by my Department on 17 May last, which aims to provide income support for farmers and fishermen who are currently in receipt of long term social welfare payments, will be implemented in Kildare by Kildare European Leader II Teo. The company is at an advanced stage regarding the implementation of the scheme, and has received a high level of interest. It is expected that the scheme will be launched in January 2005.

North west Kildare is one of the areas targeted for intervention under my Department's community development programme and officials from my Department are currently examining the possibilities with regard to such intervention. To this end, discussions are currently taking place with local development agencies and community organisations to assess the most appropriate structure for delivery of a community development project in the area.

The local development social inclusion programme is delivered in County Kildare by OAK Partnership and Action South Kildare Community Partnership. Funding totalling €3,069,823 was allocated to these groups under this programme in the period from January 2002 to December 2004.

Athy is one of the 45 RAPID areas, selected for priority attention. Funding of €33,000 has been provided by my Department to the Athy area implementation team to date to support it in the preparation and development of their plan and the implementation of the programme. None of the proposals included in the Athy RAPID plan fell directly within the remit of my Department. However, as the Deputy will be aware, I announced details of a number measures to be co-funded under RAPID earlier this year. Funding of €20,000 was allocated by my Department, with matching funding provided by Athy Town Council to support works under the local authority housing estate enhancement scheme. Under the RAPID playgrounds scheme, my Department allocated €30,000 to Athy, with a further €30,000 from the Department of Health and Children for playground development in the area. In addition, my Department has allocated top-up funding of €505,600 to three successful projects in Athy, in addition to funding allocated by the Department of Arts, Sport and Tourism under the Sports Capital Programme 2004.

In 2004, funding of €76,500 has been approved to support proposals for improved cohesion in the delivery of local and community services by agencies in County Kildare. The funding will be administered by Kildare County Development Board.

The Dormant Accounts Fund Disbursements Board was established in June 2002 to oversee the disbursement of moneys from the dormant accounts fund for community and societal benefit. Funding may be provided for programmes or projects that are designed to assist the personal, edu-

cational and social development of persons who are economically, educationally or socially disadvantaged or persons with a disability.

To date the board has approved 318 projects totalling almost €30 million including seven projects in County Kildare. The details are as follows:

Grant Amount	Name of Group
€	
460,000	KARE
151,555	Hospitaller Order of St. John of God
51,500	Board of Management, Scoil Phadraig Naofa
300,000	Sisters of Charity of Jesus and Mary
98,456	Kildare Youth Services (Curragh Youth Project)
58,775	Athy Youth Project
30,000	Athy Travellers Support Group Limited

The Leader programmes are delivered in County Kildare by Kildare European Leader Teo. Full details of all projects in County Kildare are published in its annual report and are available on their website www.kelt.ie.

The programme of grants for locally-based community and voluntary organisations offers two schemes of once-off grants: the scheme of equipment and refurbishment grants provides essential physical supports for the local community and voluntary sector and the scheme of education, training and research grants is aimed at enhancing the capacity of local communities.

Number of applications

Year	Grants
2002	Details of grants paid to voluntary and community groups in 2002 are available in the Dáil Library for the information of members.
2003	13 grants made — details available on Department's website www.pobail.ie .
2004	18 made to date, details published on Department's website www.pobail.ie .

The scheme of community support for older people provides funding to support initiatives to improve the security of older people in their homes.

Number of applications.

Year	Grants
2002	Details of grants paid in 2002 are available in the Dáil Library for the information of members.
2003	11 grants made- details available on Department's website www.pobail.ie .
2004	Applications for 2004 are being finalised

The White Paper on a framework for supporting voluntary activity and for developing the relationship between the State and the community and voluntary sector was published on 13 September 2000. Since then a programme of work to

implement key recommendations in the White Paper has been taking place. One of the main achievements to date is the funding scheme to support the role of federations, networks and umbrella bodies. Under this scheme two groups in Kildare are funded over a three year period from December 2003 to December 2006: Breaking Through in Leixlip have been allocated funding of €198,000 over three years at €66,000 per year; Accord has been allocated funding of €141,000 over three years at €47,000 per year.

My Department, supported by Area Development Management, ADM, Limited, co-ordinates the implementation of the programme. While I can provide information regarding allocations made by my Department to RAPID areas, it is neither practicable nor possible to quantify total spend on RAPID across all Departments. As regards the development of the RAPID programme, I draw the Deputy's attention to my reply to Question No. 44 of today.

National Drugs Strategy.

242. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which he can offer support to communities combating drugs; and if he will make a statement on the matter. [33521/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Aherne): As the Deputy is aware, my Department has overall responsibility for co-ordinating the implementation of the National Drugs Strategy 2001-2008. The strategy contains 100 individual actions, under the four pillars of supply reduction, prevention, treatment and research, to be implemented by a range of Departments and agencies. It also has responsibility for the work of the 14 local drugs task forces and the Young Peoples Facilities and Services Fund.

To date more than €80 million has been allocated or spent to implement the various projects contained in the two rounds of plans of the local drugs task forces, a further €12.8 million has been allocated to projects under the premises initiative which is designed to meet the accommodation needs of community based drugs projects and approximately €75 million has been allocated or spent under the first two rounds of funding from the Young Peoples Facilities and Services Fund.

The Deputy should also note that under the strategy, regional drugs task forces have been established throughout the country. The regional drugs task forces are currently developing their regional plans which I hope to be in a position to submit to the Cabinet committee on social inclusion for approval in early 2005. A sum of €5 million per annum has been earmarked by my Department to fund these plans.

Grant Aid.

243. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the number of headings under which applicants can qualify for grant aid from his Department; the qualification

criteria; and if he will make a statement on the matter. [33522/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The headings under which applicants can qualify for grant aid from my Department are given in the following appendix.

I am also pleased to inform the Deputy that the qualification criteria are published in my Department's FOI section 16 manual which is available on my Department's website www.pobail.ie.

In respect of the newly introduced rural social scheme, to be eligible an applicant must be in receipt of farm assist or has been allocated a valid herd or flock number from the Department of Agriculture and Food and be in receipt of one of the following allowances from the Department of Social and Family Affairs — unemployment assistance, unemployment benefit, if previously on community employment scheme, disability allowance. A self-employed fisherman is eligible if his or her fishing boat has been entered in the register of fishing boats or has been issued with a fishing licence for fishing for salmon at sea from the Department of Communications, Marine and Natural Resources and he or she is in receipt of one of the following allowances from the Department of Social and Family Affairs — unemployment assistance, unemployment benefit, if previously on community employment scheme, disability allowance.

Appendix

(a) Schemes to support Community Development and Voluntary Groups

The community development support programmes — designed to mobilise the capacity of disadvantaged communities to participate in mainstream local development, training, education and employment opportunities. Grants for locally-based community and voluntary organisations — designed to enhance the effectiveness of local communities through the funding of voluntary and community organisations in disadvantaged areas and the promotion of community development education and training activity. Scheme of community support for older people — designed to direct funding to initiatives to improve the security of vulnerable older people.

Funding scheme to support the role of federations, networks and umbrella bodies in the community and voluntary sector — designed to support national representative federations, networks and umbrella bodies in the community/voluntary sector in providing support to their member groups. This scheme is currently closed to applications.

Funding scheme for training and supports in the community and voluntary sector — designed to develop support and training availability across the community and voluntary sector. This scheme is currently closed to applications.

(b) Rural Development Schemes

The CLAR programme — a targeted investment programme for disadvantaged rural areas.

[Éamon Ó Cuív.]

The rural development fund — provides finance for policy-oriented research, evaluations and pilot actions in rural development.

Leader — the Department oversees the delivery of the Leader programme, which promotes and supports the economic and social development of rural areas by contributing to rural development policy and implementing appropriate programmes. Comprises the Leader+ and Leader national rural development programmes, area-based initiative.

INTERREG — designed to fund actions and initiatives aimed at developing and strengthening the rural economy in the cross border region.

PEACE II — promotes peace and reconciliation by funding actions and strategies which promote cross-border agriculture and rural development co-operation and diversification.

Rural social scheme — aims to provide income support for farmers and fishermen who are currently in receipt of long-term social welfare payments, and to provide certain services of benefit to rural communities. This scheme will allow those low-income farmers and fishermen who are unable to earn an adequate living from their farm holding/fishing, to earn a supplementary income. At local level the rural social scheme is managed on behalf of the Department by the Leader groups and in the Gaeltacht by the Leader groups in conjunction with Údarás na Gaeltachta; and although it is independent of the FÁS community employment scheme, it complements community employment, in areas where both schemes are in operation.

Farm relief services — designed to finance actions aimed at the improvement and diversification of the farm relief services.

Through its offices in Na Forbacha, County Galway the Department administers a variety of schemes designed to support the social and infrastructural development of the Gaeltacht and inhabited offshore islands as well as a number of schemes to support the Irish Language.

(c) Gaeltacht Schemes

Gaeltacht infrastructural improvement schemes — addresses local infrastructural issues in order to help sustain Gaeltacht populations so as to preserve and strengthen the Irish language.

(d) Inhabited offshore island schemes

Capital grants for economic and social development on offshore islands — funds road works, marine works, coastal erosion, water schemes, community projects, feasibility studies, general improvement works. Grants towards current costs — funds transport services to certain islands.

(e) Irish Language Schemes

Schemes to support the promotion and maintenance of the Irish language in the Gaeltacht include Gaeltacht housing grants scheme, Scéim labhairt na Gaeilge, Irish summer colleges scheme, Gaeltacht courses for adults, scéim spreagadh na Gaeilge, summer camps scheme, language assistants scheme, various social and cultural support schemes in the Gaeltacht.

(f) Ciste na Gaeilge

Under Ciste na Gaeilge, which supports the promotion of the Irish language outside the Gaeltacht, the Department provides support to Bord na Leabhar Gaeilge and to certain Irish language projects outside the Gaeltacht.

The Department, also from its head office in Dublin, oversees and co-ordinates the delivery of the following programmes:

(g) Other programmes

The RAPID programme — targets the 45 areas with the greatest concentration of disadvantage around the country, for priority funding under the national development plan and better co-ordination of service delivery at local level.

National Drugs Strategy 2001-2008 — co-ordinating the implementation of the 100 actions from the Strategy, including operation of the young people's facilities and services fund, under the direction of the Cabinet Sub-Committee on Social Inclusion.

Local Development Social Inclusion Programme — administered on behalf of the Department by ADM Limited — designed to counter disadvantage and to promote equality and social and economic inclusion. Funds and supports partnerships, community groups and employment pacts.

Peace and Reconciliation, PEACE II — administered on behalf of the Department by ADM Limited-CPA, aims to support economic and social projects that address the legacy of the conflict or that takes opportunities arising from peace.

National Drugs Strategy.

244. **Mr. Gregory** asked the Minister for Community, Rural and Gaeltacht Affairs his views on recent seizures of crack cocaine in Dublin city; and if he will make a statement on the matter.
[33477/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): My Department has overall responsibility for co-ordinating the implementation of the National Drugs Strategy 2001-2008. The strategy aims to tackle the drug problem in the most comprehensive way ever undertaken in this country and contains 100 individual actions, under the four pillars of supply reduction, prevention, treatment and research, to be implemented by a range of Departments and agencies.

In this regard, issues regarding supply reduction are primarily the responsibility of my colleague, the Minister for Justice, Equality and Law Reform, from whom I understand there has been just one seizure this year to date, which has, upon analysis, been confirmed as freebase, crack, cocaine. This seizure was made in March in the Rathgar area of the city. The amount of crack cocaine seized was just over two grams in weight. I have also been informed that there have been a small number of other seizures whose drug type has yet to be confirmed through analysis. The Government views this situation very seriously and continues to monitor it closely.

Question No. 245 answered with Question No. 64.

Cattle Identification Scheme.

246. **Mr. Perry** asked the Minister for Agriculture and Food if the inspection of a herd of a person (details supplied) will be postponed until after Christmas 2004; and if she will make a statement on the matter. [32992/04]

Minister for Agriculture and Food (Mary Coughlan): EU regulations require detailed checks regarding identification and registration of animals.

These applicants were selected randomly for on-farm inspection under the 2004 suckler cow premium scheme and were notified in writing of the inspection intended for 25 November 2004. They sought deferment of the inspection because one joint applicant was over 80 years old and the other was ill. When my Department proposed to them the date of 10 December 2004 for carrying out the inspection that had been deferred originally, an open-ended medical certificate was submitted in respect of the younger joint applicant which stated that she was unable to engage in physical work and submission of the herd register and the passports of the relevant cattle before 10 December was promised. On receipt of the register and passports, however, it was not possible to complete an inspection attempted on 10 December.

My Department faces a difficulty in this case in that the inspection must be completed notwith-

standing that an open-ended medical certificate has been submitted. In order to resolve this difficulty, my Department proposes as an exceptional measure to offer to the joint herd owners an inspection in early January 2005. My Department will contact the joint herd owners with this offer.

Irish Horse Board.

247. **Mr. Naughten** asked the Minister for Agriculture and Food the funding provided by her Department to the Irish Horse Board in each year since 1989; the corresponding figures in EU funding provided to the board; the funding under each category to be provided in 2005; and if she will make a statement on the matter. [32993/04]

Minister for Agriculture and Food (Mary Coughlan): The interim Irish Horse Board was set up in 1992 and the assets and liabilities of the Interim Horse Board were assumed by the Irish Horse Board in 1993. The following table provides details of the funding provided by my Department to the Irish Horse Board by way of grant aid for the promotion and development of the sport horse industry and for the implementation of equine schemes under the Operational Programme for Agriculture and Rural Development, OPARDF, 1994-1999 and the National Development Plan 2000-2006. My Department recouped 75% of the funding provided to the Irish Horse Board for OPARDF schemes from the EU. Moneys paid under the National Development Plan 2000-2006 are funded wholly by the Exchequer.

Year	DAF GRANT	OPARDF / NDP	Total funding from DAF
	A	B	C =(A+B)
	€	€	€
1992	95,230	0	95,230
1993	95,230	0	95,230
1994	95,230	0	95,230
1995	95,230	461,725	556,955
1996	142,845	524,042	666,887
1997	142,845	502,983	645,828
1998	190,460	419,709	610,169
1999	253,947	371,163	625,110
2000	323,783	123,451	447,234
2001	584,080	418,259	1,002,339
2002	600,000	686,218	1,286,218
2003	560,000	433,341	993,341
2004 (est.)	525,000	455,500	980,500
2005 (est.)	825,000	530,000	1,355,000

Since 1992 the Irish Horse Board, with the assistance of my Department, has completed a valuable programme of work focusing the industry on the need to breed quality horses and seeking to achieve the improvement of the Irish sport horse through performance testing and training regimes. The Irish Horse Board also assists in the marketing of sport horses in the international market place. A measure of the success achieved by the Irish Horse Board to date is that the Irish sport

horse studbook has topped the rankings in the 2003-2004 World Breeding Federation for Sport Horses eventing rankings for the ninth successive year and the Irish sport horse studbook was placed overall sixth in the 2002-2003 World Breeding Federation Sport Horses show jumping rankings.

Teagasc Funding.

248. **Mr. Kenny** asked the Minister for Agriculture and Food the amount of funding that has

[Mr. Kenny.]
been allocated to Teagasc for 2005; and if she will make a statement on the matter. [33029/04]

Minister for Agriculture and Food (Mary Coughlan): My Department's allocation to Teagasc for capital and non-capital purposes in 2005 amounts to €122.5 million. The amount for non-capital purposes is €118 million and for capital development purposes the allocation is €4.5 million. These are substantial resources and are a clear indication of the Government's continuing commitment to supporting Teagasc activities.

Public Relations Contracts.

249. **Mr. P. McGrath** asked the Minister for Agriculture and Food the number and value of

Grade	Number	Salary Scale
Press Adviser (non Civil Servant)	1	€83,707.00 i.e. maximum of Principal Officer standard scale
Assistant Principal	1	€55,057 — €68,651 i.e. Standard Scale
Higher Executive Officer	.5	€39,035 — €49,529 i.e. Standard Scale
Executive Officer	2	€25,704 — €40,669 i.e. Standard Scale
Executive Officer	.5	€27,057 — €42,805 i.e. Full PRSI Scale
Clerical Officer	1	€20,520 — €33,274 i.e. Full PRSI Scale

The duties of the press office include: provision of comprehensive service to national, provincial press, specialised farming press, national TV and radio as well as local radio stations; advertising Department's schemes and activities; liaising with other Departments; emergency planning-press element; servicing of Department's website and aertel pages; monitoring of national and provincial press for Department.

contracts awarded for public relations projects by her Department since June 2002. [33051/04]

Minister for Agriculture and Food (Mary Coughlan): There have been no contracts awarded by my Department for public relations projects since June 2002.

Departmental Staff.

250. **Mr. P. McGrath** asked the Minister for Agriculture and Food the number of civil servants and other staff in her press office; and the grade and remuneration of each. [33066/04]

Minister for Agriculture and Food (Mary Coughlan): The equivalent of six staff work full-time on media communication duties in my Department. The grade and remuneration of the staff is as follows:

251. **Mr. P. McGrath** asked the Minister for Agriculture and Food the number of civil servants and other staff employed in her constituency office; and the grade and remuneration of each. [33081/04]

Minister for Agriculture and Food (Mary Coughlan): The following table gives the breakdown of staff employed on constituency work in my office:

Minister's Office Staff

Grade	Number	Salary Scale
Personal Assistant	1	€41,389 — €51,192 i.e. Higher Executive Officer Higher Scale
Personal Secretary	1	€19,499 — €37,621 i.e. Secretarial Assistants salary scale + 10% higher duty allowance
Clerical Officer	1	€20,402 — €32,298 i.e. CO Higher Scale.
Clerical Officer	2	€20,402 — €32,298 i.e. CO Higher Scale €20,520 — €33,274 i.e. Full PRSI Scale
Clerical Officer	1	€20,520 — €33,274 i.e. Full PRSI Scale

Grant Payments.

252. **Mr. Naughten** asked the Minister for Agriculture and Food the spend and number of grant approvals under the CFP in the years 2002 and 2003; the expected out-turn and grant approvals for 2004; the over-run or underspend for the scheme in each year concerned; and if she will make a statement on the matter. [33098/04]

Minister for Agriculture and Food (Mary Coughlan): The current scheme in place in Ireland which provides aid for investments to control farm pollution is the farm waste management scheme, which came into operation in February 2001. Residual payments under the preceding schemes, such as the control of farm pollution scheme would have continued after that date. The following table sets out details of the expenditure, approvals and excess-savings for each of the years concerned:—

	2002	2003	2004 (estimated)
Expenditure	€14.748m.	€22.290m.	€16.461m.
Savings (minus;) / Excess (+)	–€22.133m.	+€1.700m.	–€15.439m.
Approvals Issued	2,231	1,903	2,750

Grant Aid.

253. **Mr. Naughten** asked the Minister for Agriculture and Food the plans she has to review the level of grant aid provided to farmers under the CFP scheme in view of the increasing cost of steel and the demands which will be placed on farmers due to the nitrates directive; and if she will make a statement on the matter. [33099/04]

Minister for Agriculture and Food (Mary Coughlan): The recommendations of the Brosnan report in regard to the implementations of the nitrates directive and the question of increased funding for the farm waste management scheme are under consideration. An action programme for the implementation of the directive in this country has been submitted to the EU Commission and its response is awaited.

My Department has introduced revised standard costing, which reflect increased costs including that of steel in respect of all approvals issued under the scheme as and from 13 September 2004.

Grant Payments.

254. **Mr. Naughten** asked the Minister for Agriculture and Food the status of the guidelines for cross compliance under the single farm payment scheme; if penalties are imposed on farmers, if these will be reimbursed to the EU or Department of Finance; and if she will make a statement on the matter. [33100/04]

Minister for Agriculture and Food (Mary Coughlan): As part of the preparations for the new single payment scheme my Department has prepared a consultative document on cross-compliance and has made it available to interested organisations. This document takes account of the requirements laid down in the EU regulations on cross compliance and sets out Ireland's proposed approach to the obligations that should be respected by farmers receiving direct payments under the single payment scheme.

Under cross compliance requirements any farmer receiving direct payments must respect the various statutory management requirements set down in EU legislation, directives and regulations, on the environment, food safety, animal health, and welfare, and plant health and must maintain the farm in good agricultural and environmental condition.

It will be necessary to carry out on-farm visits to ensure that farmers respect cross compliance requirements. In general the rate of inspection required for cross-compliance is 1% of those farmers to whom the relevant statutory management requirements or good agricultural and environ-

mental conditions apply. However, at least 5% of producers must be inspected under the animal identification and registration requirements of cross compliance as this is the level prescribed under the relevant regulations.

Where breaches of cross compliance provisions are detected the level of penalty to be applied will be determined on the basis of an assessment of the importance of the non-compliance set out in the control report following the on-farm inspection. If the non-compliance is due to negligence then, normally, the penalty is 3% of the aid for the year in question. However taking account of the permanence, extent or severity of the non-compliance the 3% penalty may be reduced to 1% or increased to 5%. If repeated non-compliance is found then the penalty established will be multiplied by three up to a maximum of 15% of the aid.

If intentional non-compliance is found then the penalty is 20% of the direct payments referred to under Council Regulation 1782/93 for the year in question. However, on examination of the control report and taking account of the permanence, extent or severity of the non-compliance the 20% may be reduced to 15% or increased to 100%. Most of the statutory management requirements have been in place for some years and generally farmers are aware of the various requirements.

In the light of submissions which my Department has received in response to its consultative document and, following consultations with interested bodies, my Department will publish in the new year, a detailed information booklet on cross-compliance requirements for the assistance of applicants under the single payment scheme.

Member states may retain 25% of the amounts resulting from the application of cross compliance penalties and the balance must be credited to the EAGGF guarantee section.

On Farm Inspections.

255. **Mr. Naughten** asked the Minister for Agriculture and Food the number of her officials who carried out on farm inspections in 2004; the projected numbers for 2005; and if she will make a statement on the matter. [33101/04]

Minister for Agriculture and Food (Mary Coughlan): I understand the Deputy is referring to the EU direct payment, REPS and the on-farm investment schemes. In 2004, 446 inspectors have been involved in on-farm inspections. It is not envisaged there will be any significant change in 2005 in the numbers of such personnel, although the nature of this work will naturally be affected by the single payment scheme and the simplified procedures which its application will involve. The

[Mary Coughlan.]
situation after 2005 will be kept under review in the light of precise inspection requirements.

Environmental Policy.

256. **Mr. McCormack** asked the Minister for Agriculture and Food if her attention has been drawn to the growing concerns of the forestation programme in the catchment area of the Great Western Lakes and that this is the alleged cause of serious pollution in the lakes; her plans for the cessation of all conifer forestry within the catchment area of the Great Western Lakes; if all EU grant aid for conifer forestry will be suspended on peat lands in the censored areas surrounding the Great Western Lakes; and if she will make a statement on the matter. [33154/04]

Minister for Agriculture and Food (Mary Coughlan): I am aware of the concerns expressed about the alleged impact of forestry on the lakes mentioned. A delegation from the Carra, Mask and Corrib Water Protection Group met on 24 November 2004 with the responsible Ministers, including myself and the Minister for Environment, Heritage and Local Government. The group expressed their views as to the algal problem in Lough Corrib. Following the meeting, arrangements were put in place for officials from the Department of the Environment, Heritage and Local Government, my Department and Coillte Teoranta to meet the local group to discuss their concerns and proposals in more detail. I understand a date of 17 January 2005 has now been agreed for this meeting.

Until the true cause of the problems on these lakes is known, it is premature to talk in terms of a blanket ban on afforestation. I have no scientific evidence available to me to justify the cessation of all conifer planting in the area. As regards my policy on the afforestation of peat lands, my Department has very strict procedures in place. These procedures effectively rule out grant aid for planting on intact raised bogs of the midlands, or the impoverished, oligotrophic deep blanket peats of the west. In addition, areas protected, or listed for protection, under the habitats directive are not considered for grant aid without the prior agreement of the National Parks and Wildlife Service.

Grant Payments.

257. **Mr. Neville** asked the Minister for Agriculture and Food when the headage grant will be awarded to a person (details supplied) in County Limerick. [33167/04]

Minister for Agriculture and Food (Mary Coughlan): The holding of the person named was selected for an on-the-spot inspection. The results of this inspection have now been finalised and the 2004 area aid application for the person named has been fully processed with an area determined for payment purposes of 87.86 hectares.

Payment of his full entitlement under the 2004 area based compensatory allowance scheme on the maximum of 45 hectares will issue shortly.

258. **Mr. Perry** asked the Minister for Agriculture and Food if the single payment *force majeure* will be granted to a person (details supplied); and if she will make a statement on the matter. [33168/04]

Minister for Agriculture and Food (Mary Coughlan): An application for consideration under the *force majeure*-exceptional circumstances measure of the single payment regulations was submitted by the person named on 22 January 2004. The person named was notified on 29 April 2004 that the circumstances outlined by him did not satisfy the criteria for *force majeure*-exceptional circumstance under article 40 of Council Regulation (EC) No.1782/2003 and was advised that he could appeal this decision to the Independent Single Payment Appeals Committee who would carry out a full review of the circumstances outlined.

The application for consideration of *force majeure*-exceptional circumstances related only to TB restriction from November 1999 to March 2000 and made no reference to medical circumstances affecting the person named. The option of appealing the single payment unit decision was not availed of. However, if the person named wishes to put forward medical circumstances for consideration, then he should do so as soon as possible.

259. **Mr. Ring** asked the Minister for Agriculture and Food when details will be announced for the 2005 National Reserve; the criteria for application; when application forms will be available; and if she will make a statement on the matter. [33218/04]

Minister for Agriculture and Food (Mary Coughlan): I will be in a position shortly to invite applications to 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.

Departmental Investigations.

260. **Mr. Naughten** asked the Minister for Agriculture and Food the reason her Department settled a case in the courts with a company (details supplied), in view of the Department's vigorous defence of the case during the nine week hearing; the total liability to the State; the legal cost involved; and if she will make a statement on the matter. [33248/04]

Minister for Agriculture and Food (Mary Coughlan): The case in question was settled without any admission of liability, on the advice of senior counsel and with the approval of the office of the Attorney General. The settlement details are subject to a confidentiality clause which binds both parties involved. However, the financial details of the settlement will be open to scrutiny in the same way as all other expenditure of funds by my Department.

I can say that no costs have been determined as yet and they will in due course be subject to taxation before the taxing master.

Plant Diseases.

261. **Mr. Deasy** asked the Minister for Agriculture and Food the details of the survey carried out by her Department on the presence here of the disease, phytophthora ramorum (details supplied); the steps she intends to take to prevent the spread of this disease; and if she will make a statement on the matter. [33297/04]

Minister for Agriculture and Food (Mary Coughlan): Phytophthora ramorum was first detected in the EU in 2000. It has been found to be damaging rhododendron and viburnum plants and may possibly affect other species.

Following the discovery of the disease in the UK in May 2002, the European Commission introduced emergency measures that came into force on 1 November 2002. These measures included the application of the plant passport system to plants of rhododendron spp, other than rhododendron simsii, and plants of viburnum.

In Ireland the fungus has been found at three locations in the wild on rhododendron only. Some 31 incidences have occurred in garden centres-nurseries on rhododendron and viburnum. All plants that tested positive have been or are in the process of being removed and destroyed. To date there have been no positive findings on oak or any other tree species.

There are a number of control mechanisms in place to prevent the introduction and spread of sudden oak death in Ireland. A Statutory Instrument (SI 578 of 2004) was recently signed to give effect to Commission Decision 2004/426 on provisional emergency measures to prevent introduction and spread of this disease. This legislation provides for controls on the movement of rhododendron and viburnum within the EU including from the UK through the plant passport system; for import controls into the EU on susceptible plants and wood from areas of the USA where the disease is known to occur; and a provision for official surveys for the fungus to be carried out in all member states. I am increasing our levels of vigilance and surveillance and mechanisms are in place to isolate, manage and where possible eradicate any instances found in Ireland.

Table: Monitoring results for the presence of Phytophthora ramorum on the territory of the Member States in 2004

Country	Nurseries and Garden Centres			Public Green Sites (Parks, . . .)			Forestry Sites		
	No. of visual inspections and list of species involved*	No. of laboratory analyses of samples taken and list of species involved*	No. of outbreak sites and list of the species involved*	No. of visual inspections and list of species involved*	No. of laboratory analyses of samples taken and list of species involved*	No. of outbreak sites and list of the species involved*	No. of visual inspections and list of species involved*	No. of laboratory analyses of samples taken and list of species involved*	No. of outbreak sites and list of the species involved*
Ireland	42	42	3	211	211	1	285	285	1

*See following for list of species involved.

Table of Results for 2004.

	All areas	Garden Centre/ Nurseries	Public/ Private Parks	Forest/ Wild
Number of Samples	538	42	211	285
Number Positive Samples	12	7	3	2
Number Sites Inspected	118	17	41	60
Number Outbreak Sites	5	3	1	1

Positives only found on *Rhododendron* spp. in 2004.

List of Species.

Species	Number Samples			
	All Areas	Nurseries and Garden Centres Public Sites	Public Green Sites (Parks, . . .)	Forstry Sites
Arbutus	1	1	7	
Azalea	1	1		
Camellia	9	2		
Castanea	1	1		

Species	Number Samples			
	All Areas	Nurseries and Garden Centres Public Sites	Public Green Sites (Parks, . . .)	Forstry Sites
Pieris	1		1	
Quercus	13		4	9
Rhododendron	468	30	191	247
Viburnum	42	7	35	
Vaccinium	3			3

Grant Payments.

262. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason the special beef premium or the suckler cow grant has not been awarded to a person (details supplied) in County Galway; and if she will make a statement on the matter. [33298/04]

Minister for Agriculture and Food (Mary Coughlan): The person named has to date submitted four applications under the 2004 EU special beef premium scheme, one on 23 February 2004 in respect of ten animals, one on 7 May 2004 in respect of 14 animals, one on 30 September 2004 in respect of three animals and one on 5 November 2004 in respect of 11 animals. In any given year, advance payments cannot begin before 16 October. Furthermore the two month regulatory retention period must have expired before such payments can commence.

Under my Department's computer-based risk analysis programme, the herd of the person named was selected for an on-farm inspection, which was carried out on 15 November 2004. The results of the inspection have now been input and the 60% advance payments due in respect of the applications lodged in February and May will issue in the coming days. Advance payments in respect of applications lodged in September are scheduled to commence next week. Advance payments in respect of applications lodged in November are scheduled to commence in February.

The person named applied for premium on 18 animals under the 2004 suckler cow premium scheme. The results of the inspection carried out on 15 November 2004 have now been updated and this case has been processed for payment of the 60% advance instalment, which will issue within the week.

263. **Mr. Connaughton** asked the Minister for Agriculture and Food the payments received by a person (details supplied) in County Galway in respect of ewe premium, suckler cow grant, special beef premium and extensification for the years 1997, 1998, 1999, 2000, 2001 and 2002; and if she will make a statement on the matter. [33299/04]

Minister for Agriculture and Food (Mary Coughlan): Payments to the person named together with the jointly registered herdowner were as follows:

	€
1997 extensification premium	1,175.77
1998 extensification premium	1,244.69
1999 extensification premium	1,247.96
2000 extensification premium	1,122.00
2001 extensification premium	1,386.00
2002 extensification premium	1,520.00
1997 special beef premium	1,084.16
1998 special beef premium	1,342.71
1999 special beef premium	1,373.98
2000 special beef premium	628.55
2001 special beef premium	1,240.20
2002 special beef premium	1,050.00
1997 suckler cow premium	2,136.66
1998 suckler cow premium	1,958.61
1999 suckler cow premium	2,136.66
2000 suckler cow premium	2,245.76
2001 suckler cow premium	2,505.96
2002 suckler cow premium	2,689.80
1997 ewe-rural world premium scheme	10,946.34
1998 ewe-rural world premium scheme	14,013.45
1999 ewe-rural world premium scheme	13,621.92
2000 ewe-rural world premium scheme	11,600.76
2001 ewe-rural world premium scheme	330.28
2002 ewe-rural world premium scheme	3,220.00

Rural Environment Protection Scheme.

264. **Mr. Ring** asked the Minister for Agriculture and Food when a person (details supplied) in County Mayo will receive her first year's payment of REP scheme three. [33323/04]

Minister for Agriculture and Food (Mary Coughlan): Payment dated 9 December 2004 has issued to the person named.

265. **Mr. Ring** asked the Minister for Agriculture and Food when a person (details supplied) in County Mayo will be notified of his entitlements under the single payment scheme following his appeal for consideration of *force majeure*-exceptional circumstances which was submitted in March 2004; and when this appeal will be finalised. [33324/04]

Minister for Agriculture and Food (Mary Coughlan): The circumstances put forward in this *force majeure* application relate to a discrepancy

between the commonage forage area declared by the person named in 2001 and 2002 and that found by the area aid unit following re-digitisation. However, this discrepancy did not affect production during the reference years and consequently has no effect on the total amount of the single farm payment due to the person named.

A letter explaining this position and a statement of provisional entitlements are due to issue to the person named this week.

Environmental Policy.

266. **Mr. Sargent** asked the Minister for Agriculture and Food if she will make available to the public the statistical breakdown distinguishing between afforestation on peat soils and those planted on mineral soils according to the grant application forms as per her recent reply to this Deputy. [33326/04]

Minister for Agriculture and Food (Mary Coughlan): As the Deputy is aware, a recent report by the European Environmental Agency, based on satellite imagery, suggested that 84% of planting since 1990 has taken place on peatlands. This figure simply does not correspond in any way to the information available to my Department. Earlier examinations indicate a much lower figure to that quoted in the EEA report.

The Forest Service is currently conducting further analyses of all the available information on the breakdown between afforestation on peat soils and those planted on mineral soils. These analyses will include information taken from grant application forms, but more importantly will make use of scientifically obtained soils data. I will be very happy to make public all the relevant information once the investigation is complete.

Forestry Sector.

267. **Mr. Sargent** asked the Minister for Agriculture and Food if she can give an assurance that the review and appraisal of Ireland's forestry development strategy by a company (details supplied) commissioned by her predecessor and presented in September 2004 will inform the negotiations with the European Commission for forestry funding under CAP 2006 — 2012; and the implications of any changes for the forestry sector. [33327/04]

268. **Mr. Sargent** asked the Minister for Agriculture and Food the changes in policy since the publication in 1996 of "Growing for the Future: a Strategic Plan for the Development of the Forestry Sector in Ireland" which will form the basis of Ireland's application for forestry funding 2006-2012. [33328/04]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions No. 267 and 268 together.

Ireland's application for forestry funding under the new rural development council regulation 2007-2013 will be determined when the regulation

is finally agreed in Brussels. At this stage, negotiations on the regulation are continuing and a final decision is not expected to be taken by Council of Ministers for several months.

The 1996 strategic plan "Growing for the Future" contains the main framework of forestry policy in Ireland at present. Policy is being reviewed in the light of the recent report, "A Review and Appraisal of Ireland's Forestry Development Strategy". I assure the Deputy that this report is being used extensively to inform the negotiations with the EU Commission on the draft rural development regulation.

Regarding forestry, our main concerns with the draft regulation are the proposed reduction in rates of aid for planting, from 100% to 40%, the proposed reduction in both the farmer and non-farmer rate of premiums and the reduction in the premium payment period, from 20 years to 10 years.

Grant Payments.

269. **Mr. Ring** asked the Minister for Agriculture and Food when persons (details supplied) in County Mayo will be notified of their entitlements under the inheritance measure of the single payment scheme. [33329/04]

Minister for Agriculture and Food (Mary Coughlan): The persons named have submitted an application for consideration in respect of the inheritance measure of the single payment scheme. Following an examination of the documents submitted, the persons named have been requested to submit additional information to substantiate their claim. On receipt of the outstanding documentation a final decision on the matter will issue to the named persons.

270. **Mr. Deasy** 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 Waterford; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33341/04]

Minister for Agriculture and Food (Mary Coughlan): The following is the up to date position regarding the processing of *force majeure* applications received from herd owners in County Waterford under the single payment scheme during the earlier application period this year:

	Number
No. of cases received	357
No. of successful applicants	66
No. of unsuccessful applicants	255
No. awaiting decision	36
No. of applicants who submitted an appeal to the independent single payment appeals committee	58

	Number
No. of successful appeals	Nil
No. of unsuccessful appeals	38
No. of applicants awaiting a decision	20

The breakdown of applications received under the different subject areas is as follows:

Force majeure applications by category.

	Number
Death of applicant	29
Incapacity	91
Disaster	3
Destruction	8
Disease in herd	72
Other exceptional circumstance	181

Some farmers in their applications requested consideration under more than one category.

My Department has also received in excess of 45 *force majeure* applications under the second tranche of this measure, which closed on 29 October 2004. Processing of these applications is expected to commence in the next couple of weeks.

271. **Mr. Hogan** 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 Kilkenny; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33342/04]

Minister for Agriculture and Food (Mary Coughlan): The following is the up to date position regarding the processing of *force majeure* applications received from herd owners in County Kilkenny under the single payment scheme during the earlier application period this year:

	Number
No. of cases received	434
No. of successful applicants	88
No. of unsuccessful applicants	287
No. awaiting decision	59
No. of applicants who submitted an appeal to the independent single payment appeals committee	65
No. of successful appeals	2
No. of unsuccessful appeals	39
No. of applicants awaiting a decision	24

The breakdown of applications received under the different subject areas is as follows:

Force majeure applications by category.

	Number
Death of applicant	38
Incapacity	96
Disaster	5
Destruction	2
Disease in herd	99
Other exceptional circumstance	237

Some farmers in their applications requested consideration under more than one category.

My Department has also received in excess of 70 *force majeure* applications under the 2nd tranche of this measure, which closed on 29 October 2004. Processing of these applications is expected to commence in the next couple of weeks.

272. **Mr. Hogan** 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 Carlow; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33343/04]

Minister for Agriculture and Food (Mary Coughlan): The following is the up to date position regarding the processing of *force majeure* applications received from herd owners in County Carlow under the single payment scheme during the earlier application period this year:

	Number
No. of cases received	183
No. of successful applicants	33
No. of unsuccessful applicants	130
No. awaiting decision	20
No. of applicants who submitted an appeal to the independent single payment appeals committee	37
No. of successful appeals	1
No. of unsuccessful appeals	19
No. of applicants awaiting a decision	17

The breakdown of applications received under the different subject areas is as follows:

Force majeure applications by category.

	Number
Death of applicant	25
Incapacity	63
Disaster	0
Destruction	1
Disease in herd	26
Other exceptional circumstance	84

Some farmers in their applications requested consideration under more than one category.

My Department has also received in excess of 40 *force majeure* applications under the second tranche of this measure, which closed on 29 October 2004. Processing of these applications is expected to commence in the next couple of weeks.

273. **Ms Enright** 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 Offaly; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33344/04]

Minister for Agriculture and Food (Mary Coughlan): The following is the up to date position regarding the processing of *force majeure* applications received from herd owners in County Offaly under the single payment scheme during the earlier application period this year:

	Number
No. of cases received	382
No. of successful applicants	54
No. of unsuccessful applicants	246
No. awaiting decision	82
No. of applicants who submitted an appeal to the independent single payment appeals committee	51
No. of successful appeals	Nil
No. of unsuccessful appeals	42
No. of applicants awaiting a decision	9

The breakdown of applications received under the different subject areas is as follows:

Force majeure applications by category.

	Number
Death of applicant	44
Incapacity	88
Disaster	4
Destruction	2
Disease in herd	81
Other exceptional circumstance	210

Some farmers in their applications requested consideration under more than one category.

My Department has also received in excess of 50 *force majeure* applications under the second tranche of this measure, which closed on 29 October 2004. Processing of these applications is expected to commence in the next couple of weeks.

274. **Ms Enright** 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 Laois; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33345/04]

Minister for Agriculture and Food (Mary Coughlan): The following is the up to date position regarding the processing of *force majeure* applications received from herd owners in County Laois under the single payment scheme during the earlier application period this year:

	Number
No. of cases received	478
No. of successful applicants	35
No. of unsuccessful applicants	302
No. awaiting decision	141
No. of applicants who submitted an appeal to the independent single payment appeals committee	51
No. of successful appeals	3
No. of unsuccessful appeals	37
No. of applicants awaiting a decision	11

The breakdown of applications received under the different subject areas is as follows:

Force majeure applications by category.

	Number
Death of applicant	62
Incapacity	119
Disaster	6
Destruction	5
Disease in herd	62
Other exceptional circumstance	273

Some farmers in their applications requested consideration under more than one category.

My Department has also received in excess of 65 *force majeure* applications under the second tranche of this measure, which closed on 29 October 2004. Processing of these applications is expected to commence in the next couple of weeks.

275. **Mr. P. McGrath** 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 Westmeath; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33346/04]

Minister for Agriculture and Food (Mary Coughlan): The following is the up to date position regarding the processing of *force majeure* applications received from herd owners in County

[Mary Coughlan.]

Westmeath under the single payment scheme during the earlier application period this year:

	Number
No. of cases received	369
No. of successful applicants	69
No. of unsuccessful applicants	261
No. awaiting decision	39
No. of applicants who submitted an appeal to the Independent single payment appeals committee	57
No. of successful appeals	1
No. of unsuccessful appeals	27
No. of applicants awaiting a decision	29

The breakdown of applications received under the different subject areas is as follows:

Force Majeure applications by category.

	Number
Death of applicant	34
Incapacity	89
Disaster	4
Destruction	1
Disease in herd	112
Other exceptional circumstance	171

Some farmers in their applications requested consideration under more than one category.

My Department has also received in excess of 55 *force majeure* applications under the 2nd tranche of this measure, which closed on 29 October 2004. Processing of these applications is expected to commence in the next couple of weeks.

276. **Mr. Timmins** 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 Wicklow; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33347/04]

Minister for Agriculture and Food (Mary Coughlan): The following is the up to date position regarding the processing of *force majeure* applications received from herd owners in County Wicklow under the single payment scheme during the earlier application period this year:

	Number
No. of cases received	203
No. of successful applicants	22
No. of unsuccessful applicants	137
No. awaiting decision	44
No. of applicants who submitted an appeal to the independent single payment appeals committee	30

	Number
No. of successful appeals	7
No. of unsuccessful appeals	17
No. of applicants awaiting a decision	6

The breakdown of applications received under the different subject areas is as follows:

Force majeure applications by category.

	Number
Death of applicant	25
Incapacity	45
Disaster	1
Destruction	4
Disease in herd	39
Other exceptional circumstance	111

Some farmers in their applications requested consideration under more than one category.

My Department has also received in excess of 35 *force majeure* applications under the second tranche of this measure, which closed on 29 October 2004. Processing of these applications is expected to commence in the next couple of weeks.

277. **Mr. Durkan** 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 Kildare; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33348/04]

Minister for Agriculture and Food (Mary Coughlan): The following is the up to date position regarding the processing of *force majeure* applications received from herd owners in County Kildare under the single payment scheme during the earlier application period this year:

	Number
No. of cases received	233
No. of successful applicants	39
No. of unsuccessful applicants	143
No. awaiting decision	51
No. of applicants who submitted an appeal to the independent single payment appeals committee	32
No. of successful appeals	Nil
No. of unsuccessful appeals	16
No. of applicants awaiting a decision	16

The breakdown of applications received under the different subject areas is as follows:

Force majeure applications by category.

	Number
Death of applicant	18
Incapacity	52
Disaster	6
Destruction	3
Disease in herd	31
Other exceptional circumstance	138

Some farmers in their applications requested consideration under more than one category.

My Department has also received in excess of 30 *force majeure* applications under the second tranche of this measure, which closed on 29 October 2004. Processing of these applications is expected to commence in the next couple of weeks.

278. **Mr. O'Dowd** 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 Louth; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33349/04]

Minister for Agriculture and Food (Mary Coughlan): The following is the up to date position regarding the processing of *force majeure* applications received from herdowners in County Louth under the single payment scheme during the earlier application period this year:

	Number
No. of cases received	349
No. of successful applicants	34
No. of unsuccessful applicants	280
No. awaiting decision	35
No. of applicants who submitted an appeal to the Independent Single Payment Appeals Committee	18
No. of successful appeals	Nil
No. of unsuccessful appeals	7
No. of applicants awaiting a decision	11

The breakdown of applications received under the different subject areas is as follows:

Force majeure applications by category.

	Number
Death of applicant	25
Incapacity	42
Disaster	8
Destruction	2
Disease in herd	238
Other exceptional circumstance	70

Some farmers in their applications requested consideration under more than one category. My Department has also received in excess of 30 *force majeure* applications under the second tranche of this measure, which closed on 29 October 2004. Processing of these applications is expected to commence in the next couple of weeks.

279. **Mr. English** 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 Meath; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33350/04]

Minister for Agriculture and Food (Mary Coughlan): The following is the up to date position regarding the processing of *force majeure* applications received from herdowners in County Meath under the single payment scheme during the earlier application period this year:

	Number
No. of cases received	502
No. of successful applicants	87
No. of unsuccessful applicants	188
No. awaiting decision	227
No. of applicants who submitted an appeal to the Independent Single Payment Appeals Committee	37
No. of successful appeals	Nil
No. of unsuccessful appeals	28
No. of applicants awaiting a decision	9

The breakdown of applications received under the different subject areas is as follows:

force majeure applications by category.

	Number
Death of applicant	56
Incapacity	125
Disaster	9
Destruction	2
Disease in herd	143
Other exceptional circumstance	250

Some farmers in their applications requested consideration under more than one category.

My Department has also received in excess of 85 *force majeure* applications under the second tranche of this measure, which closed on 29 October 2004. Processing of these applications is expected to commence in the next couple of weeks.

280. **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

[Mr. Hayes.]

persons in County Tipperary; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33351/04]

Minister for Agriculture and Food (Mary Coughlan): The following is the up to date position regarding the processing of *force majeure* applications received from herdowners in County Tipperary under the single payment scheme during the earlier application period this year:

	Number
No. of cases received	1,498
No. of successful applicants	249
No. of unsuccessful applicants	1,013
No. awaiting decision	236
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
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.

	Number
Death of applicant	89
Incapacity	285
Disaster	32
Destruction	11
Disease in herd	345
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 commence in the next couple of weeks.

281. **Mr. Crawford** 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 Monaghan; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33352/04]

296. **Mr. Crawford** asked the Minister for Agriculture and Food the number of applications under the *force majeure* scheme for the single farm payment which have been received to date from persons in County Monaghan; the number who have been successful or refused, appealed successfully or otherwise; the number still awaiting a

decision; and if she will make a statement on the matter. [33483/04]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 281 and 296 together.

The following is the up to date position regarding the processing of *force majeure* applications received from herdowners in County Monaghan under the single payment scheme during the earlier application period this year:

	Number
No. of cases received	436
No. of successful applicants	55
No. of unsuccessful applicants	203
No. awaiting decision	178
No. of applicants who submitted an appeal to the Independent Single Payment Appeals Committee	40
No. of successful appeals	3
No. of unsuccessful appeals	33
No. of applicants awaiting a decision	4

The breakdown of applications received under the different subject areas is as follows:

Force majeure applications by Category.

	Number
Death of applicant	46
Incapacity	92
Disaster	12
Destruction	1
Disease in herd	125
Other exceptional circumstance	204

Some farmers in their applications requested consideration under more than one category.

My Department has also received in excess of 90 *force majeure* applications under the second tranche of this measure, which closed on 29 October 2004. Processing of these applications is expected to commence in the next couple of weeks.

282. **Mr. Crawford** 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 Cavan; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33353/04]

297. **Mr. Crawford** asked the Minister for Agriculture and Food the number of applications under the *force majeure* scheme for the single farm payment which have been received to date from persons in County Cavan; the number who have been successful or refused, appealed successfully or otherwise; the number still awaiting a decision;

and if she will make a statement on the matter.
[33484/04]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 282 and 297 together.

The following is the up to date position regarding the processing of *force majeure* applications received from herdowners in County Cavan under the single payment scheme during the earlier application period this year:

	Number
No. of cases received	459
No. of successful applicants	103
No. of unsuccessful applicants	321
No. awaiting decision	35
No. of applicants who submitted an appeal to the Independent Single Payment Appeals Committee	78
No. of successful appeals	3
No. of unsuccessful appeals	38
No. of applicants awaiting a decision	37

The breakdown of applications received under the different subject areas is as follows:

Force majeure applications by category.

	Number
Death of applicant	28
Incapacity	103
Disaster	3
Destruction	1
Disease in herd	174
Other exceptional circumstance	171

Some farmers in their applications requested consideration under more than one category.

My Department has also received in excess of 90 *force majeure* applications under the second tranche of this measure, which closed on 29 October 2004. Processing of these applications is expected to commence in the next couple of weeks.

283. **Mr. McGinley** 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 Donegal; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33354/04]

Minister for Agriculture and Food (Mary Coughlan): The following is the up to date position regarding the processing of *force majeure* applications received from herdowners in County Donegal under the single payment scheme during the earlier application period this year:

	Number
No. of cases received	512
No. of successful applicants	28
No. of unsuccessful applicants	250
No. awaiting decision	234
No. of applicants who submitted an appeal to the Independent Single Payment Appeals Committee	44
No. of successful appeals	1
No. of unsuccessful appeals	24
No. of applicants awaiting a decision	19

The breakdown of applications received under the different subject areas is as follows:

Force majeure applications by category.

	Number
Death of applicant	65
Incapacity	130
Disaster	8
Destruction	3
Disease in herd	53
Other exceptional circumstance	287

Some farmers in their applications requested consideration under more than one category.

My Department has also received in excess of 95 *force majeure* applications under the second tranche of this measure, which closed on 29 October 2004. Processing of these applications is expected to commence in the next couple of weeks.

284. **Mr. Perry** 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 Sligo; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33355/04]

Minister for Agriculture and Food (Mary Coughlan): The following is the up to date position regarding the processing of *force majeure* applications received from herdowners in County Sligo under the single payment scheme during the earlier application period this year:

	Number
No. of cases received	484
No. of successful applicants	100
No. of unsuccessful applicants	292
No. awaiting decision	92
No. of applicants who submitted an appeal to the Independent Single Payment Appeals Committee	73

	Number
No. of successful appeals	5
No. of unsuccessful appeals	45
No. of applicants awaiting a decision	23

The breakdown of applications received under the different subject areas is as follows:

Force majeure applications by category.

	Number
Death of applicant	53
Incapacity	148
Disaster	3
Destruction	2
Disease in herd	96
Other exceptional circumstance	230

Some farmers in their applications requested consideration under more than one category. My Department has also received in excess of 75 *force majeure* applications under the second tranche of this measure, which closed on 29 October 2004. Processing of these applications is expected to commence in the next couple of weeks.

285. **Mr. Perry** 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 Leitrim; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33356/04]

Minister for Agriculture and Food (Mary Coughlan): The following is the up to date position regarding the processing of *force majeure* applications received from herdowners in Leitrim under the single payment scheme during the earlier application period this year:

	Number
No. of cases received	331
No. of successful applicants	54
No. of unsuccessful applicants	210
No. awaiting decision	67
No. of applicants who submitted an appeal to the Independent Single Payment Appeals Committee	38
No. of successful appeals	2
No. of unsuccessful appeals	27
No. of applicants awaiting a decision	9

The breakdown of applications received under the different subject areas is as follows:

Force majeure applications by category.

	Number
Death of applicant	53
Incapacity	92
Disaster	0
Destruction	1
Disease in herd	68
Other exceptional circumstance	139

Some farmers in their applications requested consideration under more than one category.

My Department has also received in excess of 55 *force majeure* applications under the second tranche of this measure, which closed on 29 October 2004. Processing of these applications is expected to commence in the next couple of weeks.

286. **Mr. Naughten** 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 Roscommon; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33357/04]

Minister for Agriculture and Food (Mary Coughlan): The following is the up to date position regarding the processing of *force majeure* applications received from herdowners in County Roscommon under the single payment scheme during the earlier application period this year:

	Number
No. of cases received	679
No. of successful applicants	152
No. of unsuccessful applicants	431
No. awaiting decision	96
No. of applicants who submitted an appeal to the Independent Single Payment Appeals Committee	84
No. of successful appeals	2
No. of unsuccessful appeals	46
No. of applicants awaiting a decision	36

The breakdown of applications received under the different subject areas is as follows:

Force majeure applications by category.

	Number
Death of applicant	73
Incapacity	190
Disaster	10
Destruction	4
Disease in herd	143
Other exceptional circumstance	325

Some farmers in their applications requested consideration under more than one category.

My Department has also received in excess of 125 *force majeure* applications under the second tranche of this measure, which closed on 29 October 2004. Processing of these applications is expected to commence in the next couple of weeks.

287. **Mr. Naughten** 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 Longford; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33358/04]

Minister for Agriculture and Food (Mary Coughlan): The following is the up to date position regarding the processing of *force majeure* applications received from herdowners in County Longford under the single payment scheme during the earlier application period this year:

	Number
No. of cases received	250
No. of successful applicants	33
No. of unsuccessful applicants	187
No. awaiting decision	30
No. of applicants who submitted an appeal to the Independent Single Payment Appeals Committee	48
No. of successful appeals	1
No. of unsuccessful appeals	29
No. of applicants awaiting a decision	18

The breakdown of applications received under the different subject areas is as follows:

Force majeure applications by category.

	Number
Death of applicant	24
Incapacity	78
Disaster	5
Destruction	2
Disease in herd	54
Other exceptional circumstance	118

Some farmers in their applications requested consideration under more than one category.

My Department has also received in excess of 40 *force majeure* applications under the second tranche of this measure, which closed on 29 October 2004. Processing of these applications is expected to commence in the next couple of weeks.

288. **Mr. Kenny** 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 Mayo; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33359/04]

Minister for Agriculture and Food (Mary Coughlan): The following is the up to date position regarding the processing of *force majeure* applications received from herdowners in County Mayo under the single payment scheme during the earlier application period this year:

	Number
No. of cases received	1,214
No. of successful applicants	145
No. of unsuccessful applicants	786
No. awaiting decision	283
No. of applicants who submitted an appeal to the Independent Single Payment Appeals Committee	83
No. of successful appeals	3
No. of unsuccessful appeals	28
No. of applicants awaiting a decision	52

The breakdown of applications received under the different subject areas is as follows:

Force majeure applications by category.

	Number
Death of applicant	183
Incapacity	375
Disaster	12
Destruction	4
Disease in herd	179
Other exceptional circumstance	591

Some farmers in their applications requested consideration under more than one category.

My Department has also received in excess of 120 *force majeure* applications under the second tranche of this measure, which closed on 29 October 2004. Processing of these applications is expected to commence in the next couple of weeks.

289. **Mr. Connaughton** 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 Galway; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33360/04]

Minister for Agriculture and Food (Mary Coughlan): The following is the up-to-date position regarding the processing of *force majeure* applications received from herdowners in County

[Mary Coughlan.]

Galway under the single payment scheme during the earlier application period this year:

	Number
No. of cases received	1,181
No. of successful applicants	189
No. of unsuccessful applicants	797
No. awaiting decision	195
No. of applicants who submitted an appeal to the independent single payment appeals committee	193
No. of successful appeals	10
No. of unsuccessful appeals	102
No. of applicants awaiting a decision	81

The breakdown of applications received under the different subject areas is as follows.

Force majeure applications by category.

	Number
Death of applicant	160
Incapacity	343
Disaster	22
Destruction	8
Disease in herd	167
Other exceptional circumstance	583

Some farmers requested consideration under more than one category. My Department has also received in excess of 160 *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.

290. **Mr. P. Breen** 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 Clare; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33361/04]

Minister for Agriculture and Food (Mary Coughlan): The following is the up-to-date position on the processing of *force majeure* applications received from herdowners in County Clare under the single payment scheme during the earlier application period this year:

	Number
No. of cases received	637
No. of successful applicants	99
No. of unsuccessful applicants	508
No. awaiting decision	30
No. of applicants who submitted an appeal to the Independent single payment appeals committee	167

	Number
No. of successful appeals	9
No. of unsuccessful appeals	131
No. of applicants awaiting a decision	27

The breakdown of applications received under the different subject areas is as follows.

Force majeure applications by category.

	Number
Death of applicant	83
Incapacity	178
Disaster	10
Destruction	3
Disease in herd	116
Other exceptional circumstance	306

Some farmers requested consideration under more than one category. 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.

291. **Mr. Neville** 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 Limerick; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33362/04]

Minister for Agriculture and Food (Mary Coughlan): The following is the up-to-date position regarding the processing of *force majeure* applications received from herdowners in County Limerick under the single payment scheme during the earlier application period this year:

	Number
No. of cases received	714
No. of successful applicants	105
No. of unsuccessful applicants	442
No. awaiting decision	167
No. of applicants who submitted an appeal to the Independent single payment appeals committee	84
No. of successful appeals	2
No. of unsuccessful appeals	36
No. of applicants awaiting a decision	46

The breakdown of applications received under the different subject areas is as follows:

Force majeure applications by category.

	Number
Death of applicant	58
Incapacity	172
Disaster	15
Destruction	8
Disease in herd	170
Other exceptional circumstance	359

Some farmers requested consideration under more than one category. My Department has also received in excess of 115 *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.

292. **Mr. Murphy** 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 Cork; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33363/04]

Minister for Agriculture and Food (Mary Coughlan): The following is the up-to-date position regarding the processing of *force majeure* applications received from herdowners in County Cork under the single payment scheme during the earlier application period this year.

	Number
No. of cases received	1,662
No. of successful applicants	271
No. of unsuccessful applicants	1,245
No. awaiting decision	146
No. of applicants who submitted an appeal to the independent single payment appeals committee	320
No. of successful appeals	18
No. of unsuccessful appeals	170
No. of applicants awaiting a decision	132

The breakdown of applications received under the different subject areas is as follows.

Force majeure applications by category.

	Number
Death of applicant	145
Incapacity	474
Disaster	17
Destruction	18
Disease in herd	349
Other exceptional circumstance	870

Some farmers requested consideration under more than one category. My Department has also received in excess of 280 *force majeure* applications under the second tranche of this measure, which closed on 29 October 2004. Processing of these applications is expected to commence in the next couple of weeks.

293. **Mr. Kehoe** 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 Wexford; the number which have been successful, refused, appealed successfully or otherwise, respectively; the number still awaiting a decision; and the cases that have been decided under different subject areas. [33364/04]

Minister for Agriculture and Food (Mary Coughlan): The following is the up-to-date position regarding the processing of *force majeure* applications received from herdowners in County Wexford under the single payment scheme during the earlier application period this year:

	Number
No. of cases received	482
No. of successful applicants	58
No. of unsuccessful applicants	371
No. awaiting decision	53
No. of applicants who submitted an appeal to the independent single payment appeals committee	103
No. of successful appeals	10
No. of unsuccessful appeals	74
No. of applicants awaiting a decision	19

The breakdown of applications received under the different subject areas is as follows:

Force majeure applications by category.

	Number
Death of applicant	48
Incapacity	125
Disaster	2
Destruction	4
Disease in herd	85
Other exceptional circumstance	271

Some farmers requested consideration under more than one category. My Department has also received in excess of 65 *force majeure* applications under the second tranche of this measure, which closed on 29 October 2004. Processing of these applications is expected to commence in the next couple of weeks.

Genetically Modified Organisms.

294. **Mr. Lowry** asked the Minister for Agriculture and Food her views on whether it is in Ireland's best interest to establish Ireland as a genetically modified free zone in order to maintain

[Mr. Lowry.]

competitive advantage and the reputation built up over many years by Bord Bia, in view of her views on Ireland's clean green image; and if she will make a statement on the matter. [33408/04]

295. **Mr. Lowry** asked the Minister for Agriculture and Food if her attention has been drawn to the fact that EU consumers are voting with their feet by not purchasing food products associated in any way with genetically modified crops; if Irish food products are in danger of losing competitive advantage in a highly competitive EU and world-wide market due to the potential impact which genetically modified crops would have on Ireland's reputation of high quality food; and if she will make a statement on the matter. [33409/04]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 294 and 295 together.

The position on GM production is that the EU legislative framework, put in place by the European Parliament and Council of Ministers and which is binding on all member states, provides for controls along the whole supply chain which ensure that only food which meets the highest standards of food safety can be grown and marketed. It is not permissible, under that legislative framework, for Ireland, or any member state, to declare itself a GM-free zone. The stringent traceability and labelling requirements for GM food within the EU ensures that that the consumer is fully informed of the presence of GM foods being sold and can accordingly exercise their choice in its purchase. While the production of GM crops in Ireland is not anticipated for the foreseeable future, with all the necessary controls in place any such production will not impact adversely on the image Irish food currently enjoys on the world's markets.

Question No. 296 answered with Question No. 281

Question No. 297 answered with Question No. 282

Crime Levels.

298. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if he has viewed a television programme (details supplied) on crime in Limerick; his views on the statement of the State solicitor for Limerick that the level of crime in Limerick has become a cancer in society, that criminal elements are a Mafia and that he, the State solicitor, has been seriously intimidated as have other servants of the State, including gardai; his further views on whether he has any idea of the level of serious crime here or the action to take in relation to same; and if he will make a statement on the matter. [33009/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There is a specific problem of criminal activity in Limerick which in recent years

has been driven by a small number of feuding criminal families in small pockets of the city and is motivated by the illegal drugs trade. As the programme clearly highlighted, the gardai in Limerick have had considerable success in tackling these feuding criminal elements and a substantial number of gang members have been prosecuted and are in custody. Many of these are serving long sentences, including sentences for violent disorder, drug trafficking and life sentences for murder.

Policing strategies in place have been effective and are paying dividends. These strategies are continually being reviewed and evaluated. While I view with the utmost seriousness any attempts at intimidation of the gardai or any other personnel operating in the criminal justice sphere, I am informed by the Garda authorities that attempts at intimidation have not prevented the Chief State Solicitor or the gardai from carrying out their professional duties or enforcing the law. I am planning a number of relevant legislative amendments in the context of the Criminal Justice Bill 2004. The first of these is provided for in Part 3 of the Bill. These provisions will allow the courts to admit in certain specified circumstances previous witness statements where a witness recants or refuses to testify at trial. Given that such refusal to co-operate may arise from intimidation, the provision is designed to ensure that witness statements might still be available to the courts even though the witness subsequently refuses to co-operate. Other initiatives, which I will propose by way of amendments to the Bill, will make it an offence to participate in or contribute to the activities of a criminal organisation and will strengthen existing provisions for minimum mandatory sentences for drug trafficking.

Citizenship Applications.

299. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if he will report on the contents of the report commissioned by a person (details supplied) on the investment for naturalisation schemes and the contents of the review established; the number of persons who were granted passports under the scheme in each year since it began; the amount that was paid to the Exchequer or invested in business here in return for each passport; the name and address and beneficial owner of each business which benefited from the scheme; and if he will make a statement on the matter. [33010/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The report to which the Deputy refers was presented to the then Minister for Justice in January 1995, which is over seven years before I assumed office. In response to Parliamentary Question No. 5 of 17 October 2002, I took the unprecedented step of reporting my findings to the Dáil on the situation giving rise to the commissioning of that report. My response was based not alone on an examination of the report itself but on an examination of the entirety of the orig-

inal file which I retrieved from the Moriarty tribunal specifically for that purpose.

Furthermore, I sought further legal advice on the matter from the Attorney General and in my response to Parliamentary Question No. 193 of 13 May 2003, I set out in general terms the nature of that advice in so far as it related to the possibility of revoking the certificates of naturalisation in question. I refer the Deputy to the response to Parliamentary Question No. 1 of 25 June 1998 which sets out the outcome of the review carried out by my predecessor on the investment based naturalisation scheme. The report of the review group on investment based naturalisation which I published in August 2002 contains a comprehensive analysis of the investment based naturalisation scheme. It states in paragraph 2.14 that over £100 million worth of investments were made. It has never been the practice of my predecessors in office, irrespective of political persuasion, to disclose publicly the details of the affairs of individuals or companies with whom the Department has transacted business on the assumption of confidentiality. I am not in a position to depart from that practice. Files relating to the naturalisation of 128 persons under the investment based naturalisation scheme are currently with the Moriarty tribunal. My Department has co-operated with the tribunal and that co-operation is recent and ongoing.

There were a total of 107 primary investors naturalised under the investment based naturalisation scheme together with 76 spouses and minor children. In that context, the issuance of passports is a matter for the Minister for Foreign Affairs. It has never been the practice in my Department to keep records of the passports issued to or renewed in respect of citizens who have been naturalised, whether under the investment based scheme or otherwise. The fact that any one of the 183 citizens referred to has not applied for a passport or has not applied for a renewal of a passport does not in any way derogate from his or her rights as an Irish citizen.

On coming into office as Minister for Justice, Equality and Law Reform, I secured Government approval to abolish the scheme of investment based citizenship, which continued the process set in train by my predecessor, Deputy O'Donoghue, to wind up the scheme. The Nationality and Citizenship Bill 2004, which has been passed by both Houses of the Oireachtas and which is currently with the President, contains a provision to ensure that the scheme of investment based naturalisation will not be reinstituted and to rule out and any future such scheme.

Crime Levels.

300. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the rampant lawlessness in the Shankill and Ballybrack area as instanced by correspon-

dence (details supplied); the way in which he proposes to deal with the criminal activities described in same; and if he will make a statement on the matter. [33011/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that they are aware of the reports regarding anti-social behaviour in the location concerned. The Shankill and Ballybrack areas are the subject of regular foot and mobile patrols by both uniformed and plain clothes gardaí. There are also four community gardaí especially assigned to the area. A superintendent recently met local representatives when public order issues in the area were discussed and I am informed that there has been a reduction in the level of anti-social behaviour in the area.

Local Garda management is satisfied that there are adequate resources to meet the policing needs of the area and will continue to ensure that a concentrated visible presence is maintained in this area.

Garda Deployment.

301. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the number of gardaí whose sole work in each of the past five years was the enforcement of road traffic law; the number of members of the Garda Síochána whose sole function at present is the enforcement of road traffic law in each of the next four years to the end of 2008; if these gardaí will be trained in Templemore and in the same manner as gardaí who will not be part of the new traffic corps; the reason he has made no provision for recruitment for the new traffic corps in the Estimates for 2005; and if he will make a statement on the matter. [33012/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the number of gardaí attached to traffic units in 1998 was 351. The number of gardaí attached to traffic units at the end of 2003 was 520 and the current number for the year to date is 531. In the time available for answering parliamentary questions it has not been possible to compile the information requested by the Deputy in respect of the years 1999 to 2002 inclusive.

The strength of the Garda traffic corps over the next four years will be as set out in the table.

Year	Number
2005	563
2006	805
2007	1,030
2008	1,200

[Mr. McDowell.]

All recruit gardaí admitted to the Garda College in the year 2005 will receive the same level of training as those currently undergoing training under the student/ probationer education, training and development programme. All personnel assigned to the new traffic corps will have completed the standard training programme.

Each quarter for the next three years, approximately 274 recruits will be taken into the college, amounting to almost 1,100 recruits each year. Taking into account projected retirements, it will lead to a combined organisational strength, of both attested gardaí and recruits in training, of 14,000 as early as 2006. Provision has been made in the 2005 Estimates for the Garda Vote to deal with recruitment of gardaí in that year. It is estimated that the cost for same in 2005 will amount to €11.793 million.

Legal Aid Service.

302. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the fees paid to criminal legal aid solicitors for each of the past five years; and if he will make a statement on the matter. [33014/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The fees paid to solicitors under the criminal legal aid and advice schemes in each of the past five years are as follows: 1999 — €9.520 million; 2000 — €12.301 million; 2001 — €11.646 million; 2002 — €12.880 million; 2003 — €16.285 million.

Proposed Legislation.

303. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform when he proposes to introduce legislation to provide for the repatriation of Irish prisoners serving sentences in the Republic of Cuba; and if he will make a statement on the matter. [33015/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Transfer of Sentenced Persons Acts of 1995 and 1997 is the legislative basis for enabling the repatriation of prisoners to Ireland. While the Act was intended, in the main, to allow for the operation of the Council of Europe Convention on the Transfer of Sentenced Persons it also provides, under section 2 of the Act, for the repatriation of prisoners from or to a state, such as Cuba, which is not a party to the convention. There is, therefore, no need to bring forward additional legislation in this area.

Proposals for the conclusion of an agreement between the two Governments to allow for the transfer of sentenced persons were received by my Department from the Cuban authorities earlier this year. I sought and have received advice from the Office of the Attorney General about the proposed agreement and I expect to be in a position

to respond on the matter to the Cuban authorities before the end of the month. I expect that an agreement can be put in place in the first half of next year which will allow for sentenced persons in either state to request repatriation.

Juvenile Offenders.

304. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform his policies on juvenile justice; if he will report on the range of facilities and programmes operated through his Department for young children and persons at risk of offending and for those who have offended; the stage which the work of the project team charged with rationalising and restructuring the State's service on juvenile justice has reached; and if he will make a statement on the matter. [33016/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Children Act 2001 is a fundamental revision of legislation governing the treatment of children in conflict with the law and non-offending children in need of special care and protection. The considerations behind the Act are prevention, through early intervention, is desirable; diversion, where a child has committed an offence, is the preferred option where society would not be adversely affected; community sanctions should be available where it is necessary to bring a child before the courts; and although appropriate in certain cases, detention for children should be a measure of last resort.

The 2001 Act is comprehensive but complex legislation. For those reasons, it is being implemented on a phased basis, as was envisaged at the time of enactment. Responsibility for implementing the Act lies with the Departments of Justice, Equality and Law Reform, Education and Science and Health and Children. Despite the complexity of the legislation, significant progress has been made in its implementation to date. A key aim of the Act is to retain the distinction between offending children and non-offending children in need of care and protection by providing two distinctive pathways for addressing their needs — a youth justice route which emphasises a diversionary and restorative justice approach and a welfare route which emphasises care and protection.

With regard to the youth justice route, the part of the Act providing for a diversion programme to replace the Garda juvenile liaison officer, JLO, scheme was brought into operation in May 2002. The objective of the programme, which is also administered by the Garda Síochána, is to divert from committing further offences any child who accepts responsibility for his or her criminal behaviour. The programme introduced the concepts of restorative justice and family conferencing.

In addition to the Garda diversion programme, my Department also funds the Garda youth diver-

sion projects. The projects are community based initiatives to divert young people from becoming involved in anti-social and/or criminal behaviour. The number of such projects has grown from 12 in 1997 to 64, a growth made possible in part by funding under the National Development Plan 2000-2006. The probation and welfare service also supports 73 projects nationally which offer programmes to offenders and those at risk of offending. Forty six of these specifically target young offenders. There are plans to extend the range of projects which offer services to young offenders and children as part of the implementation of the Children Act 2001.

Within the prison system, facilities and programmes for young offenders are centred mainly at St. Patrick's Institution. A diverse range of services is provided, including individual and group programmes involving education, training, medical and welfare supports. It is important to emphasise, too, that a wide range of educational and support services for young people generally is provided by a number of Government Departments. While not all are specifically in the area of crime prevention, of course, there are links and co-operation with other Government Departments on significant cross cutting issues relevant to the area of youth justice.

My Department, for example, continues to participate actively in the framework established by the Government to implement the national drugs strategy. The Department is also represented on the national assessment committee of the young peoples facilities and services fund. This fund was set up by the Government to attract young people at risk into sports, recreational facilities and activities and to divert them away from the danger of substance misuse. Approximately €75 million to date has been provided by the Government to support about 450 facilities and services.

The cross cutting and interdependent nature of the Children Act 2001 reflects a well acknowledged need to begin to join up the thinking and the operation of services for children. With this in mind, I established a project team in my Department charged with examining the scope for rationalising and restructuring the delivery of the State's services in the area of youth justice. Although we have established a sound statutory framework for a modern youth justice system, it is considered that some fresh thinking with regard to the institutional and strategic environment in which it is to be delivered may be helpful.

The project team is consulting with relevant governmental and non-governmental experts in the area, as well as evaluating international developments. An important element, too, is a public consultation process and a notice was placed in the national newspapers calling for submissions before the end of November. A number of submissions were received and they are being considered at

present. I expect the project team to report to me before summer next year.

Liquor Licensing Laws.

305. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the number of off-licence premises which have been closed down or have lost their licence in each of the twenty six counties; the type of licence lost in each of the past five years due to the sale of alcohol to minors; and if he will make a statement on the matter. [33019/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It has not been possible to compile the information requested by the Deputy in the timeframe allowed. I will arrange for the information to be forwarded directly to the Deputy at the earliest possible opportunity.

Garda Investigations.

306. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if he will report on the circumstances surrounding the decision to redesignate the Garda investigation into the death of a person (details supplied) from one of a murder inquiry to one of dangerous driving causing death; if he was in possession of this information when he addressed Dáil Éireann on 28 March 2002 prior to Dáil Éireann voting to establish the Morris tribunal; the reason the information was not made available to the coroner's inquest into the death of this person seven months later; and if he will make a statement on the matter. [33020/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In the ordinary course of events the Department is not concerned with the designation of an incident on the Garda computer. The question of how an incident is to be treated is an operational matter strictly within the province of the Garda Síochána. Consequently, the question of informing the Department of a change in this designation does not arise.

The facts of this matter, as I understand it, emerged in the context of the Morris inquiry, which in its current module is examining the Garda investigation into the death of the person concerned. As a result of questions from one of the parties concerning his status as a suspect on the Garda computer, the chairman, Mr. Justice Morris, asked the Garda legal representatives whether this could be checked. The Garda Commissioner subsequently wrote to the party on 19 November 2004 to the effect that the designation of the death on the Garda computer had been changed from "murder/manslaughter" to "hit and run" on 13 November 2002 and that neither party concerned nor an associated party was a suspect.

For its part, the Department was generally aware in late 2002 that the focus of the Garda investigation into the death of the person was on

[Mr. McDowell.]

the possibility of a “hit and run” but it only became aware that the designation on the Garda computer had been changed when the content of the commissioner’s letter emerged at the tribunal. The change in designation occurred in November 2002 whereas the Morris tribunal had been established in April of that year. While it might have been useful had the Department been aware at that time, it would not have materially altered the approach taken. The situation in Donegal merited the establishment of the tribunal to get to the truth in any event.

All the papers in the Department related to the events in Donegal have been transferred to the tribunal and it is for the tribunal to determine the significance or otherwise of the alteration in the designation. Finally, my Department had no role in and is not in a position to comment on the evidence given at the inquest into the death of the person referred to by the Deputy.

Crime Levels.

307. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if it is the policy to ignore petty crime in the community; if his attention has been drawn to the fact that most citizens have no confidence in reporting so-called petty crime; and if he will make a statement on the matter. [33021/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Government is strongly committed to the reduction of all crime levels in this country through strong and effective crime prevention methods. The Garda Síochána actively encourages people who are victims of any crime to report the offence to the gardaí.

A number of established initiatives pursue this policy. These include Crimestoppers, the Garda confidential telephone line, the “Crimecall” TV programme and Victim Support. The Garda Síochána has also taken steps in partnership with local areas to encourage crime prevention. I am informed by the Garda authorities that there are sufficient measures in place to facilitate the reporting of all offences. These measures include 999 emergency calls, phone calls to Garda stations, visits to Garda stations and the availability of gardaí on mobile and beat patrols. The Garda Síochána public attitude survey 2004 indicates a 79% rate for the reporting of crime, which is high by international standards.

While there are general claims of under reporting of crime, there is no evidence that the level of under reporting now is any greater than in the past or that the proportion of unreported crime in Ireland is any greater than in other jurisdictions. The problems of unreported and unrecorded crime are well documented in the international criminological literature and are in no way unique to this country. Furthermore, the

introduction of PULSE has improved the accuracy and comprehensiveness of Garda statistics — for example, the system demands that incidents now have to be recorded before particular actions can be taken.

Steps are, however, being taken to obtain a more accurate estimate of the level of victimisation in Ireland. Following a recommendation of the national crime council, I obtained Government approval to conduct crime victimisation surveys on a regular basis. Following the submission to me in July by the expert group on crime statistics of its recommendations, I decided that the Central Statistics Office would take over responsibility for carrying out these surveys. The surveys will enable us better to understand why some victims chose not to report cases to the Garda and what can be done to reduce the level of under reporting.

Garda Investigations.

308. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if the issue of widespread telephone fraud relating to land lines and mobiles has arisen over the past few weeks; and if he will make a statement on the matter. [33022/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that there has been no issue of widespread telephone fraud relating to land lines or mobiles over the past few weeks. The computer crime investigation unit of the Garda bureau of fraud investigation has only received five complaints to date in the year 2004 relating to telephone fraud.

Visa Applications.

309. **Mr. Gogarty** asked the Minister for Justice, Equality and Law Reform when a decision will be made on the holiday visa application of a person (details supplied); and if he will make a statement on the matter. [33035/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The visa application in question was assessed on 18 November 2004 and the application was refused. The application was refused because the visa officer could not reasonably be satisfied, on the basis of documentation supplied to my Department, that the applicant would observe the conditions of the visa applied for. In particular, it was felt that the applicant had not displayed evidence of her obligations to return home following the proposed visit.

The decision was advised to New Delhi on 24 November 2004. It is open to the applicant to appeal the decision in writing to the visa appeals officer, immigration and citizenship division, Department of Justice, Equality and Law Reform, 13-14 Burgh Quay, Dublin 2, quoting the reference

and refusal number in the correspondence with the Department.

Drug Seizures.

310. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if, in the past three years, the gardaí have seized any heroin here which, upon analysis, was found to contain rat poison; if so, the dates on which the heroin was seized, the quantity that was found to contain the rat poison and the concentration of the rat poison in the heroin. [33036/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that drugs seized by the gardaí are submitted to the forensic science laboratory for analysis and that, to date, there have been no cases of heroin seizures which, upon such analysis, have been found to contain rat poison.

Public Relations Contracts.

311. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the number and value of contracts awarded for public relations projects by his Department since June 2002. [33052/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Neither I nor my Department's press office have engaged any external public relations consultants since my appointment in June 2002. There have been six contracts awarded for public information projects by my Department since June 2002 at a cost of €279,658.53. These included two contracts totalling €3,573.53, awarded by the Refugee Appeals Tribunal, a contract for €12,000 on the national disability strategy, a contract for €149,109 to develop and implement an awareness campaign at Christmas 2002 on the national age card scheme and two contracts totalling €114,976 for the national anti-racism awareness programme, Know Racism. It should be noted that, to date, no payments have been made on the contract on the national disability strategy.

Departmental Staff.

312. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the number of civil servants and other staff in his press office; and the grade and remuneration of each. [33067/04]

313. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the number of civil servants and other staff employed in his constituency office; and the grade and remuneration of each. [33082/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 312 and 313 together.

Staff currently employed in my press office are detailed in the following table:

Grade	Remuneration (full time rate)
1 Assistant Principal	€55,057 — €68,651
1 Administrative Officer	€27,981 — €49,529
1 Executive Officer	€25,704 — €40,669
1 Clerical Officer	€19,493 — €31,612

The staff currently employed in my constituency office consist of two executive officers and three clerical officers as detailed in the table below. Of the clerical officer posts, two are staffed by clerical officers who work share.

Grade	Remuneration (full time rate)
1 Executive Officer	€25,704 — €40,669
1 Executive Officer	€27,057 — €42,805
1 Clerical Officer	€20,520 — €33,274
1 Clerical Officer (Work sharing)	€19,493 — €31,612
1 Clerical Officer (Work sharing)	€20,402 — €32,298
1 Clerical Officer (Work sharing)	€20,520 — €33,274
1 Clerical Officer (Work sharing)	€20,520 — €33,274

Asylum Applications.

314. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform if the case of a person (details supplied) in Dublin 8 will be re-examined; and if he will make a statement on the matter. [33105/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to the reply I gave to Question No. 182 on 9 December 2004. The position remains the same.

Residency Permits.

315. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform when an application for residency by a person (details supplied) in County Cork will be considered. [33113/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for permission to remain in the State based on marriage to an Irish national was received from the person concerned in July 2004. Applications of this type are dealt with in chronological order and currently take approximately 16 months to process.

Visa Applications.

316. **Mr. Gogarty** asked the Minister for Justice, Equality and Law Reform the reason a visa was refused to a person (details supplied); when they will receive formal notification of this visa refusal; and the course of action they have to appeal this decision. [33121/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A decision was made by the visa officer who assessed the application on 30 November 2004 and advised to the Department of For-

[Mr. McDowell.]
 eign Affairs on 2 December 2004. A letter was sent to the applicant on 6 December 2004 informing him that the visa application had not been approved by the Department of Justice, Equality and Law Reform. The letter also stated that if the applicant wished to know the reason or reasons for the refusal, he or she or a person nominated by the reference on the original application should write or fax within one month of the above date to the visa officer at the immigration and citizenship division, Department of Justice, Equality and Law Reform, 13-14 Burgh Quay, Dublin 2, quoting the reference and refusal number in the correspondence with the Department. It is open to the applicant to appeal against the refusal by writing to the visa appeals officer at the Department of Justice, Equality and Law Reform.

Ground Rents Abolition.

317. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the situation in relation to the proposed abolition of domestic ground rents, particularly in view of a newspaper report (details supplied). [33123/04]

340. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the situation in relation to the proposed abolition of domestic ground rents, particularly in view of a newspaper report (details supplied). [33429/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 317 and 340 together.

The Government legislation programme, which was published on 28 September 2004, makes provision for a Bill to abolish ground rents. As I stated previously on this matter, publication of the Bill is subject to the resolution of possible constitutional and practical difficulties. The constitutional difficulties relate to the respective rights of ground rent tenants and landlords while the practical difficulties concern land law generally, especially the land registration system.

Grant Payments.

318. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform the assistance or grants which are available to a community group hall (details supplied) in Dublin 8; and if he will make a statement on the matter. [33149/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy may be aware, the equal opportunities child care programme for 2000 to 2006 is a seven year development programme which aims to increase the availability and quality of child care to support parents in employment, education and training. The level of demand for capital grant assistance was such that I considered it important to increase the capital provision for the current programme. Following discussions with my colleague, the Minister for

Finance, I was pleased when he made available through the budget an additional capital provision totalling €90 million over the period 2005 to 2009. Of this amount, €50 million will be made available under the current equal opportunities child care programme while the remaining €40 million will flow under its post-2006 phase.

The provision augments increased EU funding of some €12 million which was made available earlier this year in recognition of the progress of the programme. This brings the total funding available for the programme to €499.3 million, including an increased provision for capital developments for which €205 million has been set aside.

I understand from my inquiries that no application for capital grant assistance under the equal opportunities child care programme has been made to my Department by the group referred to by the Deputy. The Deputy may be aware that the group previously received a total of €199,349 in staffing supports under the programme. Should an application be received, it will, of course, be assessed by Area Development Management Limited, which has been engaged by my Department to carry out thorough assessments of all applications for grant assistance against the equal opportunities child care programme criteria on my behalf. Its terms of reference include a requirement for the service to support parents who are in employment or are undertaking education and training with a view to employment. On completion of the assessment process, applications are considered by the programme's appraisal committee, which is chaired by my Department and makes funding recommendations to me before I make a final decision.

Asylum Applications.

319. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform the progress made on the application by a person (details supplied); and if he will make a statement on the matter. [33170/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The query refers to a husband and wife, both of whom are Croatians. The husband arrived in the State on 9 April 2001 and applied for asylum the next day. On 30 April 2001, his wife arrived in the State with their two children and made an application for asylum the next day. Their applications were refused following consideration of their cases by the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. The couple are parents of a child who was born in Ireland on 9 May 2002. Subsequently, in accordance with section 3 of the Immigration Act 1999, as amended, the couple were informed, separately, that the Minister proposed to make a deportation order in respect of them. They were given the options, to be exercised within 15 working days, of leaving the State before an order was made, consenting to the making of a deportation order or making representations to

the Minister setting out the reasons they should be granted leave to remain temporarily in the State.

The case files in this case, including all representations submitted, will be considered in due course under section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996, as amended, (Prohibition of Refoulement) and the couple will be informed of the decision made in their cases.

Visa Applications.

320. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the reason persons (details supplied) in County Clare were refused visas; and if he will make a statement on the matter. [33186/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The visa applications in question were made to enable the son and daughter of a non-EEA national employed in the State under the work permit scheme to join their mother in Ireland. In general, persons employed in the State under the scheme may be joined by their spouse and minor children after a worker has been employed in the State for one year and has been offered a contract for a further year. The worker must also be able to fully support the family members in question without recourse to public funds. The applications were refused as the mother did not provide detailed payslips and bank statements or her divorce papers in support of the applications.

The applications were re-examined by an appeals officer and, on the basis of the documentation and information provided, it was decided that the original decisions to refuse the visas should be upheld. Each application is entitled to only one appeal. If the applicants still wish to travel, a fresh application with all the relevant documentation must be lodged.

Crime Levels.

321. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform his views on the Garda Síochána annual report for 2003, which indicates that instances of rape and sexual assault increased by 164% in Donegal from 2002 in view of the fact that rapes and sexual assaults are vastly underreported; if his attention has been drawn to this enormous increase; and if he will make a statement on the matter. [33201/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A total of 58 rape offences — rape of a female and rape section 4 — were reported in the Donegal division in 2003 and subsequently published in the 2003 Garda Síochána annual report. The total was counted incorrectly as a case involving 34 offences with the same injured party and offender was counted as 34 offences when it should have been counted as one offence in accordance with the Garda crime counting rules. Details of the rules are contained in the annual report. The revised total for the Donegal

division is therefore 25 offences, representing an increase of 14% over the 22 recorded in 2002.

Changes in the number of sexual offences recorded from year to year are often the result of the reporting of offences committed years or decades previously. The 34 offences referred to above, for example, were reported in 2003 but occurred many years before. Any increase in crime is unwelcome. While some regions show an increase for the period in question, it is important to note that, overall, the numbers of domestic violence, rape and sexual assault reported to the Garda in 2003, the last full year for which figures are available, represent a significant reduction when compared to the recorded incidents of these crimes in 2002. For example, there was a reduction of 25.5% in reported incidents of rape between 2002 and 2003. In 2002, the number of reported incidents of sexual assault was 1,626, but this had fallen to 1,449 by 2003.

On behalf of the national steering committee on violence against women, my Department has conducted a number of awareness-raising campaigns on various aspects of violence against women in recent years. Recent awareness campaigns have included a poster campaign on domestic violence in 2003 and a campaign in 2002 aimed at highlighting the dangers of drug-assisted rape. The 2002 campaign involved the development of a series of posters which were displayed in pubs, clubs and third level colleges around the country. Follow-up campaigns were undertaken in third level colleges in 2003 and 2004. In addition, my Department has provided funding to a number of rape crisis centres to deliver an awareness programme in schools in their locality.

It may also interest the Deputy to know that my Department has provided joint funding for comprehensive research into attrition rates in rape cases. The research is on the understanding of attrition, early withdrawal, the trial process and identifying possible changes to support complainants in rape cases and is being carried out by the department of law at the National University of Ireland, Galway, and the rape Crisis Network. The research should provide a greater understanding of why some victims choose not to report cases to the Garda, what can be done about under-reporting and why, of the cases reported, a relatively small percentage result in court hearings.

I understand from the Garda authorities that all gardaí receive training in the investigation of cases of domestic violence, rape and sexual assault. The training is provided by experienced Garda personnel assisted by other professionals such as psychologists, doctors and social workers as well as experts from various non-governmental organisations.

Garda Investigations.

322. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if he will investigate the case of a person (details supplied); and if there is substance to the allegations. [33202/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The case referred to by the Deputy was referred to the Garda authorities for investigation. I understand the complainant has also referred the matter to a number of other organisations for investigation.

I am informed by the Garda authorities that a review of all the issues and the content of the complaints received was conducted and that the complainant has consistently failed to co-operate with the gardaí in these matters. I am also informed that the investigations conducted and the documents received to date do not reveal sufficient evidence to sustain the allegations contained therein.

I am also informed by the Garda authorities that inquiries are ongoing into some of the matters outlined in the letter from the complainant dated 1 November 2004 and it is intended to further speak to the complainant on these matters shortly.

Registration of Title.

323. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform the status of a land dealing application (details supplied); and if he will make a statement on the matter. [33247/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that the schedule referred to by the Deputy was completed on 7 November 2004. There is a related application for transfer of part to the person concerned, which was lodged on 14 June 1999, pending on one of the folios — dealing No. D1999CR003738J refers. This application is receiving attention in the Land Registry and will be completed as soon as possible.

Garda Equipment.

324. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform when a Garda station (details supplied) in County Wexford will receive a replacement Garda car; the reason for the long delay; and if he will make a statement on the matter. [33252/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that the vehicle in question, a Toyota Avensis 1.6 attached to Courtown Harbour Garda station, was involved in a collision on 17 November 2004. The complete investigation file into the above collision has not yet been submitted but it is understood the vehicle is a write-off.

In the event of a Garda vehicle being involved in an accident, the Garda driver forwards a completed MT15 form to fleet management section. The MT15 is a preliminary report of the accident, which notifies fleet management section of the occurrence of the accident and the circumstances surrounding that accident. The public service vehicle inspector then assesses the damage to determine the viability of repairing or replacing the vehicle. The normal procedures that apply, should the vehicle be deemed a write-off, is that a

new vehicle will be issued as soon as possible, subject to availability. If a new vehicle is not available immediately, a temporary replacement may be issued, pending the availability of new vehicles. I have been further informed that it is likely that new cars may be available before Christmas to enable this car to be replaced.

Child Care Services.

325. **Ms Burton** asked the Minister for Justice, Equality and Law Reform if he will provide details of the funding provided by his Department for child care from 1997 to date, analysed by year and county; and the percentage of the total awarded to each county both by amounts spent and relative to population. [33273/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to draw the Deputy's attention to Developing Childcare in Ireland, which I made available to every Deputy in summer 2004 and which offers a detailed analysis of the development of child care on a county by county basis. It is my intention to make an update available to every Deputy early in 2005.

The first equal opportunities child care programme ran from January 1998 to June 2000 and involved three strands of funding — the capital infrastructure, the employer demonstration project and the community support child care initiative. The total budget for the programme was £11.5 million, or €14.6 million, and in all 123 projects received funding — 90 capital infrastructure projects, 25 community support child care initiative projects and eight employer demonstration initiative projects.

The total funding committed under the Equal Opportunities Childcare Programme 2000 — 2006 to date is now €323.4 million and this is expected to create over 34,000 new child care places. This includes the new commitment of the first tranche of €10 million from the additional €90 million in capital grant assistance made to me in budget 2005, and I expect to make further announcements of capital grant support to areas where there are gaps in child care service provision in a planned manner as soon as possible.

Garda Press Conference.

326. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the details of the serving members of the Garda Síochána who were invited to attend the press conference at which the intention to establish a traffic corps was announced; the rank and title of office or other appointment of the gardaí who were invited; and if he will make a statement on the matter. [33301/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the press launch for the establishment of the traffic corps was attended by the commissioner of the Garda Síochána, the deputy commissioner, operations, the chief superintendent

and superintendent, Garda national traffic bureau, and the Garda public relations officer.

Legal Aid Service.

327. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform if the private practitioner scheme emergency legal representation has been abolished with regard to the Legal Aid Board; if so, when the scheme was abolished with regard to the Legal Aid Board; in view of the current waiting lists in various legal aid authorities, the measures he has put in place to assist those on low incomes represent themselves adequately in emergency court appearances such as interim maintenance and custody hearings; and if he will make a statement on the matter. [33334/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The private practitioner's scheme, operated by the Legal Aid Board to supplement the service provided by the board from its law centre network, has not been abolished and is still in operation.

In relation to improving the service to clients of the Legal Aid Board, I am pleased to be able to inform the Deputy that I have allocated a total of €21.362 million to the board for the civil legal aid scheme for 2005, an increase of 16% over its allocation of €18.388 million for 2004. This increased allocation should result in a reduction in waiting times at law centres and an improved service to the board's clients.

Asylum Applications.

328. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the breakdown of the figure of €350 million, which he says was spent on asylum seekers two years ago; the direct beneficiaries of the largest payments; the amount of it that goes directly to asylum seekers; and the amount of this of which persons who are not allowed to work. [33335/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): While the costs arising from the provision of services to asylum seekers are primarily a matter for the individual Departments and agencies with responsibility for such services, the most recent information available to my Department indicates that the amount spent on services to asylum seekers for 2003, which also includes immigration functions such as the operation of the deportation process, was in the region of €353 million, spread between a number of Departments and agencies.

Insofar as my Department is concerned, most of the budget on services to asylum seekers would not involve direct payments but would cover costs associated with areas such as the provision of accommodation to asylum seekers by the Reception and Integration Agency; the operation of the asylum determination process carried out by the

Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal; the cost of the provision of legal advice and assistance by the refugee legal service; and the cost of the deportation process.

In 2004, the total cost to my own Department and the asylum agencies of asylum and immigration services was approximately €120 million, which was generally in line with the level of expenditure in 2003. The budgetary allocation would also cover other expenditure items such as the cost of judicial reviews in the area of asylum and immigration, the provision of interpretation and translation services where some 140 languages are provided and other immigration related services such as the processing of visa and citizenship applications.

The remaining balance of the €353 million is made up of expenditure on services to asylum seekers provided by a number of other Departments and agencies, for example, the Department of Social and Family Affairs, the Department of Health and Children and the Department of Education and Science. It would be for the Departments concerned to provide a detailed breakdown of expenditure for their areas of responsibility.

The successful implementation of the Government's asylum strategy has included the operation of the wide-ranging amendments to the Refugee Act 1996 contained in the Immigration Act 2003, which were aimed, *inter alia*, at streamlining the asylum decision making process. This strategy has had a positive impact in terms of processing times and has contributed to Ireland having the second highest reduction in asylum applications in any EU state in 2003. While any continued reduction in asylum applications can be expected to have an impact on the level of resources allocated to services for asylum seekers in the future, expenditure in this area will have to be maintained at an appropriate level so as to ensure the efficient and effective processing of applications in particular.

In addition, the provision of immigration related services generally will continue to require an adequate level of resources so as to ensure that these also continue to be provided in an efficient and effective manner. This will include resources, for example, for the operation of the deportation process and for the processing of applications for visas and citizenship, all of which have been on the increase in recent years.

As the Deputy is aware, all asylum seekers are prohibited from taking up employment by the Refugee Act 1996. The position in relation to access by asylum seekers to the labour market is set out in my reply to the Deputy's Question No. 429 of 30 November 2004.

Asylum Support Services.

329. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if his Department is

[Mr. Cuffe.]

responsible for the payment of direct provision allowances; if there is a unit with responsibility for the payment and for the welfare needs of persons living in direct provision. [33336/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Reception and Integration Agency, which operates under the aegis of my Department, is responsible for the provision of accommodation and ancillary services to asylum seekers. In addition, the agency has a co-ordinating role in relation to the provision of services to asylum seekers by other agencies and Departments, including the Department of Social and Family Affairs.

Direct provision allowances and other welfare payments to asylum seekers are made locally by community welfare officers operating under the aegis of the Department of Social and Family Affairs.

Firearm Certificates.

330. **Mr. Noonan** asked the Minister for Justice, Equality and Law Reform the number of firearm certificates issued to date in 2004; the number issued in 2002 and 2003 under section 3 of the Firearms Act 1925; the make, model and type of each fire arm for which such a certificate was issued; the conditions that were applied to such certificates; and if he will make a statement on the matter. [33338/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A breakdown of firearm certificates granted by make, model, type and by the conditions attached is not readily available and could be obtained only by a disproportionate expenditure of Garda time and resources. However, I am informed by the Garda authorities that they are compiling summary figures for the number of certificates granted for the years in question but that these are not readily available. They will be forwarded to the Deputy as soon as they are available. Firearm certificates may be subject to conditions under the Firearms Act 1925 and restrictions under section 29(5) of the Wildlife Act 1976.

Visa Applications.

331. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if an appeal for a visa in the name of a person (details supplied) will be granted; and if the case will be expedited. [33404/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A decision letter was issued to Karachi on 9 July 2004 informing the applicant of the refusal of the visa application. The letter also provided the applicant with information and contact addresses in the event that the applicant wished to be informed of the reason/s for the

refusal of the application or to appeal the decision. To date, the visa office has not received a request from the applicant to provide the reasons for the refusal of the visa or notification of appeal.

Garda Recruitment.

332. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform the plans he is putting in place to ensure adequate space for the current and additional recruits at the Garda training college in Templemore, in view of the extra Garda recruitment. [33418/04]

333. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform the number of new recruits currently in training at the Garda college in Templemore; the number of other attendees participating in other courses at the college; and the number of courses offered at the college. [33419/04]

334. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform if any of the additional Garda recruits will be trained in an alternative location to the Garda Training College in Templemore; the number expected to be trained elsewhere; the location at which they will be trained; and the expected loss of business to the entire economy of Templemore. [33420/04]

336. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform if the training of additional gardaí will impact on the lecturing needs of current recruits at the Garda college in Templemore and other course participants; if current recruits will need to move to accommodate the new recruits; and if so, the locations to which they will move. [33422/04]

337. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform if all 2,000 additional Garda recruits will complete their training at the Garda Training College in Templemore in line with the current training programme for the Garda Síochána. [33423/04]

338. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform the number of recruits that have attended the Garda Training College each year from 1997 to 2004; and the number expected to attend in 2005, 2006 and 2007. [33424/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 332 to 334, inclusive, and 336 to 338, inclusive, together.

I am informed by the Garda authorities that the current student-probationer education, training and development programme course consists of five separate but integrated phases. Phase I — 20 weeks, phase III — 16 weeks and phase V — four weeks — of the training programme are conducted at the Garda college with the exception of the final four weeks of Phase III, which will now be deliv-

ered at operational training stations. Phase II — 22 weeks — and phase IV — 38 weeks — are conducted at designated operational training stations.

The number of recruits taken in to the Garda college in each year from 1997, together with the number of recruits expected to attend the Garda college from 2005 to 2007, is as follows:

Year	Garda College Intake
1997	615
1998	549
1999	551
2000	496
2001	497
2002	547
2003	687
2004	518
2005	1,096
2006	1,096
2007	1,097

As part of my proposal to increase the strength of the force to 14,000, in line with the Government's commitment set out in An Agreed Programme for Government, each quarter, for the next three years, around 274 recruits will be taken into the college, amounting to almost 1,100 recruits each year. All of these recruits admitted to the Garda College will receive the same level of training as those currently undergoing training under the student-probationer education, training and development programme. Phases I, III and V of the programme will continue to be delivered at the Garda college with the exception of the final four weeks of Phase III, which will be delivered at operational training stations. There are currently no plans to train Garda recruits at any other locations.

To facilitate this accelerated recruitment, a significant enhancement of the Garda college facilities is under way. A new four-storey block will be built which will provide for central administration and free up the teaching blocks for classroom use. New library and gymnasium facilities will also be provided and existing catering and canteen facilities will be expanded. The plans for all of this are being advanced by the Office of Public Works and construction will be completed by the end of next year in time for the peak inflow of new recruits to the college. Work will also be undertaken to relocate the tactical training facility, which will be displaced by the new building.

In addition, the Garda Commissioner is to temporarily move the majority of inservice training out of the Garda college to a new location. This will enable the Garda college to concentrate mainly on training new recruits arising from the accelerated recruitment campaign. The OPW has advertised for expressions of interest in the provision of the new accommodation for inservice training. This outsourced facility will provide accommodation for up to 100 gardaí, with class-

room and lecture facilities. Accommodation is provided for trainees at the college and externally by the operation of the student living out programme, which may be extended as the need arises.

A total of 1,221 recruits are currently completing the two year student-probationer education, training and development course. The number of recruits attending at the Garda college, at any one time, varies according to the number who are completing Phases I, III and V of the training programme at the college. The number of recruits attending training at the Garda college on the week commencing 13 December 2004 is 284. In addition, 324 members of the Garda Síochána participated in training courses at the college for the week commencing 6 December 2004.

The number of courses offered at the Garda college depends on the training requirements within the Garda Síochána and takes account of training requirements under the corporate strategy plan and annual policing plan. The total number of courses on offer at the Garda college is 50.

The training of additional gardaí will not impact on the lecturing needs of current recruits at the Garda college as they pass through the two year student-probationer education, training and development programme.

Garda Training.

335. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform the plans that exist to develop accommodation to bring back to the Garda training college any course that has moved or will move to accommodate the proposed 2,000 additional recruits; the timescale expected for such a development; and the financial commitment that has been made for such development. [33421/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy will know from my recent announcement on this matter, a phased approach is being adopted to meet the additional accommodation requirements of the Garda college arising from the Government decision to increase the strength of the force to 14,000. First, there is a requirement to temporarily move certain in-service and other management training courses out of the Garda college to a new location. This, which is phase 1, will enable the Garda college to concentrate mainly on training new recruits.

The necessary tendering process to source and secure a suitable outsourced facility is currently being undertaken with the help of the Office of Public Works and, accordingly, the Deputy will appreciate that I cannot comment further at this point other than to say that it is the intention to make the move from the college early in the new year.

Phase 2 of the process, which is proceeding in parallel to the above, will see a significant expansion of the existing capacity of the college. A new four-storey block will provide for central administration and free up the current teaching blocks for classroom use. There will also be new library and gym facilities. In addition to this, the existing

[Mr. McDowell.]

catering and canteen facilities will be expanded. The necessary planning and tendering processes associated with this phase, which are now well advanced by the Office of Public Works will, I understand, see a contractor on site in January, 2005. The intention is that the new facilities will be completed and ready for occupation in time for the peak in-flow of recruits to the college early in 2006. This enhanced capacity will enable the return to the college of the in-service and other training at the end of the concentrated recruitment phase.

In addition, work is underway in conjunction with the Garda authorities and the Office of Public Works to relocate the tactical training facility at the college which has been displaced by the new building project.

The necessary resources for the Garda Síochána budget and the largely once-off capital costs for the Office of Public Works associated with the different phases of this development will be addressed in the normal estimates process for 2005 and following years.

Questions Nos. 336 to 338, inclusive, answered with Question No. 332.

Garda Strength.

339. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform if he will take steps to allocate additional manpower resources to increase Garda strength in the Athlone division and district; and if he will make a statement on the matter. [33428/04]

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 the personnel strength of Athlone Garda district is 61, all ranks.

Local Garda management are satisfied that the resources currently in place in Athlone are adequate to meet the present policing needs of the district. Garda personnel deployments throughout the country, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources, and the best possible service is provided to the public.

On Garda resources generally, I am, of course, very pleased that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with An Agreed Programme for Government commitment in this regard. This is a key commitment in the programme for Government, and its implementation will significantly strengthen the operational capacity of the force.

The commissioner will now be drawing up plans on how best to distribute and manage these additional resources. In this context, the needs of the Athlone district of the Longford-Westmeath

division will be fully considered within the context of the needs of Garda divisions throughout the country during future allocations of probationer gardaí and, where possible, by way of permanent transfer of members to that division. Clearly, of course, the additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies in particular areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities as well, such as the need to very significantly increase the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. One thing I have already promised is that the additional gardaí will not be put on administrative duties. They will be put directly into frontline, operational, high visibility policing. They will have a real impact.

In each of the next three years there will be an intake of almost 1,100 new recruits per year. The advertisement campaign for this first tranche of 1,100 recruits was launched on Thursday, 25 November, 2004.

Question No. 340 answered with Question No. 317.

Visa Applications.

341. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if an application will be expedited for family reunification in the name of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [33438/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The visa applications have been approved.

Child Care Services.

342. **Mr. Hogan** asked the Minister for Justice, Equality and Law Reform when finance will be provided in respect of an application for a child care group for Freshford, County Kilkenny; and if he will make a statement on the matter. [33540/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand from inquiries I have made that an application for further capital grant assistance under the Equal Opportunities Childcare Programme, EOCP, 2000-2006 was submitted by the group in question to my Department in April, 2004. The EOCP is a seven year development programme which aims to increase the availability and quality of child care to support parents in employment, education and training.

The level of demand for capital grant assistance was such that I considered it important to increase the capital provision for the present programme and, following discussions with my colleague the Minister for Finance, I was pleased that he made an additional capital provision totalling €90 million available to me over the period 2005 — 2009 in

the context of the recent budget. Of this amount, €50 million is being made available under the present programme and the remaining €40 million will flow under the next phase of the post-2006 EOCP. This augments the increased EU funding of some €12 million made available earlier this year in recognition of the progress of the programme. This brings the total funding available for the programme to €499.3 million and now includes an increased provision for capital developments for which €205 million has been set aside.

I announced an allocation of almost €35 million in capital funding to community based not for profit groups last week and the availability of this additional capital funding will enable me to make further capital grant assistance available over the coming months and years to groups which address significant child care service gaps and where the project proposal represents good value for money. 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 Deputy may be aware that the group in question has received a total of over €63,700 in capital and staffing grant support under the EOCP. This application for a large scale capital service will be considered against the programme criteria in the context of future commitments of capital funding. In the interim, it would be premature of me to comment further on this capital grant application.

Physical Education Facilities.

343. **Mr. Crowe** asked the Minister for Education and Science the reason for the delay in supplying school physical education facilities for a school (details supplied) in view of the importance of physical education to students; and when works will commence on the designated site. [32994/04]

Minister for Education and Science (Ms Hanafin): The building project for the school in question is at an advanced stage of architectural planning and the accommodation to be provided includes the provision of a sports hall.

In the near future I will be announcing details of up to 75 major primary and 30 major post-primary school projects on a priority basis that are already at an advanced stage of design and will be authorising the schools concerned to complete the design process to the point where tenders can be issued. When these schools and their design teams report back that they have completed the work I will, on a rolling basis during the year, be authorising projects to move to tender and construction.

Overall I will be aiming to have at least 50 primary schools and 17 post-primary school projects tendered and going on site by year end 2005. I will be making further announcements in the coming weeks and months.

Adult Education.

344. **Mr. Crowe** asked the Minister for Education and Science if she will report on the progress towards a second chance guarantee for adults who left school without completing the junior cycle at second level. [32995/04]

Minister for Education and Science (Ms Hanafin): My Department's White Paper on Adult Education, Learning for Life, identified the need for targeted interventions to encourage and support the participation of certain priority groups in adult education. In particular, the White Paper highlighted the allocation of additional resources to address adult literacy needs and the need to provide increased opportunities for adult learners, prioritising the needs of those with less than upper secondary education.

These opportunities are provided by my Department through the availability of a range of second chance education programmes for young people and adults alike who have either left school early or who need further vocational training to enhance their employment prospects. These programmes are provided mainly by the vocational education committees but also in schools and colleges and by community-based education groups. The programmes supported by the Department are complemented by a range of courses provided by FÁS and other education and training providers.

My Department provided €111 million for its programmes this year. They cater for more than 75,000 students. Such programmes include the vocational training opportunities scheme; post leaving certificate courses; Youthreach; adult literacy and community education; the back to education initiative; senior Travellers training programme; and an education equality initiative to address gaps in provision of learning and training for educationally disadvantaged people. In general, participation in these programmes is free of charge. Training allowances and student support grants are paid as follows: means-tested maintenance grants for post leaving certificate students; training allowances paid, in lieu of social welfare payments, under the vocational training opportunities scheme; and training allowances paid to early school leavers in Youthreach and in senior Traveller training centres, who left school with either minimal or no qualifications. Additional support is provided for some categories of student through an adult guidance initiative and child care grants towards the cost of child care support for participants in further education programmes.

Educational Disadvantage.

345. **Mr. Crowe** asked the Minister for Education and Science the number of students from officially designated disadvantaged areas who participated or took part in third level education in each of the past five years. [32996/04]

Minister for Education and Science (Ms Hanafin): National data on the participation of disadvantaged students in third level education are

[Ms Hanafin.]

currently collected on the basis of parent's occupation or social background. This data has been gathered through periodic studies commissioned by the HEA. The most recent full national survey of social background was in 1998. At that time the figures indicated that while the participation of young persons in the population from the least well off socio-economic groups had improved from 3% in the first survey in 1980 to 22%, it was still considerably lower than the average participation rate of 46%.

More recent data provided by third level institutions, and on behalf of the HEA, indicate further progress is being made in increasing access from disadvantaged groups and areas. For example, a HEA survey of a sample of entrants to higher education in 2003 indicates participation by students from semi-skilled and unskilled manual worker family backgrounds has increased to 47% of young persons in those population groups compared to an average participation rate of 54%. The results of this sample survey will be published shortly by the HEA. These participation rates from the sample survey will be comprehensively interrogated by the HEA through a full national survey of all new entrants to higher education taking place in this academic year.

Figures provided by third level institutions on an entry scheme to six of the universities and the Dublin Institute of Technology from designated disadvantaged schools also indicate access programmes are having a positive impact, with the numbers of school leavers having more than doubled from 300 in 2001 to 700 in the current academic year. These figures do not include many other students from linked schools and communities entering all third level institutions through the CAO which will be reflected in the forthcoming HEA full national survey.

On 6 December the national office for equity of access to higher education of the HEA published, at my request, an action plan which will progress a number of important goals over the next three years towards ensuring the continued and increased participation of students from all underrepresented groups, including those from disadvantaged areas. A priority area for action identified by the plan is the development of a national framework of equity of access policies and initiatives towards linking all disadvantaged regions, schools and communities with at least one higher education institution, as well as the ongoing monitoring of progress in achieving equity of access to higher education.

Higher Education Grants.

346. **Mr. O'Dowd** asked the Minister for Education and Science if third level grants will be awarded to persons (details supplied) in County Louth; and if she will make a statement on the matter. [32997/04]

Minister for Education and Science (Ms Hanafin): Under the terms of my Department's

higher education grants scheme, a student is not eligible for grant assistance in respect of a second period of study at the same level irrespective of whether or not a grant was paid previously. The scheme also provides that grants may not be paid to candidates who already hold a postgraduate qualification and are pursuing a second postgraduate qualification.

Clause 7.7 of the scheme does provide for financial assistance to eligible candidates who already hold a postgraduate qualification and who wish to enter a further postgraduate course at a higher level, which represents progression from the level at which the first qualification was attained. My Department understands that the students, referred to by the Deputy, hold masters degrees and, accordingly, as a higher diploma does not represent progression as defined in clause 7.7. of the scheme, these students are not eligible for grant assistance.

However, tax relief is available in respect of postgraduate fees paid in publicly funded colleges here and in other EU member states, as well as in private colleges in the State. This relief applies at the standard rate of tax and is available to full-time and part-time postgraduate students. Further details and conditions in relation to this tax relief are available from local tax offices.

Schools Building Projects.

347. **Mr. Kehoe** asked the Minister for Education and Science if she will provide a school (details supplied) in County Wexford with the additional €80,000 required to provide an additional classroom and facilities to accommodate the growing staff; and if she will make a statement on the matter. [32998/04]

Minister for Education and Science (Ms Hanafin): The school's application for capital grant aid for new accommodation is being considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. Under this review, all projects are being assessed against the published prioritisation criteria which were revised earlier this year following consultation with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

Special Educational Needs.

348. **Mr. Gogarty** asked the Minister for Education and Science when the application for a full-time special needs assistant will be processed for a person (details supplied) in County Dublin; and if she will make a statement on the matter. [33039/04]

Minister for Education and Science (Ms Hanafin): My Department has received an application for an increase in the level of special needs assistant, SNA, support for the pupil concerned. The pupil is currently in receipt of 23 hours 20

minutes per week SNA support. Arrangements are currently being made to carry out a review of SNA support level at the school concerned. Decisions regarding the appropriate level of SNA support in the school, including the level appropriate to this pupil will be based on the outcome of this review.

Public Relations Contracts.

349. **Mr. P. McGrath** asked the Minister for Education and Science the number and value of contracts awarded for public relations projects by her Department since June 2002. [33053/04]

Minister for Education and Science (Ms Hanafin): My Department awarded one such contract since June 2002. The contract was in respect of publicising and promoting the YES Your Education System consultative process and was awarded to Carr Communications. Payment of €114,574 was made in respect of this contract.

Departmental Staff.

350. **Mr. P. McGrath** asked the Minister for Education and Science the number of civil servants and other staff in her press office; and the grade and remuneration of each. [33068/04]

Minister for Education and Science (Ms Hanafin): A total of 5.5 staff is assigned to the press office in my Department. The grades of the staff are as follows: one press officer — assistant principal officer higher duties; two higher executive officers; one executive officer; 0.5 staff officer — work sharing on a half time basis; and one clerical officer. The amount paid in respect of salary for these staff is in accordance with the Department of Finance salary scales for civil servants.

351. **Mr. P. McGrath** asked the Minister for Education and Science the number of civil servants and other staff employed in her constituency office; and the grade and remuneration of each. [33083/04]

Minister for Education and Science (Ms Hanafin): A total of three civil servants and one personal assistant are assigned to my constituency office. The grades of the staff are as follows: one personal assistant at higher executive officer salary level; one executive officer; and two clerical officers. The amount paid in respect of these staff is in accordance with the Department of Finance salary scales for civil servants.

Education Grants.

352. **Mr. Crawford** asked the Minister for Education and Science the reason a person (details supplied) in County Monaghan cannot receive maintenance grant payment for the first three months of the PLC course they are pursuing; if they are entitled to pursue the PLC course at the same level as a second chance student after a break of five years; and if she will make a statement on the matter. [33086/04]

Minister for Education and Science (Ms Hanafin): Under the terms of my Department's maintenance grants scheme for students attending post-leaving certificate, PLC, courses, grants may not be paid in respect of a second period of attendance at the same level for a course approved for the purposes of the scheme, irrespective of whether a grant was paid previously. The vocational education committee has discretion to waive this provision in exceptional circumstances such as certified serious illness. However, where funding is awarded under the exceptional circumstances provision of the PLC scheme it would generally only be where a student is pursuing a second period of study on the same course. The student in question is undertaking a different PLC course from the one she commenced in 1998. There is no provision for second chance students as mentioned by the Deputy under the terms of the PLC scheme.

Teachers' Remuneration.

353. **Mr. N. O'Keeffe** asked the Minister for Education and Science if all salary arrears will issue to a person (details supplied) in County Cork. [33107/04]

Minister for Education and Science (Ms Hanafin): Payment of arrears due has been made to the person referred to by the Deputy. The person should contact the financial substitute section of my Department if clarification is required regarding salary or arrears.

Departmental Expenditure.

354. **Mr. P. McGrath** asked the Minister for Education and Science the capital spending allocation for 2004 for primary schools, second level schools and higher education colleges respectively; and the amount paid to date, the expected spend before 31 December 2004 and the amount to be carried forward to 2005 in each case. [33115/04]

Minister for Education and Science (Ms Hanafin): The capital allocation for the primary sector in 2004 was €201 million; €187 million for the post primary sector and €97.5 million for the third level sector. At the end of November the primary sector had expended €134.142 million; post primary had expended €137.576 million while €80.561 million has been expended in the third level sector. A substantial volume of payment requests continue to be processed within the planning and building unit of my Department. This is normal at this time of the year. Accordingly, it is difficult to predict accurately the likely turnout in each sector. Broadly, at this stage, it is anticipated there will be a carry forward of €30 million from the primary sector and €20 million from the post primary sector. The entire third level capital allocation is expected to be expended by the year end.

Schools Building Projects.

355. **Mr. P. McGrath** asked the Minister for

[Mr. P. McGrath.]

Education and Science if, in the case of capital funds allocated for primary schools in 2004 but which are unspent at year end, these funds will be used for primary school projects in 2005 and will be in addition to capital expenditure already announced. [33116/04]

Minister for Education and Science (Ms Hanafin): The capital allocation for 2004 for primary schools amounted to €201 million. It is difficult to predict accurately the likely outturn at this stage. However, it is expected that there will be a carry forward of €30 million from this sector for 2005. This sum is part of the €50 million carryover which has featured in the Abridged Estimates Volume.

As I outlined at the launch of the schools building and modernisation programme 2005-09 on 5 December, I plan to spend €270 million on primary schools in 2005. This sum includes the expected €30 million carry forward from 2004.

356. **Mr. P. McGrath** asked the Minister for Education and Science the date on which the tender price for a project (details supplied) in County Westmeath was approved; the estimated construction period; if the project is on schedule; and if she will make a statement on the matter. [33117/04]

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 progress on a priority basis those projects that are in the early design stages. I will provide further details of those projects and notify the schools concerned early in 2005. In this way I want to create a sustained momentum in the schools building programme to match the Government's multi-annual funding commitment.

School Transport.

357. **Mr. Deenihan** asked the Minister for Education and Science if wheelchair accessible school transport will be provided for persons (details supplied) in County Kerry; and if she will make a statement on the matter. [33128/04]

Minister for Education and Science (Ms Hanafin): My Department understands that one of the children referred to in the details supplied by the Deputy attends the national school in question. The Department has requested Bus Éireann to arrange for suitable school transport to be provided for the child to that school.

Special Educational Needs.

358. **Mr. Neville** asked the Minister for Education and Science the position regarding provision of a resource teacher on a one to one basis for a person (details supplied) in County Limerick. [33138/04]

Minister for Education and Science (Ms Hanafin): An application for 2.5 hours resource teaching support was received in my Department on 9 June 2004 for the pupil referred to by the Deputy. It is expected that the special educational needs of the pupil in question can be met from within the current resource and learning support teacher allocation available to the school. The school currently has access to shared learning support and resource teaching provision. This advice was conveyed to the school on 23 September 2004.

School Staffing.

359. **Mr. Hogan** asked the Minister for Education and Science if additional teaching support will be provided for the education of the children at a school (details supplied) in County Kilkenny; and if she will make a statement on the matter. [33139/04]

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.

Schools Building Projects.

360. **Mr. Hogan** asked the Minister for Education and Science her plans to review the requirement to build a new school for a school (details supplied) in Kilkenny in view of the additional information she received on her recent visit to the school; her views on the need to include this school

in the 2005 schools building programme; and if she will make a statement on the matter. [33140/04]

Minister for Education and Science (Ms Hanafin): Following notification of an apparent revised demand for capital investment from the school referred to by the Deputy, officials from the building unit of my Department will be in contact with the school authority to clarify the matter.

In the meantime, the school's application will be considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. Under this review, all projects are being assessed against the published prioritisation criteria which were revised earlier this year following consultation with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

Physical Education Facilities.

361. **Mr. J. Breen** asked the Minister for Education and Science the financial resources she is providing for physical education facilities in schools. [33158/04]

374. **Ms O'Sullivan** asked the Minister for Education and Science if she intends to make the provision of physical education facilities one of her priorities in the schools building programme 2005; and if she will make a statement on the matter. [33426/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 361 and 374 together.

Next year, my Department will spend €493 million on school buildings, which represents an increase of over 14% on 2004. I fully recognise the importance of physical education in schools and I am determined that the provision of multipurpose space for primary schools and physical education facilities at second level will continue to be considered within the design briefs for new schools and/or renovation and/or extension building projects.

Overall, I will aim to have at least 50 primary school and 17 post-primary school projects tendered and going on site by the end of 2005. I will make further announcements in the coming weeks and months.

Schools Building Projects.

362. **Mr. P. McGrath** asked the Minister for Education and Science the date on which the tenders for projects (details supplied) were agreed; the date on which work started on each project; the reason for delays between these respective dates; the estimated construction period; if the projects are on schedule; if they are behind schedule; if behind schedule, the reason for the delays; and if she will make a statement on the matter. [33163/04]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is not readily available in the format requested by him.

My officials in the planning and building unit are giving priority on work for the roll-out of projects for 2005. However, the general position is that of nearly 170 large-scale projects in the 2004 programme approximately 140 of them are currently on site. The balance of the projects are expected to proceed in early 2005. In broad terms there are many reasons which can cause unexpected delays in the pace at which some projects advance. These include an appeal of planning permission by third parties to An Bord Pleanála, contractors withdrawing tenders and design teams being slower than anticipated in getting projects tendered.

Many of the other projects referred to by the Deputy are devolved to schools for delivery by them. The information requested by the Deputy would not therefore be available within my Department.

363. **Mr. McCormack** asked the Minister for Education and Science the position regarding a school (details supplied) in County Galway; if this school will be considered for the summer works scheme in 2005; and if she will make a statement on the matter. [33165/04]

Minister for Education and Science (Ms Hanafin): The management authority of the school to which the Deputy refers submitted an application in October last for various works under the summer works scheme 2005.

All applications for the 2005 scheme are being considered in the school planning section of my Department and it is planned to publish the list of successful applicants early in the new year.

364. **Ms Burton** asked the Minister for Education and Science if the site in respect of a school (details supplied) in Dublin 15 has been formally acquired by her Department in order that the building of the school can commence on schedule and as previously arranged; when the deal to acquire the school site can be closed in view of the concerns of parents at the school that the builder lined up to carry out the building of the new school may be lost if the agreed timetable is not adhered to. [33203/04]

Minister for Education and Science (Ms Hanafin): My Department is aware of the urgent need for a new school building for the school in question. A new 24-classroom school was listed to proceed to tender and construction as part of the 2004 school building programme. The timeframe to have accommodation ready for the school was September 2005. Tenders for the detailed design and construction for this new school have been received and are currently being evaluated.

The property management section of the Office of Public Works, which purchases sites for new schools on behalf of my Department, has iden-

[Ms Hanafin.]
tified a suitable site for the new school building. I understand that solicitors for the vendor have now responded to a number of queries which had been raised by the Office of the Chief State Solicitor and that a meeting to discuss all other outstanding matters has been held.

My Department is intent on securing the site for the school in question as soon as possible. When this has been done the provision of a school building will proceed as a matter of urgency.

Special Educational Needs.

365. **Mr. Timmins** asked the Minister for Education and Science the position regarding a person (details supplied) who needs a special needs assistant but is waiting for a psychological assessment; if, in view of the circumstances this assessment can be carried out as a priority; and if she will make a statement on the matter. [33309/04]

Minister for Education and Science (Ms Hanafin): The school attended by the person does not currently have access to the national educational psychological service, NEPS. However, this means that the school principal is eligible to commission assessments under the terms of the scheme for commissioning psychological assessments.

NEPS management has informed me that the school has not yet used its full quota of assessments. The mother of the person should therefore approach the school principal with a request for a psychological assessment to be commissioned as soon as possible. If there is any difficulty about this, she may contact NEPS directly for assistance.

Higher Education Grants.

366. **Mr. Connaughton** asked the Minister for Education and Science the reason a third level education grant applied for through the County Galway VEC has not been awarded in respect of a person (details supplied) in County Galway; and if she will make a statement on the matter. [33310/04]

367. **Mr. Connaughton** asked the Minister for Education and Science the reason a third level education grant has not been approved by Galway VEC in respect of a person (details supplied); and if she will make a statement on the matter. [33311/04]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 366 and 367 together.

The decision on eligibility for third level grants is a matter for the relevant local authority or VEC. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is desired. It appears that no such advice or instruction has, to date, been sought in respect of either of the two cases referred to by the Deputy.

If an individual applicant considers that he or she has been unjustly refused a maintenance grant, or that the rate of grant awarded is not the correct one, he or she may appeal to the relevant local authority or VEC. Where an individual applicant has had an appeal turned down in writing by the relevant local authority or VEC, and remains of the view that the body has not interpreted the schemes correctly in his or her case, a letter outlining the position may be sent to my Department. Alternatively, as already indicated, the local authority or VEC may itself, in exceptional circumstances, seek clarification on issues from my Department.

Primary Teaching Graduates.

368. **Mr. Deasy** asked the Minister for Education and Science the number of primary teachers that graduated in the current year and the number of these that gained full-time employment; and if she will make a statement on the matter. [33312/04]

Minister for Education and Science (Ms Hanafin): The number of graduates in the current year from the five colleges of education, from both the undergraduate Bachelor of Education degree course and the 18-month postgraduate course for primary teaching, is set out in the following table. My Department is not aware of the number of these graduates that either sought or gained full-time employment in the current year.

Number of Graduates.

College	Number
St Patrick's College	568
Mary Immaculate College	497
Froebel College	123
Colaiste Mhuire, Marino	202
Church of Ireland College	35
Total	1,425

Schools Building Projects.

369. **Mr. F. McGrath** asked the Minister for Education and Science the reason for the delay in securing the purchase of the designated school site in Diswellstown from Park Developments Limited for the construction of a school (details supplied); the measures that are being taken to ensure that the site is purchased without further delay; if similar delays have been experienced in purchasing other school sites from Park Developments Limited in the Dublin area; and if she will make a statement on the matter. [33330/04]

Minister for Education and Science (Ms Hanafin): My Department is aware of the urgent need for a new school building for the school in question. A new 24 classroom school was listed to proceed to tender and construction as part of the 2004 school building programme. The timeframe

to have accommodation ready for the school was September 2005. Tenders for the detailed design and construction for this new school have been received and are being evaluated.

The property management section of the Office of Public Works, which purchases sites for new schools on behalf of my Department, has identified a suitable site for the new school building. I understand that solicitors for the vendor have now responded to a number of queries which had been raised by the Chief State Solicitor's office and that a meeting to discuss all other outstanding matters has been held.

My Department is not aware of any similar delays in regard to the acquisition of other sites from the vendor in question. My Department is intent on securing the site for the school in question as soon as possible. When this has been done, the provision of a school building will proceed as a matter of urgency.

Special Educational Needs.

370. **Mr. Ring** asked the Minister for Education and Science when the application for an upgrade of the special needs assistant post from a part-time position to a full-time position for a person (details supplied) in County Mayo will be approved. [33387/04]

Minister for Education and Science (Ms Hanafin): The application for the pupil in question is being processed and a decision will be conveyed to the school in the coming days.

371. **Mr. Lowry** asked the Minister for Education and Science the steps that have been taken to cater for autistic children in north Tipperary, the funds or other resources that will be provided for these children and their families; and if she will make a statement on the matter. [33412/04]

Minister for Education and Science (Ms Hanafin): Every effort is made to ensure that children with special educational needs, SEN, 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 SEN, 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.

There are four special classes catering for children with autism for the area referred to by the Deputy. Each class caters for a maximum of six pupils and has a staffing of one teacher and at least two special needs assistants. Additional special needs assistant support is provided if deemed necessary. These classes also receive increased rates of capitation funding.

My Department's policy is to ensure the maximum possible integration of children with

SEN 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 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 134 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 SEN, including those with autism, in the primary system. More than 2,600 resource teachers are in place, which is up from 104 in 1998. More than 1,500 learning support teachers are in place, which is up from 1,302 in 1998. More than 1,000 teachers are employed in special schools. More than 600 teachers are employed in special classes. More than 5,000 special needs assistants are employed, which is up from 300 in 1998. More than €30 million has been spent on school transport for special needs pupils. More than €3 million has been expended on specialised equipment and materials, which is 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 SEN in primary schools today equates to more than half of the 21,100 primary teaching force in 1998.

My Department is continuing to develop the network of special educational provision for children with autism. The extent of progress can be measured from the fact that, since 1998, when autism was first recognised as a distinct special educational need, the number of dedicated facilities that have been developed is as follows: eight pre-school classes for children with autism, 134 special classes for children with autism attached to special schools and mainstream schools, five special classes for children with Asperger's syndrome, eight autism facilities, some of which are providing an applied behavioural analysis model, 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

[Ms Hanafin.]

enriching the educational opportunities of children and young people with autistic spectrum disorders. The centre will provide four key services: a learning support service on a residential basis, an educational assessment service, a training and advisory service, and an autism research and information service.

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.

372. **Mr. Lowry** asked the Minister for Education and Science her views on the plight of parents in Thurles (details supplied); if she will take action to secure a location for the unit mentioned in the Thurles area; and if she will make a statement on the matter. [33413/04]

Minister for Education and Science (Ms Hanafin): I have made arrangements for my officials to contact the family referred to by the Deputy concerning the special educational needs of the person in question.

Schools Building Projects.

373. **Mr. Penrose** asked the Minister for Education and Science when approval will be given by her Department for the construction of a new school at Coralstown, Mullingar, County Westmeath, in view of additional resources being made available for the provision of infrastructure and accommodation for primary schools; and if she will make a statement on the matter. [33425/04]

Minister for Education and Science (Ms Hanafin): The application for capital grant aid for a new school at Coralstown, Mullingar, County Westmeath, is being considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. Under this review, all projects are being assessed against the published prioritisation criteria which were revised earlier this year following consultation with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

Question No. 374 answered with Question No. 361.

Higher Education Grants.

375. **Mr. O'Shea** asked the Minister for Education and Science her views on the equity of a case (details supplied); her legislative proposals to remove the inequity if she views it as inequitable; and if she will make a statement on the matter. [33436/04]

Minister for Education and Science (Ms Hanafin): Under the terms of the Department's

maintenance grants schemes, and in accordance with the Local Authorities (Higher Education Grants) Act 1992, a mature student is defined as a candidate who is at least 23 years of age on the 1 January of the year of entry or re-entry to an approved course.

Mature students are categorised as either independent mature students or mature students dependent on parents. An independent mature student is defined as meaning a mature student who was not ordinarily resident at home with his or her parents from the October preceding their entry to an approved course. Independent mature students are assessed without reference to either their parents' income or address.

When assessing the means of students other than independent mature students, the means test provision of the scheme specifies that the students' means and those of their parents or guardians must be below a prescribed limit. This provision requires that parental income be taken into account, irrespective of the individual circumstances in any case where the student is not an independent mature student.

From information provided by the Deputy to my Department, it would appear that the 28 year old student referred to, for whom the Deputy did not provide specific details, was assessed as a mature student, and therefore automatically qualified for the non-adjacent rate of grant once she satisfied the eligibility criteria. In addition, it would appear that this student has also qualified for the special rates of maintenance grant, top-up grant, which results in a monthly grant of approximately €535.

The 22 year old student was assessed as a dependent student, in line with the terms of the maintenance grant schemes and qualified for lower adjacent rate of maintenance grant. It would appear that this student is not in receipt of the top-up grant.

If the Deputy has a particular issue in either of the two cases referred to which he wishes to bring to my attention, I would have them examined having regard to the terms and conditions of the schemes. The Deputy will appreciate that the terms of the schemes are of general application and it is not open to me to make exceptions in individual cases. It is not proposed, at present, to change the current terms and conditions in regard to the categorisation of mature students.

Schools Building Projects.

376. **Mr. McGuinness** asked the Minister for Education and Science the position regarding the plans to amalgamate two schools (details supplied) in County Kilkenny; and if she will make a statement on the matter. [33437/04]

Minister for Education and Science (Ms Hanafin): The new school building being planned to facilitate the amalgamation of the two schools to which the Deputy refers is at an early stage of the architectural planning process. Delivery of the project is being considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. Under this review, all projects are being assessed

against the published prioritisation criteria which were revised earlier this year following consultation with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

Special Educational Needs.

377. **Ms O'Sullivan** asked the Minister for Education and Science if special needs assistants will be kept in schools in situations in which the children they are assisting leave the school and new children will require a similar level of assistance; and if she will make a statement on the matter. [33523/04]

Minister for Education and Science (Ms Hanafin): Special needs assistants, SNAs, may be approved to support pupils who have a significant medical need for such assistance, a significant impairment of physical or sensory function or where their behaviour is such that they are a danger to themselves or other pupils. The criteria used for the assessment of the need for such support are outlined in my Department's circular 07/02.

Where the care needs of a pupil are verified by my Department's professionals, schools may deploy the existing SNA under the terms of my Department's circular SP ED 24/03, until such time as a determination as to the appropriate level of SNA support within the school has been conveyed to the school authority.

School Staffing.

378. **Mr. Noonan** asked the Minister for Education and Science if she will review the terms of employment of a person (details supplied) in County Limerick who has been given inferior terms of employment to colleagues who held permanent posts with her Department; and if she will make a statement on the matter. [33525/04]

Minister for Education and Science (Ms Hanafin): In mid-2003 the teachers' arbitration board made recommendations in respect of a pay claim by teachers employed on secondment to national education initiatives funded by my

Department. The recommendations provide for a standard pay structure for seconded teachers working temporarily out of school on a variety of such national programmes. The results of this determination have since been applied to qualifying teachers. The individual to whom the Deputy refers is not a seconded teacher and therefore the terms of the arbitration award referred to above do not apply.

School Building Projects.

379. **Mr. Ring** asked the Minister for Education and Science if her officials have met with the quantity surveyor of the design team of a school (details supplied) in County Mayo; the outcome of that meeting; and when the contractor will receive a final payment as a result of the discussions. [33541/04]

Minister for Education and Science (Ms Hanafin): A member of my Department's technical staff met with the quantity surveyor from this school's design team on 24 November. The design team's quantity surveyor has been requested to submit further information in relation to the contractor's final account. When this information is received and discussions are concluded my Department's building unit will then be in contact with the contractor's representatives.

Public Relations Contracts.

380. **Mr. P. McGrath** asked the Minister for Defence the number and value of contracts awarded for public relations projects by his Department since June 2002. [33054/04]

Minister for Defence (Mr. O'Dea): My Department has not awarded any contracts for public relations projects since June 2002.

Departmental Staff.

381. **Mr. P. McGrath** asked the Minister for Defence the number of civil servants and other staff in his press office; and the grade and remuneration of each. [33069/04]

Minister for Defence (Mr. O'Dea): The details requested by the Deputy are as follows:

Grade	Salary Scales
Press Advisor	Subject to contract being finalised
Press Officer — Assistant Principal	€55,057 — €68,651
Executive Officer	€27,057 — €42,805

In addition to dealing with media related matters, the press office is also responsible for dealing with all freedom of information requests to the Department.

382. **Mr. P. McGrath** asked the Minister for Defence the number of civil servants and other

staff employed in his constituency office; and the grade and remuneration of each. [33084/04]

Minister for Defence (Mr. O'Dea): The details in respect of the staff employed in my constituency offices are as follows:

Position	Salary Scales
Personal Assistant	€39,035 — €49,529 Equivalent to Higher Executive Officer Scale
Personal Secretary	€19,498 — €37,621 Secretarial Assistant Oireachtas Scale

Position	Salary Scales
Executive Officer (Higher Scale)	€27,057 — €44,494
Staff Officer	€30,937 — €41,172
Clerical Officer (x 4)	€20,520 — €33,274

Defence Forces Recruitment.

383. **Mr. Kehoe** asked the Minister for Defence if members of the FCA assist with the recruitment of persons for the regular army; if they have the authority to be involved in the decision making; and if he will make a statement on the matter. [33339/04]

Minister for Defence (Mr. O'Dea): Members of the Reserve Defence Force, RDF, attend stands at recruitment fairs and exhibitions alongside their Permanent Defence Force, PDF, counterparts where they present the totality of the Defence Force and provide general information to the public. Members of the RDF are not involved in the detailed administrative process of recruitment to the PDF, which is solely the responsibility of the PDF military authorities.

Decentralisation Programme.

384. **Mr. Wall** asked the Minister for Defence the position regarding the decentralisation of the Army headquarters to the Curragh; if a site has been identified in regard to the matter; the timescale involved; and if he will make a statement on the matter. [33381/04]

Minister for Defence (Mr. O'Dea): The Government decision on decentralisation provides for the transfer of 300 Defence Forces headquarters staff to the Curragh, Co. Kildare. A site for the military headquarters has been selected and it is envisaged that the relocation will take place in 2007.

385. **Mr. Wall** asked the Minister for Defence the position regarding the decentralisation of the Department of Defence to Newbridge; if the site has been finalised; the number of staff that have expressed an interest in the transfer; the timescale of the transfer; and if he will make a statement on the matter. [33382/04]

Minister for Defence (Mr. O'Dea): The Government decision on decentralisation provides for the transfer of my Department's Dublin-based civil service staff to Newbridge, County Kildare. The number of staff to be relocated to Newbridge is 200. A total of 385 personnel, of whom 78 are serving in the Department, have applied to transfer to Newbridge.

The Office of Public Works is currently in discussions with Kildare County Council regarding the possible acquisition of a site in Newbridge for the Department's new headquarters. As indicated in the recent report of the decentralisation implementation group, the Office of Public Works has given indicative dates of the last quarter of 2005

for the commencement of construction and the second quarter of 2007 for the completion of construction.

Electoral Constituencies.

386. **Mr. F. McGrath** asked the Minister for the Environment, Heritage and Local Government if there are plans to re-examine the new constituencies, particularly Dublin North-Central, in 2006 following the new census findings; and if he will make a statement on the matter. [32984/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Following the Government's acceptance of the recommendations contained in the constituency commission's 2004 report on Dáil constituencies, which was based on the 2002 census of population, I expect to publish a Bill early in 2005 to implement the commission's recommendations.

Section 5 of the Electoral Act 1997 requires that when the Central Statistics Office publishes its report on a census of population, a constituency commission be established to report on the Dáil and European constituencies. There are no proposals to amend this requirement.

Natural Heritage Areas.

387. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the position regarding the proposed development of a golf course at Inch, County Kerry; and if he will make a statement on the matter. [33023/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Outline proposals for the development of a links golf course at Inch, County Kerry, were presented to my predecessor in 2003 against the background that this development would need ministerial consent under the habitats regulations 1997; the area in question forms part of a candidate special area of conservation, SAC.

On the basis of the outline proposals then submitted and of an assessment report commissioned from officials of my Department, my predecessor responded negatively to the possibility of granting consent for the development. The promoters of the development have recently indicated to me that they are considering the preparation of a revised proposal at Inch. This has not been formally submitted to my Department.

Public Relations Contracts.

388. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the number and value of contracts awarded for

public relations projects by his Department since June 2002. [33055/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The following

Consultancy	Consultant	Fees Paid to Date
		€
Environmental Awareness Campaign Race Against Waste	McCann Erickson	1,584,232.68
Environmental Awareness Campaign Race Against Waste	Lyle Bailie International (Formerly known as McCann Erickson)	1,915,765.32
Advertising Campaign to Publicise the Supplementary Register used for Referendum on the Treaty of Nice	Brindley Advertising Ltd.	16,969.23
Publicity Campaign Draft Register of Electors 2003-2004	Brindley Advertising Ltd.	99,999.57
Production of Advertisements Regarding the Register of Electors	Brindley Advertising Ltd.	38,017.48
Publicity Work on Promotion of Electronic Voting including Roadshow for Nice II Referendum	Carr Communications Ltd.	23,936.07***
Publicity Campaign Draft Register of Electors 2004-2005	Cawley Nea Ltd.	159,607.47
Communication Consultancy	Monica Leech Communications	310,009.00
Electronic Voting Awareness Campaign	McConnells /Q4	3,315,049.00***

***Met from Central Fund.

Departmental Staff.

389. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the number of civil servants and other staff in his

Grade	Number	Status
Press Officer	1	Temporary unestablished Civil Servant
Higher Executive Officer	1	Civil Servant
Staff Officer	1	Civil Servant
Clerical Officer	2	Civil Servant

Remuneration of these staff is in accordance with the appropriate published standard Civil Service scales for clerical officer, staff officer, Higher executive officer and principal officer, applicable to press officer.

Departmental Staff.

390. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government

Grade	Number	Status
Personal Assistant	1	Temporary unestablished Civil Servant
Executive Officer	1	Civil Servant
Staff Officer	1	Civil Servant
Personal Secretary	1	Temporary unestablished Civil Servant
Clerical Officer	1 full time Clerical Officer. 2 Worksharing Clerical Officers.	Civil Servant

Remuneration of these staff is in accordance with the appropriate published standard Civil Service scales for clerical officer, staff officer, executive officer, also personal assistant, higher executive officer, applicable to personal assistant.

Water and Sewerage Schemes.

391. **Mr. McCormack** asked the Minister for the

table details the contracts awarded by my Department and payments made in respect of public relations projects since June 2002.

press office; and the grade and remuneration of each. [33070/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Details of staff assigned to the press office at my Department are set out in the following table:

the number of civil servants and other staff employed in his constituency office; and the grade and remuneration of each. [33085/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): There are currently six full-time equivalent employees assigned to my constituency office. Listed below is a breakdown of the number of staff, the grades, and the status of the staff concerned.

Environment, Heritage and Local Government the position regarding the provision of sewerage schemes for Oughterard, Headford, Cormamona, Leenane and Claregalway, County Galway. [33094/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Oughterard

[Mr. Roche.]

sewerage scheme is included in my Department's Water Services Investment Programme 2004-2006 to commence construction in 2005. My Department is awaiting the submission of Galway County Council's preliminary report for the scheme.

The Headford sewerage scheme has also been approved for construction in the programme and my Department is awaiting submission of the Council's tender recommendations for this scheme. The Leenane sewerage scheme has been approved for construction in the programme under the rural towns and villages initiative. Galway County Council's tender documents for the wastewater treatment plant for this and a number of other locations in the county being advanced as grouped design-build-operate contract are being examined in my Department and will be dealt with as quickly as possible. The council's tender recommendation in respect of the collection system for the Leenane scheme will be further considered on receipt of additional information requested from the council in October.

The Claregalway sewerage scheme is included in the programme to start construction in 2006. An element of the scheme relating to the provision of wastewater services for new residential development has been approved for funding under the serviced land initiative component of the programme. A brief for the appointment of a client's representative to prepare contract documents for the Claregalway scheme and a number of others in the county is under examination in my Department and will be dealt with as quickly as possible.

The Cornamona sewerage scheme was included as a post 2006 requirement in the list of sewerage schemes submitted by Galway County Council in response to my Department's request to local authorities in 2003 to produce updated assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of the assessments. The assessments were taken into account in the framing of the Water Services Investment Programme 2004-2006 published in May 2004. Given the rating afforded to the scheme by the council, it has not been possible to include it in the current programme.

Recycling Policy.

392. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government if EU funding or funding from central Government is allocated for the provision of recycling centres for recycling of newspapers, glass, cans, plastic and cardboard; if such centres can impose a fee for depositing recycling material; and if he will make a statement on the matter. [33096/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): EU co-funding is available under the waste management measure of the regional operational programmes for the provision of a range of waste recovery and recycling facilities such as bring banks and civic amenity sites. My Department has allocated almost €50

million in grant assistance since November 2002, to more than 90 local authority projects supporting the delivery of new bring bank sites, civic amenity sites, composting facilities and material recovery facilities. The operation and maintenance of such facilities, including the setting of fees payable for the use of such services, is a matter for the relevant local authorities.

Farm Inspections.

393. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government the projected number of his officials who carried out farm inspections under the single farm payment scheme and under good farming practise respectively in 2005; the projected numbers under each category at local authority level; and if he will make a statement on the matter. [33102/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department, the Department of Agriculture and Food, the Environmental Protection Agency, local authorities and others are in discussions regarding the approach to be taken in respect of on-the-spot control checks under the new single farm payment scheme. Inspections under the scheme will commence during 2005. It is not possible at this stage to indicate the number of staff required for this purpose.

The area based compensatory allowance scheme, under which controls relating to good farming practice are operated, is administered exclusively by the Department of Agriculture and Food, without involvement of my Department or local authorities.

Water and Sewerage Schemes.

394. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government if funding will be provided to upgrade a sewerage plant for 26 houses at an estate (details supplied) in County Clare; and if he will make a statement on the matter. [33144/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The south-west Clare group sewerage scheme, which includes Kilmilimer, was 19th on the list of water and sewerage schemes submitted by Clare County Council in response to my Department's request to local authorities in 2003 to produce fresh assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of the assessments. The assessments were taken into account in the framing of the Water Services Investment Programme 2004-2006 published in May 2004. Given the rating afforded to the scheme by the council, it has not been possible to include it in the current programme.

Local Authority Funding.

395. **Mr. G. Mitchell** asked the Minister for the Environment, Heritage and Local Government

the assistance or grants which are available to a community group hall (details supplied) in Dublin 8; and if he will make a statement on the matter. [33146/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): There are no moneys currently available to my Department to fund a project of this nature. If however this project was to become an integral part of the proposed regeneration of St. Michael's Estate, the funding of appropriate community facilities could be considered in a wider context. The development of regeneration proposals for the estate is being undertaken by Dublin City Council.

	1998	1999	2000	2001	2002	2003
	€m	€m	€m	€m	€m	€m
Essential Repairs Grant Scheme	2.230	2.739	5.117	8.977	16.099	13.303

To date, a combined allocation of €73 million has been notified to local authorities for the payment of disabled persons and essential repairs grants in 2004. It is a matter for the authorities to decide on the level of funding to be provided for the schemes in their areas from within the allocations notified to them.

My Department recoups to local authorities two-thirds of their expenditure on the payment of individual grants and it is the responsibility of the authorities to fund the one-third contribution from their resources from amounts provided for that purpose in their annual estimates of expenditure.

Asbestos Remediation Programme.

397. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the extent of asbestos used in housing construction over the past 40 years; the Government's programme to deal with this; and if he will make a statement on the matter. [33197/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The extent of usage of asbestos containing materials in housing construction over the past 40 years is not known to my Department. The marketing and reuse of asbestos products has been banned from 1 April 2000. Asbestos containing materials were, in the past, used in some roofing materials, as a constituent of some floor tiling and in some fire resistant panels.

While it is a matter for individual authorities responsible for housing maintenance to consider, in particular circumstances, the desirability of removing any asbestos containing materials present in their rented housing stock, it is not considered necessary to instigate a specific programme in this respect nor has the Department been requested by local authorities to do so generally.

An information leaflet entitled Asbestos in your Home is available from ENFO, my Department's

396. **Mr. McCormack** asked the Minister for the Environment, Heritage and Local Government the funding which was available in housing repair grants in all local authorities for the years 1998 to date in 2004; and if he will make a statement on the matter. [33166/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I assume the question refers to the essential repairs grant scheme operated by local authorities. Total expenditure by all local authorities on this scheme for the years 1998 to 2003 is as follows:

	1998	1999	2000	2001	2002	2003
	€m	€m	€m	€m	€m	€m
Essential Repairs Grant Scheme	2.230	2.739	5.117	8.977	16.099	13.303

public information service on environmental matters. This includes advice on the maintenance of asbestos materials and their removal and disposal. The leaflet advises the public to contact the Health and Safety Authority to obtain information on handling and use of asbestos.

Waste Disposal.

398. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the estimated continued extent of usage of landfill sites for the disposal of asbestos in the country; the extent of asbestos so disposed of at each designated facility for the past ten years; and if he will make a statement on the matter. [33198/04]

399. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the arrangements made for the disposal of asbestos abroad; the location to which asbestos is transported; the conditions that apply; the extent of disposal over the past ten years in international locations; and if he will make a statement on the matter. [33199/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 398 and 399 together.

The information requested is not available within my Department. The EPA is primarily responsible for the collection and publication of waste statistics. In this regard I would draw attention to the EPAs national waste database reports 1998 and 2001 and the national hazardous waste management plan which contains the latest official data on hazardous waste arisings, hazardous waste facilities licensed and treatment methods used.

Water and Sewerage Schemes.

400. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the position of a sewerage scheme (details supplied) in County Mayo including a breakdown of each stage

[Mr. Ring.]
of the project; when the application was submitted for this scheme; the initial projected cost and estimated completion date; the stage it is at now; the expected final completion date; and the projected total case on completion of the project.
[33200/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Belmullet and Foxford sewerage scheme is included in my Department's water services investment programme 2004-2006 and will commence construction in 2005 at a combined estimated cost of €12.7 million. Mayo County Council's preliminary report for the Belmullet element of the scheme is under examination in my Department and will be dealt with as quickly as possible. A preliminary report for Foxford has yet to be submitted. Following approval of both preliminary reports in due course, it will then be a matter for the council to advance the scheme to tender documents stage.

Planning Issues.

401. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government his views in regard to correspondence (details supplied); and if he will make a statement on the matter. [33390/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I have already received and noted the correspondence referred to, which relates to the review of the cap on retail warehouses contained in the retail planning guidelines. The position on the review is set out in reply to Question No. 1 of 9 December 2004.

Road Network.

402. **Mr. Murphy** asked the Minister for the Environment, Heritage and Local Government when money will be made available to Cork County Council to begin work on the Millstreet relief road. [33399/04]

404. **Mr. Murphy** asked the Minister for the Environment, Heritage and Local Government when funds will be made available for the re-alignment and widening of Miller's Bridge, Millstreet County Cork. [33401/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 402 and 404 together.

The improvement of non-national roads in its area is a matter for consideration by Cork 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 Cork County Council did not include applications for funding for the construction of a relief road in Millstreet or for the realignment and widening of Miller's Bridge.

403. **Mr. Murphy** asked the Minister for the Environment, Heritage and Local Government when his Department will make money available for the river crossing in Kanturk, County Cork.
[33400/04]

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 Cork 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 Cork County Council included an application for funding for the construction of a new relief road and bridge in Kanturk. I intend to announce allocations for 2005 early in the new year.

Question No. 404 answered with Question No. 402.

Public Relations Contracts.

405. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the companies which tendered for public relations work concerning the national spatial strategy since its inception; the amount tendered in each case; and if he will make a statement on the matter.
[33403/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 4 of 9 December 2004. As indicated in that reply, my Department invited 16 firms to tender for a public relations contract for the national spatial strategy. In response, five tenders were received for the initial nine-month contract. As is the normal practice, information on the amounts tendered by the unsuccessful firms is not being made available since this information is deemed to be commercially sensitive. The successful tender from Drury Communications was in the amount of €93,594.93. Details of the firms which submitted tenders are set out in the following table.

Tenders received by the Department of the Environment, Heritage and Local Government for public relations work concerning the national spatial strategy.

Company

Creative Inputs
Drury Communications
Gallagher and Kelly Public Relations
Langley Freeman Design Group Ltd
Limelight Communications

Genetically Modified Organisms.

406. **Mr. Lowry** asked the Minister for the Environment, Heritage and Local Government

the outcome of the EU regulatory committee banning genetically modified free zones which met recently; his interpretation of this meeting; the mandate he gave his officials for this meeting; the reason Ireland abstained from voting in such a vitally important issue for agriculture here, in view of the fact that Ireland has a such a high reliance on maintaining a clean green image; and if he will make a statement on the matter. [33410/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I assume that the question refers to the meeting of the regulatory committee for the purposes of Directive 2001/18/EC on the deliberate release of genetically modified organisms into the environment which took place on 29 November 2004.

The meeting neither considered nor voted on the issue of genetically modified free zones. It did, however, in accordance with the provisions of the directive, consider eight separate proposals by the European Commission to lift provisional prohibitions. These included proposals from Austria on genetically modified maize T25 and genetically modified maize MON863; Austria, Luxembourg and Germany on genetically modified maize Bt176; Greece and France on genetically modified swede rape Topas 19/2; and France on genetically modified swede rape MS1Bn x RF1Bn. The products concerned had been approved on a Community-wide basis under Directive 90/220/EEC in 1997 and 1998.

The official representing Ireland was mandated to abstain on each of the votes in question, having had regard to my Department's advice and the possible wider implications of the Commission's proposals. Between seven and ten member states, including Ireland, abstained on each of the votes. The outcome of each vote was inconclusive under the qualified majority voting system.

Special Areas of Conservation.

407. **Mr. Murphy** asked the Minister for the Environment, Heritage and Local Government his views on whether special protection areas for the hen harrier would not interfere with the building of wind turbines. [33459/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): All EU member states are obliged, in accordance with the directive on the conservation of wild birds (79/409/EEC), to designate special protection areas for the conservation of species such as the hen harrier, listed in annex 1 of the directive. The birds and habitats directives also require that appropriate steps are taken to avoid in protected areas, any significant disturbance of the species for which the area has been designated, or any significant deterioration of their habitats. These obligations provide the context for application of the draft guidelines to wind energy development proposals affecting protected areas for the hen harrier or any other bird species.

Draft guidelines for planning authorities on wind energy development, issued by my Department in August 2004, provide that designation of a site as, for example, a special protection area, should not preclude the development of wind energy projects. The draft guidelines advise that the best results for the incorporation of nature conservation considerations into development proposals in designated sites are achieved where prospective applicants and planning authorities work together to identify whether the development may impinge upon particular aspects of habitat protection, with a view to agreeing on any measures that may be needed to avoid or minimise any potential adverse impacts.

The draft guidelines also advise that research and monitoring on the interaction of birds and wind turbines will continue to elucidate more fully the extent of any impacts, their significance and possible mitigation measures. The draft guidelines are being finalised and will be issued shortly as a statement of ministerial policy to which planning authorities and An Bord Pleanála should have regard when considering individual applications for permission.

Planning Issues.

408. **Mr. Murphy** asked the Minister for the Environment, Heritage and Local Government if he has power over An Bord Pleanála; and if the board can issue decisions that directly conflict with Government policy and the national interest. [33460/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): An Bord Pleanála has been established under the planning legislation to operate independently in performing its functions. In dealing with an appeal, the board must consider all submissions on the file, together with the inspector's report and recommendation and reach its own conclusion. This must be in accordance with the proper planning and sustainable development of the area, having regard to the local development plan and, under section 37(1)(b) of the Act, any relevant policy of the Government or Minister.

Under section 28 of the Planning and Development Act 2000, the board must have regard to ministerial guidelines in the performance of its functions. It must also comply with any ministerial directive issued under section 29 of the Act. However, under section 30 of the Act, as amended, and subject only to exception for comments on heritage issues in particular planning cases, I am precluded from exercising any power or control in any particular case with which a planning authority or An Bord Pleanála may be concerned.

Water and Sewerage Schemes.

409. **Mr. McGinley** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that

[Mr. McGinley.] members of group water schemes (details supplied) in County Donegal are asked to make an individual contribution in excess of €6,000 for a piped water supply; his views on whether it is realistic that families should have to make such an excessive contribution to obtain water, a basic necessity; and if he will make a statement on the matter. [33542/04]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Grants of up to

85% of cost, subject to a maximum eligible cost of €7,618 per house, are available from local authorities for the provision or extension of group water schemes. While I am keeping the level of group water scheme grants and subsidies under continuing review in consultation with the national rural water monitoring committee and the National Federation of Group Water Schemes, my Department has no proposals for any increases. Responsibility for the operation of the grants scheme is a devolved function of the local authority, in this case, Donegal County Council.