



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 27 January 2005.

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## DÁIL ÉIREANN

—————  
*Déardaoin, 27 Eanáir 2005.*  
*Thursday, 27 January 2005.*  
 —————

Chuaigh an Ceann Comhairle i gceannas ar  
 10.30 a.m.

—————  
*Paidir.*  
*Prayer.*  
 —————

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

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

**Mr. Morgan:** I seek the adjournment of the Dáil to discuss the following matter of urgent public concern, namely, the necessity to urgently review management practices at An Post, specifically the role of the board of management, and the necessity for the Minister for Communications, Marine and Natural Resources to state clearly that the postal service will not be privatised and that deliberate mismanagement, a tactic to pave the way for privatisation of this essential service, will not be permitted.

**Mr. Ferris:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following urgent matter, namely, the continued disgraceful imprisonment by the British Government of Martin Doherty of Derry after he failed to appear at the Bloody Sunday tribunal and the need for the British Government to order the release from its custody of this man on this, the anniversary week of the murder of 13 civilians by the parachute regiment in Derry in 1972.

**Mr. Gogarty:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following important and specific issue, namely, the need for legislation to provide a statutory requirement for monitoring of noise emissions from aeroplanes flying in and out of aerodromes such as Weston and Baldonnell aerodromes in my constituency and those elsewhere in the country given that under existing legislation both local authorities and the Irish Aviation Authority are able to consistently pass the buck without reference to the concerns raised by residents nationwide.

**Mr. Neville:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of importance, namely, the closure of Kantoher poultry plant of Kerry Agribusiness with the loss of 140 jobs in an area of west Limerick which has suffered the ravages of rural decline in recent decades and the need for the Minister for Enterprise, Trade and Employment to identify a replacement industry for the area.

**Dr. Cowley:** I seek the adjournment of the Dáil under Standing Order 31 to debate a matter of national importance, namely, the failure of the Government to ensure the national roll-out of the BreastCheck programme which has resulted in the needless death of 65 women in the south and west each year since 2000 with possibly hundreds more expected to die before its extension to the south and west in 2008.

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

### Order of Business.

**Minister for Finance (Mr. Cowen):** It is proposed to take No. 1, the Proceeds of Crime (Amendment) Bill 1999 — amendment from the Seanad; and No. 18, the Disability Bill 2004 — Second Stage (resumed). It is proposed, notwithstanding anything in Standing Orders, that the proceedings on No. 1 shall, if not previously concluded, be brought to a conclusion after 30 minutes, and any amendments from the Seanad not disposed of shall be decided by one question which shall be put from the chair and which shall, in relation to amendments to the Seanad amendments, include only those set down or accepted by the Minister for Justice, Equality and Law Reform. Private Members' business, No. 42, motion re: Health and Safety Authority: Request for A&E Risk Assessment (resumed), will be taken immediately after the Order of Business and conclude after 90 minutes.

**An Ceann Comhairle:** There is one proposal to put to the House. Is the proposal for dealing with No. 1, the Proceeds of Crime (Amendment) Bill 1999, agreed? Agreed.

**Mr. Cowen:** I pay tribute to Des Edwards who is retiring from the usher staff this week after 29 years' service. Des has served the Houses of the Oireachtas for more than 29 years with great distinction and is a very popular character around here. He always displays good humour and is always helpful to us, temporary staff. Des arrived in Leinster House in 1976 and through his long and distinguished career here has rubbed shoulders with the great international statesmen and women of our time who have visited these Houses. He has also had to deal with us, more local types. I think I speak for everyone in this House when I say he was always courteous, professional and extremely thorough in every aspect

[Mr. Cowen.]  
of his job. He did all of this with a smile on his face and an uncanny knack of putting everyone in good humour no matter what the situation.

Des, as we know, is one of the fittest people around here. He cycled in and out practically every day hail, rain or snow. He is a keen theatre buff but no stranger to outrageous characters, extraordinary plots, unbelievable egos and the odd Greek tragedy, which served him well when working in this place. The Edwards name will not totally disappear from the Houses as a son and daughter of his work here also — a dynasty in the making. He was part of what I call the “holy trinity” with Mr. Paddy Behan and Mr. Frank Lane. Paddy and Frank retired before Christmas and I extend my best wishes to them once more. I wish Des many happy years ahead. Next year, he and his wife Geraldine will celebrate their 40th wedding anniversary. I extend my congratulations to them and my gratitude to him for his outstanding work here during a distinguished career. He will be missed by all.

**Deputies:** Hear, hear.

**Mr. Kenny:** I would like to associate myself and the Fine Gael Party with the expression of gratitude for public service to Mr. Des Edwards, Mr. Paddy Behan and Mr. Frank Lane. Between them, they gave more than a century of courteous, dedicated, efficient and common-sense service to people from all walks of life who came through the gates of Leinster House and to Members from many Governments and parties over the last 40 years.

They all learned their trade from the inimitable great servant, Mr. Paddy Cullagh, who trained all these young men in the last 50 years. Anybody in a position to have a word with Paddy before he did a tour of Leinster House would make sure the names were mentioned up there in the ranks of the famous Taoisigh and those who pretended to be Taoisigh in the House.

I hope Des has a happy new career. That trio gave outstanding service and are role models for all those who have come into the House as ushers and as servants of the public in so many ways.

**Mr. Rabbitte:** On behalf of the Labour Party, I too acknowledge the professional service of Mr. Des Edwards through the years and thank him for his courtesy. On behalf of my party, I had the opportunity to attend, with the Ceann Comhairle, the retirement celebrations for Mr. Frank Lane and Mr. Paddy Behan. I am beginning to think the entire matter is a ruse to allow the Superintendent to make long speeches on these occasions.

If it is really the case that Des Edwards, despite his appearance, has reached retirement age, I wish him every happiness in that retirement. Upon returning to the House after interview with the people at approximate intervals of three and a half years to find many colleagues missing on

each occasion, it was a great comfort that Des Edwards seemed to go on forever. His courtesy has been unfailing and I thank him for his service to the Houses of the Oireachtas and wish him well in retirement.

**Mr. Sargent:** Like other speakers, I pay tribute on behalf of the Green Party to Mr. Des Edwards for the many years of service he has given and wish him, his wife and family well into the future. As we were paying tribute to Mr. Frank Lane and Mr. Paddy Behan, some of us could not help but also pay tribute to Des even though he was not retiring at that time. This was not surprising as the three men were associated.

Des should also be remembered, as the Minister for Finance mentioned, as a dedicated regular cyclist. Medically, his fitness must be attributed in no small extent to his lifestyle. It is a recommendation to which the Ceann Comhairle as a GP can relate that, upon reaching middle-age, those who cycle are generally approximately ten years younger medically than non-cyclists. I hope this does not mean that cyclists must work longer in the future and put off retirement simply because they are more youthful. Des is getting his reward, however, and is retiring in a youthful and fit fashion.

**Caoimhghín Ó Caoláin:** On behalf of the Sinn Féin Deputies and our team in Leinster House, I would like to associate with the good wishes to Mr. Des Edwards for his service here through the years and for his courtesy to each of us and to myself when I first came to the House on my own in 1997. I would like to associate him as one of the trinity of those who have been the pillars of the permanent staff of this institution over the years of my presence and for some time before that. This trinity includes Mr. Frank Lane and Mr. Paddy Behan and I wish all three a long, happy and healthy retirement.

**Mr. Kenny:** It is a good job the Ceann Comhairle did not ask us to stand. When he moved forward, I thought for a moment he was getting into a formal position.

I wish to ask three questions of the Minister for Finance. First, I am not clear on the issue I raised yesterday with the Taoiseach regarding the critical infrastructure Bill. When will it be published? It is not on the list and has been removed from the Government programme. Second, there has been much media reportage of the report on the Minister for Transport, Deputy Cullen. Is that report intended for general release and, if so, will it be published today?

**Mr. Durkan:** Will the report be leaked?

**Mr. Kenny:** Publication would liberate the Minister from the stranglehold of public comment.

Finally, will there be a formal statement by the Government on this, the 60th anniversary of the

liberation of the prisoners in the Auschwitz concentration camp? Heads of Government and State are attending there today to mark that dreadful era in international politics.

**Mr. Cowen:** The final question is a matter for the Whips to arrange if such is required and appropriate. This morning on radio, the President articulately expressed the views of the nation on this 60th anniversary.

For the information of the House, the Quigley report was received by the Taoiseach on Monday afternoon, whereupon he took the opportunity to consider its content and recommendations. Having done so, arrangements are being made for its publication today. However, prior to its release, a final copy has been given to those persons identified or likely to be identifiable so as to allow them a chance to familiarise themselves with its content before it comes into the public domain. Once this is done, it will be sent to Opposition leaders and placed in the Oireachtas Library. Shortly thereafter, it will be made available to the media and on the website of the Department of the Taoiseach and the Taoiseach will issue a full statement for the perusal of the House.

On the first issue raised by Deputy Kenny, draft heads are being considered as a consequence of the resubmission of the draft legislation to Government.

**Mr. Rabbitte:** I agree with Deputy Kenny on the importance of making the Quigley report available. In terms of value for money, the contract concerned succeeded in getting some publicity for the Minister. We shall have to await any other consequences.

I am sure the Minister for Finance shares the concerns of Members on this side of the House regarding the rate of employment attrition this month with job losses especially evident in the more traditional sector. Some 140 jobs have been lost at Kantoher Chickens, 60 at Media Lab Europe—

**An Ceann Comhairle:** Deputy Rabbitte should address a question appropriate to the Order of Business.

**Mr. Rabbitte:** —220 at SerCom Solutions in Clondalkin, 350 at Irish Sugar, 260 at Shannon Airport, 200 at APW Enclosures in Tallaght and 92 at Sara Lee. In all, 1,392 jobs have been lost.

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

**Mr. Rabbitte:** Yes. Does the Government contemplate any legislative proposals that might address the rate of job losses, especially in the more traditional manufacturing sector, given the losses that occurred in January?

**Mr. Cowen:** I am anxious to remain in order in answering the Deputy's question. It should be

clear to the leader of the Labour Party that all projections for the coming year indicate a net increase in employment of more than 35,000 on an already high level of employment that is unprecedented in the history of the State. I take the point that, as the Deputy well knows, we are engaged in the provision of that new employment in a change in the nature of economic activity. Some of the traditional industries face competitive pressures and we all regret job losses at any time, whether it be those announced this morning or in recent times. I make this point in the context of increasing employment levels overall.

**An Ceann Comhairle:** We cannot have a debate on the matter.

**Mr. Cowen:** The Deputy asked about the legislation. On the publication of the Finance Bill next week, we will give legislative effect to the measures announced at the budget. The Government took specific measures on the health levy for those earning less than €400 per week and did not increase indirect taxation as a means of ensuring that competitive pressures are minimised to the greatest extent possible. Such measures including taking those on the minimum wage out of the tax net represent another effort by Government to assist employers in traditional industries to maintain employment levels despite the pressures they face.

**Mr. Rabbitte:** On promised legislation—

**An Ceann Comhairle:** We cannot have a debate. The Deputy asked a question that was out of order and got an answer that was out of order.

**Mr. Rabbitte:** When will the information and consultation on employees Bill be brought before the House?

**Mr. Cowen:** It is hoped it will be brought before the House during the course of this year.

**Mr. Sargent:** I have two questions, one a request for a debate. The Minister mentioned giving the Opposition the opportunity for perusal of the report into the Minister for Transport, Deputy Cullen. Could we perhaps have further consideration including perhaps a debate with questions to be answered by the Minister?

**An Ceann Comhairle:** Deputy—

**Mr. Sargent:** That just relates to the business of the House. In 2003 the forestry (amendment) Bill was promised for 2004; in 2004 it was promised for 2005 and in 2005 it is now not possible to say when it will be published. I know the Taoiseach is famous for his love of forestry after his less than exhaustive look up every tree in north County Dublin. Is forestry now something of an embarrassment or will it be put back on the list of promised legislation?

**Mr. Cowen:** I am informed by the Minister for Agriculture and Food that we are awaiting the outcome of discussions on an EU rural development directive. It would be inappropriate to introduce domestic legislative proposals on forestry until the requirements and obligations under the directive become clear.

**Mr. Bruton:** The dormant financial assets Bill had been quite prominent on the Government's legislative programme. This appears to have disappeared from the programme. This Bill is important as, for example, customers due refunds by some of the banks, which have been found to have overcharged, might not be traceable resulting in funds to be dealt with. It would be appropriate that the Dáil should consider such legislation.

The Minister has announced a review of tax reliefs in the tax code. Does he intend publishing a Green Paper or a White Paper thereby involving the Oireachtas in the course of the review?

**Mr. Cowen:** In the budget I announced a review of the existing incentive reliefs and exemptions and this matter is being pursued as quickly as possible. Advertisements as required under EU rules have been placed in the *EU Journal* and we have indicated we wish to hear from the public and other interested parties. The review will be conducted by the Revenue Commissioners and the Department of Finance, which is the correct approach. Upon conclusion of those deliberations it will be a matter for this House to debate and discuss. We should not pre-empt that process. Various mechanisms in this House are available to the Deputy to inquire into the progress being made in the course of the year.

The dormant financial assets Bill is to extend the dormant accounts treatment of assets other than life assurance and bank accounts. The provisions envisaged for the Bill will be incorporated in the financial services (consolidation) Bill.

**Caoimhghín Ó Caoláin:** In the autumn schedule of promised legislation the Parental Leave (Amendment) Bill was listed and scheduled to be taken this year. In the new programme of Government legislation just published it does not appear to be listed, unless I cannot find it. What has happened to this promised legislation? If it has fallen off the table will the Minister take steps to have it restored? As it is such an important issue addressing leave for parents—

**An Ceann Comhairle:** It is not necessary to make a speech on the matter.

**Caoimhghín Ó Caoláin:** The Minister might take note of the Department under whose aegis this falls and ask whether it is the appropriate Department.

**An Ceann Comhairle:** The Deputy should allow the Minister to answer his question.

**Mr. Cowen:** The Parental Leave (Amendment) Bill 2004 was published on 20 December last and is now before the Seanad.

**Mr. Broughan:** Will the gas regulation Bill be published before the opening of the gas market and if so when will it be published? Does the Government have any plans on the national minimum wage?

**Mr. Cowen:** The gas regulation Bill has 60 heads. It will give effect to the restructuring of the natural gas industry. It is expected to be published in the course of this year. I cannot be more specific.

No legislation is envisaged on the other matter. As the Deputy is aware it is a matter that is addressed under the social partnership process as a result of agreements already reached.

**Mr. Broughan:** There are no plans.

**Mr. Durkan:** The electricity Bill is topical. When will the Bill be circulated? When this happens adequate time should be given for appraisal of the Bill before it is passed by the House. When will the energy Bill come before the House? This is also a topical issue particularly as it relates to support for alternative energies over which question marks hang at present. Both Bills need adequate debate before being passed.

**Mr. Cowen:** Obviously I agree with the Deputy on the matter. The electricity Bill has 172 heads. It will allow the ESB to be converted into a plc under the Companies Acts and to consolidate existing electricity legislation. The Deputy will also be aware that the Minister for Communications, Marine and Natural Resources announced his intention to review the state of the industry and what strategic decisions should be taken in the future. Ongoing discussions are taking place at management and union level. Following the implementation of the PACT agreement, I am sure the ESB can continue competitively as a dominant player in the market. While the heads of the Bill were approved some time ago, it is a question of considerable continuing work. It is not expected to be taken this year. The review announced by the Minister predates all of that. We will have plenty of opportunity to discuss it here and in the industry generally quite apart from waiting for the Bill to reach the Order Paper.

The energy (miscellaneous provisions) Bill will amend the powers of the Commission for Energy Regulation to regulate assets not owned by the ESB, give the Minister power to give general policy directions to the regulator and permit the regulator to claw back any windfall gains accruing for electricity generators. It will also update exist-

ing legislation and introduce new provisions regarding natural gas safety. The Bill will probably be published in the latter half of this year.

**Mr. Sherlock:** Yesterday evening I asked the Taoiseach about the ground rents Bill and I do not recall getting an answer. Has the ground rents Bill been withdrawn from the programme and if so on what basis?

**Mr. Cowen:** It is not proceeding at the moment or in the immediate future due to a Supreme Court judgment, the implications of which must be studied.

**Mr. Hogan:** All sides of the House want to see reform in the insurance industry but this week the High Court struck down some of the proposals of the Personal Injuries Assessment Board. Will this decision be appealed to the Supreme Court or will amending legislation be introduced by the Government?

**Mr. Cowen:** Mr. Justice McMenamin gave a High Court judgment and the board is considering its options and the response it can make. Press reports have stated that an appeal to the Supreme Court is likely. My understanding of the basic issue in the judgment is that while a solicitor can be employed by the client, costs of the solicitor will be borne by the client rather than the board. The Personal Injuries Assessment Board, as a litigant in the case, has its own rights and entitlements and is taking legal advice on the matter.

**Ms O'Donnell:** For many years, legislation has been promised to regulate the charity sector. In light of recent events, the unprecedented response by the public to the Asian tsunami appeal, and the growing expansion of the budget in this area, there is a need for this legislation to be fast-tracked. It is non-controversial and all sides of the House would welcome it.

**Mr. Cowen:** Work is ongoing on the matter. The Bill is substantial and involves statute law revision and restatement in addition to legislative reform provisions to regulate charities to ensure accountability and to protect against the abuse of charitable status and fraud. It is hoped to bring that consideration to finalisation in the course of this year.

**Ms O. Mitchell:** Aer Lingus will tomorrow lose its senior management as a result of the Government's failure to decide on the future funding of the airline. When will that decision be made? When will the Air Navigation and Transport Bill, which ratifies the convention dealing with the international financing of aircraft, come back before the House to facilitate that decision?

**Mr. Cowen:** It will be before the House this year.

## Private Members' Business.

### Accident and Emergency Services: Motion (Resumed).

The following motion was moved by Deputy Gregory on Tuesday, 26 January 2005:

That Dáil Éireann,  
noting:

that the Tánaiste and Minister for Health and Children is now more than 100 days in office;

with deep concern, the request from the Health and Safety Authority seeking an urgent safety inspection and comprehensive risk assessment of every hospital accident and emergency unit in the State with immediate steps to address any deficiencies;

that the Health and Safety Authority request follows a statement by the Irish Hospital Consultants Association last week that overcrowding of accident and emergency units is posing a "serious risk" to patients;

that there are as many as 400 patients on trolleys in accident and emergency departments awaiting beds at various times according to statistics from the Irish Nurses Organisation;

that the situation is worst in a number of Dublin hospitals with 46 patients on trolleys at Tallaght Hospital, 28 at St. Vincent's Hospital and 27 at the Mater Hospital;

that the Health and Safety Authority requires the hospitals to report back by 25 February 2005 along with confirmation that steps are being taken to tackle the problems identified;

the necessity for the action of the Health and Safety Authority in requiring an urgent safety inspection of every accident and emergency unit in the State;

the failure of the Tánaiste and Minister for Health and Children to make any impact on the crisis situation in the accident and emergency departments of our hospitals;

demands that the Tánaiste and Minister for Health and Children:

take immediate action to address the ongoing and continuous crisis in the accident and emergency units of our hospitals;

outline a timescale within which this action will be taken;

immediately address the growing sense of frustration among staff in accident and emergency units;

make urgent provision for sufficient new beds to end the crisis; and

assist the hospitals immediately to meet all their needs arising from the safety audit and risk assessment as required by the Health and Safety Authority.

Debate resumed on amendment No. 1:

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

“commends the Government for the level of additional investment that has now been provided to improve the delivery of accident and emergency services, supports the implementation of the new ten-point plan for accident and emergency services and supports the Tánaiste and Minister for Health and Children in her commitment to improve patients’ experience of health care and particularly of the accident and emergency service.”

—(The Tánaiste and Minister for Health and Children).

**Minister of State at the Department of Health and Children (Mr. T. O’Malley):** The delivery of accident and emergency services continues to receive attention at the highest political and official level. A new vigour has now been given to the issue by the Tánaiste. Her plan will be the focus of the highest level of political attention this year and I am confident it will deliver results.

Much publicity has been given to the number of patients waiting on trolleys in accident and emergency departments. I agree that everything must be done to resolve this problem. Much of the good work being done, however, in accident and emergency departments goes unreported. Is it not also news-worthy that hospitals deal with approximately 1.2 million attendances at accident and emergency departments each year? This is equivalent to 3,280 patients being seen in accident and emergency departments every day of the year.

Discharges from acute hospitals now run at over 1 million per annum as hospitals continue to treat more patients. While we do have problems in particular areas of service delivery, it is unfair to the dedicated medical, nursing and support staff that their tremendous commitment and achievements do not receive the recognition they deserve.

This Government has provided additional resources for accident and emergency services for some time. In June 2004, the Department of Health and Children approved proposals for short and medium-term actions to be taken to address the problems associated with accident and emergency departments in the Dublin academic teaching hospitals. These initiatives cost €2.4 million in a full year and include the appointment of a new consultant in emergency medicine, specialist nurses, the establishment of rapid

assessment teams, a clinical decisions unit and the provision of multi-disciplinary teams to assess patients.

An independent review of security arrangements in the accident and emergency departments of all hospitals providing accident and emergency services was undertaken in 2002. The Department provided €2.35 million towards the cost associated with the enhancement of security arrangements.

There are now 52 emergency medicine consultant posts in acute hospitals, more than double the number in 1997. The availability of senior medical staff in accident and emergency departments facilitates rapid clinical decision making, enhanced management, diagnosis and treatment of patients.

Our capital investment programme for hospitals continues to be rolled out. Actions and investment programmes have been put in place in recent years which are contributing to and will continue to increase the hospital system’s ability to meet increasing demand for services.

In September 2004, the previous Minister for Health and Children, Deputy Micheál Martin, approved the commissioning of a number of new units in acute hospitals which have been funded under the national development plan. These developments will provide modern health facilities particularly for cancer care, medical assessment units and accident and emergency departments. New day facilities, theatre and diagnostic capacity will result in improved patient flows through the hospital system and make better use of existing inpatient beds.

Pressures on the hospital system, especially in Dublin, arise from demands on emergency departments and on difficulties associated with patients who no longer require acute treatment but are still dependent. Funding of €16.8 million was made available to the former Eastern Regional Health Authority between 2003 and 2004, resulting in over 600 patients being discharged from acute hospitals to more appropriate settings. A total of €5 million is also being provided to the Southern Health Board under the delayed discharges initiative to facilitate the discharge of patients from the acute hospital system.

The Tánaiste has already spoken in detail about the ten point action plan she announced for accident and emergency services. She has secured €70 million in additional revenue funding and €10 million in capital funding to support these initiatives. The Department of Health and Children is liaising with the Health Service Executive to progress the implementation of the plan.

I look forward to continued improvements in the delivery of accident and emergency services so that patients’ needs are met in a timely and appropriate manner.

**Mr. Moloney:** I welcome the fact that on entering office, and at the publication of the Estimates, the Tánaiste identified the delivery of acci-

dent and emergency services as a priority for attention. Policy is continually evolving and, although there has been huge investment in the health services, there are still areas that require further attention. I would like to examine the action that has been taken in recent months to recognise the problems in accident and emergency services and the time set aside by the Tánaiste and the Government to deal with the relevant issues.

The Tánaiste acted promptly in November 2004 by writing to the CEOs of the ERHA and in December 2004 by reiterating her plan of action for the other CEOs. It is hoped that the proposed actions will reduce waiting times, particularly for patients waiting for trolleys, facilitate the movement of patients from accident and emergency departments to more suitable parts of hospitals and improve the working conditions of accident and emergency staff. Such aspirations were included in a statement made at the launch of the Book of Estimates and are part of the Government's overall policy.

The Tánaiste has asked all hospitals to prioritise accident and emergency services and to identify key actions that will improve the flow of accident and emergency patients. It is clear to those of us who have served on health boards that some hospitals can remain within budget while offering a superior level of service. Other hospitals in certain health board areas do not seem able to offer the same level of initiative or delivery. The Tánaiste has made it clear to hospitals that they should demonstrate clearly how they intend to prioritise and improve their accident and emergency delivery policies before they look for further funding for various initiatives.

The relevant health authorities have been instructed to begin discussions on the core issues with the CEOs of the relevant hospitals immediately. Such issues include analysis of patient flows, reorganisation of work practices and rostering of accident and emergency staff. Regular ward rounds should be undertaken by consultants and registrars. It might seem that such matters were in place for a long time, but it is clear that they need to be resurrected. The old ways need to be improved on.

Other bodies have been asked to assist in prioritising accident and emergency services. The national treatment purchase fund has been asked to scale back its activities in public acute hospitals, thereby freeing up bed capacity.

The members of the Joint Committee on Health and Children, of which I am Chairman, recognise the difficulties that are faced by accident and emergency units as a consequence of the abuse of alcohol. It is clear that a great deal of staff time is spent treating problems which result from the high level of such abuse. People who are intoxicated or under the influence of drugs take up many spaces in accident and emergency units. The joint committee produced a comprehensive report on alcohol misuse and abuse last year. The report stated that the misuse of accident and

emergency services by people who are drunk or in a serious condition has to be clearly recognised if we are to improve such services. We have to tackle the problems caused by those who should not be presenting themselves at accident and emergency units. The measures to be introduced will help accident and emergency patients, particularly older people, and their families.

I read with interest a recent letter in *The Irish Times*, which showed the positive side of accident and emergency services. The letter writer praised the excellent treatment he received in the accident and emergency unit of the Mater Hospital. Accident and emergency departments throughout the regions can be praised in a similar manner because they are providing improved services. Staff have extra confidence in the improvements in the system because they know the Government's policies will improve accident and emergency services.

I welcome the allocation of funding of €16.8 million to the ERHA, which will result in 1,600 patients being discharged to more appropriate settings. Improved and expanded accident and emergency departments are being provided throughout the State, for example at Cork University Hospital, James Connolly Memorial Hospital and Naas, Clonmel and Roscommon hospitals.

I recognise the initiatives taken by the Tánaiste and the Government and the increases in health service funding. I dispute the suggestion that there have been cutbacks in the health sector. The level of funding made available to the health system has been increasing since 1997. The capital programmes have increased throughout the State. There has been massive investment in most county hospitals. It is clear that the regionalisation of health services is to be welcomed. Tackling the problems in accident and emergency services is the final piece of the jigsaw if we are to provide a First World health service. The Tánaiste is going the right way about it. I give her my full support.

**Mr. O'Connor:** I also welcome the opportunity to say a few words as part of this important debate. I compliment the Technical Group, which is coping well without Deputy Twomey, on proposing a motion on issues which, in fairness, are of concern to many of us. It is expected of me to mention Tallaght during debates of this nature and I will do so on this occasion.

I would like briefly to raise a matter that I will not be able to discuss under other circumstances. I welcome the appointment yesterday by the Department of Foreign Affairs, through the Minister, Deputy Dermot Ahern, of my colleague, Mr. Chris Flood, whom I succeeded in the Dáil, as an envoy to Asia. I wish him well in that role.

I will not claim that there are no problems in Tallaght — of course it has problems, like everywhere else. I have spent a great deal of time concentrating on issues relating to Tallaght Hospital. That 29 people, in respect of whom a decision to



[Mr. O'Connor.]

admit has been made, are waiting on chairs and trolleys in the hospital's accident and emergency unit this morning indicates the challenge we face. Three other patients, in respect of whom a decision to admit has also been made, are waiting in what the hospital describes as "inappropriate observation beds". Nine people in other parts of the hospital, including the day ward, also need to be admitted.

As a Fianna Fáil backbencher and a strong supporter of the Government, including the Tánaiste and the Ministers of State at the Department of Health and Children, it is important to state that I support what they are trying to achieve. At the same time, it is right that I should acknowledge that there are problems in Tallaght. I intend to work with the Department to find solutions to the problems. I was a member of the board of Tallaght Hospital from 1987 to 2002, when I was elected to this House. I am proud of my involvement with the hospital. While it may not be in order, I am happy to acknowledge that the Ceann Comhairle was a progressive Minister for Health who ensured that Tallaght Hospital was built and developed.

I was informed by representatives of Tallaght Hospital this morning that its accident and emergency unit is extremely busy, just like all other hospitals in Dublin. That level of activity is a reflection of the continuing increase in the population of the hospital's catchment area. One should bear in mind that the hospital caters not only for the population of Tallaght, but also for patients from a wide area that stretches as far as Carnew, County Wicklow. Tallaght is the third largest centre of population in the State, after Dublin and Cork. It has a bigger population than Limerick. It is forecast that the population of the hospital's catchment area will continue to increase in the foreseeable future.

Tallaght Hospital has submitted plans for the development of an acute medical assessment unit adjacent to the accident and emergency facility. The planned unit, which will have 38 beds, will help to alleviate the pressure on the hospital's accident and emergency department. I ask the Minister and her officials to consider the proposals carefully. The hospital recently appointed two patient liaison officers, who facilitate communication about the triad system in accident and emergency units. The Department has also established an outpatient clinic for review patients. I understand that approximately 3,000 patients are referred to the clinic each year. The hospital also has an active wound care clinic, which treats approximately 2,000 patients each year.

I wish to refer to some other positive initiatives which have been developed at Tallaght Hospital recently. I have been assured by the management of the hospital that such initiatives have helped to improve the service provided at its accident and emergency unit. The opening of a short-stay observation ward within the accident and emergency department has enabled the hospital to

observe and treat a number of minor conditions. The ward contains a chest pain assessment unit that treats patients who have a mild or moderate risk of their pain being of a cardiac nature, but do not have an initial definitive diagnosis.

There are problems in Tallaght, just as there are everywhere else. The Deputies who represent the area have a responsibility to highlight such matters and to work with the Department to ensure they are solved. Anybody who read this morning's *Tallaght Echo* — I am always happy to recommend that newspaper because it contains many interesting articles — will have read a report about the problem. The Tánaiste knows that there are difficulties in this area. I wish her well as she assists us in dealing with such matters.

**Dr. Devins:** I am delighted to have an opportunity to speak on this Private Members' motion. It is opportune that the first Private Members' business after the Christmas recess should relate to the important issue of accident and emergency services. It is interesting to note that the Tánaiste has stated publicly and in this House that she is determined to solve these problems, which are the cause of a perennial crisis point in the health service.

All Deputies have an interest in the health service. Every year we hear of patients who have to spend many hours in accident and emergency departments while they wait to be seen. In some cases, people who are awaiting admission to hospital have to spend time on trolleys, which is unacceptable. Despite the great increases in spending on the health service by the Government, which will be in excess of €10 billion this year, the spectre of patients and staff in accident and emergency units having to put up with unacceptable conditions is still present. I warmly welcome the commitment made by the Minister to solve this problem. Her publication of a ten-point action plan serves to recognise that this recurring crisis must and will be dealt with. As the motion indicates, Deputy Harney has been Minister for Health and Children for 100 days, yet her decision to move decisively on this issue is very welcome. There is no doubt that the problems surrounding accident and emergency services are multifactorial and the solutions should be wide-ranging and need to take into account many different issues.

Let me consider a few of what I believe to be the underlying problems. Accident and emergency units are just that, i.e. places where accidents and emergencies can be dealt with. I believe strongly that some patients who have problems that do not fall within the definition of accidents and emergencies are attending accident and emergency units. They do so for a variety of reasons, some of which are very serious but which do not require attendance at such units. Patients who have been seen by their family doctors, who have taken a decision that those patients require admission to hospital, should not have to wait in accident and emergency units because there are

no beds available in the relevant surgical or medical wards.

Some hospitals have acute assessment units and these have proved to be extremely useful. The Minister's decision to provide three acute medical assessment units in three Dublin hospitals, namely St. Vincent's, Beaumont and Tallaght, is very positive and should have a beneficial effect on the easing of the crisis in the accident and emergency units in these hospitals. The hospitals have been among the worst affected by the crisis.

The provision of extra step-down beds for patients who no longer need acute hospital care but still need some care before going home and the contracting of long-term nursing care beds for those who need higher level care than that available at home but do not need the level of care available in an acute hospital will have the effect of increasing the number of beds available for patients who need to be admitted to hospital after attending accident and emergency departments. This will have a very obvious beneficial effect in that it will reduce the number of people forced to spend time lying on trolleys in accident and emergency units while awaiting admission.

Time does not permit me to refer to the other aspects of the ten-point plan, but I must state that the implementation of the action in question will finally deal with this unacceptable issue. Will the Minister consider one further recommendation which I believe will also help? There is no doubt that some who attend accident and emergency units do so inappropriately. A nationwide publicity campaign to inform the public on the purpose of accident and emergency units would help to relieve some of the current overcrowding. In recent years, such a campaign has been running in the United Kingdom. I have been told that this campaign has helped patients to obtain quick access to the most appropriate care within the NHS. I commend the amendment to the House.

**Mr. Grealish:** I am delighted to have the opportunity to speak on this motion. I support the Tánaiste and Minister for Health and Children in her current endeavours to reform our health service. I had the pleasure of accompanying her as she visited University College Hospital, Galway, this week. There she met management and staff and saw the facilities at first hand. On the day of her visit, there were 14 patients waiting on trolleys. To me, as a local public representative, that is unacceptable. It is unacceptable to the Minister and she is determined to ensure the service is improved and that this country enjoys a health service to which we can all gain access and of which we can be proud.

The considerable goodwill of the public and the acceptance of the challenges that the Minister faces were very evident during her visit to the hospital. People know that she is not the reason they are waiting in accident and emergency units. She is not responsible for patients being left on trolleys and they trust her when she says that

reform will result in improvements and make a real difference to patients. They accept that she cannot do it over night. However, if there is any politician in Leinster House capable of really delivering, it is she. Her success, the pace of reform and the number of improvements will depend on the level of cooperation she manages to secure from politicians, consultants, all health care workers and the private sector.

The privately run Galway Clinic, which is in my constituency of Galway West, announced yesterday that it is to open the country's first private accident and emergency clinic in February. This is a ground-breaking development and should be welcomed warmly. It is the sort of initiative from the private sector that needs to be replicated right across the country. The State cannot shoulder the whole burden of the health service and there is room for the private sector to come on board.

The accident and emergency facility at the Galway Clinic will operate on a limited basis initially, with patients being referred by their GPs. However, it is hoped to expand the service to a 24-hour walk-in service as quickly as possible, with new staff being employed locally and from abroad. This initiative will remove pressure from the accident and emergency facilities at other hospitals in Galway.

The Galway Clinic also provides other vital services for public patients in the Galway region. Before Christmas, after a series of negotiations with the Western Health Board, the clinic made arrangements to treat cancer patients in the west until such time as the new radiotherapy unit is up and running in University College Hospital, Galway.

Many areas of the health service need reform. A very positive step was the abolition of the health boards and the establishment of the Health Service Executive. Other areas now need to be tackled, particularly accident and emergency services, because accident and emergency units represent many people's first and only contact with the health service and form their impression of the state of that service.

It is true that more than 70% of people who seek treatment at accident and emergency units do not require admission. Clearly, if we can encourage more of these people to visit their GP before attending accident and emergency units, we will be part of the way towards providing a solution to the problems associated with accident and emergency services. The Minister has identified improving access to GP care as a priority and that is why her announcement of 200,000 GP only cards and an additional 30,000 medical cards represents a sane and sensible response.

Traditional approaches to solving problems in our health service have been tried and failed. They have been failing since the 1970s while the cost to the Exchequer has continued to rise. The Minister, true to her style, is taking a different approach. Why continue to make the mistakes of the past? The GP only cards will encourage thousands of families throughout the country to visit

[Mr. Grealish.]

their GPs instead of their local accident and emergency units when seeking treatment. They will relieve pressure on our overcrowded accident and emergency units.

Another such move contained in the Minister's ten-point action plan is the development and expansion of minor injury units, chest pain clinics and respiratory clinics in hospitals to relieve pressure on accident and emergency departments. Such units will offer treatment to patients requiring more than standard primary care from their GP, but not emergencies in the true sense. For years, we have been encouraging people to keep accident and emergency units free for real emergencies. The Minister is now putting in place real structures to ensure patients will have real alternatives to accident and emergency services.

The Minister is also increasing out-of-hours GP services to keep people's need to attend accident and emergency departments to a minimum. In doing so, she will need the cooperation and assistance of GPs on the ground. If a person has no access to a GP in the evening or at weekends, her or she has little option but to visit accident and emergency units.

I pledge my full support to the Minister in her endeavours to improve the health care system. The vast majority of people were very pleased late last year to hear that Deputy Harney was the new Minister for Health and Children. They recognise her as a woman of action and as a committed and caring politician. A few days after her appointment, she described the overcrowding in our accident and emergency departments as unacceptable and said conditions would improve. She has brought forward a ten-point action plan and has secured additional revenue, which will be spent wisely and make a real difference and not disappear into a black void, as happened in the past. She is working to improve the health service. It will improve, and patients will very soon begin to see the real changes.

**Mr. Blaney:** I recognise that the problem associated with accident and emergency services is nationwide but, like Deputy O'Connor, I will be very parochial in my response to it. I will outline the position on the accident and emergency department and bed capacity at Letterkenny General Hospital. It is important to state that these two issues are related but require different solutions. The very small accident and emergency department is expected to deal with approximately 30,000 attendees per year. There are only six bays which is inadequate to deal with that number of attendees. A proposal was submitted to the Department of Health and Children in mid-October 2004 for the provision of a much enlarged emergency department with an associated medical assessment unit.

Of the 30,000 who attend the hospital per year approximately 8,000 are general practitioner referrals. Over 90% of these patients are referred for admission to inpatient beds. It is necessary to

assess them in a single area which is large enough to hold them during the initial assessment period of four to five hours, with all the appropriate diagnostic facilities to hand, such as x-ray equipment, laboratory services and other items. Then, most of these 8,000, and some of the remaining 22,000 patients must be admitted to inpatient beds. This is the capacity problem in Letterkenny General Hospital.

Given the huge number of patients the hospital assesses or admits to inpatient beds it frequently has to cancel elective inpatient and day case surgery. The hospital is reaching the point of dysfunctionality and medical admissions, such as the 8,000 referred patients, disrupt two other service areas through no fault of their own. The hospital has cancelled many admissions in recent months, and approximately two weeks ago over 100 day case admissions and more than 20 serious inpatient cases, scheduled for elective surgery, were cancelled in one week. This causes grave anxiety and disruption for people trying to access the hospital for elective procedures.

Two nights ago a family friend was rushed into Letterkenny General Hospital with a brain haemorrhage. Shortly afterwards he was put into an ambulance to be rushed to Beaumont Hospital in Dublin. The ambulance was about to leave when word came that there were no vacant beds in Dublin and he would have to wait until one became available. Thankfully, the patient was brought to Beaumont Hospital yesterday.

This is a nationwide problem and needs urgent attention. The Tánaiste has no significant political interest in Donegal as her party has no representation there but she should deal urgently with the problems at Letterkenny General Hospital. The hospital has submitted a proposal to the Department of Health and Children for an additional two floors to be built over the new emergency department. These would enable the hospital to provide an extra 70 beds which would significantly address the capacity issue which in turn causes the problems I have already described.

I trust I have given a sense of the twin issues to be addressed, namely, the need for an enlarged emergency department in which to assess the 30,000 patients who attend Letterkenny General Hospital, and for enough beds to accommodate those patients who need admission to inpatient care. I look forward to seeing these issues addressed.

**Ms McManus:** I welcome this motion. That the Health and Safety Authority has had to step into the breach and seek a full inspection of accident and emergency services is the greatest expression of Government failure to tackle the crisis in our health services. The Minister for Health and Children puts on a brave face and welcomes this move when she should be hanging her head in shame. She talks about €23 billion being spent on the health service in 2004-05 as if someone else were responsible for the mess.

The issue is the small return from that money. Why is it that, far from getting better services for acutely ill and emergency cases, the service is getting worse to the point that people are being put at risk merely by being within a hospital? The Minister has given commitments to patients that accident and emergency departments will at least be clean. Patients Together sent me an email today following the Minister's remarks yesterday:

In light of the ongoing A&E crisis, yesterday 'Patients Together' called to A&E to meet with a family. The first thing we noticed on our arrival was blood-splattered steps. In passing a comment to another member of Patients Together a very embarrassed young woman had overheard and told us it was actually her brother's blood which he had coughed up. This woman proceeded to tell us her brother had TB and had been a patient in Peamount for over a year. This woman also told us she herself had just been checked for TB. The patient at this stage had also already been there two hours. This also means the blood was there for two hours.

We visited with the Minister 11 weeks ago and the only definite assurance we came away from that meeting with, was her promise to implement a 24-7 hygiene programme. On our last visit we found a used syringe on the ground at the public entrance.

Patients Together taped the Minister, with her permission, at a meeting where she said:

... on the house keeping side. All hospitals have contract cleaners and are paying top dollar to them, there are no excuses for hospitals having hygiene problems, we live in a country that is pretty prosperous, so there are no excuses for the lack of cleanliness.

Almost three months later the Minister continues to only talk the talk. The ten-point plan that she repeated last night in this debate was announced over two months ago. While a global figure is attached to it, there is no breakdown of how the funding is to be allocated. Each point requires money. The first relates to new minor injury units, chest pain clinics and respiratory clinics but no progress appears to have been made on these since mid-November. It is interesting that the Minister failed to tell us about any progress.

The second point is the provision of an MRI scanner for Beaumont hospital but the Minister does not say that there were two scanners there, one fixed and one mobile. The mobile one was taken out because it was deemed to be too expensive. Now, presumably, Beaumont is getting this scanner back. While this is good for patients it is hardly breaking new ground in dealing with the accident and emergency crisis.

She also said that acute medical units are being promoted but they will take up to 12 months or longer to get staff and equipment in place. Although there is spare capacity in the private nursing home sector, to which inappropriately

placed patients could be moved to free up acute beds, there has been no change in that regard. Nothing has actually changed even though much could have been done as far back as November.

Many patients in private nursing home beds, who receive health board subventions, forfeit their entire pension because of the increased cost and the ceiling on subventions. In some cases the charges are rising and the patients are in serious difficulties. They do not even have the cushion of €30 per week pocket money which characterised the experience of public nursing home patients and which is now the subject of a Supreme Court action.

This group of patients is being pauperised because it has no safeguard. As there are no longer contract beds, and because of the Minister's policy, this group will continue to grow. Some protection must be provided for these people.

The Minister refers to home care packages. People with disabilities, or coming out of hospital, experience severe difficulty, for example in getting a shower fitted, due to cutbacks in the home-help services and the disabled persons' grants. In one case, Lidl has built a supermarket in a shorter space of time than it has taken to complete a shower room for a severely disabled woman in the same town.

The Minister talks about out-of-hours general practitioner services yet she has allocated only a pittance to the primary care strategy. This strategy has become a joke among medical professionals who regard it as another broken promise from a discredited Government.

The Minister does not even understand what is happening to general practitioner services. General practitioners are already scarce and will quickly become more so. The fact is that 1.9 million cases go to the acute services in a year yet 16 million are treated at primary care level. Primary care is the key to sorting out the accident and emergency crisis, yet there has been a very small increase in trainee places and no effort has been made in realistic terms to deal with the issues around undergraduates training for general practice. We are one of the richest countries in the world but we have one of the most incompetent Governments in the world when it comes to health care.

Fianna Fáil and the PDs are the parties which gave wealthy over 70 year olds a medical card and paid GPs four times more for caring for these wealthy patients than they are paid for caring for their poor patients. The Government squandered millions in this cynical bid to win votes and both Government parties are responsible for that. These are the parties that promised to deliver 200,000 medical cards and then removed approximately 200,000 medical cards from people on low incomes. The Minister for Health and Children promised yellow pack cards to provide cheap GP care last November but to date all these unfortunate people have seen is a massive increase of €10 in the cost of a visit to an accident and emergency

[Ms McManus.]  
 department. Not one of the yellow pack cards has materialised. We are still awaiting legislation in this regard, but with effect from 1 January accident and emergency department charges rocketed.

The PDs and Fianna Fáil have presided over the worst level of crisis in accident and emergency services ever experienced. For the first time relatives of patients waiting for treatment at the Mater Hospital went so far as to stage a public demonstration to highlight the appalling plight of their loved ones. They spoke to the media and their stories were litanies of pain and suffering. The organisation Patients Together grew out of those outpourings. Its members eventually met the Minister, Deputy Harney, on 5 November. They raised issues about cleanliness. Their statement reads:

We demand today a target time of a maximum four hours for any trolley stay and insist that this be less for those left in chairs.

We have found from our experience that hygiene and safety standards are being compromised and request that an independent health and safety audit be immediately carried out in all our A&E departments around the country and its findings be made public.

Could [the Minister] please take the time to visit the ... Mater Hospital.

They requested that she meet people in the A&E department, and pointed out that:

At present when a family member is left lying for days in A&E it takes a horrendous toll on all family members, as most must do a 24 hour vigil resulting in vomiting bugs, work commitments suffering [as well as] ... children and basic home life disrupted...

We question what would happen today if we suffered a major disaster when our A&E departments are already working to full capacity.

Accident and emergency is by its very nature an emergency and needs immediate attention.

We feel that [this is an important point that we should remember] the privacy and dignity of patients in A&E is being violated.

At that point when those patients and their families spoke to the Minister, Deputy Harney, she could and should have responded to the request for a health and safety audit. She chose silence instead. Only now that she has been forced into supporting the Health and Safety Authority's requirement is she welcoming this development.

One development, to which she has not referred, is the deferral of planned surgery which is inevitable when there is pressure on accident and emergency services and which was the subject of discussion of LRC meetings on the crisis. The Minister praised the national treatment purchase fund but did not mention the angry

words said by one consultant in emergency medicine:

What I think is completely obscene is public hospitals have set aside beds for NTPF work. So you can have varicose veins, be on a waiting list for six months and one day you ring up the NTPF and they'll roll out the carpet for you to go to a public hospital and have your job done essentially as a private patient but at the same time you've got an 85 year old lady with pneumonia from Coolock who has worked hard all her life, paid her taxes and she's left on a trolley in the middle of an overcrowded emergency department for three days.

The health service responds when the money follows the patient and often regardless of need. That is the simple fact the Minister needs to learn. This fact is creating a negative impact on the accident and emergency crisis, as Dr. Gleeson stated. It is also evident in the high level of disregard of the 20% limit on private beds in public hospitals across the country. There are many public hospitals treating well over that ratio, some have well over 30% and some have even 40% patients for elective surgery and day care.

It is interesting to note from the recent blunderbuss approach to imposing fines on certain hospitals while rewarding others that no account is given to rewarding hospitals that stayed within the 20% limit and thereby cared for the patients who tend to be more in need such as an 85 year old lady from Coolock to whom Dr. Gleeson referred. The South Infirmary Hospital in Cork had 38% private patients, yet it received a whopping €517,000 reward while a hospital like St. Mary's Orthopaedic Hospital which stayed well below the limit and treated only 6% private patients was penalised by losing a massive €388,000. James Connolly Memorial Hospital and St. Colmcille's Hospital in Loughlinstown were hammered with the loss of €1.3 million and €1 million, respectively. These hospitals are far removed from having the requested percentage of private patients, comply with regulations and meet the greatest need, but that is clearly a bad policy for a hospital to pursue if it wants to keep afloat. The Minister for Health and Children loves the idea of private health care, but what is happening is plainly wrong and is making the situation in accident and emergency services even worse.

Reading the Minister, Deputy Harney's, approach to the health service and her over-reliance on and naive expectations of the private sector to deliver her from the crisis is dismaying. I ask her to consider clearly what she is doing when she sets about relying on the private sector to deliver in terms of protecting her from the rage of the electorate when it comes to the health service. If she continues to promote this idea of over-reliance on the private sector she will deepen inequality, increase costs, decrease the value for money secured and ensure that the public sector is not able to provide in an effective

and efficient way the services needed by the people.

The Labour Party has argued for a long time that what we need is care based on need not on ability to pay. We know the system responds when people are insured because I am sure we have all experienced that. The vast majority of Members are covered by health insurance. It comes down to the issue of money following the patient. What we want to ensure and what needs to happen is that each patient must have the protection of insurance so that the system will respond appropriately and be rewarded appropriately for doing so. Currently, acute hospitals are penalised if they care for too many public patients while they are rewarded for caring for private patients. That does not lead to any efficiency; that approach is grossly inefficient. Often the person who has health insurance and is receiving care is far less ill than, as Dr. Gleeson pointed out, a woman with pneumonia from Coolock. If we want to target need and ensure the system is efficient, we must have a different basis on which people access care, namely, equality and ensuring there is universal cover regardless of income.

The Minister, in her approach, is deepening inequality. She is making the risks between private and public health care more acute. As a result of that, she is doing a grave disservice to elderly, sick people who are currently, as has been repeated in this debate, lying on trolleys in hospitals in Beaumont, Letterkenny, Wexford, St. Colmcille's Hospital in Loughlinstown, the Mater, Tallaght and St. James's. These are issues that need to be addressed by a clear policy based on ensuring the service is genuinely patient centred. Everybody uses the term "patient centred" as if its mere use will produce the magic that will deliver good quality care. If we are to have a genuine patient-centred service, the relationship between the patient and the service must be changed with regard to public patients to ensure the money follows them when they come into the system. It must be an integrated service and, most important, it must be delivered at the appropriate level. Far too many people end up in hospital who would not need to be there if they could get care at an earlier stage. Primary care is the key but the Government has turned off the tap in regard to it.

I am carrying out a survey which seeks to find from the various boards of the Health Service Executive how many front-line services have vacancies aside from administration vacancies. The results are startling. For example, in one of the smallest health board areas, that of the Mid-Western Health Board, there are 50 vacancies in the key areas of psychology, speech therapy, occupational therapy and the range that provides services at local level, so that patients can be cared for at home rather than in hospital.

We know that the numbers of general practitioners will not grow to meet demand, a matter which must be addressed. We would have been heartened if the Minister had yesterday talked of

providing for more doctors and increasing the number of places in our medical schools for EU citizens and, in particular, Irish people. If this is not done now, the problems will be exacerbated in the future because it takes years to produce a doctor. In particular, the Minister needs to concentrate on the position in regard to GPs because they will not be there. She can lambast them and talk about out of hours services not being available but doctors will not be there unless she ensures this issue is addressed.

Most people would prefer not to end up in hospital in any case. Community spirit is strong and families are good at looking after their relatives. This was highlighted when Patients Together was formed because its members felt so strongly about their individual family members. Our community has that strength and it contains experts in terms of community services and general practice. However, if we do not invest in this area, we will end up investing more money at the wrong level, namely, the secondary level.

Since 2000, there has been a 7% increase in population but only a 2% increase in inpatient activity. This must tell us something. It is a real indicator that we have not been able to ensure that additional investment is delivering a service. We need more beds but we also need to ensure they are not inappropriately occupied. Most of all, we need to ensure that, at primary care level, there is a consciousness of the importance of delivering services at local level, within the family context as far as possible, to ensure that people are cared for well when they need it, rather than ending up on trolleys or, worse, on a chair without a pillow in an accident and emergency department.

**Mr. Crowe:** I wish to share time with Deputies Gogarty and Boyle.

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

**Mr. Crowe:** The Government amendment to this motion is an insult. It does not address any of the specific issues raised in the motion, for which I congratulate the Technical Group. The Government has failed to address the serious safety issues raised by the Health and Safety Authority. As the motion states, the Health and Safety Authority has called for an urgent safety inspection of all accident and emergency units. That is a damning indictment of the management of the health services by the Government.

The Tánaiste and Minister for Health and Children did not address these safety issues in her contribution. However, the Minister stated: "People will judge our health services by accident and emergency services." I have news for the Minister — they have already made that judgment on the basis of nearly eight years of this Government. One would think to listen to the Tánaiste that the Government was only elected last October following the reshuffle and that the two previous

[Mr. Crowe.]

Ministers for Health and Children were not members of the Government. What happened to collective Cabinet responsibility for health between 1997 and 2004?

The Government published a health strategy in 2001. Much of it remains on the shelf unimplemented. A cornerstone of that strategy is supposed to be primary care — improving GP services and establishing GP co-ops, out of hours services and primary care centres. These primary care services are not being delivered and, as a result, people still go to accident and emergency units with ailments that should and could be dealt with by local GPs or health centres.

Why are so many still going to accident and emergency units in this way? It is because many who do not qualify for the medical card because their income is above the threshold cannot afford the high GP fees being charged. All this increases the pressure on accident and emergency units.

Anyone who believes the current Minister and her party will bring equality to our health services is living in cloud cuckoo land. An ESRI study has shown that the richest fifth of the population in the State has the highest access to hospital specialists. News of the opening of the first private accident and emergency unit in Galway has been welcomed. However, I do not welcome a situation where public accident and emergency units are in crisis while people are facilitated to make massive profits from private health facilities with privileged access for wealthy people.

The Minister will tell us that the State can now buy services for public patients in private facilities. However, everyone knows that the State will end up paying over the odds for these services in order to make profits for the private owners. This will only reinforce the obscene two-tier system where wealth buys health in this State.

Last year I asked the Minister for Health and Children about the numbers left on trolleys at Tallaght Hospital during the last Dáil session and the length of time before these patients accessed wards in the hospital. The question was referred to the Eastern Regional Health Authority but the figures I received from the authority contradict the figures in the media at the time, as well as contradicting figures I recently received from the Irish Nurses Organisation. There is a difficulty in that the ERHA states its figures are accurate while other outside interests and interests within the hospitals state that there seems to be a problem with the figures.

For example, on 1 October 2004 some 13 patients were on trolleys at Tallaght Hospital. The previous day the figure was 23, 33 the day before that and 39 and 32 on the previous two days. However, I was told by the ERHA that only 14 people were on trolleys at the end of that week. The previous week, that ending 29 September 2004, some daily figures for patients on trolleys were 23, 36, 46 and 51. However, the ERHA figure for the end of that week was 26. For the week ending 17 September 2004, some

of the daily figures were 29, 27, 25 and 35 on 13 September. However, the figure from the ERHA is for 12 patients on trolleys at the end of that week. The figures do not add up.

I visited a number of patients, including my brother in law, in Tallaght Hospital last week. Everyone I spoke to there had a story to tell about the situation in the accident and emergency unit. They had nothing but praise for the hospital staff — doctors, nurses and so on. However, from talking to people in the wards, I got a sense of what was happening in the hospital that week. I met one man who had a heart problem, although he was in the hospital for another complaint. He spoke about the difficulties he encountered: it took him days before he got a trolley. In addition, he had left home without his heart medication. He was supposed to be treated in the hospital for another complaint but no heart medication was provided for him during his period in A&E. He eventually received the heart medication but when he was transferred to a bed, the medication was somehow lost within the system. I wonder how many people have had that experience.

If a person is on medication, because of the bedlam in the hospital, no one seems to be checking that every patient has their required medication. That appears to be an additional difficulty within the hospital system.

We talk about the indignity of lying on trolleys but I came across another man who had a serious bowel complaint. In many instances the public toilet facilities were not available so he had the constant worry of whether he would make it to the toilet in time.

There was a woman there whom I know very well. She has a problem with her kidneys, has lost a leg and is blind in one eye. She had a problem getting off the trolley to try to get to the toilet. Patients were helping other patients in such circumstances. The nurses brought her nearer to the nursing station but the problem was that because they were so busy the woman was occasionally left unattended. That indignity added to the worry and trauma she and her family experienced.

I came across another patient and for some reason her husband was administering her medication, as were the hospital staff. While she was in the hospital, she complained of suffering from a constant headache but it was probably due to the fact that she was being over-medicated. Such cases demonstrate the difficulties that are occurring in Tallaght Hospital.

One woman there vomited into a cardboard carton which was left there until the next day. No one cleaned it up.

During this period a number of elderly people were there, along with younger people who came in with drug addiction problems. At one stage there was an elderly person at one end of the A&E unit and three people who were clearly on drugs. The situation was chaotic to say the least and bad language was being used. In such

instances elderly people are left in a situation which deprives them of their dignity.

Another woman in the hospital was extremely upset because she could not receive holy communion. Apparently those attending A&E cannot receive that sacrament, which is a problem. I realise that matter cannot be sorted out by the Minister of State but it is an additional difficulty encountered by people who are left in A&E units. It adds to the worry and trauma they experience.

The majority of people in Tallaght Hospital have nothing but praise for its services but the system is collapsing around them. There is clearly a need for greater investment. There is also a problem with regard to the lack of beds. Those responsible for the situation in the hospital, that is, the chief executive officer, the hospital authorities, the health board and the Department, are not working off the proper figures. How can the problem there be solved? People are saying that difficulties arise because we are into the winter period and matters will get worse before they get better.

The Minister may say that the Government will be judged on what is happening in A&E units but clearly the situation is deteriorating. Whatever measures the Minister seems to have initiated do not seem to be reflected in what is occurring on the ground.

Callers to a recent edition of the Joe Duffy radio programme referred to a lack of pillows in hospitals. Millions of euro have been spent on the health service, yet a hospital can still run out of pillows. Another difficulty concerned patients' need for water. Clearly, if people are walking up and down, there is nowhere to put a jug of water. Another simple problem is that there is nowhere for patients to put their valuables. In one case, during that week, someone's valuables went missing.

People are going into hospital sick, yet we are adding to their indignity. In most of the cases I came across, people were referred to the hospital by their GP. They were not trying to avoid going to their local doctor. The last place they wanted to go to was the hospital but their experiences there were extremely bad. I have nothing but praise for the hospital staff, including doctors, but the system is crumbling around them.

This motion is positive and I do not think the Government's amendment addresses the problems to which I have referred. Hopefully, however, we will begin to see some changes in the system. The cases I have cited constitute one example of my experience of one hospital but I am sure those difficulties are being replicated around the country.

**Mr. Gogarty:** I welcome this motion and I am grateful for the opportunity to speak on it. Yesterday, my colleague, Deputy Gormley, highlighted the Green Party's position. I am not the party's spokesperson for health but I wish to comment particularly about my constituency, given

that the Tánaiste and new Minister for Health and Children represents the same constituency.

I have long argued that the treatment purchase fund will be a waste of money in the long term. It would be much better to improve our own health care service. The motion calls for immediate action to address the ongoing, continuous crisis in hospital accident and emergency units. If one is trying to save money, one does not farm it out to Germany, the North or other countries. The way to do it is to think outside the box and use a bit of cop-on.

I was playing football last night.

**Mr. S. Power:** That could be a great exaggeration.

**Mr. Connolly:** He played very well.

**Mr. Gogarty:** I did not get too many injuries, thank God. My excuse was that they had Packie Bonner in goal and that is why we lost. Deputy Eamon Ryan got a bit of a knock. It reminds me of a football analogy concerning the health service. A couple of years ago, someone's stud went into my toe and a bruise developed. Of course, being a man, I left the injury untreated for a couple of days by which time it had become swollen. Eventually, I decided it was time to attend St. James's Hospital. I went there at around 8 o'clock in the evening. At 5 o'clock the next morning the nurse came to have a look at my toe. She heated a paper-clip under a Bunsen burner and then put the red-hot paper-clip through my toenail. All the pus spewed out and the swelling went down. It is not rocket science, which is the point I am making. Why should that procedure have to be done in the accident and emergency unit of a major Dublin hospital? Why could it not be done by a GP on 24-hour call in a local community? There are plenty of opportunities for that sort of service.

The Green Party has long been calling for a three-tier health service with primary care receiving the major share of investment, where appropriate. An example would be in Lucan and Clondalkin, both of which are areas of large population. They should have their own 24-hour clinic. We have already seen newspaper articles reporting that some consultants are refusing to see people who are inebriated in A&E units. That is because such people are taking up valuable time for treating others with real health problems. Alcoholism is a major problem in our society, as is excessive drinking amongst all age groups, but there is a more appropriate place to deal with drink-related problems than in accident and emergency units.

If there was a 24-hour clinic with a doctor and nurse on call in densely populated areas, most of the problems currently facing A&E units could be dealt with at local level. People can be referred to hospital if necessary but there is no point in trying to crack a nut with a sledge-hammer — or, indeed, crack a toenail with a paper-clip — in an



[Mr. Gogarty.]

A&E unit. That is my message to the Tánaiste, although she is not in the Chamber. There are ways of saving money that do not entail diminishing the health service. What is needed is an appropriate level of service and care. St. Loman's Hospital in my constituency is located half-way between Lucan and Palmerstown and lands there were recently sold for more than €30 million. That some of the funding is going towards community care, in keeping with the ethos of St. Loman's Hospital, is welcome. However, it is not known where the rest of the money will go. I propose setting up a local 24-hour clinic in the vicinity to serve Lucan, Palmerstown and north Clondalkin. That would do more to reduce queues at Tallaght Hospital, St. James's Hospital and James Connolly Memorial Hospital than any amount of money thrown down the drain. The Government took approximately 3,000 beds out of the system and is talking about putting 3,000 beds back into the system. That could be a long way down the road. We need to examine creative ways of sorting out the problem immediately. An obvious way would be to have more respect for overseas doctors and nurses who come here.

Lucan is rapidly becoming the Nigerian capital of Ireland. I recently met a group of Nigerians who are setting up a branch of the largest Nigerian political party. Approximately half of the group who met in the Mansion House were nurses who work in the health care service. They were brought here because we did not have enough nurses. Until recently they had problems in that their partners were not allowed to work here. They are also having problems in getting their children in. They want their children to be educated and to spend time with their families. It is not an unreasonable request. However, barriers are created by the Department of Justice, Equality and Law Reform at every opportunity. The same applies to a Pakistani couple I know. The husband is a doctor. The wife is a doctor who has been rearing children for a number of years and must do training to get back into the system. However, when they wanted to hire someone who could speak their native language to look after the children, it took much bureaucratic wrangling to get such a person into the country. We have also heard about the flight of Filipino nurses to other countries because of the way they have been treated here.

These situations need to be addressed. If they are not we will have no health care staff here, let alone a diminished but very hard-working crew. Part of the reason for that is that Irish nurses, who for many years went to Australia, the Far East or the Middle East for a year, are staying in those places for a number of years and some are not coming back here but are going to England to work. The reason is that pay and conditions for nursing staff here are not sufficient. Rather than forking out money to pay for staff from other countries, we might be better off using it to

pay Irish staff to stay in Ireland. That is something the Minister could also consider.

I have another example of cost efficiency within the health care service which, again, relates to football, in this case a charity game in Navan. A colleague of mine from the Lucan area broke his leg while playing in a match. He was brought to Navan Hospital where he was X-rayed and was told that for a proper X-ray he would have to go to Drogheda hospital. This needs to be investigated and if no one else will raise it, I will. The software for the communications system within the health care service is seriously flawed. Otherwise the man's details could have been taken and forwarded them to Tallaght Hospital. I will not name names, but it was fortunate that the person in question knew someone in Tallaght Hospital who knew of a cancellation and was able to get him transferred for the X-ray and operation in Tallaght Hospital. Otherwise he would not have had to travel to Drogheda for ongoing treatment.

**Minister of State at the Department of Health and Children (Mr. S. Power):** The motion which as been put down requested that the Tánaiste and Minister for Health and Children take immediate action to address problems in the accident and emergency units of our hospitals.

It should be clear by now that the Minister has put accident and emergency services at the top of her agenda. As has previously been mentioned, the Minister has, in cooperation with the Minister for Finance, provided targeted funding to address the most pressing accident and emergency issues in a targeted and systematic way. The Minister has acknowledged that it will take some months for the measures to be fully implemented but nevertheless actions have already been put in train to achieve a measurable effect in improving the patient's experience and the conditions of staff working in accident and emergency departments.

The recent surge in attendance at accident and emergency departments is attributable, in part, to the high number of patients presenting with circulatory, respiratory and viral conditions especially amongst the elderly population, and seasonal winter pressures. However, these abnormal patterns will not deflect us from dealing with accident and emergency problems.

The issues relating to accident and emergency demand a whole-system approach. In this regard the advent of the Health Service Executive as a unitary health services management organisation will ensure that a coherent and consistent approach is developed in relation to accident and emergency services.

It is most important that accident and emergency services are not used as a political football or as a means to promote particular interests. The Government is committed to both improving the public's experience of accident and emergency departments and also improving staff morale in these departments. It is extremely important that

highly qualified and specialised staff continue to be attracted and retained in this most important front-line hospital area.

Accident and emergency services present a particular challenge to individual hospital management. In many instances, accident and emergency is the only area in which the wider public experience hospital services. As such hospital management must regard accident and emergency departments as the "shop window" for the services which hospitals provide. Essentially a much more customer-oriented approach must be adopted by hospital management, consultants, nursing and other professional and support staff. In this regard, I am sure the Health and Safety Authority review will provide a valuable opportunity for hospitals to review their operational policies to ensure that they are effective and safe from both patient and staff perspectives. This review may well point to the need for additional improvements in services for those who attend at accident and emergency departments, thus building on action which has already been taken.

Management of accident and emergency services requires active management of patient flows. It is quite clear that much more innovative and alternative pathways are needed to ensure that only those patients who should be in accident and emergency departments actually end up there. Proper management of accident and emergency services demands an integrated approach across hospital services and beyond. In this regard, particular initiatives are required in relation to general practitioner services and meeting the medical needs of the elderly.

Before Christmas I had the pleasure of visiting Kilkenny Hospital where I was very impressed with its wonderful approach to dealing with this issue. It has been very successful in targeting services and implementing new ideas and dealing with issues in a very common-sense way with everyone in the hospital involved. The question of morale was mentioned earlier. I would say there is not a hospital with better morale than Kilkenny Hospital. Other hospitals might follow the lead Kilkenny Hospital has given in this regard.

In the context of my particular responsibilities for services for older people I would add that our policy on older people is to maintain them in dignity and independence at home in accordance with their wishes, and to provide a high quality of hospital and residential care for them when they can no longer be maintained in dignity and independence at home.

My Department has been encouraging health agencies to introduce personal care packages and home subvention for older people as an alternative to long-stay residential care. Personal care packages are specifically tailored to meet the individual's needs and could include the provision of a home help service, home subvention payments, arrangements for attendance at a day centre or day hospital and other services such as twilight nursing and occupational therapy.

In addition, a range of service initiatives have been supported in the current year. These include the nursing home subvention scheme, home care grant scheme, home help service, elder abuse programme and support to voluntary organisations.

I am confident that the actions being taken by the Minister, including the provision of new beds, will over time generate an appropriate, multifaceted and multidimensional response to the accident and emergency problem.

**Mr. Connolly:** At times accident and emergency departments and football matches go hand in hand. I formally congratulate the press on its victory. It had a total of 53 players on its panel. It is a panel of 14 hard triers.

I wish to share time with Deputies Harkin and Finian McGrath.

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

**Mr. Connolly:** The crisis appears to be an ongoing saga. Depending on the day of week, there may be between 200 and 400 people on hospital trolleys. Given that most of these hospitals are designed to cater for approximately four people in cubicles, this gives one some idea of the crisis. In the past this was a winter crisis or a Monday morning phenomenon and the position would be sorted out within a given period.

During the past 15 years the population has increased by 25% and our response as a nation has been to reduce bed capacity by 25%. It is obvious there will be major difficulties. If people cannot get beds they will create problems in accident and emergency departments. Our response in the Cavan-Monaghan area has been to run advertisements on the Shannonside-Northern Sound Radio asking people not to go to accident and emergency departments. Many people in the country will sit there with a pain in their chest and hope the pain will go away because they have been told on radio not to go to the accident and emergency department. We all know the best medical outcome occurs following the earliest possible intervention. These problems will not go away. There will be illness and death and we have to learn how to sort out the accident and emergency problem.

We have had a number of initiatives in the past such as strikes. We have had promises of 2,000 extra beds and a ten-point plan to address the accident and emergency crisis. It is a crisis that will be sorted out over a period of years and I doubt if the ten-point plan as announced will do anything to relieve the position.

More recently, we have had an act of desperation. The consultants in accident and emergency departments invited the Health and Safety Authority to address issues in accident and emergency departments. If one has to ask an outside statutory body to sort out accident and emergency difficulties one is at the end of the line. It is a cry

[Mr. Connolly.]  
for help. Any member of the public can call in the Health and Safety Authority and it can look in every nook and cranny in the accident and emergency department, but how much expertise can it bring in? The Health and Safety Authority can issue a seven day improvement notice and come back after the expiration of those seven days to see whether the position has improved. I doubt if it will have improved in most cases. If the position has not been addressed or improved it can issue a notice to close the accident and emergency department. That will cure the problem but it will go elsewhere. This is not the way forward.

The Health and Safety Authority will say every employer should have a safe place of work and safe work practices and systems. I wonder whether this can happen or if the Health and Safety Authority will improve the position. I would like the Health and Safety Authority to involve itself in the MRSA difficulties and ask for the appointment of somebody to be responsible for the control of MRSA in hospitals. Perhaps the Health and Safety Authority can point the way forward to deal with the crisis in accident and emergency departments.

Another problem is inter-personal difficulties. Consultants in accident and emergency departments have had a falling out with the unions on how to improve the position. Staff are falling out with staff. That does not create the best type of work environment. A key element of the problem is that staff are not pulling together and working as a team. That is an issue that should be looked at. Other countries have had this type of crisis, including England which suffered a similar crisis. We must look at what was done there. In 2000 the target was to treat 90% of people in a four hour period; now it treats 96% of people in the four hour period following their arrival at accident and emergency departments.

**Ms Harkin:** I am pleased to make two brief points on the motion sponsored by the Independents. The motion outlines the numbers on trolleys in some Dublin hospitals, which are scandalous, but this is not confined to Dublin. In Sligo General Hospital, my local hospital, there is a serious problem. Last week there were approximately 20 people without beds in the accident and emergency department and in the day service unit and the hospital had to cancel admission for a few days. While the situation is not so acute this week, there were four people without beds on Tuesday and Wednesday and three last night. These figures may not be as headline grabbing as those for some of the Dublin hospitals, but nonetheless there is a real problem.

Deputy Blaney outlined the position in Letterkenny General Hospital, the other major hospital in the old North Western Health Board area, where there are serious problems with bed capacity and the accident and emergency services are totally inadequate. Nobody should be lying on a

trolley. It is unacceptable that those who are ill are left waiting for a bed. Whether the figure is four or 44 we are speaking of individuals, children, grandfathers and mothers. It is only when it happens to a family member that we fully realise this is totally unacceptable. The Minister has been in office for just over 100 days and prior to that the then Ministers for Health and Children, Deputies Martin and Cowen, presided. Each year, especially during these months, the situation reaches crisis point.

Deputy Grealish told the House that people lying on trolleys do not consider the Tánaiste and Minister for Health and Children, Deputy Harney, responsible. I would like to know who is responsible. Is this a rudderless ship? The Government has the power to change the position and to make decisions and as an Opposition we must hold it accountable. If the Government and the Minister are not responsible, who is?

We were informed by the Minister of State, Deputy Tim O'Malley, that there will be a new vigour in the Government approach. This is long overdue and it is way past time. It is the business of Government to deal with these issues speedily and efficiently and this has not been done. This is the reason that we, as Independents, have tabled this motion. He also said it was unfair to dedicated medical and support staff. It is not unfair to highlight the problem — it is imperative that we do so. It is grossly unfair that medical staff have to work under such conditions and to endure such pressure. If the Minister and the Government value the work of the dedicated medical and support staff, for their sake and that of the patients they need to deal with the problems in accident and emergency departments.

Deputy Connolly referred to the fact that the population has increased by 25% during the past 20 years while the number of beds has decreased by 25%. It was a Fianna Fáil-led Government that eliminated the hospital beds and it has not replaced them. This is the core issue. The question is how to deal with it.

In Sligo General Hospital space is a problem. At present a multi-disciplinary committee is considering the provision of a medical assessment unit and a medical short stay unit. This is badly needed but it will require considerable capital investment. If the Government is serious about solving the accident and emergency problem in Sligo and surrounding areas it must commit to the investment needed and put that medical assessment unit in place to ease the intolerable burdens on the accident and emergency service in Sligo.

I wish to refer to a related issue — the availability of accident and emergency services within a reasonable distance for everybody in the country. I welcome the reinstatement of 24 hour emergency medical cover in Monaghan General Hospital, but why did it have to take a massive campaign to achieve it? Why did it take people to march outside Leinster House for days and weeks on end? Why did it take 10,000 people marching the streets of Ennis to force a U-turn

on Government policy? Will it require constant agitation, constant vigilance, and can the people of west Clare rest easy in their beds knowing that if an emergency arises they can go to Ennis General Hospital for treatment? At the end of the day people will travel anywhere for elective surgery, whether heart surgery or hip replacement, and will even travel abroad. If a person's life is in danger he or she needs to get to hospital. Accident and emergency services must be upgraded immediately and must be available to all citizens.

**Mr. F. McGrath:** I am grateful for the opportunity to speak on this Private Members' motion on the health issue and the disastrous situation in accident and emergency departments. I commend my colleagues, the Independent Members for working together and bringing this motion before the House. It sends out a clear message that we are listening to the people, the patients and the elderly. We are listening to the citizens of the State who are demanding action for the people on trolleys in hospitals. The Independent Members have been putting this issue before the House for more than two and a half years. The bottom line is that the Government has not delivered on the provision of beds and services. It has had the benefit of significant extra financial resources, yet nothing has happened.

The Tánaiste and Minister for Health and Children has promised improvements in the accident and emergency departments by next autumn, but why should we believe her? The Government has been in power for eight years with massive extra resources and revenue. Eight years is surely sufficient time to put an extra 500 beds into the system and so resolve the issue immediately. I note that many commentators appear to be afraid to examine the record of the former Minister, Deputy Martin, on this issue and that of the Minister of State, Deputy Callely, in respect of care of the elderly. The reality for people on trolleys is that successive Ministers, including Deputies Martin and Callely, have not delivered. People are sick and tired of all the spin while the sick are treated with contempt.

Statistics announced this week show that wealth per head of population in Ireland has overtaken that of the United States for the first time. Why then are patients still stuck on trolleys? It is simply not good enough. It is a disgrace after eight years in power and all that extra cash. It is bad leadership and bad management of the health service. I receive daily complaints on this issue yet the Government announces that €30 million is expended on reports. It is more talk and waffle. People are sick and tired and are demanding action, not in six months or 12 months, but now. The Government's time is up. We want 500 beds now as a start and then the

Minister can develop the other aspects of the health strategy.

I demand that the Tánaiste and Minister for Health and Children, Deputy Harney, support five new radical proposals put forward by the Independent Members. I want the Government to take immediate action to address the ongoing crisis in the accident and emergency units. I want the Minister to outline a timescale within which action will be taken, to immediately address the growing sense of frustration among staff in accident and emergency units, make urgent provision for sufficient new beds to end the crisis and assist the hospitals in meeting all their needs arising from the safety risk assessment audit as required by the Health and Safety Authority. I call on the Minister to implement these sensible proposals so that patients may live and stay in hospital with dignity.

These issues must be dealt with and I urge the Tánaiste to act now. She has claimed to have a new policy and vision for the health service, people before paper, but I have seen no real evidence of this policy, particularly following eight years in power, €30 million spent on reports and extra resources and finances. The citizens cannot understand this situation. Eight years spent trying to resolve this problem is a disastrous record. I challenge the current Minister and the former Minister, Deputy Martin, and the Minister of State, Deputy Callely. The Minister, Deputy Martin, in particular has a very weak record on this issue. The Minister of State, Deputy Callely, has been inefficient and ineffective in dealing with the care of the elderly. These Ministers must take responsibility and accept that they did not deliver to patients, the elderly and those on trolleys. If the members of the Cabinet and health service management were in any other jobs, they would be sacked in the morning. Those of us who have always supported the public service have argued for effectiveness and professionalism.

I urge the Minister to take this issue seriously. I hope we must not wait another 100 days before action is taken. I will continue to keep the issue of health before this House and I hope the Government will start listening to the patients. I have always supported the campaigns by patients and their families for a better health service. People must be put before paper and the focus must remain on people and patients. It is not acceptable to have 400 patients on trolleys in accident and emergency departments while awaiting beds. I have a particular interest in the situation in my local hospital, Beaumont Hospital. This motion is in the interests of patients, the elderly and investment in and reform of the health service. I urge all Deputies to support the progressive policies of the Independent Members and to vote for this motion.

Amendment put.

## The Dáil divided: Tá, 62; Níl, 55.

## Tá

Ahern, Dermot.  
 Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Ardagh, Seán.  
 Blaney, Niall.  
 Brady, Johnny.  
 Brady, Martin.  
 Browne, John.  
 Callanan, Joe.  
 Callely, Ivor.  
 Carty, John.  
 Collins, Michael.  
 Coughlan, Mary.  
 Cowen, Brian.  
 Cregan, John.  
 Curran, John.  
 de Valera, Síle.  
 Dempsey, Tony.  
 Dennehy, John.  
 Devins, Jimmy.  
 Ellis, John.  
 Fahey, Frank.  
 Fitzpatrick, Dermot.  
 Glennon, Jim.  
 Grealish, Noel.  
 Hanafin, Mary.  
 Haughey, Seán.  
 Hoctor, Máire.  
 Jacob, Joe.  
 Keaveney, Cecilia.

Kelly, Peter.  
 Killeen, Tony.  
 Kirk, Seamus.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 McGuinness, John.  
 Moloney, John.  
 Moynihan, Donal.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M. J.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Donnell, Liz.  
 O'Donoghue, John.  
 O'Donovan, Denis.  
 O'Flynn, Noel.  
 O'Keeffe, Batt.  
 O'Malley, Fiona.  
 O'Malley, Tim.  
 Power, Peter.  
 Power, Seán.  
 Smith, Brendan.  
 Smith, Michael.  
 Wallace, Dan.  
 Wallace, Mary.  
 Walsh, Joe.  
 Wilkinson, Ollie.

## Níl

Boyle, Dan.  
 Breen, James.  
 Broughan, Thomas P.  
 Bruton, Richard.  
 Burton, Joan.  
 Connaughton, Paul.  
 Connolly, Paudge.  
 Costello, Joe.  
 Cowley, Jerry.  
 Crawford, Seymour.  
 Crowe, Seán.  
 Cuffe, Ciarán.  
 Deenihan, Jimmy.  
 Durkan, Bernard J.  
 Ferris, Martin.  
 Fox, Mildred.  
 Gogarty, Paul.  
 Gormley, John.  
 Gregory, Tony.  
 Harkin, Marian.  
 Hayes, Tom.  
 Healy, Seamus.  
 Hogan, Phil.  
 Howlin, Brendan.  
 Kehoe, Paul.  
 Lynch, Kathleen.  
 McCormack, Padraic.  
 McGrath, Finian.

McGrath, Paul.  
 McHugh, Paddy.  
 McManus, Liz.  
 Mitchell, Olivia.  
 Morgan, Arthur.  
 Moynihan-Cronin, Breeda.  
 Murphy, Gerard.  
 Neville, Dan.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Dowd, Fergus.  
 O'Keeffe, Jim.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Pattison, Seamus.  
 Rabbitte, Pat.  
 Ring, Michael.  
 Ryan, Eamon.  
 Ryan, Seán.  
 Sargent, Trevor.  
 Sherlock, Joe.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Twomey, Liam.  
 Upton, Mary.  
 Wall, Jack.

Tellers: Tá, Deputies Kitt and O'Connor; Níl, Deputies Gregory and Finian McGrath.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to".

## The Dáil divided: Tá, 62; Níl, 53.

## Tá

Ahern, Dermot.  
 Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Ardagh, Seán.  
 Blaney, Niall.  
 Brady, Johnny.  
 Brady, Martin.  
 Browne, John.  
 Callanan, Joe.  
 Callely, Ivor.  
 Carty, John.  
 Collins, Michael.  
 Coughlan, Mary.  
 Cowen, Brian.  
 Cregan, John.  
 Curran, John.  
 de Valera, Síle.  
 Dempsey, Tony.  
 Dennehy, John.  
 Devins, Jimmy.  
 Ellis, John.  
 Fahey, Frank.  
 Fitzpatrick, Dermot.  
 Glennon, Jim.  
 Grealish, Noel.  
 Hanafin, Mary.  
 Haughey, Seán.  
 Hoctor, Máire.  
 Jacob, Joe.  
 Keaveney, Cecilia.

Kelly, Peter.  
 Killeen, Tony.  
 Kirk, Seamus.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 McGuinness, John.  
 Moloney, John.  
 Moynihan, Donal.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M.J.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Donnell, Liz.  
 O'Donoghue, John.  
 O'Donovan, Denis.  
 O'Flynn, Noel.  
 O'Keefe, Batt.  
 O'Malley, Fiona.  
 O'Malley, Tim.  
 Power, Peter.  
 Power, Seán.  
 Smith, Brendan.  
 Smith, Michael.  
 Wallace, Dan.  
 Wallace, Mary.  
 Walsh, Joe.  
 Wilkinson, Ollie.

## Níl

Boyle, Dan.  
 Breen, James.  
 Broughan, Thomas P.  
 Bruton, Richard.  
 Burton, Joan.  
 Connaughton, Paul.  
 Connolly, Paudge.  
 Costello, Joe.  
 Cowley, Jerry.  
 Crawford, Seymour.  
 Crowe, Seán.  
 Cuffe, Ciarán.  
 Deenihan, Jimmy.  
 Durkan, Bernard J.  
 Ferris, Martin.  
 Fox, Mildred.  
 Gogarty, Paul.  
 Gormley, John.  
 Gregory, Tony.  
 Harkin, Marian.  
 Hayes, Tom.  
 Healy, Seamus.  
 Hogan, Phil.  
 Howlin, Brendan.  
 Kehoe, Paul.  
 Lynch, Kathleen.  
 McCormack, Padraic.

McGrath, Finian.  
 McGrath, Paul.  
 McHugh, Paddy.  
 McManus, Liz.  
 Mitchell, Olivia.  
 Morgan, Arthur.  
 Moynihan-Cronin, Breeda.  
 Neville, Dan.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Dowd, Fergus.  
 O'Keefe, Jim.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Pattison, Seamus.  
 Rabbitte, Pat.  
 Ring, Michael.  
 Ryan, Eamon.  
 Ryan, Seán.  
 Sargent, Trevor.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Twomey, Liam.  
 Upton, Mary.  
 Wall, Jack.

Tellers: Tá, Deputies Kitt and O'Connor; Níl, Deputies Gregory and Finian McGrath.

Question declared carried.

Seanad amendment No. 1:

**Proceeds of Crime (Amendment) Bill 1999:  
 From the Seanad.**

The Dáil went into Committee to consider an amendment from the Seanad.

In page 9, section 12, but in Part 2, the following new section is inserted:

12. — The Principal Act is hereby amended by the insertion of the following sections after section 16:

16A. — (1) The following documents are admissible in any proceedings under this Act, without further proof, as evidence of any fact therein of which direct oral evidence would be admissible:

(a) a document constituting part of the records of a business or a copy of such a document;

(b) a deed;

(c) a document purporting to be signed by a person on behalf of a business and stating—

(i) either—

(I) that a designated document or documents constitutes or constitute part of the records of the business or is or are a copy or copies of such a document or documents, or

(II) that there is no entry or other reference in

those records in relation to a specified matter, and

(ii) that the person has personal knowledge of the matters referred to in subparagraph (i).

(2) Evidence that is admissible by virtue of subsection (1) shall not be admitted if the Court is of the opinion that in the interests of justice it ought not to be admitted.

(3) This section is without prejudice to any other enactment or any rule of law authorising the admission of documentary evidence.

(4) In this section—

“business” includes—

(a) an undertaking not carried on for profit, and

(b) a public authority;

“deed” means any document by which an estate or interest in land is created, transferred, charged or otherwise affected and includes a contract for the sale of land;

“document” includes a reproduction in legible form of a record in nonlegible form;

“public authority” has the meaning given to it by section 2(1) of the Local Government Act 2001 and includes a local authority within the meaning of that section;

“records” includes records in nonlegible form and any reproduction thereof in legible form.

16B. — (1) For the purposes of this section—

(a) a person is corruptly enriched if he or she derives a pecuniary or other advantage or benefit as a result of or in connection with

corrupt conduct, wherever the conduct occurred;

(b) “corrupt conduct” is any conduct which at the time it occurred was an offence under the Prevention of Corruption Acts 1889 to 2001, the Official Secrets Act 1963 or the Ethics in Public Office Act 1995;

(c) “property” includes—

(i) money and all other property, real or personal, heritable or moveable,

(ii) choses in action and other intangible or incorporeal property, and

(iii) property situated outside the State,

and references to property shall be construed as including references to any interest in property.

(2) Where, on application to it in that behalf by the applicant, it appears to the Court, on evidence tendered by the applicant, consisting of or including evidence admissible by virtue of subsection (5), that a person (a “defendant”) has been corruptly enriched, the Court may make an order (a “corrupt enrichment order”) directing the defendant to pay to the Minister or such other person as the Court may specify an amount equivalent to the amount by which it determines that the defendant has been so enriched.

(3) Where—

(a) the defendant is in a position to benefit others in the exercise of his or her official functions,

(b) another person has benefited from the exercise, and

(c) the defendant does not account satisfactorily for his or her property or for the resources, income or source of income from which it was acquired,

it shall be presumed, until the contrary is shown, that the defendant has engaged in corrupt conduct.

(4) In any proceedings under this section the Court may, on application to it *ex parte* in that behalf by the applicant, make an order prohibiting the defendant or any other person having notice of the order from disposing of or otherwise dealing with specified property of the defendant or diminishing its value during a period specified by the Court.

(5) Where in any such proceedings a member or an authorised officer states on affidavit or, where the respondent requires the deponent to be produced for cross-examination or the Court so directs, in oral evidence that he or she believes that the defendant—

(a) has derived a specified pecuniary or other advantage or benefit as a result of or in connection with corrupt conduct,

(b) is in possession or control of specified property and that the property or a part of it was acquired, directly or indirectly, as a result of or in connection with corrupt conduct, or

(c) is in possession or control of specified property and that the property or a part of it was acquired, directly or indirectly, with or in connection with the property referred to in paragraph (b),

then, if the Court is satisfied that there are reasonable grounds for the belief aforesaid, the statement shall be evidence of the matters referred to in any or all of paragraphs (a) to (c), as may be appropriate.

(6) (a) In any such proceedings, on an application to it in that behalf by the applicant, the Court may make an order directing the defendant to file an affidavit specifying—

(i) the property owned by the defendant, or

(ii) the income and sources of income of the defendant, or

(iii) both such property and such income or sources.

(b) Such an affidavit is not admissible in evidence in any criminal proceedings against the defendant or his or her spouse, except any such proceedings for perjury arising from statements in the affidavit.

(7) Sections 14 to 14C shall apply, with the necessary modifications, in relation to assets or proceeds deriving from unjust enrichment as they apply to assets or proceeds deriving from criminal conduct.

(8) The standard of proof required to determine any question arising in proceedings under this section as to whether a person has been corruptly enriched and, if so, as to the amount of such enrichment shall be that applicable in civil proceedings.

(9) The rules of court applicable in civil proceedings shall apply in relation to proceedings under this section.’”.

**Minister of State at the Department of Justice, Equality and Law Reform (Mr. B. Lenihan):** This amendment was introduced in the Seanad on Committee Stage and inserts two new sections into the Proceeds of Crime Act 1996. The new section 16A relates to hearsay evidence in the context of admissibility of documents and the new section 16B is a corrupt enrichment order.

I will deal first with the hearsay provision. The need for the provision on hearsay evidence arises following the decision of the Supreme Court in the Hunt case, that is, the decision of the Criminal Assets Bureau against Hunt delivered on 28 February 2003. In that decision, the court took the view that the reference at the end of section 8(5) of the Criminal Assets Bureau Act 1996 to

information, documents or other material obtained by bureau officers being admissible in future proceedings did not by-pass the rules of evidence but merely allowed such documents to be admitted, in accordance with the usual rules, notwithstanding their origin.

The effect of the decision is to oblige the Criminal Assets Bureau to prove bank records by means of the Bankers’ Books Evidence Acts 1879 to 1959 and business and administrative records and transactions in relation to land and other property by means of oral evidence, thereby adding a considerable administrative burden to the workload of the bureau in preparing cases for court. The bureau has expressed concern about the added administrative burden in proving large volumes of business and administrative records and transactions in relation to land and other property arising from that decision.

The proposed amendment, which is restricted to proceeds of crime cases under the remit of the bureau, seeks to minimise the administrative burden in cases where there could be large volumes of routine documentary records to be admitted in evidence. It should be noted that the measure is available to both the applicant and the respondent or, indeed, a third party who might make an application under the Act.

I wish to clarify the detail of the provision. Subsection (1) sets out that certain documents are to be admissible in any proceedings as evidence of any fact of which direct oral evidence would be admissible without further proof. The documents concerned include a document which consists of part of a record of a business or a copy of that document, a deed and a document which purports to be signed by a person on behalf of the business and which states that either a designated document or documents constitute the record or part of the records of the business or is a copy or copies of such records or documents, or there is no entry or other reference in the records to the relevant matters, provided that, in both of those instances, the person has knowledge of those matters.

Subsection (2) contains a safeguard provision which sets out that a document is not admissible under subsection (1) if the court is of the opinion that in the interests of justice it ought not be admitted. Subsection (3) provides that the section is without prejudice to any other enactments or rule of law which authorises documentary evidence. Subsection (4) sets out definitions for the terms “business”, “deed”, “document”, “public authority” and “records” which are used in the new section. The overall effect of this amendment is to facilitate the admissibility in evidence of large volumes of records which are generally of a routine nature and are not in dispute between the parties.

The new section 16B contains the new corrupt enrichment order provision which was flagged by the Minister on Committee Stage in this House. The purpose of this provision is to deal with the situation where someone, by means of some cor-



[Mr. B. Lenihan.]

rupt act, is able to benefit from the enhancement of value of property otherwise legally acquired. This amendment will provide for a procedure to go after the additional profit or enrichment generated by a corrupt act by obtaining what is termed a “corrupt enrichment order” against the individual concerned.

Subsection (1) of the provision defines the concept of unjust enrichment as meaning that a person derives a pecuniary or other advantage or benefit as a result of or in connection with “corrupt conduct”. “Corrupt conduct” is then defined by reference to the Prevention of Corruption Acts, the Official Secrets Act and the Ethics in Public Office Act. “Property” is defined as money and all other property, real or personal, heritable or moveable, choses in action and other intangible or incorporeal property and includes property outside the State.

Subsection (2) provides that where it appears to the court on hearing evidence that a person has been corruptly enriched, the court may make what is termed a “corrupt enrichment order” which directs the defendant to pay to the Minister for Finance or other person specified by the court an amount equivalent to the amount by which the court determines the person has been enriched.

Subsection (3) provides, until the contrary is shown, for a presumption of corrupt conduct on the part of a defendant when three conditions are fulfilled. These are that the defendant is in a position to benefit others in exercising his or her official functions, that some other person has benefited and that the defendant does not account satisfactorily for his or her property or the resources or income from which it derived. Subsection (4) provides that the court has power to prohibit disposal of or dealing with the property concerned or prevent diminution of its value.

Subsection (5) sets out that the evidence to be furnished to the court by the Criminal Assets Bureau is a statement of its belief that the defendant has derived a specified pecuniary or other advantage or benefit as a result of corrupt conduct, is in possession or control of property acquired directly or indirectly as a result of or in connection with corrupt conduct, or is in possession or control of specified property and that the property was acquired directly or indirectly as a result of or in connection with the property already identified as having been acquired through corrupt conduct. The court must be satisfied there are reasonable grounds for the belief before the statement becomes evidence.

Subsection (6) provides for the court to make an order which directs the defendant to file an affidavit specifying his or her property or income or both and contains a safeguard that such affidavit is not admissible in criminal proceedings against the defendant or his or her spouse, except in perjury proceedings.

Subsection (7) applies the provisions of the new sections 14 to 14C relating to search warrants, orders to make material available, preju-

dicial disclosure and trusts to this provision of corrupt enrichment. Subsection (8) applies the civil standard of proof to the proceedings and subsection (9) applies the rules of court applicable to civil proceedings to proceedings under the section.

**Mr. J. O’Keeffe:** I support the approach that will allow the work of the CAB, of which I am a strong supporter, to proceed more smoothly. I admire the efforts of the bureau over the years. In principle, therefore, I am in favour of the provision on the admissibility of documents. I also support the principle of the introduction of a corrupt enrichment order. The Minister of State has made a reasonable case for the introduction of such a provision. Therefore, I will not oppose the amendments proposed by the Minister.

However, I wish to put down a strong marker in regard to my concern at the procedure adopted in the case of these amendments. It is not proper that issues of this type should be dealt with in this fashion, by means of a 30-minute slot in the Dáil schedule. We are talking about serious and fundamental points of law relating to not fully enforcing the procedures regarding hearsay evidence. We are also introducing a fundamental new power in the corruption enrichment order. I support the principle of these provisions but I cannot do my duty as a parliamentarian and spokesman for the main Opposition party without calling to attention that these are processes and procedures which should be teased out carefully.

This would be best done by recommittal of the Bill to Committee Stage so that there can be a proper teasing-out process. There is a worrying tendency on the part of the Minister for Justice, Equality and Law Reform to treat the Houses of the Oireachtas as a rubber stamp. This is a dangerous and foolish tendency. Apart from its undemocratic nature in not allowing Parliament to do its job properly, the consequence of such an approach may often be an appeal to the Supreme Court. I wish to put down a marker in regard to procedure. In the past, the Minister announced in one of his daily press releases that he would make amendments to Bills that constitute a radical change to the relevant legislation. I will no longer accept radical or other changes unless they have been properly debated in this House.

The issue of the admissibility of documents arises because of the view of the CAB and the Minister that a provision on hearsay is required in the wake of the Supreme Court decision in the CAB v. Hunt case. My instinct as a lawyer is that the rule on hearsay has been there for centuries and for a particular reason. We should tease out carefully any exceptions we are to provide to that rule. There is probably a case for the exception envisaged in the provision. The CAB has expressed concerns about the added administrative burden in proving large volumes of business, administrative records and transactions relating

to land and other property arising from the Hunt decision.

If this provision had been included on Committee Stage, I would have liked to hear more about that. It is not desirable to breach an established principle of the law of evidence purely for the purpose of an administrative convenience. Given time to consider the provision, I would need to be convinced of its merits. However, I must take the case for it as presented by the Minister. I would like his absolute assurances on this as a fellow lawyer. He will understand my instincts as someone who practised in the courts for some time before I went into politics. The respect I have for the rules of procedure and evidence is based on their function to protect the rights of the individual. I require clarification from the Minister on this issue in circumstances where I am not in a position to tease out the points in great detail.

The same applies to the proposal for a corrupt enrichment order, which appears to be a good name. In principle I approve of the courts being able to deal with somebody who is able to benefit from the enhancement in property value, which was legally acquired but the enhancement of which arose as a result of a corrupt act. Again on the face of it, it appears to be a very good idea. We must stamp out corruption in every way we can. Obviously, one of the ways of doing so is by ensuring that people cannot improperly gain from corrupt acts.

While I am again in favour of it in principle, I believe this provision would be better if we had the opportunity to tease out the details on Committee Stage. As I do not have the opportunity to do so now, I must take it on the assurance of the Minister of State that this provision has been very carefully drafted and that as it stands it will withstand legal scrutiny.

**Mr. Costello:** In the first instance I agree entirely with what Deputy Jim O’Keeffe has said about the procedure under which this amendment from the Seanad has come before the House. This is not a Bill that was sprung upon us as a result of an emergency that occurred today or yesterday. This Bill has been in the pipeline for six years since 1999. For a Bill that long in the pipeline one of the most crucial amendments in the legislation should not be dealt with within half an hour as an amendment coming from the Seanad.

Why was this amendment not tabled in the Dáil? The Bill was introduced in the Dáil. It is expected that the major debate should take place in the House in which a Bill is introduced and that all the major provisions should already be contained. This did not happen and the Minister merely flagged the intention.

The major statement in the Government manifesto concerning proceeds of crime legislation and the Criminal Assets Bureau was a promise to introduce proceeds of corrupt acts legislation and deal with white-collar corruption. I believe the

term used was “corruption assets bureau”. This was two and a half years ago and yet the legislation went through both Houses until an emergency motion came at the end of proceedings in the Seanad. Why could we not deal with this properly? I would support the Bill’s recommittal to Committee Stage for a proper discussion of its implication.

Having said that about the procedures, this is the way in which the Minister for Justice, Equality and Law Reform operates. He is a Minister who does not really introduce legislation; he introduces amendments. The corpus of amendments is always larger than the original Bill. It would be great to see the Minister abide by normal protocol. I always understood that the contents of this legislation were encompassed by the original legislation introduced ten years ago by the Labour, Democratic Left and Fine Gael Government of the day. After a very tragic incident, the murder of Veronica Guerin in 1996, it was determined in subsequent discussion that substantial action needed to be taken to deal with those who were enriching themselves through the proceeds of crime. The legislation as I understood it encompassed exactly what we are debating today. However, the Government that followed never sought to extend its compass to the proceeds of white-collar crime and enrichment.

The definition in the original Proceeds of Crime Act states:

“proceeds of crime” means any property obtained or received at any time (whether before or after the passing of this Act) by or as a result of or in connection with the commission of an offence;

I do not see what more is contained in the amendment before us today.

I ask the Minister of State to outline the details of the second part of the amendment. While white-collar corrupt enrichment has been going on all the time, neither the Garda nor the Criminal Assets Bureau has seen fit to pursue it. It is one matter to pursue a small time criminal or a drug pusher or even a large-scale criminal like Martin Cahill, who went to the welfare exchange and was unemployed. It is another matter to pursue somebody who is a pillar of society and has achieved pecuniary enrichment through so-called business activities.

How will this Act operate? I believe the provisions of the existing legislation were adequate to take proceedings to address this type of offence. It is very obvious when somebody goes to the labour exchange while living in a big house in Rathmines and driving a big car. However, it is different with a normal business person who through bribery or other corrupt acts has obtained further enrichment. How will the Garda operate this legislation? What will be the *modus operandi*? Will we trawl through the tribunal reports to see where bribes were given and where people enriched themselves, whether they have admitted it or not? What instructions will be

[Mr. Costello.]

given to the Criminal Assets Bureau and Garda to implement this legislation? The provisions already exist and the question is how they will be implemented.

Section 16A deals with hearsay evidence. As a non-lawyer, if it can be agreed that certain witnesses and certain documentation need not be produced in court, why should it be done? An argument exists in that respect. Otherwise time is being wasted on bureaucracy and research. Section 16A(2) states: "Evidence that is admissible by virtue of subsection (1) shall not be admitted if the Court is of the opinion that in the interests of justice it ought not to be admitted." This is a fairly stark statement. An opinion does not require much support. All of us have opinions which have little value or weight. The section does not even refer to a "reasonable" opinion. The caveat seems rather meaningless and the protection is rather meaningless. It will end up that in all cases hearsay evidence will be introduced and this will become the norm. It is unlikely the opinion of the court will be of substance because it does not have to be supported; it is discretionary.

I have no problem with these measures. It has taken a long time to initiate a process that was already included in the legislation. I do not know why there was a Bill in 1999 or why it has taken two and a half years for the Minister to finalise this. Why did he not introduce the amendment when the legislation was initially before the Dáil?

This year is the tenth anniversary of the Criminal Assets Bureau, an important tool in the fight against crime. The proceeds of crime come from deprived communities, not just in terms of drug money and money laundering but also in terms of planning corruption and other similar fraud, where long-suffering residents lose out from the pollution of their environment. This money should be earmarked for reinvestment in the community instead of going into the maw of the Department of Finance from which it will never emerge in any recognisable form. It should be redirected into areas where the damage is caused.

**Mr. F. McGrath:** This important debate is relevant to modern Irish society and should focus in particular on areas of severe social, economic and educational disadvantage, where a substantial minority of the population live in very poor conditions. Children in that section of society live in extreme deprivation, with many of them going to school without proper breakfast, living in unsuitable accommodation and lacking family stability.

The debate on the proceeds of crime legislation is relevant to these children because all money confiscated should be spent in these areas. In this State, 60,000 children live in poverty and the money confiscated could be invested in the areas in which they live and the schools they attend. I encourage the Minister and the Cabinet to focus resources and help into disadvantaged schools. It is essential in tackling crime and poverty to con-

nect with these children when they are between two and five years of age. Otherwise, when they reach the age of nine, ten or 11, they are already involved in anti-social behaviour and a section of them become involved in serious crime later in life.

We often lose sight of the fact that many people living in disadvantaged communities do not become involved in crime and we must take our hats off to them. We should praise those parents of families who live in blocks of flats where heroin is being pushed within 20 metres of their front doors. These families never become involved in crime and those parents should be commended. We should reward such people.

Section 1 of the Bill states that money realised on the making of disposal orders on the principal Act as amended by this Act shall be used for community development purposes in disadvantaged areas. This is the crux of the debate and it is vital that this be done.

Deputies mentioned the Criminal Assets Bureau. I have supported the CAB over the years and see it as essential in addressing crime. When talking about crime and dealing with its proceeds, however, the middle class who are involved in taking and distributing cocaine should also be targeted and they should not get an easy ride.

This amendment is important because it offers a way to do something for the most needy in our society.

**Minister of State at the Department of Justice, Equality and Law Reform (Mr. B. Lenihan):** I have heard the Minister for Justice, Equality and Law Reform described as many things but he is certainly not the creator of a rubber stamp. He participates in the proceedings of this House with vigour and enthusiasm. As Deputy Costello pointed out, he frequently introduces amendments to legislation he has introduced himself and he is to be commended for that.

**Mr. J. O'Keeffe:** He treats the House as a rubber stamp. That is the problem.

**Mr. B. Lenihan:** On the relaxation of the hearsay principle, Deputy Costello expressed concern about the use of the formula "in the interests of justice" that the courts will use to decide in their discretion. That is the canonical formula used in the Criminal Evidence Act 1992. The common law developed the rule that evidence is not admissible if the person submitting it is not available to give the evidence on oath and be subjected to cross examination. It is generally in the interests of justice that this should be so when persons are giving accounts of transactions of events from memory, but the application of that rule to the proof of documents has occasioned great inconvenience over the years.

In the proof of a document, the rule requires not alone that the original be produced in all cases but that the maker of the document or the person who kept it in the course of his business

or calling should be available to prove it. If the document has been out of the possession of the person in the intervening period, the continuity of possession must be shown to the satisfaction of the court. The successive keepers or handlers of the document must be available to give evidence. There was a famous decision in Britain in the 1960s, *Myers v. the Crown*, where a prosecution of a stolen car ring collapsed because counsel was not in a position to call the makers of the records for the manufacturers who installed the relevant chassis numbers on the cars and could match them to registration details.

In the Criminal Evidence Act 1992, the Oireachtas provided for a substantial relaxation of the rule regarding documentary matters in the general law of evidence. In that legislation we also provided that ultimate discretion must exist for the courts because it is a matter of evidence. The formula "in the interests of justice" is included because in all these matters relating to the proffering of evidence, some residual or ultimate discretion must be left to the court to do justice between the parties in a particular case.

This procedure will empower the Criminal Assets Bureau to trace assets corruptly acquired. It will allow the bureau to deal with unexplained affluence.

**Acting Chairman (Mr. Kirk):** I am required to put the following question in accordance with an Order of the Dáil of this day: "That the Seanad amendment is hereby agreed to and agreement to the amendment is accordingly reported to the House."

Question put and agreed to.

#### **Disability Bill 2004: Second Stage (Resumed).**

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

**Mr. O'Connor:** I welcome the opportunity to contribute to this debate. This legislation has had a convoluted history and we should now acknowledge the fact that is being placed on the statute book. I made the point last year that we were approaching this in the wrong way, dealing with the legislation while simultaneously receiving submissions from groups appearing before the Joint Committee on Justice, Equality, Defence and Women's Rights, of which I am a member. I am happier now that some of the submissions have been dealt with. We have had an opportunity to listen to the groups and to deal with the correspondence we have received. I do not mean to be patronising when I applaud the efforts of the various organisations which took the trouble to lobby the committee by addressing it and bringing certain material to its attention. I hope my comments will be taken sincerely because it was important that the organisations took such action.

I note that Mr. John Dolan of the Disability Federation of Ireland, which was particularly helpful in that regard, is in the Gallery. Mr. Dolan is a former colleague from our time together on the Eastern Health Board, the South-Western Area Health Board and the ERHA. I often mention in the House that my life experiences inform my political beliefs. For example, I had the opportunity to work with people from various groups when I was a member of certain organisations. I always consider that my time on the various health boards was a tremendous experience. People like Mr. John Dolan and his colleagues always helped people like me to understand disability issues, which was very important.

I acknowledge the work in this area done by Independent Deputy Finian McGrath, who I have known for a long time. When I was the press officer of the National Youth Federation in Dominic Street, I was aware of his work as a well-known progressive and pioneering principal of a primary school on Dorset Street.

**Mr. F. McGrath:** It was not that long ago.

**Mr. O'Connor:** I speak genuinely. In fairness to the Deputy, he has highlighted many disability issues since he was elected to the House, particularly because of his family circumstances. I was in the Chamber when he praised this Bill and I am happy to acknowledge that.

The Joint Committee on Justice, Equality, Defence and Women's Rights has received many submissions. Its meetings about this Bill were attended by a substantial and diverse number of organisations, including the Disability Federation of Ireland, the National Council on Aging and Older People, Age Action Ireland, the National Disability Authority, the Forum of People with Disabilities, People with Disabilities in Ireland, Rehab, the National Federation of Voluntary Bodies, the National Association for the Mentally Handicapped of Ireland, Mental Health Ireland, Brainwave, Headway Ireland, the Alzheimer's Association of Ireland, the Multiple Sclerosis Society of Ireland and the National Council for the Blind of Ireland. It is important that we applaud the work of such organisations. As legislators, we should stress that we are taking notice of much of what they are saying to us. That is a very important part of the process.

I always take the opportunity to work with various organisations in my constituency. I opened a special conference at the Connections project, which is based at Rehab on Broomhill Road, last week. The conference was funded under the remit of the international year of the family, which used to be the responsibility of the Minister, Deputy Coughlan. It gave people an opportunity to support those who are working with people who are disabled by bringing them forward and supporting their work. It is very important that we should do that.

I am aware that there are mixed views on the Disability Bill 2004. The Government's social

[Mr. O'Connor.]

objective is to ensure that the people's resources are used to give everyone an opportunity to live life with dignity and access quality public services. That objective continues to underpin life changes and experience. Some organisations have said they have difficulties with the people who wrote this legislation. They consider that the contents of the legislation do not mirror the Taoiseach's comments on it. Certain organisations have argued that greater emphasis needs to be placed on the fact that the Bill is relevant to more than one Department. That is very important. If one examines the Bill, its remit and what it is trying to achieve, one will understand that a number of Departments should be taking a big interest in it.

The Bill is relevant to the Department of Transport in so far as it pertains to access issues. We should ensure that people with disabilities can go about their business on public transport. I would like to reiterate a point I have identified recently about disability matters. Those who do not have the correct fare when they use buses in this city pay a substantial amount of extra money to Dublin Bus each year. The company has put in place a system whereby one can call to its offices to present one's ticket and claim one's change, but not many people avail of it. I have raised this matter in the House and with successive Ministers for Transport. Nobody seems to know who owns the significant amount of money which is accumulating under this system. Nobody seems to know what should be done with it. I am sure various organisations in different communities have countless ideas about what could be done with that money. I have argued that Dublin Bus could use the money for the greater good, on behalf of the greater community, to ensure public transport facilities for the disabled are improved. That suggestion should be supported.

When I was chairman of South Dublin County Council in the millennium year, I spent a great deal of time in Tallaght, elsewhere in my constituency and throughout the rest of Dublin promoting the notion that everything possible should be done by all four local authorities to make it as easy as possible for people with disabilities to get around the city's footpaths and roads. I have not audited it tightly in recent times, but I will do so soon. It is important to understand that a great deal of work remains to be done in this regard. Those of us privileged enough to be public representatives should take every opportunity to highlight such matters. I hope other Members of the House will engage in that process.

When discussing this Bill and trying to respond to the needs of our communities, it is important to consider that successive Fianna Fáil-led Administrations have made commitments in respect of disability. As a Fianna Fáil backbencher, I bear that in mind constantly. I have mentioned the various organisations that have contacted me, including the Disability Federation of Ireland, because they do such great work. Such bodies want the commitments contained in the

1997 programme for Government to be upheld and it is very important that we should do so. They stress that the commitments made by this Government over the years, as articulated by the Taoiseach, need to be met.

It is important to emphasise that many of the provisions of this Bill have been welcomed. Many organisations have said that while they are satisfied with the level of progress being made, more action is needed. They have welcomed the multi-annual investment programme because they believe it supports the development of high-priority disability support services between 2006 and 2009. They are pleased that the programme will involve current spending of more than €600 million and capital expenditure of more than €300 million over four years. An additional 875 residential, respite and day care places will be provided each year for persons with an intellectual disability and those with autism, in addition to the 760 new places which are being provided in 2005.

The organisations have recognised and welcomed the 4,260 new places which will be made available in total. They welcome the establishment of an additional 80 residential places each year for persons with physical or sensory disabilities. When one considers the 60 new places which were provided in 2005, one will note that a total of 380 new places are being provided. Some 250,000 extra hours of home support and personal assistance will be provided each year to support independent living for persons with a disability. These hours will be in addition to the extra 200,000 hours to be provided in 2005, amounting to a total of 1.2 million extra hours. One hundred new places in community-based mental health facilities will also be provided each year, resulting in a total of 400 extra places.

In welcoming this legislation and its progress, it is important to point out that further definition is required. I call on the Minister and the Minister of State, Deputy Brian Lenihan, who I am happy to acknowledge, to convey to the Minister of State at the Department of Justice, Equality and Law Reform, Deputy Fahey, that the consultative process needs to be continued. In this regard, it is important to respond to the various disability groups, whose work and endeavours I welcome warmly and which are continuing to lobby. Even as this legislation is progressing through the Oireachtas, it is important to state that there is work to be done. I would want to be supportive of the Minister and the Department in that regard. The Bill, when passed, should result in the making of progress in the disability sector and satisfy all the relevant disability groups and families.

I applaud the efforts of the Minister of State, Deputy Fahey, who has always been very responsive to the points I have made. I sense that he is now dealing with important legislation and I wish him every success in that regard. He will always have my support. However, he will appreciate

that I will not be afraid to address genuine concerns and issues that are brought to my attention.

I have not said much about my constituency of Dublin South-West in this debate. I represent communities in Tallaght, Firhouse, Greenhills, Templeogue and Brittas, I spend as much time as possible in my constituency and I am always happier in it than I am in Dublin city. I go about my business and hold weekly advice clinics. Many people come to me about many issues, to which I always pay particular attention.

As a public representative, I always want to reach out to families affected by disability. In saying that, I do not mean to be patronising. Families coping with disability really are heroes and deserve our attention and special support. In dealing with this Bill, I hope we continue to remember that. The legislation is about helping to secure services and achieve inclusion for people with disabilities. Regardless of what jobs we do and what representations we are asked to make in our public lives, it is important that we continue to pay special attention to those who are coping with disability. I have sensed this from attending various functions organised by disability groups in my constituency, which is no different from anywhere else.

In my contribution at the conference I attended in Tallaght last week, I stated that those who face challenges associated with illness and disability often need particular supports. They require the support of their immediate families but also that of the wider community. At the conference I stated that I had a little mishap five years ago as a result of which I underwent heart surgery. This helped me to appreciate the vulnerability of those who are depending on family and the wider community to look after them. It is important that we continue with our efforts in this respect.

Some people have made the point to me that while it is important that we respond to crises such as that which occurred on St. Stephen's Day in south-east Asia, we should also remember that there are other ongoing crises requiring our attention. I warmly welcome the appointment today by the Minister for Foreign Affairs, Deputy Dermot Ahern, of my good friend, colleague and mentor, Chris Flood, to the position of special envoy to the region affected by the tsunami in south-east Asia. He will be charged with spending the considerable sums of public money that have been made available to address the crisis. Mr. Flood, who I succeeded in the Dáil, served the constituents of Dublin South-West from 1987 until his retirement over two years ago. I am sure the Acting Chairman will join me in wishing him well. This is relevant to the legislation because Mr. Flood, a former Minister of State with responsibility for local development, would have taken a great interest in all these issues even though he was not a Minister in the firing line. I have tried to continue the work of Mr. Flood in the two and a half years during which I have been a Member of the Dáil. It is very important that we continue to take an interest.

I will continue to pay attention to the various contributions being made in this debate. Although we are all entitled to engage in the odd political spat, it is important that we listen to each other across the floor, support each other and state to the Minister of State, Deputy Fahey, that he is on the right road. This Bill will be welcomed broadly but I am not afraid to say to the Minister of State that certain groups are still saying to us that there is a need to dot the i's and cross the t's. There is a need to continue with the lobbying. I hope the Minister of State and his officials will take note of this point, which I know has been made by other colleagues, and continue to engage with the groups concerned, particularly those who went to the trouble of making very important submissions to the Joint Committee on Justice, Equality, Defence and Women's Rights. The committee, under the chairmanship of Deputy Ardagh, had a crucial role to play.

My colleague, Senator Ormonde, often makes the point that one must give the public what it wants in so far as that is possible. It is important that when groups go to the trouble of making submissions to public representatives, we listen to them and implement their recommendations. I wish the Minister well and look forward to voting on the Bill.

**Mr. Connolly:** I propose to share time with Deputies Sargent and Ó Caoláin.

**Acting Chairman (Dr. Cowley):** Is that agreed? Agreed.

**Mr. Connolly:** The Disability Bill has at last come before this House. For the disabled, it should be vitally important and serve as a landmark but, unfortunately for them, it falls remarkably short on both counts. Before I address the Bill, I must acknowledge the recent establishment of a databank for the disabled. Much valuable work was done in this regard. It allows us to ascertain the extent of the problem that exists and to monitor progress in this field. I must also acknowledge that we have come a long way in recent years in terms of disability, but we still have a long way to go.

The main reason we are debating this Bill is the ill-fated Disability Bill 2001, which was unacceptable to a very wide spectrum of disabled and able-bodied people. Unfortunately, the provisions of the Disability Bill 2004, or rather its restrictions, and the language in which they are couched indicate that it was certainly not worth the wait. The principal rights conferred on disabled people by this Bill include the right to an individual needs assessment and service statement, the right to make complaints to a complaints officer and the right of appeal to an independent appeals officer.

The smooth operation of this procedure and the enforcement of these rights depend on that hoary old chestnut "availability of necessary resources", the ultimate opt-out clause. People

[Mr. Connolly.]  
with disabilities have long struggled to achieve recognition and equality. Prior to this, society disparaged them, hiding them or looking down on them. Officially, they were regarded as medical conditions, labelled and valued only for the curiosity their difference provoked. Social service agencies tend to view people with disabilities primarily in medical terms, as people who are injured or ill needing to be fixed or cured.

Disabled people need accommodation and services that will allow them to reach their fullest potential. They do not need sympathy of the misguided kind offered by a lady who, on meeting a wheelchair-bound man operating his chair with his little finger, said how awful she felt on his account, how difficult life must be for him, how sad was his condition and that she would rather be dead than be like that. This is a common attitude but it must change. A lingering image of the Special Olympics is the giant status of the special Olympians and the triumph of human spirit that so many displayed on that unforgettable occasion.

The publication in 1996 of the report of the Commission on the Status of People with Disabilities made the disabled a force with which to be reckoned. The launch by the then President, Mary Robinson, of the report, which contained almost 500 recommendations, emphasised the large gulf yet to be bridged before people with disabilities could claim equality.

Had the recommendations of this bible for the disabled been implemented in the intervening eight years it would have become part of our national consciousness and indelibly marked our institutions and culture. It covered virtually every aspect of life, from the height of drinking fountains to the width of toilet doors, seating arrangements for cinemas and outdoor events, accessible parking, teletext and captioning, guide dogs in restaurants, braille buttons in lifts, public transport access — the list goes on. There were many excellent recommendations in the report. It amounted to a civil rights Act for the disabled which would have had the effect of bringing them into the mainstream of society and placing obligations on service providers and employers. Some of the recommendations have been implemented but sadly far too few, merely those that did not entail too much money.

This is the consideration that permeates every facet of this Bill. It is being introduced as part of a national disability strategy which also incorporates the Comhairle (Amendment) Bill 2004 providing for personal advocates for those who seek a service. The legally enforceable rights of the disabled to services have long been a bone of contention. Successive Governments have crassly and consistently ignored such fundamental rights and opposed the introduction of these reasonable entitlements and urgently needed services. There are several caveats or opt-out clauses in the Disability Bill 2004 that will seriously hinder disabled people from accessing services.

The Bill does not even require the Government to provide the relevant service if it is deemed too impractical or costly in the context of available financial resources. This is a serious gap. Clauses such as “not possible or practical to provide”, “appropriate allocations”, “availability of resources”, “budget priorities” undermine the Bill’s commitment to ensuring that people with disabilities receive the necessary service. The Government can use language to opt out of almost any services if it so chooses.

Disabled persons have the right to be treated like all able-bodied members of the community, enabling them to participate fully in, and contribute to, every level in society. It is most regrettable that this Bill merely confers conditional rights dependent on the state of the public finances. It falls very far short of the rights-based legislation for which disability groups campaigned. The undertaking in the 2002 programme for Government to provide for enforceable rights of assessment, appeals and service provision, appears to have been abandoned.

**Mr. Sargent:** Gabhaim buíochas leis an Teachta as a chuid ama a roinnt liom.

We have waited a long time for the Disability Bill but those of us who attended large meetings in the Mansion House which advocated rights-based legislation as a basic requirement for the Bill have been sadly disappointed. That disappointment remains at the heart of much of the concern raised and will result in this Bill falling far short of the expectations held by many over a long time.

This Government is not fond of rights-based legislation. Whether it is prepared to enact rights-based legislation is a test of how it cherishes the children and people of the nation. The Government does not seem to recognise the need for this type of legislation and has fallen far short of its responsibilities, not just of people’s expectations.

The disability legislation consultation group made clear recommendations that assessment of the needs of people with disabilities must include accommodation. This Bill, however, does not include that need. For example, Part 2, section 7, requires assessment of a person’s health and education needs but not housing. This legislation needs to go back to the drawing board. The Green Party will vote against it on the basis of its inadequacies.

People with disabilities have waited far too long only to be given a sop which will pressurise them again to contemplate court action, an expensive, time-consuming and traumatic route. I thought we might be moving on from that phase, having learnt the lessons of the past but it is sad to see that the Government has not done so.

The disability groups and those with disabilities, organising and working together, have managed, despite the Government’s foot-dragging, to provide fantastic facilities, albeit with occasional help from the Government, which is appreciated, and to their credit they have also

maintained morale and co-operation. The Special Olympics, run by Mary Davis and her team, and all those involved around the country, including my town, Balbriggan, which hosted the Pakistani team, demonstrated that people with disabilities are part of the community. They are to be cherished and hopefully the community will give them priority, which will have political repercussions. If people with disabilities do not secure the rights-based legislation that is their minimum entitlement, it will have repercussions throughout the community.

The Government needs to learn that lesson fast. The issue is not just letting down people with disabilities, but letting down the whole community which has a basic sense of justice in respect of people with disabilities.

The Comhairle Bill is also required and is on the way. It will need to be assessed from the point of view of people with disabilities. Entitlement to services and information in that scenario will also raise questions regarding rights-based legislation.

The Government should recognise and note from countries elsewhere that rights-based legislation is not something of which to be frightened or that would cause concern to the

2 o'clock Department of Finance. It is a basic requirement. As a country we are failing not only our most vulnerable but all our people if we do not look after those with special needs. As Ghandi said, the greatness of a nation is to be judged on how it treats its most vulnerable. If that is to be a measure of this Government's performance, it is failing abysmally.

**Caoimhghín Ó Caoláin:** Not only is this Bill not good enough for the citizens of this island with disabilities and their families, it is an insult to them and to all of us for whom equality is a core value. It is not a rights-based Bill, it is a resource-based Bill. For equal rights to be so heavily circumscribed by the dictates of a Minister for Finance, which is sometimes described as the fourth wealthiest state in the world, is beyond my comprehension.

In its comments on the Bill published last November, the Human Rights Commission concluded that our new disability legislation should put in place proper human rights standards and structures. However, it concluded that this Bill does not do this because it does not "guarantee the progressive realisation of the economic and social rights of persons with disability and [guarantee] that standards of services never fall below a floor of core minimum standards consistent with the imperative of human dignity."

The commission also advised the Minister for Justice, Equality and Law Reform that:

human rights concerns cannot be viewed as simply one of a number of factors to be considered in the allocation of resources. Considerations of human rights should be moved to centre stage when it comes to resource allocation.

Yet the Bill provides a wide discretion to deviate from this.

It has already been pointed out at the committee hearings that the Bill suffers from a number of fundamental flaws relating to the definition of disability and, thus, eligibility for services, the lack of progressivity in the service regime, the lack of independence and enforceability in the complaints regime and the constrictions on resources, as well as a host of other problems in the detail. All Sinn Féin Deputies will speak to various aspects of this Bill. I will highlight only a few key concerns, dealing primarily with Part 2 on the assessment of need, service statements and redress.

The assessment and service delivery provisions are not rights based and bear virtually no resemblance to the recommendations made by the Disability Legislation Consultation Group in its landmark document, *Equal Citizens*. The DLCC recommended a fully independent individual needs assessment of the services required to allow each person's basic fundamental needs to be met and to facilitate their equal participation in society. This was to be made available to all people with disabilities as of right and the resulting recommended services provided, progressively if need be, as of right. The group recommended the establishment of a disability support service as an independent statutory agency to conduct the assessment, ensure the coordination of services and where services were currently unavailable to devise a programme of measures to realise the missing services within an established timeframe. It wanted fully independent complaints mechanisms established through the Ombudsman's office, for the Office of the Director of Equality Investigations to be involved in enforcement and for there to be no provision that would preclude the right of people with disabilities to take legal action to enforce their rights if all other remedies have been exhausted.

What does the Government offer instead? It offers an assessment of need only for those who fit the Bill's narrow definition of disability, and that covers only — make no mistake about this — health services and education services. There is no assessment of need for housing or transport, for example, both of which are fundamental to the achievement of equality for people with disabilities. These needs assessments will not be carried out independently but by assessment officers employed by the former health board structure which is now the Health Service Executive. The results are passed on to a liaison officer, another HSE employee, who will prepare a service statement which need not reflect the assessment of need but that must reflect assessed eligibility, resource constraints and the practicability of providing the services. We should focus on the word "practicability". All complaints about this process must be made to a complaints officer, yet another HSE employee, who is subject to the same eligi-



[Caoimhghín Ó Caoláin.]  
bility, practicability and resource constraints as the liaison officer.

Appeals can only be made to a ministerial appointee, an appeals officer. The appeals officer must also constrain his or her decisions in view of available resources. While people with disabilities can apply to the Circuit Court for enforcement of a decision of a complaints officer or appeals officer, they can only make a High Court application on a point of law.

What will be the result of that? This legislation will exclude people. That is the bottom line. It is arguable that it may cut access to services. It will put no onus on the Government of the day to make resources available for the progressive increase in available services or to increase accessibility. Not one aspect of the assessment, complaints or enforcement process will be truly independent of the service providers and, I emphasise, all aspects will ultimately be subject to the will of the Minister for Finance. Most appallingly, it will prevent redress for those who are deprived of their rights as equal citizens and provide the State with a tailor-made defence against all comers.

This is one of the most cynical pieces of legislation I have ever had the misfortune on which to lay eyes. It is a damning indictment of all those who have been a party to its presentation. I emphasise that people with disabilities deserve positive, fully enforceable rights. This Bill does not deliver to that standard, as recommended by the Disability Legislation Consultation Group in Equal Citizens. It is high time there was a referral to the DLCG's publication. Following that, people lost their way in the preparation of this legislation. For this reason, the Bill, as it stands, is simply not good enough for myself, my party colleagues and the people whom I know who are facing life with disability and all the challenges that presents. I have heard other colleagues' contributions on this Stage who will not support it either. It should be brought back to the drawing board.

**Mr. Neville:** I welcome the opportunity to speak on the Bill. I have read carefully the submissions made to the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights. A consistent trend has emerged in the discussions on the Bill regarding the definitions and the Minister has no choice but to seriously revisit them.

Before going into that in detail I want to raise another disability issue regarding an announcement by the Department of Justice, Equality and Law Reform yesterday that a new prison is to be constructed on a greenfield site, which is welcome. I am utterly appalled that on the site of the new prison the Government has decided to construct a psychiatric hospital. My concern is related to the stigmatisation of psychiatric illnesses. We have endeavoured to promote understanding and awareness of the need to treat

psychiatric illness in the same way as physical illness. Traditionally, there were difficulties with this, even with the wording used to describe the condition. This goes back 100 years to a time when we spoke of "lunatic asylums", a description which was followed by "mental hospitals" and then "psychiatric hospitals". We have endeavoured to move away from this. Yesterday, however, the Department of Health and Children announced that in conjunction with a hospital, a psychiatric prison will be built. We know that mental illness was criminalised by successive Governments over the years. What happened yesterday is a further criminalisation of mental illness.

I am not saying that the difficulties experienced with prisoners who have committed crimes are not an issue. I am talking about the message sent to society when a prisoner with a mental or psychiatric illness is treated in prison. We are not making special arrangements for prisoners with physical illness, who will be transferred to a general hospital to deal with their illness. The Government is discriminating. It did not decide yesterday to build a hospital to deal with the physical illness of prisoners. If it did, that would bring a different dimension to this question and would not stigmatise mental illness. However, deciding that only mental illness must be treated in the confines of the prison sends a wrong signal to society regarding the stigmatisation of mental illness.

The abysmal failure to build adequate and appropriate community psychiatric and psychological services for mentally ill and unwell people has resulted in medical needs going unnoticed in society and the mentally ill being ignored. Many become homeless, commit suicide or become lawless and end up in prison.

The Irish Penal Reform Trust estimated that almost 40% of the prison population may be suffering from some level of psychiatric or psychological illness or disturbance. A considerable number of these offenders are in prison for very minor crimes which are likely to be related to mental or psychological disturbances. The mentally ill prisoner should be treated in an appropriately secure psychiatric or psychological setting. The prison environment as currently structured does not allow for adequate observation, medical or otherwise, of mentally ill prisoners. Many are locked up for as long as 23 hours per day in solitary confinement in strip cells.

The internationally respected psychiatrist, Professor Anthony Clare of St. Patrick's Hospital, Dublin, stated that the mentally ill are now the most systematically stigmatised group in our society and the true lepers of today. This stigmatisation, combined with lack of appropriate care while in detention, means that mentally ill prisoners are the most discriminated against group in Irish society. Their human rights are denied by the State on an ongoing basis.

Professor John Gunn, professor of forensic psychiatry, wrote that not only do prisons generate

psychiatric problems but they also collect them inappropriately and act as unofficial mental hospitals for individuals who should be in the health care area. This observation summarises the challenge facing the Government in regard to its failure to recognise and respect the human rights of mentally ill prisoners. For real change to happen, it must occur at society-wide level as well as within the penal system, and the attitude of society towards mental illness must change. This is why we are so concerned with the message sent out yesterday in regard to having a psychiatric hospital in the same area as a prison.

Yesterday's meeting was extremely concerning. The Minister should outline to the House the consultation that took place between the Minister of State responsible for mental health and the Minister for Justice, Equality and Law Reform in coming to a decision to place a psychiatric hospital in the same area as a prison. Changing society will mean the use of major diversion schemes combined with some form of reformative justice for mentally ill offenders, particularly those who have committed non-violent crimes. In other words, two distinct but co-ordinating systems should be established, one outside the prison in the community and the other inside the prison to deal with those who are ill but who offend, when it is identified that most of their offences are committed due to illness.

The life opportunities of certain people have been practically eliminated at birth because of the circumstances of the illnesses which they suffer, often attention deficit disorder or another childhood condition. One can identify almost at birth those with such a condition, whose life opportunity will be to be homeless, be in prison or take their own lives. This is an unfortunate statement to have to make about the society of today.

I have raised in the House on numerous occasions the issue of padded cells and strip cells for those who are suicidal in prison. Before Christmas, the Minister for Justice, Equality and Law Reform announced a new system of observation cells, which are really upgraded padded cells and not part of a psychiatric service. Somebody who is suicidal or in danger of taking his or her own life should have psychiatric treatment and not be confined in padded cells for up to 30 days, as some prisoners have been.

I was taken aback when the committee to establish observation cells was formed. The committee began its work in 2003 and recently reported. It is accepted that 78% of those who are placed in observation cells are there for their own safety, because of the danger of self-harm or taking their own life. Yet, of the seven members of the committee, no medical person, psychiatrist or psychologist was involved. Its members comprised management directors of the Irish Prison Service, the governors of Cloverhill Prison and Mountjoy Prison and the assistant governor, deputy governor and deputy director of the operations division of the Irish Prison Service. No medical person was on the committee, despite the

fact that 78% of those who will be put into the system which will be decided by this committee are suffering from an illness, and are in danger of taking their lives or inflicting self-harm. I appreciate the facility of the House in raising this issue.

I will now deal with the Bill more directly. For years, people with disabilities have been calling for rights-based disability legislation but the Government has given them a resource-based Disability Bill. One of the only rights in the Bill is the right to know what one already knows. It brings disabled people no closer to the services they require. Currently, if resources are not available, one can be refused a service even if one needs it. The same situation occurs under the terms of this Bill because it dictates no change in the provision of services.

According to the Bill, public buildings do not have to be accessible to people with disabilities until 2015. The Bill appears to be based on the medical mode of disability rather than the social one. We do not see anything in the Bill about personal assistants who can empower and enable those with disabilities to achieve a measure of independent living and equal participation in the labour market and mainstream society generally. The assessment of needs for those with disabilities will be conducted by an individual from the health board and, if appealed, the appeals will also be conducted by an individual from the health board or its equivalent under the new system. The health board will be judge in the appeal against its own decision. Surely this is not an independent assessment of needs.

The assessment of needs should be conducted by a neutral body outside the Department of Health and Children and the new health executive. It should then be given to the new executive as a statement of needs. Appeals should be dealt with by an independent organisation, such as the Office of the Director of Equality Investigations, as the health executive is the main source of funding for these services. An independent mechanism is a long-established principle in the area of appeals, including agricultural and social welfare issues. Such an independent mechanism can dictate the investigation into the appeal, thus arriving independently at a decision on the basis of fact. Fair valuation is also important in that people should have confidence in an appeals system. No matter how objective it tries to be, any organisation that oversees appeals against its own decisions lacks validity. Consequently, the confidence of those who access that appeals mechanism is severely dented.

I congratulate those witnesses who made submissions to the sittings of the Joint Committee on Justice, Equality, Defence and Women's Rights regarding the proposed legislation. I have read the reports of those meetings carefully.

I wish to revisit the area of mental disability. As the Minister of State is aware, there is a range of disablement with regard to mental illness from very mild to extremely severe requiring constant institutional care. The same variation also arises

[Mr. Neville.]  
with physical disability. Illnesses can range from being very mild with little effect to being very severe requiring institutional care. For example, depression may lead to enduring physical, sensory, mental or intellectual impairment. Depression can be extremely debilitating and is often not recognised as such. Depressive illness is disabling. To have one's thoughts and perception of what is happening disabled is surely serious, yet that is not included in the Bill's definition of disability.

For the purposes of Part 2 of the Bill, disability is defined to cover people for whom a substantial restriction is, or is likely to be, permanent. People may suffer from ongoing depression throughout their lives but one could not say that they suffer from permanent depression, which would be an unthinkable and unbearable experience. We must, therefore, have serious concerns about the definition of disability in the Bill.

All the reports and submissions to the Joint Committee on Justice, Equality, Defence and Women's Rights drew attention to the definition of disability in the legislation. The Disability Federation of Ireland reported that all the submissions, of which there were over ten, expressed such concerns. If the Minister does not revisit that area comprehensively, the Bill will be deeply flawed, will not be credible, and will not be accepted by any of the disability organisations. Neither will it be accepted by those who suffer from disability or by society in general. The definition of disability is the one issue that each organisation concerned returned to in their submissions to the joint committee.

Section 7 provides for the appointment of an assessment officer by each health board. I question, however, whether a health board officer would be able to carry out an independent assessment without being constrained by his or her knowledge of the available resources. The assessment of needs must be broad and not confined to health and educational needs but to the holistic care of the individual concerned. People may need it to be labelled but that gives rise to concern about the Bill. People will have a primary health concern but other factors may inhibit their enjoyment and ability to live life to the full.

Section 8 provides that a person may apply to the health board in whose functional area he or she resides for an assessment of specific needs or a particular service identified by him or her. This matter will have to be revisited because it does not take into account those who are homeless and mentally ill. There is a constant problem with mental illness and the homeless. When such vulnerable people are discharged from a mental institution they have serious difficulties because they have nowhere to go and there is no follow-up treatment for them. The proper handling of the homeless is not being dealt with by the Government or by society at large. The Bill must be amended to ensure that homeless people, be they physically or mentally disabled, are taken of

Their treatment should not be based on an assessment as to where they reside, because such people do not have any place of residence.

**Mr. Carty:** I propose to share time with Deputy Tony Dempsey.

I commend my colleague, the Minister for Defence, Deputy O'Dea, for his work on this Bill and on the national disability strategy prior to his recent and long overdue promotion. I pay tribute to my colleague, the Minister of State at the Department of Justice, Equality and Law Reform, Deputy Fahey, who has been engaged in ensuring that those working in the sector, in addition to those with disability, continue to be involved.

In 1997 Fianna Fáil committed itself to introducing legislation for people with disability. Legislation published before the last general election contained much that was modern, innovative and radical. While it substantially improved the position of people with disability, it attracted a firestorm of criticism and was withdrawn. The two principal difficulties were that it did not provide for an independent assessment of need or for a right of redress. The withdrawn legislation gave a right to assessment, but it was to be conducted by the body that would deliver the service. The suspicion was that the assessment would be influenced by the fact that the organisation assessing the need would ultimately have to bear the cost of delivering the service.

This new legislation will provide for an independent assessment of need by the health board. It will establish a body to ensure that the assessment is genuinely independent. This body will set standards. It will also provide training for those assessing need. This is a very positive development for those with disability in our society. I stress that the system being put in place will be genuinely independent and will be constantly monitored to ensure this. Persons living in a particular health board area will not have their needs assessed by the same health board.

This does not mean that specialists, such as physiotherapists and child psychologists will work exclusively on assessing need. As everybody knows, there is a severe shortage of people with these skills. Critics of this Bill would do well to take a long-term view of the issue. With the best will in the world, we cannot train and roll out extra numbers of trained individuals to work in this area overnight. It will take time and patience. That might not be much help to the people out there. However, these are the facts, and we should face the facts.

Another aspect of the Bill that is worthy of praise is the provision for redress. The withdrawn legislation was criticised for not being rights based. This criticism was based on a very narrow interpretation of the term "rights based". This interpretation was that if a person with disability did not get what he or she considered appropriate redress from the State he or she should be entitled to go to court and have a judge assess

both needs and delivery of service. In practical terms this would mean that the courts could decide on the amount the State spent each year on disability. A significant percentage of overall disability expenditure would be swallowed up by legal fees and would, therefore, not improve the lives of people with disability. Furthermore, professionals and the courts would allocate resources without reference to the Oireachtas or the availability of resources. Disability groups were widely consulted in the drafting of the Bill, which is a sign of this Government's commitment to improving the lives of those with disability. However, the Government is unable to write a blank cheque. Money must be accounted properly. A rights based approach as described is not in place anywhere in Western Europe, including those countries which are more socially advanced than Ireland, for example, Sweden, The Netherlands and France. The same applies to Australia and America.

In recent years tremendous amounts of money have been provided by this Government and by the previous Government. In 1997 there were only 100 resource teachers for children with special needs. There are now in excess of 2,000 resource teachers in the primary system.

**Mr. Neville:** Are they being taken out of the country and put into the towns under the new weighting system?

**Mr. Carty:** That is not correct. I understand the Minister has rowed back on that.

**Mr. Neville:** Has he rowed back fully? Thanks for the announcement.

**Mr. Carty:** Yes. The Deputy is welcome. It was the Minister for Education and Science who rowed back on that.

I refer to the significant level of investment by Government in disability. Special services are being provided through a number of Departments. Currently some €2.5 billion, representing 7% of gross current public expenditure on services, is provided specifically for people with disability. This includes health sector services specifically for persons with an intellectual disability or autism, physical or sensory disability and mental illness; first and second level educational needs funded through the Department of Education and Science; specialised training and employment support services provided by FÁS; the cost of various tax relief schemes; and local authority spending to adapt accommodation specifically for people with disability.

The figures do not take account of the income support and other services provided through the Department of Social and Family Affairs or the fact that many people with a disability participate in or benefit from mainstream public service programmes and services. For example, speech and language therapy, physiotherapy and other similar key services for people with a disability

are provided as part of the mainstream health services. Similarly, improving access to public transport for persons with mobility and sensory impairment is an integral requirement of all Exchequer funded new investment in buses, rolling stock and station infrastructure.

Furthermore, publication of the Bill was accompanied by an announcement of the new funding arrangement for capital and current spending on disability support services. In accordance with the request of those in the disability sector, funding is based on a five year multi-annual programme. This is the first time the Government has adopted this approach in the case of spending on services and I am sure my colleagues in the House would agree that this is a positive step forward. The new approach shows the Government's commitment to funding for disability support services and to implementing the initiatives announced with the publication of the Disability Bill. I commend the Minister for Finance, Deputy Cowen, who provided extra funding in the recent budget.

This new legislation is worthy of merit. It is an important step in what has been a long and arduous journey for those with disability. It is by no means an end in itself but a step in the right direction in achieving equality across the country.

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Tá áthas orm seans a fháil labhairt go gairid ar an mBille seo atá chomh tábhachtacht do mhorán daoine. Déanaim comhghairdeas leis na hAirí éagsúla a bhí páirteach i gcumadh an Bhille seo.

This Bill is about inclusion, and people are included by facilitating their participation in every aspect of life. The main aspects with which the Bill will deal are education, employment and social activities. I am delighted to see students from the educational sector here today because this must surely be of interest to them.

Regarding education, there is a need for a dramatic and imaginative approach not just by the politicians in Dáil Éireann but by the people who are charged with dispensing education, particularly at post-leaving certificate level. I will speak later about what the GAA has done in terms of its attitude to inclusion of people with physical and mental disability and how we have learned from the Special Olympics, and I include myself as a member of the GAA. In educational circles we need to concentrate on "ability" and ignore the prefix "dis". It is possible to make available post-leaving certificate courses to enable those who may be wheelchair bound to get training in telephonic communications, telemarketing or in areas such as hairdressing, beauty therapy or the world of massage. There are many courses for which a physical disability should not disbar membership or training.

Politicians engage in budgetary activity and spending. While the Bill transcends the importance of party political involvement, because all parties are cognisant of the need to be inclusive,

[Mr. N. Dempsey.]

I am pleased the Government of which I am a member sees fit to spend €2.5 billion on services dedicated to people with disabilities. That is a huge step forward. Eight years ago there were 100 resource teachers. Tuigean na mic léinn an bhrí atá le resource teacher. Today there are approximately 2,300 such teachers, which is a huge step forward. We also have special needs assistants to help children who may have a physical disability. Special classes for those with a disability have increased from 350 to 500 but at the end of the day the role of educationalists will be to culturally change our perception.

I am pleased the Minister of State, Deputy Fahey, is happy to listen to comments from the Opposition. This is not just about Government but society at large. It is vital that we listen to comments and that we are prepared to include them because it is about inclusion.

The Bill is the first part of a four pronged strategy to deal with disability. Later on, le cún-amh Dé, we will speak about the Comhairle amendment Bill. The multi-annual investment programme is vital to the success of that strategy. The Bill has to be viewed as an integral part of that multi-annual spending, the six sectoral plans and the Comhairle Bill.

In the area of social activity I was privileged that Sean Kelly, Uachtarán Chumann Lúthcleas Gael, asked me to chair a committee on social and recreational games. I was privileged also to be asked to present medals at the Special Olympics. My GAA colleague, Deputy Wall, will be interested to hear, and will no doubt help spread the gospel, that part of the role of the social and recreational sub-committee of the GAA is to develop games people with disabilities can play. Approximately four weeks hence there will be an inter-school game between children playing hurling who are wheelchair bound. That is a huge step forward. It is the GAA saying it has moved into the 21st century.

We recognise that those who may be intellectually challenged still have many talents. The success of the Bill will be about how we approach it socially, educationally and in terms of employment. Enniscorthy vocational college has built on its campus the Enniscorthy Enterprise Centre. Last Monday I attended a meeting with my colleague the Minister of State at the Department of Agriculture and Food, Deputy Browne, at which I chaired the management committee of that centre. We have dedicated a unit for people with disabilities to start their own business. Why not start a hairdressing salon? Being wheelchair bound or having other physical disabilities should not debar us. It is about training and identifying opportunities and as politicians we have the challenge of making facilities available in those enterprise centres.

If is not easy to synthesise the Bill, because like most Bills it is quite broad. However, there are a few points to which I wish to draw attention. A person with a disability will have a right to an

independent assessment. That is important. Members will not decide and the decision will be independently taken. He or she will be given a statement of the services to which he or she is entitled. I listened to Deputy Ó Caoláin earlier saying it is not rights based. Any of these rights can be enforced through the legal system. While the Bill is not meant to enrich lawyers the approach in the Bill is rights based. The courts can be the ultimate enforcer of an independently assessed service or right. The appeals process will deal with complaints and there is the ultimate access to the courts.

An important element is that there will be a transparent multi-annual budget. In the 1995 budget there was no reference to disability. It was referred to in the 1996 budget and in 1997 approximately €500,000 was dedicated to a study of the services. We have moved forward and hopefully the provision of €2.5 billion will make a dramatic change.

There are a few other important points of which we have to take cognisance. Apart from trying to change culturally what people are about we need to change the attitude of those charged with providing employment. On that front, I reiterate the importance of accessing funding, as a result of this Bill, to provide entrepreneurial training to those with a disability in education in order that they see themselves as the employers of tomorrow and not dependent on employment from others. The public service is committed to 3% of its employees coming from people with a disability. Tá sé de dhualgas orainn go léir smaoineamh ar na daoine nach bhfuil in ann na rudaí atá sinne in ann a dhéanamh agus cabhair a thabhairt dóibh na rudaí gur féidir leo a dhéanamh a dhéanamh go maith. I remember reading that attitude is infectious and there was a comment which asked if yours is worth catching. The attitude of the Bill, the Minister of State, Deputy Fahey, and the strategy emphasises we are about change. Tá mé cinnte go mbeimid ábalta an t-athrú sin a dhéanamh.

**Ms O'Sullivan:** I wish to share time with Deputy Wall.

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

**Ms O'Sullivan:** This Bill is a betrayal of the work and hopes of the various people who have worked with disability rights organisations during the past ten or 15 years. The start of this process was the setting up of the Commission on the Status of People with Disabilities and its sizeable report, A Strategy for Equality. That commission was set up in 1993 at a time when there was a Minister and Department with full and specific responsibility for equality. The Minister was Maryvyn Taylor of the Labour Party, in a Fianna Fáil-Labour Government. That there was such a Department says much about what has happened since because now there is no Department of

equality but a Department of Justice, Equality and Law Reform. Clearly equality has gone down the list of priorities. That commission said, among other things, there should be rights-based disability legislation and that was the intention of the people at the time. Many of those people were brought together recently in the Mansion House, including Mr. Justice Flood, who was chairman of the commission. They reiterated their views on what disability legislation should contain. Mervyn Taylor introduced equality legislation but it had to be reintroduced because certain constitutional issues arose. Deputy Mary Wallace introduced the first Disability Bill when she was Minister of State in the Department. It is worth recalling that before that Bill was introduced, a conference was held in Dublin on 3 December 2001, called Get Our Act Together. It was organised by a number of disability groups and was addressed by Deputy Mary Wallace. Proposals for disability legislation were discussed.

The disability groups have been working together to create disability legislation appropriate to the needs of people with disabilities, which will put them in control of their lives. Rights legislation will facilitate those with disabilities to control their own lives and bring them to the point from where the rest of us start in terms of education, health, housing. It is to provide for their needs and give them the start needed to help them participate in employment as Deputy Tony Dempsey said. We must be aware of their rights, as opposed to giving them whatever the system decides can be afforded. They want the power to control their own lives.

When the Bill was published in early 2002, the disability groups expected it to contain the rights that had been discussed at the conference. However, a section of the Bill stipulated that a person could not seek redress in the courts when looking for his or her rights. There was a sense of disbelief that following all the talking, representations and promises, the Bill did not reflect what they had expected and had been led to expect.

I refer to two individuals from my constituency. Ger South, who will be known to anyone involved in the disability sector, has consistently campaigned over many years on this issue. John Ryan, who is recently deceased, attended and participated in all these conferences. We are letting people down when we do not produce the rights-based legislation they were led to expect. That Bill was withdrawn and the Minister of State, Deputy Mary Wallace, lost her position. She did no worse than what has been done in the case of the current legislation and yet both Deputies Fahey and O'Dea are well ensconced in their ministerial positions. The reason may be that people have been worn down and have realised they may have to amend the existing legislation or otherwise wait years for what they expected to get in a rights-based Bill. Up to recently, people expected more than they have been given.

The disability legislation consultation group produced the report on proposals for core elements of disability legislation. It highlighted the need for an independent assessment of disability needs, the need for a statement of needs and the right to services. Those provisions are not in the Bill. Those rights are circumscribed by available resources, by the Minister for Finance and all sorts of curtailments. The appeals system is contained within the health board system. I challenge Deputy Tony Dempsey's statement that persons have the right of redress to the courts. They only have the right to go to court on a point of law and technical questions of interpretation in accordance with section 19 of the Bill. They do not have the right to go to court to seek redress for their needs.

I refer to an article written by Gerard Quinn, professor of law in NUI Galway, who may be known to the Minister of State, Deputy Fahey. Gerard Quinn has been a consistent campaigner for the rights of people with disabilities for over ten years. He also spoke at the conference to which I referred. He writes about the reasons the Human Rights Commission has problems with this Bill. The commission is of the opinion that there is no progressive achievement of socio-economic rights in the Bill. He states in the article, "the tap of resources can be turned on or off, or up or down." I acknowledge good funding was allocated in the recent budget but there is no guarantee of this continuing in the future and therefore no future right for people to have their needs addressed.

The second point made in the article is, "there is also an international legal obligation to secure a floor of rights and services beneath which people should never be allowed to fall. And yet this safety net or floor is absent from the Bill." He also makes a point about the right to redress in the courts. He states, "In this light, the courts seem left with gums not teeth." In an effort to include some rights-based provisions in the Bill he states:

An opportunity still exists to give statutory expression to the international legal ideal of "progressive achievement" and to place a floor of provision beneath people. It should be grasped in keeping with the spirit of the budget. To do this we need to take our international legal obligations seriously and to be unafraid to resume the political high ground we had on the issue in the 1990s.

**An Leas-Cheann Comhairle:** I ask the Deputy to refer to the title of the article.

**Ms O'Sullivan:** The title is "International Human Rights Day — Still Rhetoric for Disabled People". It was published in a disability magazine called *Forum News*.

The Education for Persons with Special Educational Needs Act contains the prescription of resources. Even though this Act has been passed,

[Ms O'Sullivan.]

an attempt is being made within the education system to introduce a weighted system for children with special needs so that the Department of Education and Science does not even guarantee an assessment. As Deputy Neville stated, many schools will lose out on resource teaching because of the weighted system being introduced. This is in contravention of the concept of an assessment of needs for the individual child. A system is being introduced whereby schools are allocated a certain amount of resources within which the children's needs are to be catered for. This is totally against the spirit of focusing on the needs of the individual whose needs are not being addressed.

The independent living movement has been a strong advocate for the right of people with disabilities to control their own lives and the right for those who use wheelchairs and those with special needs to have a personal assistant. The person with the disability should be in control of the employment of the assistant. The Disabled People of Clare organisation was threatened with the loss of funding by the local health board, the Mid-Western Health Board. The health board had decided to put out to tender the provision of services for people with physical disabilities. A different organisation won the tender, in other words, it will assume responsibility for providing services to all those in County Clare with physical disabilities. While the Disabled People of Clare group has nothing against the organisation in question, which does good work, its approach is different in that it addresses the individual needs of the person in a particular way, applying the philosophy of the independent living movement. The health board decision to stop funding the group means it will no longer be able to continue its work. This sounds a warning about giving health boards control over the assessment of need.

There is a fear that attempts will be made to streamline what is being done and impose a one-size-fits-all approach, which would result in the philosophy developed in the disability movement being lost, bureaucratised and controlled. I ask the Minister to take into account the example I have outlined because it exemplifies the different kinds of thinking in the disability movement and possible attempts to streamline them.

As other speakers have noted, the assessment relates only to health and education. Contrary to the remarks of the Minister's colleagues, it does not relate to housing and employment. The disability movement expected the assessment of need to be much broader and to be followed by a statement of need set in a much wider context than provided for in the Bill.

The Education Act deals with children from school-going age onwards, that is, from primary school until the age of 18 years. As Deputy Stanton will recall, when the Joint Committee on Education and Science debated this issue,

members were told that the needs of the pre-school child and those aged above 18 years would be addressed in the Disability Bill. There is no sign of joined up thinking in the Bill. It is important, particularly for pre-school children, that provision is seamless. This means an assessment of need should be carried out early in the child's life when a need is detected and support for the child continues throughout childhood and into adulthood. The Bill does not provide such continuity, I ask the Minister to ensure it does.

The introduction of the weighted system in the Department of Education and Science indicates a lack of awareness of the need to provide for individual children from an early age, through the education system and beyond. Problems arise with regard to children starting primary school. Although they may have received services provided by the relevant health board before starting school, these services do not automatically continue, which means the school must apply to have the child's needs met, despite the fact that an assessment of needs will have been carried out by the health board prior to the child starting school.

The Bill does not give rights to people with disabilities. Groups which have invested considerable work in preparing for the legislation are disappointed. I hope the Minister will respond to their concerns by ensuring the Bill, when enacted, is much stronger than at present and contains real rights.

**Mr. Wall:** I thank my colleague, Deputy O'Sullivan, for sharing time. As one who has been involved in the GAA over the years, I listened with interest to Deputy Tony Dempsey's comments on the organisation. The sporting associations should try to provide some recreational facilities for those with disabilities who are less fortunate than most of those who participate in the relevant sport. It is wonderful to see people with mental or physical disabilities participating and getting enjoyment out of the sport they follow, rather than watching others participate. This was never more relevant than during the Special Olympics, which had a clear impact on the disability sector.

In awarding sports capital grants, a strong emphasis is placed on the ability of the applicant to facilitate persons with physical and mental disabilities. This approach should be expanded.

The scope of the Bill must extend beyond its current focus on education and health to cover all aspects of physical and mental disabilities. This will ensure people with disability improve their health and education. When one examines the current position, alarm bells start to ring. Families applying to a local authority for a disabled person's grant are frustrated from the outset. If they are placed in categories B or C, as opposed to A, they will not receive a grant because funding is not available.

The Minister has done a considerable amount of work on this Bill. He must ensure that disabled person's grants are placed on a statutory footing

and the relevant Department, whether Health and Children or the Environment, Heritage and Local Government, funds them in full. Rather than being contingent on the amount of finance available to a local authority, grants approved under the local authority assessment procedure should be funded in full. The current system is a major obstacle that will affect the success of the Bill. Families of persons with mental disabilities try to do everything possible for their son, daughter, brother or sister. In addition to the pressure and frustration they face, they will be disheartened by what the Bill proposes to do to address their circumstances.

I am not aware of many local authorities which have examined the issue of housing from the perspective of independent living. The Simon Community, in a submission on the Bill, stated that the housing needs of those with mental and physical disabilities have been ignored. This, too, leads to frustration. The Disability Bill, of which everyone had high expectations, has been found wanting as regards vital issues, apart from education and health needs, which would make life better for people with disabilities. The overall picture must be addressed if the Bill is to be successful. Advances are needed and the scope of the Bill must be widened to include environmental factors.

The disabled person's grant, the essential repairs grant and the home improvement grant must also be covered. The Minister may ask what they have to do with the Bill. They relate to elderly people, many living alone in difficult circumstances and in poor health. Basic issues, which would ensure they do not have to spend long periods in hospital, are not addressed. Will the Minister refer to this aspect of the Bill when responding?

I welcome the comments made recently on this and ask that this aspect of the Bill be investigated to see what mechanism can be put in place to ensure housing needs, the disabled person's grant etc., are addressed.

**Mr. J. Breen:** My first comment on the Disability Bill is that the definition of "disability" is too constricted to cover the broad spectrum of disabilities evident in our society. In reality, this Bill leaves disability open to the interpretation of employers, service providers and those making assessments.

The Bill has little chance of working if other essential elements of the disability rights strategy are not enacted. These elements were set out by the Commission on the Status of People with Disabilities in 1996 and, as yet, are not fully operational. "Disability" is defined in the National Disability Authority Act as "disability, in relation to a person, means substantial restriction in the capacity of a person to participate in economic, social or cultural life on account of an enduring physical, sensory, learning, mental health or emotional impairment".

After consulting a number of people involved in putting forward submissions on this Bill, I have been left dismayed that the essentials for equality and for decency have been ignored and those people who invested time and energy in this process have been left saddened, frustrated and very angry at what they see as a wasted process, which was widely expected to meet most of their expectations and aspirations.

We all know disability and special needs cross all divides and affect all sectors of society. When left undetected and under-protected, a person can suffer from low self-esteem, a sense of isolation and can turn to drug abuse, crime and many other destructive lifestyles. We are all entitled to basic human rights under the Constitution, however if one has a disability, one does not have all one's basic rights under this Bill. There is little hope that disability rights will be guaranteed without a change to the Constitution. This Bill is not even a rights-based Bill, as promised by the Taoiseach. A purely rights-based Disability Bill will not achieve the essential function of completing the commission's strategy for an inclusive society. To have these rights respected and implemented, they must be clearly stated in legislation and laid bare in this Bill.

It is difficult to conceive how a rights-based approach will work when existing legislation relates to the "reasonable accommodation" requirement. A firm commitment by the State to implement the actions specified is imperative and the phrase "resources permitting" should be removed once and for all. Equally, a rights-based Bill that does not locate responsibility within the Department of the Taoiseach has little chance of achieving interdepartmental cross-cutting and the co-ordination of services.

This Bill is based on a medical model and not on the social model as expected. The philosophy of independent living is not mentioned once. Funding is based on budgets. The independent assessment of needs is a joke. How can it be independent when it appears that everyone involved in the assessment process works for the health board? There is no independence from a Government when it controls a person's salary, pension and promotional prospects, which brings me to another point. The Garda, the Defence Forces and the Prison Service are exempt from the 3% quota in this Bill.

The fundamental issue covered here is health, but what of education, income, employment, transport, communication, social inclusion, access to all public buildings etc.? The current domiciliary allowance paid to disabled young people is only paid until a young person reaches 16 years of age. He or she must then sign on for a disability allowance. This is unrealistic and the allowance should remain in place until the young person reaches 18 years of age and, therefore, his or her special needs status remains intact.

Education does not stop at 18 years of age for anyone, particularly for those with special needs. Education also includes training and sheltered



[Mr. J. Breen.]

workshops. Parents now have the extra burden of trying to fight for the rights of their special needs young people. However, they are used to doing this as they have done so for the past 18 years, fighting for their children's entitlements as equal citizens of this country. This Bill does nothing to ease their concerns and to diminish their fight.

This Bill only includes services the health board already provides and services it believes it can provide comfortably within the budget. Will the next budget provide for all those special needs and for disabled children who are currently awaiting speech therapists, occupational therapist and special assessment? I hope it does, because this Bill does nothing to push forward the rights or fulfil the needs of these people. What about the provision of a school-workshop personnel in place five days a week as opposed to the one or two days currently available? What about the provision of interpreters for the hearing impaired in schools? This Bill does not make provision for the diverse culture of disabilities.

How will this Bill be enforced because, as far as I can see, the intended process is layered with newly created bureaucracy and appears to protect the State from its obligations to persons with disabilities? This Bill leaves a person with disabilities with fewer rights than a person without a disability.

The Bill must specify clearly the way in which this system is managed and evaluated. It must enforce the rights of the disabled person, whatever the disability, and should make everyone aware that when someone has the fundamental right to something, this right is vindicated, regardless of the cost. It must be person centred and needs driven and must provide an independent appeals system that provides a right of redress to those who feel unfairly treated. This type of process could well be established under the remit of the National Disability Authority.

I refer to the point Deputy O'Sullivan made on disabled people in Clare. They have set up a model for the rest of the country to follow. The Department of Health and Children singled out Clare as another pilot scheme in the Hanly report. Responsibility for services for the disabled in Clare is being handed over to the Irish Wheelchair Association. The Irish Wheelchair Association does excellent work but why change something which disabled people in Clare have enjoyed for several years where they have personal assistants and leaders? Now they will be given a personal assistant who they may not like. Will the Minister of State investigate that and return the situation to the *status quo*? If he wants to see a centre for independent living, he should come to Clare. I would ask the Minister of State not to fix something which is not broken. The system in Clare is not broken but the health board is trying to mend it. Will the Minister of State give a guarantee that he will investigate that?

**Mr. Fahey:** I will come to Clare.

**Mr. Morgan:** I agree entirely with my Sinn Féin colleagues that this Bill cannot be supported because it is regressive and will not deliver equal rights for people with disability, but why should we be surprised at that when the Minister for Justice, Equality and Law Reform is on record as stating that he thinks inequality is good for the economy? That has been raised by at least one of my colleagues in the course of making a contribution. That is an important flaw that needs to be addressed by the Government.

All Sinn Féin Deputies spoke on various aspects of the Bill and I wish to highlight a few key concerns regarding Part 3 on access to buildings and services. The Disability Legislation Consultation Group, DLCG, correctly asserts that people with disabilities must have access to all buildings and services open to non-disabled persons. The DLCG wanted public services to be held accountable to specific timeframes within which accessibility and mainstreaming would have to be achieved. This was a reasonable request but the indications are that the Government will not meet it. We should be given a reason if this is the case.

The Government claims also that the Bill's provisions will "oblige public bodies to arrange for disability access". This is extremely misleading. If the Government wanted public bodies to provide such access, it would have specified as much in the Bill, which it clearly has not done. Section 23 states that public bodies must ensure that public buildings are accessible, but only "as far as is possible". This last clause renders the Bill absolutely futile in terms of the accessibility issue. Public bodies are also given until the end of 2015, more than a decade away, to comply with even that weak requirement.

Furthermore, a Minister can decide to make an order that part M of the building regulations does not apply to a public building for reasons such as that ensuring compliance would be too expensive or that the building is seldom used by persons with disabilities. This entirely undermines the concept of equal access as a right. Under this legislation, exclusion will continue. A recent statement from Dublin Bus illustrated this point in its announcement that wheelchair-accessible buses would not be available in Ballyfermot for several years to come. The Bill has turned on its head the concept upon which it should be based, that of providing real rights for persons with disabilities and obliging the public sector to become involved.

That there is still no unequivocal statutory duty on the public service has been identified as one of the ten fundamental flaws in this legislation by the DLCG. Many Members on this side of the House would agree that there are a great number of flaws in the Bill but the DLCG has identified the ten most significant. I have time to cite only a small number of them. A key recommendation of the DLCG is that the accessibility obligation

and the complaints system should also apply to the private sector. The Bill ignores this recommendation and exempts the private sector totally from its accessibility obligations. This has a profound effect for another reason. As we see the Government increasingly rolling out the privatisation of services, the provision for an opt-out by the private sector will have an even more significant effect on services for persons with disabilities. It is grossly unfair that this is the case.

I cannot address the entire issue of disability and this legislation in particular without referring to an issue in my own constituency which is of profound importance to people, particularly those with intellectual disabilities. This is the situation in regard to St. Mary's respite services at Drumcar. In late 2002, a report was commissioned and completed within a month. All parties to that report agreed that 94 staff positions were necessary to provide the level of care required for an adequate respite service for persons with intellectual disabilities and their families. By early 2003, there was agreement by the Department, health board, management of St. Mary's and the families of those requiring the respite service that those 94 positions would be provided over a three-year period.

However, two years later, only 30 of the positions have been filled to date. Funding from the Department has not been forthcoming with the consequence that St. Mary's will have to terminate its respite services from 14 February 2005. The families of those persons who require constant care on a daily basis must try to manage on their own without any let-up. One such mother told me she was "worn to the bone" attempting to take care of her son who is a large man of more than 6 ft. tall. This unfortunate woman is solely charged with trying to manage her son and deal with all the health issues surrounding his case. She will be crucified in her struggle to provide adequate care because the Department has not provided the promised funding to St. Mary's.

This demonstrates the lack of commitment on the part of the Government to people with disabilities as much as any item in this Bill. It is most unfortunate that the Government is at best engaged in window-dressing. I hope some backbenchers will call the Minister aside and point out that this is unacceptable. It is wonderful to hear the Taoiseach claim he is a socialist for political reasons. However, we want to see the colour of his money in this area in particular.

The families about which I have spoken in Drumcar, which serves the entire north east, are in dire straits, worn to the bone in their efforts to look after a member with intellectual disabilities. All they are looking for is seven days respite two or three times a year. Even that limited provision will be cut off in a fortnight. I ask the Minister of State to raise this matter with his senior colleague and impress upon him the profound effect this will have on families in the area. I am aware the provision of services is in poor supply throughout the State but in this case the services will be

terminated from 14 February. This matter has reached a critical point. I hope for some Government intervention to save the day before that date.

In conclusion, persons with disabilities deserve positive, enforceable rights. We want legislation that guarantees equal right of access to all people without discrimination. This Bill does not deliver to that standard. It is not good enough and should be sent back to the drawing board. I call on the Minister to do the right thing by withdrawing the Bill and consulting with the NGOs in the disability sector. Unlike the previous occasion on which they were consulted, the Minister should listen to what people in the NGOs have to say. The reports are already there and all we need is some action from the Government in this regard.

Debate adjourned.

### Ceisteanna—Questions.

#### Priority Questions.

#### EU Directives.

1. **Mr. Naughten** asked the Minister for Agriculture and Food the action she is taking to address the rejection by the EU Commission of the Government's implementation strategy on the nitrates directive; and if she will make a statement on the matter. [2132/05]

**Minister for Agriculture and Food (Mary Coughlan):** Implementation of the nitrates directive is a matter in the first instance for the Minister for the Environment, Heritage and Local Government. Ireland submitted an action programme for the further implementation of the directive to the European Commission on 22 October 2004. In parallel with the submission of the action programme, Ireland also submitted a derogation proposal setting out a scientific justification for operating levels of up to 250 kg organic nitrogen per hectare, based on the specific characteristics of Irish agriculture.

The Commission has now conveyed its view, by way of a letter of formal notice under Article 228 of the EU Treaty issued to Ireland dated 22 December 2004, that the action programme is not complete and does not comply with the requirements of the directive and the judgment of the European Court of Justice against Ireland, which was delivered on 11 March 2004. The Minister for the Environment, Heritage and Local Government, Deputy Roche, and I have met the farming bodies to discuss the current position on the action programme, and my officials are now working with their counterparts in the Department of the Environment, Heritage and Local Government on the preparation of a response to the Commission.

Continued EU funding of Ireland's rural development measures including REPS and com-

[Mary Coughlan.]

pensatory allowances is dependent on our meeting the requirements of the nitrates directive. It is also one of the statutory management requirements under the single farm payment scheme. We must make every effort, therefore, to secure the approval of the Commission both for the action programme itself and also for the derogation arrangements, which we put forward separately. However, it is my objective, shared by the Minister for the Environment, Heritage and Local Government, to minimise the burden of compliance on farmers generally and to ensure that the future of the commercial agriculture sector is safeguarded.

**Mr. Naughten:** I thank the Minister for her response. The European Commission proposes extending the number of weeks slurry storage is required and restricting the number of weeks in which slurry can be spread as well as extending the requirements to other counties. Why are the zones being extended in counties like Donegal, Roscommon and others, and why are the restrictions being extended if no problem exists with nitrate enrichment in such counties? This is a big issue for many farmers. Is it not the case that a maximum of 8% of the country needs to be designated as nitrate vulnerable? In light of this, did the Government not make an awful mistake in proposing to encompass the whole country in the designation under the nitrates directive?

**Mary Coughlan:** Both the Minister for the Environment, Heritage and Local Government and I are disappointed that the compromise position of the Brosnan report was not accepted. As the Deputy knows proposals were made in 2003, which were not acceptable to the bodies and therefore further discussions took place. The use of zoning is accepted in principle by the Commission. However, unfortunately it regarded the specified zones to be inappropriate. Following a meeting between the farming bodies, the Minister for the Environment, Heritage and Local Government and me, the Minister for the Environment, Heritage and Local Government will proceed to defend robustly our original proposals. This will be based on the scientific data submitted by the experts. With his officials he will argue that the proposals should be accepted, as they are scientifically sound.

The question as to whether parts of the country should have been zoned and others not zoned is now almost superfluous. Unfortunately, the Commission was ultimately not happy with the proposed action plan. We need to get agreement quickly on the issue, as the implications of not doing so would mean that a proposal for derogation would not be accepted by the Commission and certain payments could be held up. We now need to try to ensure that in the defence of the proposals, the Minister for the Environment, Heritage and Local Government should be in a position to get agreement from the Commission.

**Mr. Naughten:** The reason for being in this mess in the first place and now having to get agreement so quickly is that the Government sat on its laurels on the matter for many years. It should have made proposals long before last year. Is it not the case that pigs, poultry and dairy production will now be restricted in the most vulnerable zones that have been designated along the Border, with some of the midland counties included? The European Commission highlighted that the proposals had an inadequate scientific basis. Will the Minister review the scientific evidence on the basis of proposing the nitrate vulnerable areas, whether they be townlands or communities, and submit it to Brussels rather than designating the whole country and imposing huge restrictions that are not necessary to meet the requirements set down under the nitrates directive?

**Mary Coughlan:** The action programme was not rejected on the basis of the scientific data. It was rejected mainly because it failed to create binding rules for farmers, the prohibited periods for spreading fertiliser needed to be extended, the minimum storage capacity needed to be increased and clear rules needed to be established on nutrient management by reference to crop needs. It was not rejected on the basis of any scientific data or because areas were zoned. There was reference to finalisation of some supporting documents. However, those were guidelines to farmers and were not part of the scientific aspect.

**Mr. Naughten:** Why does the Commission require more information? Is that not based on scientific evidence?

**Mary Coughlan:** I refute the Deputy's first insinuation that the Government failed to provide a national action plan.

**Mr. Naughten:** It took it seven and a half years.

**Mary Coughlan:** Members on the opposite side of the House have pontificated too much about ensuring that we had——

**Mr. Crawford:** This goes back to 1992.

**Mary Coughlan:** Yes, 1992. I do not recall at any time in the past 20 years any Opposition Members calling for a nitrogen action plan.

**Mr. Naughten:** We worked on it between 1994 and 1997. We established the guidelines before we left office.

**Mary Coughlan:** They know we had difficulties in preparing it. Many of the Opposition Members present were previously members of local authorities, which introduced by-laws not similar to the proposals made by Teagasc. This will cause some serious problems for people like me and my

colleagues on this side of the House who wish to ensure that we get acceptance of the plan.

**Mr. Naughten:** Counties like Roscommon introduced restrictions and we have no need for by-laws based on scientific evidence.

#### **Bovine Diseases.**

2. **Dr. Upton** asked the Minister for Agriculture and Food her views on recent research which indicates that other animal organs, previously considered safe, could harbour BSE and pose a risk of infection in humans; if she will consider a tightening of restrictions here on foot of this research; if there will be a redefinition of SRMs; and if she will make a statement on the matter. [2129/05]

**Mary Coughlan:** I assume the research on BSE referred to by the Deputy is that reportedly conducted by Swiss, British and US researchers and recently published in the journal *Science*. My understanding is that this research is ongoing.

Decisions on food safety, including questions related to BSE, are constantly kept under review in the European Union and include, where necessary, referral of the results of research such as in this case to the European Food Safety Authority for consideration and review of its findings. The views of that authority are taken into account by the EU Commission in formulating proposals for adoption.

I would not wish to anticipate the conclusions the European Food Safety Authority might reach in this case. However, I will support any Commission proposal to classify organs and other material as "specified risk material" and therefore to be excluded from the food chain if evidence exists that it represents any risk.

**Dr. Upton:** I am referring to the research in *Science*. No one could deny that it is a substantial scientific journal that would be highly regarded and its publications peer-reviewed. On that account, it is important that serious consideration is given to the impact of this research, albeit in mice. The journal suggests that the implications could be significant for larger animals, particularly bovines. What discussions has the Department had with the European Food Safety Authority on the implications of this research and the action that might be necessary? The 30 month rule is arbitrary and I am concerned that there may be no symptoms in an animal because the disease is dormant. The implications of the research are significant.

**Mary Coughlan:** This is ongoing research that has not been fully evaluated by the European Food Safety Authority, which will make recommendations to the Commission for consideration. It would be imprudent of me to pre-empt the outcome of the research. We will adhere to any recommendations from the European Food Safety Authority to the Commission. I have not

been in touch with the authority but the Food Safety Authority of Ireland and the Department are in constant contact with it about any issues that may arise.

**Dr. Upton:** Last week yet another animal born after 1996, after 1997 in this case, showed positive BSE test results and a number of animals have identified as positive since the ban. Is there any cause for concern in those events and this research?

**Mary Coughlan:** Last year there was a 30% reduction in the number of cases and this month, in comparison to January 2004, there has been a considerable decrease in the number of animals with BSE. The small number of those who tested positive since the restrictions, cause concern and a thorough investigation is being carried out by Department officials to ascertain the cause of young animals contracting, BSE. In normal circumstances they are around five years of age and it is often difficult to get a definitive answer. I have been advised, however, that there would be an expectation that a number of animals would present positive results after the systems were introduced. We would like to see the complete eradication of this disease. In the advent of a case arising outside the timeframe, we vigorously examine the reason for it.

#### **Farm Retirement Scheme.**

3. **Mr. J. Breen** asked the Minister for Agriculture and Food the action she will take to deal with the various anomalies in the farm retirement scheme; and if she will make a statement on the matter. [2130/05]

**Minister of State at the Department of Agriculture and Food (Mr. B. Smith):** A number of issues have been raised from time to time arising from the scheme of early retirement from farming. Those that come up most often are the fact that the rate of pension is not index-linked and the requirement that early retirement pensions can be paid only as a supplement to any national retirement pension payable to the participant.

It is not accurate to describe these as anomalies. Both the current early retirement scheme and the previous scheme, which closed to new entrants at the end of 1999, are governed by EU regulations. One requirement of the regulations is that the early retirement pension can be paid only as a supplement to a normal national retirement pension. Consequently, my Department has no option but to deduct the value of national retirement pensions from the early retirement pension.

As regards the rate of pension, under the previous scheme we are paying the maximum that the EU regulations allow — we cannot increase it. Commission officials have confirmed this several times in response to inquiries from my Department. In its proposals for the current early retirement scheme, which commenced in Nov-

[Mr. B. Smith.]

ember 2000, my Department included a provision for annual increases in the rate of pension from 2000 until 2006. The European Commission rejected this proposal and insisted on legal grounds that a fixed rate be set instead.

The mid-term review of the CAP has implications for farmers in the early retirement scheme. In general, the new single payment scheme introduced in Ireland from 1 January 2005 is applicable to farmers who actively farmed during the reference years 2000, 2001 and 2002, who were paid livestock premia and-or arable aid in one or more of those years and who will continue to farm in 2005.

Farmers who joined the 1994 early retirement scheme, which closed to new applications in December 1999, did not farm during the reference period and cannot establish entitlements under the single payment scheme. Where they transferred their holdings by lease, the transferees actively farmed during the reference years and it is they who will have entitlements established for them. Entitlements are attached to the farmer who was actively farming during the reference period, not to the land.

During the course of negotiations with the European Commission on the single payment scheme, Ireland secured agreement for an arrangement that will benefit family members or others who now take over holdings that were farmed by third parties who had leased them during the reference period. Farmers who take over such holdings, by transfer free of charge or by a lease of five or more years at a nominal amount, may apply to the national reserve for payment entitlements under the single payment scheme.

Participants in the current early retirement scheme that was launched in November 2000 who farmed during part or all of the reference period will have entitlements in their own right and can, before 15 May 2005, use the private contract clause to lease these entitlements to the young farmer who holds the lease of their land under the early retirement scheme. In such circumstances, the retired farmer must establish the entitlements in 2005 on a special form provided by the Department. The qualifying young farmer may or may not have entitlements and land in his or her own right.

**Mr. J. Breen:** Does the Minister of State agree with the former Minister, Deputy Walsh, when he said there are serious flaws in the farm retirement scheme? Does he agree that a person who retires through ill health and who returns to farming when his circumstances change should be entitled to resume his benefits? Does the Minister of State agree that if land is leased to a family member, the family member is penalised? If it leased to an outsider, it is the outsider who gains the entitlements. When these farmers retired they had quota and headage payments. When they returned to farming, however, they found that their farms' values had fallen by 50% because

they were without quota and headage. Around 6,000 have been affected under this retirement scheme.

The Minister of State has so far refused to meet the group campaigning for the rights of those farmers. Will he meet it? How many acres of land in the State are without quota? Why did the Department of Agriculture and Food break its contract with these farmers? There should be an immediate meeting with those farmers who were affected and their entitlements must be restored forthwith.

**Mr. B. Smith:** A number of groups purport to represent retired farmers with special concerns about the early retirement scheme. The Minister, Deputy Coughlan, and the Minister of State, Deputy Browne, met some of these groups and I met a deputation from the mid-west in the Department some time ago who outlined their concerns.

Deputy James Breen referred to comments by the former Minister, Deputy Walsh. The then Minister and his officials raised with the European Commission the possibility of increasing the maximum rate of payment in respect of the scheme that operated between 1994 and 1999. The Department and the Minister raised the matter with the Commission on several occasions at that time. The Commission firmly replied that the maximum payment of €12,075 could not be increased under any circumstances, even if the Exchequer paid for it. That is what Deputy Walsh referred to, as far as I know.

The Department sought index-linking when it submitted to the Commission its initial proposal in respect of the current scheme. That proposal was rejected by the Commission, through its legal services, on the basis that one could not index-link or pay by increments a "contract", which is what it considered the retirement scheme to be. I have spoken about some of the issues that have caused us concern over the years.

I discussed some of the issues raised by Deputy James Breen in my initial response to him. People who did not actively farm at that time cannot activate entitlements under the single payments scheme. The scheme pertains to people who actively farmed at that time. The Department and the then Minister succeeded in reaching agreement with the European Commission on a number of issues which will benefit family members or others who can take over holdings which were farmed by third parties who had leased them during the reference period.

**Mr. J. Breen:** That is now.

**Mr. B. Smith:** That concession was sought and granted by the Minister and the departmental officials after protracted and long negotiations with the European Commission. The Minister, Deputy Coughlan, the Minister of State, Deputy Browne, and I have listened to the concerns outlined by various groups. We had meetings with

senior officials from the companies outlining and detailing certain matters. We responded to queries from a number of groups and individual farmers concerned about single payment entitlements, in particular.

**Mr. J. Breen:** Does the Minister of State think this scheme would withstand a constitutional challenge based on people's right to inheritance and entitlement to property, as outlined in the Constitution? I do not think it would.

**Mr. B. Smith:** The Department has been advised that the scheme is properly and legally constituted. It does not inhibit the constitutional rights of any individual farmer or landowner.

### **Animal Transport Regulations.**

4. **Mr. Crawford** asked the Minister for Agriculture and Food the steps she intends to take to support farmers and transporters to meet the new animal transport regulations agreed in Brussels in December 2004 that will require farmers and hauliers to have a special certificate of competence to undertake journeys with livestock of more than 65 kilometres from departure to destination; her views on whether this will have further serious implications and costs for movement of cattle for shipping, marts, factories and above all for those in the pedigree cattle business who go to sales and shows; and if she will make a statement on the matter. [2131/05]

**Mary Coughlan:** The EU regulation to which the Deputy refers is Council Regulation (EC) No. 1 of 2005. Most of the requirements of the regulation will not come into effect until 5 January 2007. A small number of other provisions will have effect from 1 January 2008 and 1 January 2009. The regulation is designed to improve the welfare of animals being transported within member states and throughout the European Union. It follows intensive negotiations at official and political levels over the past 18 months.

The main provisions of the regulation do not apply to transport by farmers using their own vehicles of their own animals for distances up to 50 km. Several other provisions do not apply to persons transporting animals for distances up to 65 km. More detailed requirements relating to certificates of competence for drivers and attendants, as well as certificates of approval of vehicles, apply only to transport for more than eight hours and not, as suggested by the Deputy, to journeys above 65 km. The Department of Agriculture and Food is considering the arrangements and requirements for the operation of the new regime for the transport of animals at home and to our European markets from 2007 onwards. I intend to consult all relevant parties on the most effective way to implement the regulation.

The final Council agreement did not cover more controversial issues, such as stocking densities and travel times. The Council will review such issues within four years of entry into force of the

regulation. In recent years, the Department of Agriculture and Food has actively promoted the welfare of animals at all levels, including at farm and transport levels. I welcome the broad thrust of the Council regulation. I do not expect that it will impose significant burdens on the industry. It will significantly improve the welfare of animals during transport. It demonstrates the commitment to animal welfare of Ireland and the European Union.

**Mr. Crawford:** I thank the Minister for providing so much valuable information. This is another step in the process of regulating farmers out of business. The Minister might argue that it is not serious because it will not come in for another two years. We spoke a few minutes ago about the nitrates directive, which was introduced in 1992 but has not yet been regulated. How does the Minister envisage that the new regulation will improve matters? The record of farmers in their transport of stock is generally quite good. If one wants to move cattle from County Donegal to another county for show and tell purposes, for example, it will not be very long until one has travelled 50 km or 65 km. In such circumstances, one would have to get a haulier or review one's licensing structure. How do the regulations apply to a person moving a horse to a race meeting?

According to the figures provided by the Minister today, we have destocked 1 million head in this country. We destocked 1 million head between 1998 and 2003, even though the single premium was not in place. If farmers are to remain in business, we have to be very careful about introducing further regulations. How will this regulation improve the livestock sector? Is the Minister suggesting that farmers are not using reasonable means of transporting and handling livestock at present?

**Mary Coughlan:** I agree with the Deputy's suggestion that farmers are not abusing their animals at present. The Deputy will appreciate that this is a controversial animal welfare issue in the European context. The changes will have a minimal effect on farmers transporting animals less than 50 km. There will be no change in that regard, in comparative terms, because the new regulation is in line with what is being done at present. The only real change relates to farmers transporting animals for more than eight hours, which is far more likely to happen in continental Europe than in Ireland. There are huge exemptions for anything less than eight hours. The changes primarily relate to transport that lasts more than eight hours — certificates of competency, authorisation training and certain other provisions will be needed in such circumstances. We will facilitate and support exporters and drivers to the best of our ability, perhaps through Teagasc or FÁS. The Deputy is aware that the changes will not happen for several years, as I have outlined.

[Mary Coughlan.]

It is important to emphasise that in my short time on the Council of Ministers, I have found that the attitude of many of my colleagues to the transport of livestock is not similar to my attitude or that of Deputy Crawford. This will become an more difficult issue in the future, despite all the supports that have been put in place. The normal transport between farms, marts and holdings will not be affected in any way. People involved in such activity are currently adhering to the rules set out in the new regulation.

I agree there will be changes to rules governing transport that lasts over eight hours. I have indicated the future implications of this regulation to the hauliers. There will be further negotiations with all those involved to ensure that we have the support we need to ensure adherence to the regulation. The implementation of the regulation will commence in 2007 and will be completed by 2009.

**Mr. Crawford:** The Minister has said the only issue at stake relates to the eight-hour rule. Is it not the case that a certificate will be needed for journeys of more than 65 km?

**Mary Coughlan:** No, it is not.

**Mr. Crawford:** Anyone can drive any distance in Ireland as long as the journey takes less than eight hours.

**Mary Coughlan:** I do not know how many hours it would take to drive from Malin Head to Mizen Head. I suppose it would depend on how fast one was driving.

**Mr. Crawford:** It is vital because——

**Mary Coughlan:** One will need a certificate of competency for journeys of more than eight hours. Other issues will also have to be addressed in such circumstances.

**Mr. Crawford:** As this country's cattle numbers decrease, it is obvious that meat factories will have to close.

**Mary Coughlan:** I think the Deputy should hold the head a little. There will not be any change in the rules governing the transport of animals for more than 50 km. The changes affecting those who drive more than 50 km but for less than eight hours will be minimal. In this regard, the regulation is in line with the normal methodology used by hauliers, transporters and farmers at present. The Deputy also asked about horses. I know that horses are well looked after when they are transported to race meetings. They are probably better looked after than the fellow driving the jeep.

**Mr. Naughten:** That might not be the case on the journey home.

**Mary Coughlan:** It depends on how much money the driver stands to make on the horse.

### Renewable Energy Crops.

5. **Mr. Ferris** asked the Minister for Agriculture and Food if he will make a statement on the potential of renewable energy crops within the context of the reformed Common Agricultural Policy. [2175/05]

**Minister of State at the Department of Agriculture and Food (Mr. Browne):** Promotion and development of renewable energy in Ireland are matters in the first instance for the Minister for Communications, Marine and Natural Resources. In so far as renewable energy crops are concerned, Council Regulation (EC) No. 1782/2003 establishing the single payment scheme introduced an aid of €45 per hectare per year for areas sown with energy crops. The aid is granted in respect of areas where production is covered by a contract between the farmer and a processor, except in the case of processing undertaken by the farmer on his holding. Agricultural raw materials, with the exception of sugar beet, may be grown under the energy crops scheme provided the crops are intended primarily for use in the production of products considered to be bio-fuels and for electric and thermal energy produced from biomass.

A maximum guaranteed area of 1,500,000 hectares for which aid for energy crops can be granted has been established in the European Union. According to figures provided by the EU Commission, in excess of 303,000 hectares were sown with energy crops in 2004, of which 439 hectares were Irish. From 1 January 2005, farmers may claim the energy crop payment in addition to their entitlement under the single farm payment. In addition to this scheme, set-aside land can be used for a variety of non-food uses, including growing of crops for energy purposes, and will therefore qualify to activate set-aside entitlements under the single payment scheme.

Biomass production from early forest thinnings and short-rotation forestry crops offer considerable scope for use in renewable heat and electrical energy production. In this regard, my Department, through the offices of the National Council for Forest Research and Development, is closely involved with the work of the bioenergy strategy group. The objective of this group is to examine the potential supply and use of wood biomass in meeting Ireland's renewable energy targets.

**Mr. Ferris:** According to the EU directive governing this area, 2% of all transport fuel sold in the country must be biofuel by the end of the year. The ultimate target is 20%, to be achieved by 2020. Is the Minister satisfied that domestic production and processing of the relevant crops will meet that demand? The success of the initiatives producing rapeseed oil in Wexford proves that there is massive potential for farmers under

the new dispensation resulting from the introduction of the single farm payment. Will the Minister clarify the position on the use of sugar beet? As he said in his reply, sugar beet does not qualify as an agricultural raw material for which the grant of €45 per hectare can be claimed. Given the current crisis in the sugar beet sector, particularly the closing of the processing plant in Carlow and the added cost accruing on sugar beet producers because of their having to transport their raw material to Mallow, will the Minister consider allocating a grant to those who are prepared to use their land to produce sugar beet or other crops to meet the target set for 2020?

**Mr. Browne:** My Department and the Department of Communications, Marine and Natural Resources are quite confident that we will reach the targets laid down by the European Union. It is a matter under consideration by the bioenergy strategy group, which involves both Departments, and the renewable energy development group, in which my Department is involved.

There are a number of pilot schemes in operation around the country. The forest services are providing for a pilot project involving 47 hectares of short-rotation willow coppice. There is a rapeseed oil project in Wexford and a similar project in Wicklow. Another project involves the use of biofuels by 17 vehicles used by Cork County Council. We are all aware that section 50 of the Finance Act 2004 provides a relief from excise on biofuels where the Minister is satisfied that any biofuel is essential to a pilot project designed to produce biofuel or test the technical viability of biofuels.

This matter is being considered in Brussels at present and we are awaiting a response, which will probably be available very soon. The pilot projects being carried out are very welcome.

We are all very concerned about the closure of the sugar factory in Carlow. A number of Wexford farmers are considering the possibility of utilising beet as an alternative energy source. Their work is at a very early stage but may result in possibilities. Bearing in mind the existence of the strategy groups and the pilot schemes, the Deputy can rest assured that the Department is fully involved and will keep a watching brief on the Department of Communications, Marine and Natural Resources to ensure that we obtain a supply of alternative energy from crop-growing.

#### **Foot and Mouth Disease.**

6. **Ms McManus** asked the Minister for Agriculture and Food her views on the recent report from the European Court of Auditors on the European Commission's handling of the foot and mouth outbreak in 2001; if there has been any discussion at European Council level on this report; and if she will make a statement on the matter. [1925/05]

**Mary Coughlan:** The European Court of Auditors' Special Report No. 8 of 2004 on the Euro-

pean Commission's management and supervision of the measures to control the 2001 foot and mouth disease outbreak and of the related expenditure was issued on 16 November 2004. The audit was carried out at the Commission and in France, Ireland, The Netherlands and the United Kingdom. The objectives of the audit were to ascertain whether the analytical method used by the Commission as the basis for the strategy for eradicating the disease was up to date; whether the strategy had been implemented effectively; and the system for reimbursing to member states expenditure on compensating farmers and slaughtering their animals was adequate, rapid and non-discriminatory.

The court found that in the absence of a more clearly defined Community framework for the calculation of compensation to be paid to their farmers, member states were able to introduce a variety of systems that gave rise to variations in the treatment of farmers within the Community. Due to this variety of compensation systems, the Commission's task of determining the amounts eligible for reimbursement proved to be complex. This caused considerable delays in reimbursements to member states. In a number of cases, there were double payments of animal premiums as a result of the authorisation given by the Commission to member states to pay animal and slaughter premiums to farmers, in addition to compensation for foot and mouth disease compensation, without their having to comply with the related control conditions. After the crisis, many shortcomings in the prevention and control arrangements were remedied, but the financial framework had not been revised.

In light of these findings, the court recommended that the Commission clarify the financial framework applicable to epidemics of animal disease, while reducing as far as possible the financial risk to the Community budget. The Commission subsequently submitted proposals to address the foregoing in respect of foot and mouth disease.

The report was discussed at the AGRIFIN working party on financial agricultural questions on 3 December 2004, at which the court's findings and recommendations and the replies given by the European Commission were supported by those member states concerned by the 2001 foot and mouth disease crisis. This matter is likely to come before the Council in the coming months in order for it to take note thereof.

**Dr. Upton:** It is very important that the farmers affected by the outbreak of foot and mouth disease be compensated. However, the outbreak had financial implications for many others, including those involved in the tourism industry and other areas of the food industry. Has the Commission a view on further compensation methods that might take into account all the others who may not have been at the front line, but who were very much affected secondarily?



[Dr. Upton.]

One of the Commission's recommendations was that ways of including farmers in the disease control system should be studied with a view to involving them more closely. Has any action been taken in light of this recommendation?

**Mary Coughlan:** Naturally, we were part of the audit process. The relevant issues are being discussed and will be brought before Council. It is an issue for the Commission but, having said that, I hope the new procedures being introduced will address the concerns that have been raised.

On the larger issue of compensation, the foot and mouth disease crisis had considerable financial implications. Thank goodness we did not have another outbreak of the disease. Although the disease did not just affect those in mainstream agriculture, the compensation provided was specific to the animals that were slaughtered and destroyed.

**Mr. Naughten:** What is the Minister's opinion of comments made during the Dutch Presidency of the EU which suggested that farmers would have to fund any compensation for outbreaks in the future and invest in that fund over time?

In light of the foot and mouth disease issue, and the recent EU food and veterinary laboratory report, is the Minister concerned about the importation of Brazilian beef here and the associated risk, as highlighted by our colleagues in the Food and Veterinary Office in County Meath?

**Dr. Upton:** In the unfortunate event of another outbreak is there any discussion at European level about vaccination?

**Mary Coughlan:** The Deputies have raised several issues, remote from the question but that is beside the point.

**Mr. Naughten:** The Minister is very capable.

**Mary Coughlan:** I do not know how capable I am but I will do my best on this. Discussion of disease levies is at a preliminary stage and no position has been taken. I have noted the views of most people on the issue. It would be reflected in serious charges that might have serious consequences. Some people might see it as a deterrent but in the overarching discussion it has not come forward for high level consideration yet and is only at consultation stage.

I do not see labelling of beef as the issue but I have indicated in the House that I want to ensure clear labelling is introduced. As it is taking some time to get legislation through the House, the Minister for Health and Children is facilitating me in one of her legislative measures and hopefully we will be able to address those concerns. The European Union expects the same standards for importation as others do.

In response to Deputy Upton, vaccination causes difficulties in exportation because the ani-

mals are not disease free but it is the subject of ongoing consideration.

### Live Exports.

7. **Mr. Coveney** asked the Minister for Agriculture and Food her plans to facilitate the export of live cattle through the United Kingdom to European markets; and if she will make a statement on the matter. [1794/05]

**Mary Coughlan:** Following the outbreak of BSE the export of live cattle from, or its transit through, the United Kingdom was prohibited by virtue of Commission Decision of 27 March 1996. Given the possibility that there would be no direct access to continental markets after the withdrawal of the P&O ro-ro service between Rosslare and Cherbourg, I requested Commissioner Byrne late last year to submit a proposal for the re-opening of the UK land bridge for Irish exports. This request was granted.

This matter was the subject of discussions between officials of my Department, the European Commission and the United Kingdom concerning the practical steps needed to give effect to this decision, and in particular to the controls necessary to guarantee the integrity of the consignments being transported by this route. A majority vote in favour of a Commission proposal to provide a legal basis for Irish cattle transporters to transit the United Kingdom was secured at the Standing Committee of the Food Chain and Animal Health on 17 December 2004. The necessary formal decision of the Commission is awaited.

**Mr. Crawford:** As someone who comes from the west the Minister is conscious of the major implications of live export. Has she spoken to any of her ministerial colleagues in the United Kingdom or Wales on this serious issue? It must be dealt with at the highest possible level. We need to ensure that it works because if we do not have a live export trade for weanlings come autumn that will have serious implications for the trade, especially in the west.

**Mary Coughlan:** The Deputy is aware of our personal views with regard to live exports. On the basis of the situation that arose I had to look at every available option, be it a land bridge through the United Kingdom or supporting and facilitating the reintroduction of the crossing. I spoke with the relevant Minister and Minister for State in London and we have been facilitated at Commission level.

There may be difficulties with the land bridge, particularly the question of whether operators of the ro-ro between here, the United Kingdom and mainland Europe would be prepared to carry livestock. The farming organisations and some welfare people have raised problems about this. If I had no option I would have to pursue it more vigorously.

We have facilitated the reintroduction of the ferry service from Wexford to mainland Europe which hopefully will address the important livestock industry and perhaps remove the necessity of following up the land bridge.

*Written Answers follow Adjournment Debate.*

### Private Notice Questions.

#### Food Industry.

**An Ceann Comhairle:** I now come to deal with Private Notice Questions to the Minister for Agriculture and Food regarding the proposed closure of the Greencore sugar factory in Carlow. I will call on the Deputies to table questions to the Minister in the order in which they submitted them to my office.

**Mr. Wall** asked the Minister for Agriculture and Food if, in view of the serious implications for employment and farming due to the decision to close a plant (details supplied) in Carlow, she will enter into discussions with the company with a view to the retention of the plant, especially in view of the fact that no decisions have yet been taken at EU level regarding the future of the sugar regime; and if she will make a statement on the matter.

**Mr. Naughten** asked the Minister for Agriculture and Food the actions she is taking to avert the closure of the Carlow sugar factory; the measures she will take to reduce the potential impact of the EU reforms on the sugar industry here; the position regarding the ownership of the Irish sugar quota; and if she will make a statement on the matter.

**Minister for Agriculture and Food (Mary Coughlan):** As both questions deal with the closure of the Carlow sugar factory and the future of the sugar regime I propose to take them together.

The Government has always been very committed to the sugar industry in Ireland, on both the growing and the manufacturing sides. The manufacturing industry provides the essential outlets for the sugar beet crop which is a very important element in the agricultural economy and a valuable source of income to 3,800 farmers in the beet growing sector. The industry has provided very important employment opportunities at the sugar plants in Carlow and Mallow, in addition to supporting employment in associated industries.

The most important element in the overall sugar sector is the EU sugar regime which underpins the sugar beet growing and sugar manufacturing industry in the community. The essential features of the regime are rules on prices and production of quotas. The regime has existed since 1968, long before Ireland joined the European Union.

Under the EU regime Ireland has a quota for manufactured sugar of approximately 199,000 tonnes. This amounts to approximately 1.1% of the total EU quota which is available for use by the sugar manufacturing enterprises in the member states. Here it is processed by Irish Sugar Ltd., the only manufacturer of sugar in the country. Irish Sugar Ltd. places annual contracts with farmers to grow a specific tonnage of sugar beet sufficient to manufacture the quota.

I compliment those involved in the industry on filling the quota almost every year since we joined the European Union. There were a few small exceptions when it was not filled, mainly due to bad weather. The 2004 harvest was very good and beet deliveries allowed for the manufacture of more than 220,000 tonnes, well above the quota.

Reform of the EU sugar regime is high on the agenda because of the World Trade Organisation and other international pressures. The EU Commission is expected to bring forward formal legislative proposals for reforms of the sugar regime in May this year. However, the Commission outlined its broad ideas for reform of the regime in a communication to the Council and the European Parliament last July. These proposals include a reduction in two stages in the institutional price of sugar by 33% to €421 per tonne; a similar two stage reduction in the price of sugar beet to €27.40 per tonne; and partial compensation to farmers of 60% for the reduction in the price of sugar beet, the compensation to be part of the direct payment and subject to cross compliance.

A reduction of 16% in quotas among the member states is proposed. The transfer of quotas between member states is also envisaged. It is generally acknowledged that reform of the EU sugar regime which was not dealt with in the main CAP reform process in 2003-04 is now unavoidable because of developments at World Trade Organisation level and other international pressures. However, the European Commission's initial reform ideas would, if adopted, have serious repercussions for sugar beet growing and processing in this country. I have made it clear in discussions with the Council of Ministers that the Commission's initial proposals are unacceptable.

With nine other EU member states I signed a letter to the EU Commissioner for Agriculture stating that the Commission's proposals would have a devastating effect on farms and the industrial enterprises working in the sector. We accept the necessity to reform the existing regime but believe that the reform should aim at maintaining the existing distribution of sugar beet and sugar production in the entire EU territory.

We believe that reform should be based on the following principles: an import system from third countries should be put in place, which will ensure predictable and regular import quantities; the price reduction should be significantly less than what is currently proposed and should be implemented more gradually; the impact of the quota reduction should fall mainly on those member states that are net exporters of sugar;

[Mary Coughlan.]  
and the transfer of quotas among member states should not be allowed.

The Commission is expected to bring forward legislative proposals in May with a view to reaching agreement in the Council of Ministers before the end of this year. My overall objective in the forthcoming negotiations is to ensure the future shape of the EU sugar regime is consistent with the continuation of an efficient sugar beet growing and processing industry here.

The recent decision by Greencore to close its sugar plant in Carlow and to consolidate all its sugar manufacturing in Mallow was taken in light of the increasing competition in the sugar market and taking account of the reality that changes will occur in the industry as a consequence of the reform of the sugar regime.

Increased competition from overseas means that imported sugar now amounts to 20% of the Irish market. Competition in Ireland has increased since the announcement of the Commission's proposal for reform last July. The trend toward rationalisation and increased productivity in the sugar sector has been evident throughout the EU for some time with the number of plants decreasing by 40% between 1999 and 2001.

In the EU 15, for example, the number of sugar plants declined from 240 to 135 between 1990 and 2001 while employment in this sector declined from 37,000 to just over 20,000 in the same period. I am conscious that the recent decision by Greencore to close its plant in Carlow with the loss of the 189 full-time and 137 campaign jobs came as a shock to many people. I am concerned about the personal impact these jobs losses will have on families. I have been in touch with my colleague, the Minister for Enterprise, Trade and Employment, Deputy Martin, and I am aware that Enterprise Ireland is actively looking at replacement jobs for the area. However, the decision to close the Carlow plant was a commercial one taken by the company in light of the increasing competition in the sugar sector and taking into account the reality that changes will occur in the industry as a consequence of the reform of the regime. However, I am glad to note that Greencore's rationalisation programme involves an investment of between €20 million and €25 million in Mallow which clearly demonstrates a commitment to maintaining an efficient sugar processing industry here.

I understand work is to begin immediately on a substantial upgrading of the Mallow plant. To facilitate the one factory operation, beet from the Wexford region will be diverted to Wellington Bridge for transport to Mallow by rail. The company plans a new rail depot to be established in the Carlow region to assist beet growers make their deliveries. I understand a planning application will be submitted to Carlow County Council shortly in this regard. I am confident the company and the beet growers will be able to work out satisfactory arrangements to cope with the new situation.

As Minister, I hold a single special share in Greencore plc. That share has the same monetary value as any other share in the company but has conditions attached which prevent the company from engaging in a number of activities without the prior written consent of the Minister. The special share prevents the disposal of the controlling interest in Irish Sugar Limited or the sugar assets and prevents a single shareholder or group of shareholders acting together from gaining control of Greencore plc. The special share does not allow me to get involved in the operational matters or in the commercial decisions of the board. While I have had several meetings with stakeholders in the context of the forthcoming reform of the EU regime I have had no meetings specifically related to Greencore's rationalisation programme which is a commercial matter for the company.

The issue of the ownership of the quota has been raised in the context of the Commission's proposal to allow the possibility of cross-Border quota mobility. Several member states, including Ireland, are opposed to this idea. The Commission has indicated that if the proposal on quota mobility is maintained it will propose appropriate rules to deal with that situation. In the meantime I have sought the Attorney General's advice on the issue. I am aware that the ownership issue is currently unclear in the European Union.

In facing the future I anticipate that there will be difficult and protracted negotiations on the reform proposal. My overall objective in these discussions will be to protect the viability of sugar beet growing and processing here. I will work vigorously, in common with like-minded member states, towards that end.

**Mr. Wall:** I thank the Ceann Comhairle and the Minister for taking this matter this evening because of the implications it has not only for the Carlow region but its adjacent counties. This decision has major implications. The Minister stated there are 326 jobs involved but the impact of this decision will be far greater than that when the ancillary jobs at stake are taken into account.

Why was this situation forced on the employees and the farming community of this region at such short notice? Does this decision not undermine the Minister's position entering negotiations with fellow EU Ministers to secure the maximum quota for Ireland? Is it the case that Greencore took it upon itself to determine the quota, given that the manufacturing ability of the Mallow factory is not near that of the Carlow factory? As such, Greencore determined what quota will be manufactured here.

As Minister for Agriculture and Food and with responsibility for the farming community as well as for the workforce concerned and for the other areas mentioned, will the Minister ask the company to postpone this decision until next year to allow everyone concerned to get to grips with what will be a major change in the industrial

infrastructure of the Carlow area? Will she give an undertaking this evening that she will talk to Greencore executives to ensure the necessary platform is put in place to allow this to happen and to allow negotiations to be entered into with the IFA, all the public representatives, if necessary, and the Minister to ensure the major problems that exist and the major implications this decision presents for many people can be addressed by a postponement of this terrible decision?

**Mary Coughlan:** The Deputy raised a number of issues. The decision made by Greencore will not undermine our position at negotiations regarding the EU sugar regime. A number of issues have to be addressed. No further decisions or movement will take place until the WTO panel makes a decision. If that goes the wrong way, that will have serious implications for the sugar regime *per se* and the European Union may have to change its tack regarding that outcome. As the Deputy will be aware, the Union lost in that regard and that decision is being appealed to the panel. That in itself will have implications.

I have been vociferous in my discussions and correspondence with the Commission and the Commissioner regarding the implications of their proposals. It will come down to two issues, price and quota. I, like the public representatives in the House and members of the staff, was not aware of the decision that was being made, apart from the public pronouncements of the company. The decision has practical issues appertaining to the changes outside of the job losses in the factory. It is a matter for the farmers to negotiate with the company the best possible deal on transportation costs and the transportation of their sugar beet, bearing in mind that they come from north Wexford, parts of Meath and from the Deputy's constituency. On that basis, I hope the farming community can be facilitated. There is a view that this may not happen but I will not become entangled in that argument. I have supported and will support the continuation of the sugar beet industry. I am not in a position to meet Greencore to make a day to day decision but I urge the farming community and its representatives to take a professional view on this matter and to negotiate on behalf of their electorate, the sugar beet growers, to ensure the best possible deal can be achieved to facilitate the transportation and collection of their sugar beet.

I will not be in a position, regardless of whether I have a golden share, to tell the board of Greencore what to do with regard to the day to day management and working of the company. However, I believe the farming community, many of whom I met in Waterford, Carlow and another county—

**Mr. Naughten:** They were from the south east, in any case.

**Mary Coughlan:** I would be looking hard for sugar beet around my county. I will facilitate the farming community and have advised them of my views. We will work together seriously and closely on this issue and in regard to the sugar regime.

Members may not be aware that 20% of the sugar consumed in this country is not manufactured here, and it is in this regard I am sure a commercial decision was being made.

**Mr. Naughten:** It is 25%.

**Mary Coughlan:** This is a significant amount. The multiples provide that choice although people are perhaps not aware of it. There is a serious competition issue, not just in Ireland but in the EU also, in that a number of other countries are able to produce sugar at a third less cost than our manufacturers.

**Mr. Naughten:** Returning to the issue of the golden share, does this special share prevent the disposal of assets of more than 20% of Irish Sugar? The decision to close the plant in Carlow means there will be a disposal of greater than 20% of the assets of Irish Sugar. Is it not unusual and does it not raise serious questions that the management of Greencore did not bring this to the Minister's attention or that of the Department? Given that Greencore has not applied for planning permission for a rail depot, will the Minister intervene to ensure farmers do not have to pay the additional transportation costs associated with the transport of beet to Mallow?

The Minister and her predecessor stated on numerous occasions that they were in contact with the Attorney General's office to clarify the ownership of the sugar beet quota. How long will it take to clarify this? What advice is the Minister getting from the Attorney General in regard to the ownership of the quota? Who has the controlling interest? The golden share does not seem to be worth anything if Greencore is not even prepared to do the Minister the courtesy of letting her know it was about to dispose of greater than 20% of the assets of the company, as it is legally bound to do.

**Mary Coughlan:** It is important we clarify the position of the golden share. It affects the disposal of the controlling interest in Irish Sugar or the sugar assets and prevents a single shareholder or group of shareholders acting together to gain control of Greencore. We are not at that level.

**Mr. Naughten:** We are at that level. We are over the threshold of 20%.

**Mary Coughlan:** The golden share does not allow me to interfere with the commercial or operational decisions of any company. When I refer to assets, I am thinking of an example where Irish Sugar might decide to sell the quota abroad. I would be able to interfere at that level.

**Mr. Naughten:** Assets are different to quota.

**Mary Coughlan:** The controlling interest rather than assets is what we are talking about. If there was a *coup d'état* where somebody decided—

**Mr. Naughten:** In 2001 the Minister's predecessor stated that 20% of assets—

**An Ceann Comhairle:** Other speakers want to contribute, if Deputy Naughten will allow.

**Mary Coughlan:** There might be a coup in which shareholders would like to take over.

Some see this as a political opportunity. There are two basic parts to the issue. One is to ensure that all support possible in the context of replacement industry is provided to Carlow town and the other is to ensure the farming community is facilitated in the transportation of its beet. There are annual arrangements between farmers and the company regarding the costs of transporting the beet. I am sure the farming community and its representatives will be in consultation and negotiation with the company to ensure that those who have to transport beet further than heretofore will be facilitated.

**Mr. Hogan:** It will be facilitated but who will pay for it?

**Mary Coughlan:** I have been advised of a number of practical issues. It is a matter for the company to deal with those issues. It is not up to me to get planning permission in Carlow; it is up to the company. If there are issues for the company to address, it will have to make a commercial decision as to what to do.

Out of courtesy, I and my Department were advised at the same time as the workers of the decision of the company. Of course, this matter was leaked from the board and I knew of the same leak as anybody else.

**Mr. Pattison:** Given that this was such an important decision and a shock to the people of Carlow and surrounding areas, it would only be natural to expect that the workers, producers, farming community and the Minister would have been consulted before the decision was taken. Having regard to the fact that there has been a demonstration of over 4,000 representatives of farmers, producers, workers and business people in Carlow, would the Minister add her voice to those of her party colleagues in Carlow who have called for the retention of the beet factory there? The Minister stated she cannot intervene but I am sure she can express a view and support the demands being made.

**Mary Coughlan:** Kilkenny was the other county where I met with farming representatives.

**Mr. Hogan:** I thank the Minister for telling me.

**Mary Coughlan:** I met them on the street so it was not a formal deputation. I would always telephone Deputy Hogan in time.

**Mr. Hogan:** It was not a proper meeting.

**Mary Coughlan:** They were still able to get their point across. I appreciate where Deputy Hogan, as a public representative for the area, is coming from. Deputy Nolan and members of the Opposition have contacted me on this issue. I have taken on board the views of public representatives, the IFA and the ICMSA. My Department is in constant contact with the farming community on this issue, as is Deputy McGuinness — I had better mention him.

**Mr. Hogan:** How can one forget him?

**Mary Coughlan:** How could Deputy Hogan forget him? We have had ongoing discussions. I took the opportunity during my initial term of office to meet representatives of the sugar industry. I met with representatives of Greencore who expressed views on the EU sugar regime, although not on the issue of rationalisation. One of the matters raised was that Greencore was finding the level of competition in this country difficult, as is the case for the industry in the UK.

I do not know that I would be successful if I was to intervene in a commercial decision made by the company.

**Mr. Wall:** The Minister should try.

**Mary Coughlan:** The board made the decision. It is incumbent on the Government to ensure replacement employment and support for the workers of the company, whom Members represent, and that they be facilitated with a redundancy package. In the interim, every effort should be made to assist.

I realise there is a relationship difficulty between the farming community and members of Greencore. However, there is an osmosis. There would be no sugar company without sugar beet. Therefore, there must be at least a working relationship. I hope that working relationship will ensure that the practical issues of concern that have been put forward by Deputies, councillors and members of the farming organisations can be addressed as quickly as possible. I appreciate the personal views the Leas-Cheann Comhairle has expressed on behalf of his constituents. Of all the Members of the House, I can empathise with him exactly.

**Mr. Hogan:** The Minister has accepted that there is a difficult relationship between Greencore and the farmers. I ask her to intervene on behalf of people who cannot do so for themselves. She should take the initiative in bringing all sides together to sort out the outstanding issues that are likely to emerge from this serious blow to the economy of Carlow and for producers and workers alike. The Minister either has a

golden share, and therefore an interest in the company, or she has not. If she takes the initiative to bring all sides together to thrash out these issues it would be much appreciated by everybody in the constituency, including the employees who are directly involved and the producers.

During the privatisation of the Irish Sugar Company, the Taoiseach, who was then the Minister for Finance, sent correspondence to the Irish Congress of Trade Unions. He gave all sorts of assurances about the impact the golden share would have on any processing plants, employment and the sugar quota. The Minister should refer to the 1993 file where the present Taoiseach's commitments were given. Perhaps he could take a personal interest in this matter, given the views he expressed at that time and the commitments that were given which now, unfortunately, mean nothing. Would the Minister agree that the golden share that was promised in the context of privatisation actually means nothing in terms of the power the Minister for Agriculture and Food has?

**Dr. Upton:** I re-iterate the last point that the golden share appears to mean very little. The bottom line is that 323 people have lost their jobs in the town of Carlow. Is it beyond the scope of Greencore to examine some alternative related opportunities, based on the sugar industry? If the company is unwilling or unable to keep the sugar business going, it could incorporate something positive there for those who have lost their jobs.

**Mr. Kehoe:** Since their appointment to office, have the Minister or either of her two Ministers of State been in contact with the Carlow sugar beet management or with Greencore? I read in the newspapers that the IFA was aware of the forthcoming closure of the Carlow sugar beet factory but I find it unbelievable that the Minister for Agriculture and Food was not made aware of it. Coming from a farming background, I know the consequences of the closure for sugar beet growers are unprecedented. The seriousness of this will be realised further down the road.

**Mary Coughlan:** It would be easy for me to say that I will go in as the golden girl and sort it all out, but I am not and I will not do so——

**Mr. Naughten:** The Minister is the golden girl.

**Mary Coughlan:** ——because political opportunism is downright imprudent. Deputies on the other side of the House have been eloquent.

*(Interruptions).*

**Mary Coughlan:** I am sure they have been in touch with the company, as well as other elected representatives, to try to facilitate them.

**Mr. Hogan:** We have.

**Mary Coughlan:** I would hate to take from their glory. That said, I had the opportunity to meet the farming organisations yesterday on another issue and, on the margins, we discussed the need for the farming community to work with Greencore — we all appreciate there are difficulties there — in trying to get the best possible deal.

**Mr. Hogan:** The golden shareholder.

**Mary Coughlan:** We can be facetious about the golden share issue but we must examine the controlling interests within the company. We have now allowed increased competition within the sugar sector here, 20% to 25% of consumption coming mainly from the French market. Another issue that we must examine is that we may have no sugar industry and if so, even if there is sugar production in Mallow, we will have no sugar beet. If the consolidation of this company is to facilitate the continuation of a competitive sugar regime, as well as the production of sugar beet in the south east, we will have to ensure that happens.

**An Ceann Comhairle:** The time for questions has concluded.

**Mary Coughlan:** I appreciate, however, the genuine concerns being expressed. I am abundantly sure those concerns will be made known to the management of Greencore who, I hope, will facilitate the farming community.

**Mr. Kehoe:** Has the Minister met Greencore since her appointment?

**Mary Coughlan:** Yes. I met Greencore in the context of the EU stability measures.

**An Ceann Comhairle:** As it is now 4.45 p.m. I am obliged to move on to matters selected for the Adjournment.

**Mary Coughlan:** I also met the farmers of Wexford, Carlow and Kilkenny.

**Mr. Kehoe:** We were not invited.

**Mary Coughlan:** I am going down to Kerry soon and I am sure they will meet me there as well.

**Mr. Hogan:** She is the golden girl.

#### Adjournment Debate Matters.

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Durkan — if the Minister will take steps to address the issues now likely to affect the postal and packaging service; (2) Deputy Wall — the serious implications for employment and farming in relation to the decision to close the Greencore sugar plant in

[An Ceann Comhairle.]

Carlow; (3) Deputy Ó Caoláin — the need for the Minister for Health and Children to establish a redress board for those women victims of gross malpractice at Our Lady of Lourdes Hospital in Drogheda; (4) Deputy Upton — that the Minister outline the position on an urgent application for new windows at a school in Dublin 12 (details supplied); (5) Deputy Naughten — that the Minister outline the actions she is taking to avert the closure of the Carlow sugar factory; (6) Deputy Neville — when construction of a school (details supplied) will commence; (7) Deputy Costello — the need for the Minister to ensure that the Cabra aftercare project and its prison links worker is supported by the Department of Justice, Equality and Law Reform; (8) Deputy Ferris — that the Minister demand the release by the British Government of a person (details supplied) imprisoned after failing to appear at the Bloody Sunday tribunal; (9) Deputy Walsh — the position of the affordable housing scheme at Clonakilty, County Cork and the timescale for its completion; (10) Deputy Cowley — if the Minister will address the inequity where it is proposed to withhold €613,000 from the budget of Mayo General Hospital; (11) Deputy Kenny — the proposed plans for the future of the existing Department of Agriculture and Food facilities at Michael Davitt House, Castlebar; (12) Deputy Ó Snodaigh — if the Minister will provide ring-fenced supplementary estimates for 2005 and multi-annual funding from 2006 onwards for survivors of violence against women; and (13) Deputy Burton — if the Minister will concede the need for an inquiry into the recent storm damage to the National Aquatic Centre, Abbottstown, Dublin 15.

The matters raised by Deputies Cowley, Burton, Kenny and Walsh have been selected for discussion.

### Adjournment Debate.

#### Departmental Accommodation.

**Mr. Kenny:** I recall the words of the late James Dillon, a former Minister for Agriculture, at the opening of the Michael Davitt House complex in Castlebar in the late 1970s. Coming from the land of Michael Davitt to the Davitt House complex, it was one of the first decentralised offices. The late Micheál Ó Moráin, who was a Minister in several Fianna Fáil Governments, had promised it. My late father delivered it in the coalition Government of 1973-77. His words on that day were prophetic about the necessity to have Government involve itself to the extent where people could be facilitated by being able to call into offices and deal with their business in a confidential and courteous manner.

I am seeking clarification from the Minister because, while there are some rumours floating

around, some of the facts may or may not be correct. I require clarification as to what the Department's plans are regarding decentralisation or recentralisation as has happened.

I understand that the agriculture section of Davitt House in Castlebar paid out €500 million in grants last year, not just for County Mayo but for the country as a whole. The section was in charge of the suckler cow scheme, the ewe premium, the area-based scheme and the extensification scheme. A sum of €130 million was paid out under the suckler cow scheme, €90 for the ewe premium, €230 million for the area-based scheme and €95 for the extensification scheme. These are approximate figures. However, due to changes in the Common Agricultural Policy, this body of work is not now as significant as it used to be, so the work is leaving that section of Davitt House. With the advent of the new EU system, all the payments to which I have referred will be paid out in a single payment. It is expected that this will be done from Port Laoise. So if these payments will no longer apply, while there are still some outstanding payments to be made, they will not be made from Davitt House in future. That means that while there is still some work going on for the national reserve under the single payment scheme in Castlebar, when these questions are completed, all of that is expected to be transferred to Port Laoise. That leaves approximately 70 staff in the agriculture section, including principal officers, HEOs, clerical officers and clerical assistants.

What is the plan in regard to that section of the Department? There was serious expenditure there in recent years and over the past 30 years people have become used to working in those very fine facilities. I understand the area aid section of the Department of Agriculture and Food in Kildare Street, Dublin, is also to go to Port Laoise. In that section there are approximately 60 to 70 staff but the work is somewhat similar to what was being done in Davitt House for many years. Therefore, that body of work could be transferred from Kildare Street to the Davitt House complex and be facilitated in that fashion. Otherwise, as I understand there is no building yet in Portlaoise, this matter could drag on for a long time. When the work in Davitt House ceases, what is in store for the approximately 70 staff there? Will any of them be transferred to another location? What are the prospects for them being absorbed into other Departments in the Davitt House complex, such as Revenue or Coillte? In that sense, the clarification I request from the Minister will be very important to people who have lived in Mayo and worked in the Davitt House complex in Castlebar for quite some time. Families are involved, with mortgages and other commitments.

Over the years, the agriculture section in Davitt House provided thousands of farmers with a convenient service. Perhaps the Minister will spell out what the future will be for the agriculture sector of the Davitt House complex. When the body

of work it is currently doing ceases to exist, what work will it be involved in? Is it proposed that the area aid work currently being done in Kildare Street will be transferred to the Davitt House complex in Castlebar? Perhaps the Minister will set out what the plan is and indicate the timescale. I would like reassurance from the Minister with particular reference to staff that there will be no major disruption to their work in the area.

When this proposal is implemented and that body of work ceases, it will end 30 years of very valuable agricultural service. This was one of the first offices in the country to be decentralised from Dublin to the land of Davitt, the land which was so important to people, so intrinsic a part of the lives of farming people over those years. I would not like to see it ended and no future work done. Perhaps the Minister will clarify that.

**Minister for Agriculture and Food (Mary Coughlan):** Gabhaim buíochas don Teachta as deis a thabhairt dom labhairt faoi seo.

The mid-term review of the Common Agricultural Policy introduced the most significant agricultural reform since its establishment. The decision of the Luxembourg Council to break the link between direct payments and production, known as decoupling, has changed the fundamental nature of EU supports for the farm sector and has led directly to the introduction of the single payment scheme.

The mid-term review places a significant challenge on my Department to realign functions and processes to effectively implement the single payment regime and the linked cross-compliance inspections while at the same time ensuring that customer service standards are not adversely affected, effective administration and corporate governance is maintained and human resource issues are addressed appropriately. Once necessary operational changes to schemes and processes have been agreed, work will proceed on implementing the staff movements and structural changes to effectively implement the single payment scheme.

Payments under the scheme will be conditional on farmers' compliance with a total of 18 EU directives on the environment, identification and registration of animals, animal welfare and animal, plant and public health. Some of the staff currently employed in Castlebar are undertaking the important work of planning for the implementation of these cross-compliance requirements under the single payment scheme. The final decision on the location of the work of coordinating and controlling the implementation of the cross-compliance measures will be taken when these plans are finalised and the extent of the ongoing work that will be involved as well as the staff numbers and grades required to carry out the work has been determined.

This decision will also be influenced by the planning that is ongoing in relation to the operation of the single payment scheme itself from our Portlaoise office and the decisions that are being taken on the decentralisation of my Department's HQ to that town under the Government's wider decentralisation programme. In regard to the latter, my Department is in the process of preparing a further iteration of our decentralisation implementation plan which has to be submitted to the decentralisation implementation group by 14 February next. That plan will naturally have to take into account the changes coming about as a result of the mid-term review and the single payment scheme.

In addition, staff will over the coming months be available in my Department's offices in Port Laoise on the cessation of the special beef and slaughter premia schemes which were operated from there as part of the old direct payments regime. The area aid division of my Department is currently based in Hume House, Ballsbridge, and it is planned that the area aid work will transfer to those staff in Port Laoise in late spring and early summer of this year. Discussions are ongoing with staff, representative associations and the Department of Finance regarding the reassignment of the surplus staff in Hume House.

Following the introduction of the single payment scheme and the mid-term review, there will be an inevitable requirement for a reduction in overall staff numbers working in the relevant areas. Local office livestock staff around the country will also be affected. It is not possible at this stage to predict fully all the staff changes that will result from the reallocation of work. A number of steering groups in my Department are examining all the different complex issues involved and these groups will continue to plan and monitor the situation throughout the change-over. However, the method of managing this change process in terms of all the various work and staff movements will include setting down the basic principles to apply in the context of the redeployment of staff which will be discussed with the relevant unions and staff associations. The objective will be to put in place a system that is fair and realisable.

While it is understood that the reorganisation of the Department due the implementation of the single payment scheme will result in a major rebalancing of work as well as reduced staffing levels, it will be mid-2005 before the detailed effects are known.

I fully recognise that this period of change is causing legitimate concern and uncertainty for staff. The key objective of my Department during this change period is to work in conjunction with staff, their unions and staff associations and to minimise the potential for disruption to staff and departmental operations so as to achieve the successful reorganisation of the Department with as



[Mary Coughlan.]  
smooth a transition as possible to the new structure.

It will be the middle of this year before I have an overall plan and it is my intention to keep staff informed and involved in discussions. As a woman with close associations with that part of the country, I am acutely aware of the concerns expressed. Uncertainty is creating distress for some of the staff. I hope we will have an action plan so that people will know exactly what is going on and to facilitate them in the best possible way.

### Hospital Services.

**Dr. Cowley:** I am grateful for the opportunity of raising this very important matter on the Adjournment.

If the Chair will indulge me, I support Deputy Kenny and hope there will be a straight answer because there has already been a loss of jobs in Bellacorrick and Allergan, and we could not tolerate another body-blow. Perhaps some straight talk from the Minister will be important for an area that is dying on its feet, the most socio-economically deprived area in Ireland.

I am grateful to appeal on behalf of the area I represent. Mayo General Hospital is recognised as probably the busiest hospital in Europe and has been so described from activity levels. The difficulty is that it is intended to cut its budget by €613,000. This is a hospital that is working very hard around the clock with extremely dedicated staff and this cut is seen as a major body-blow. If a significant amount of money is removed from a budget that is already very tight and providing very essential services, somebody must suffer. The fear is that the people who will suffer are those who are ill and who depend on the hospital. I appeal to the Minister to examine the casemix programme.

An orthopaedic unit has opened, which has put much pressure on the hospital services, but this refers to earlier issues. It is baffling, and nobody can understand, how a cutback can be made because activity is at a high.

Occupancy at this hospital is more than 100% because there are two patients to a bed, one in the morning and somebody else immediately after. The bed is still warm when somebody else goes into it. That is how efficiently this hospital is run, but no matter how efficiently it is run, it lacks capacity. It is difficult because there is no high dependency unit in the hospital. There are eight beds in the intensive care unit. There is an orthopaedic unit now, but there is a need for a proper high dependency unit, which would mean an, extra eight beds.

There is a major need also for proper consultant services. People must travel to Galway for urology services, which is almost as far as this building is from Galway, and there is a waiting list there. People wait years to get on the official

list and after that they still wait five years. Is it any wonder people get ill while they are on the waiting list? Is it any wonder that accident and emergency departments are congested with people who get acutely ill? If somebody is left on a waiting list for five years or more, he or she is bound to get ill. Then it is not a case of merely doing a simple job, it is a case of dealing with an emergency, which ties up all the resources.

I appeal to the Minister to examine the casemix programme. Perhaps what is happening is that hospitals with more private patients are treated better under the casemix programme than hospitals that abide by the rules and keep private patients to within 20%. We must think of what is happening in this hospital. This is the only hospital serving County Mayo, the third largest county, and it is already under pressure because of the difficulty of trying to deal with services that are not properly resourced and the lack of an ambulance base in west Mayo. People living in Achill are 50 miles from Mayo General Hospital. When the general practitioner calls the ambulance, the person is already ill and he wants that person in hospital. If there is a waiting time of one hour for the arrival of the ambulance and it takes another hour for the ambulance to arrive in Castlebar with the patient, that makes two hours — so much for the golden hour. A case that is not an emergency when the GP calls out the ambulance becomes an emergency two hours later by the time that person arrives at acute hospital emergency services with the result that he or she takes up more time in the hospital services.

Mayo General Hospital is doing a very efficient job. To be treated in this callous manner with a reduction in its budget of €613,000 is unacceptable and the result is that the people of Mayo will suffer and will be left without essential services.

**Minister of State at the Department of Health and Children (Mr. S. Power):** It is an indication of the respect in which Deputy Cowley is held that the leader of the Opposition remained in the House to hear his contribution. I thank the Deputy Cowley for raising this matter on the Adjournment.

The national casemix programme compares costs and activity between 37 hospitals that participate in the programme. The programme incorporates over €3 billion of expenditure and 1.6 million patient encounters annually. It allows each hospital to take full account of its unique patients and unique issues. The process takes place in consultation with each hospital, placing patient-centred information at the centre of the process. Casemix was introduced in an effort to collect, categorise and interpret hospital patient data related to the types of cases treated in order

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that hospitals could define their products, measure their productivity and assess quality.

The rationale for the use of casemix as part of the budgetary process is the wish to base funding on measured costs and activity rather than on less objective systems of resource allocation, that is, to fund hospitals for the cases they actually treat and the service they actually deliver. Casemix creates an incentive for better performance by allowing for peer group comparison and is the most internationally accepted performance related activity programme. I am committed to performance related targets to ensure that hospitals operate at maximum efficiency. The budget-neutral policy of casemix rewards efficiency by re-targeting funds from less efficient hospitals to those which are more efficient and have demonstrated that additional funding will result in real benefits.

The negative adjustment of €613,000 was consequently a reflection of Mayo General Hospital's performance *vis-à-vis* its peers. The hospital gained funding under the programme in ten of the 13 years in which it has been in operation. No objection to the use of casemix was lodged in those years. The programme is operated in an open and transparent fashion and full details of the clinical and financial information on which casemix budget adjustments are based is provided to all participating hospitals. I am committed to the ongoing expansion of the national casemix programme involving my Department and the Health Service Executive to ensure that casemix is used as a central pillar in hospital funding policy.

### **National Aquatic Centre.**

**Ms Burton:** I thank the Chair for allowing me to raise this important issue. I call for the establishment of an independent international and expert inquiry into the recent forced closure of the National Aquatic Centre as a consequence of storm damage sustained after Christmas. Up to 60 local people working full-time and part-time at the centre have been laid off and a valuable amenity for swimming as a sport and for leisure activities has been lost to the local community, the eastern region and the country.

I welcome the information I received yesterday from the Office of Public Works, adviser to the Department of Arts, Sport and Tourism on the National Aquatic Centre, that it is appointing a firm of engineers, led by Mr. Jim Mansfield, to carry out an inquiry on a preliminary basis. I understand this will be a preliminary investigation which will examine the likely causes of the damage to the roof, the design of the building and the quality of the construction. I want the Minister to commit to publishing the results of this investigation.

There has been widespread shock and dismay in my constituency at the forced closure of the

National Aquatic Centre resulting in the loss of many jobs and the loss of an important amenity. While there were extraordinarily high winds after Christmas, given the increasing frequency of severe weather conditions, surely all these should have been factored into the design of a new building costing in excess of €60 million. The roof of the Blanchardstown Town Centre, which is close to the National Aquatic Centre, was not damaged and neither were the roofs at Dublin Airport which are even more exposed in high wind conditions.

It is well known, perhaps not to the Minister, that the west and the north-west of Dublin are very exposed to high winds because they lie at the eastern end of a plain stretching to the River Shannon. The aquatic centre is also near the River Tolka and there is often a wind tunnel effect near a river. I would expect that buildings constructed in the area would be designed taking these factors into account. When one bears in mind the building cost in excess of €60 million, it makes the damage all the more incomprehensible. It is important that a full inquiry is established and that the results are published. I understand that further damage was caused by material from the lining of the roof blowing into the ventilation system of the aquatic pool.

The National Aquatic Centre is one of the pet projects of the Taoiseach. I understand the centre is ultimately under the management and ownership of Campus Stadium Ireland whose sole shareholders are the Ministers for Arts, Sport and Tourism and Finance and the Taoiseach. It is imperative that there is a thorough examination of the root cause of the problem. The insurance advice is that until the cause of the damage is clearly established, it is unsafe to allow the public near the complex. Who will bear the ultimate loss? Are the buildings still under warranty? Is there recourse to the architect, designers and builders of the centre or will the taxpayer have to foot the bill? I understand the company managing the centre is insured in respect of its activity but who ultimately bears responsibility for the overall liability for the building?

There has been a remarkable silence from the Government, the Ministers responsible for the building and the company, Campus Stadium Ireland. Employees and local people have been told little, including those who use the centre for sports. The centre was first opened to host the Special Olympics. It has been a great boost to water sports. It is important to sort out the cause of the dreadful damage. We need to know the duration of the likely repairs, the cost of the repair work, when the workers are likely to get their jobs back and if, in the meantime, any provision is being made for those who have been laid off. They received a short letter saying they would be laid off for a short period. They returned last week and were laid off again, this

[Ms Burton.]  
time with no timeframe on how long they are to be laid off.

**Mary Coughlan:** Before I address the specific issue raised by Deputy Burton with regard to the damage to the National Aquatic Centre, I want to set this matter in its proper context. In 2000 the Government agreed to provide Exchequer finance to fund the provision of an aquatic and leisure centre at Abbotstown. Provision of the facility was by means of a design, build and operate procedure. A contract was awarded to a consortium that consisted of a construction company, Rohcon, an architectural company, S&P Architects, and an operating company, Dublin Waterworld.

The National Aquatic Centre was completed within the time schedule set for it and within the agreed budget of €70 million provided by the Exchequer. It was formally opened by the Taoiseach in March 2003. It is Ireland's largest indoor water centre and provides state-of-the-art swimming and diving facilities. The leisure waters element of the facility has proved to be particularly attractive as a family and young people's recreation centre. In the first year of its operations it attracted almost 1 million visitors and its popularity places it on a par with Ireland's top attractions, such as the zoo. The facility hosted the swimming events of the Special Olympics World Summer Games in June 2003. The centre hosted more than 600 athletes from 160 countries and the success of the event was widely acknowledged. The centre also successfully hosted the European short course championships in December 2003. Some 500 swimmers from 40 countries together with 200 coaches and officials participated in the championships. The national aquatic centre has been designed and built to the highest standards. During the course of the Special Olympics World Games and the European short course championships in 2003 it received the highest praise from international experts.

The concept of the national aquatic centre has been developed with a clear emphasis on commercial viability. The intention was that once built the facility would be a self-sustaining venture. To achieve this the national aquatic centre was leased to the operating company that formed part of the developing consortium. Dublin Waterworld Limited, has been responsible for all matters relating to the running of the facility since it concluded that lease agreement with Campus and Stadium Ireland Development Limited, the company entrusted with the development of the sports campus site at Abbotstown. Consequently the Minister and his Department are not involved in the day-to-day operation and problem solving but it has long been shown that a commercial

operation is the most efficient and cost effective method of viable operation.

During the severe weather conditions experienced locally in the west Dublin area on New Year's Day, severe damage was caused to the roof of the building. The roof of the 50 metre pool and diving pool was damaged as was the roof of the leisure waters, in addition to damage to lights and fittings around the complex. As a result the national aquatic centre was closed to the public while the building was being made safe, the damage assessed and repairs undertaken. Fortunately nobody was hurt as the centre was closed for the holiday period.

The construction company that built the national aquatic centre responded immediately and did some initial repair work on 2 January to make the building safe. During the days immediately afterwards Campus Stadium Ireland Development Limited managed and oversaw the response to the situation. CSID's first priority was to ensure the safety of the general public and those using or working in the facility. It also focused on ensuring that the insurance assessors accurately assessed the damage, that repairs would be carried out as quickly as possible and that the debris in the vicinity of the facility was safely removed. The loss adjusters have commissioned an independent report from a firm of consulting engineers to deal with the design, material and construction issues and how the building structure performed in the extreme weather conditions that prevailed on New Year's Day.

To ensure the health and safety of the users of the facility and to avoid, in so far as is practical and possible, a recurrence of the damage, the Office of Public Works, at the request of the Department of Arts, Sport and Tourism and Campus and Stadium Ireland Development Limited has engaged engineers to examine the damage and to provide a preliminary report as a matter of priority. The engineering firm appointed by the OPW on behalf of the Department of Arts, Sport and Tourism, will provide an independent layer of advice so that the design is in line with best practice. A preliminary draft report is expected by the end of this week. This report will be independent of any other technical or professional reports being prepared as a result of the storm damage. The Minister is anxious to have the facilities at the national aquatic centre open to the public as soon as possible but his first priority is to ensure that all health and safety issues have been addressed in relation to the buildings.

CSID, as the landlord, has appointed its own engineers to examine the damage, in addition to the loss adjusters' engineers. These reports are expected by the end of the week following which a programme of works will be put in place to

ensure that the centre is restored to the highest standards.

With regard to the staff, while I do not wish to see anyone out of work, neither CSID nor the Minister has any control over this matter as staff are appointed directly by the operator, Dublin Waterworld. However, I assure the Deputy that the Minister and CSID are anxious to have the centre open as soon as possible. The Deputy will agree with me that the safety of the public is paramount and the centre cannot be reopened until the centre has been repaired and is deemed fit for use.

### **Social and Affordable Housing.**

**Mr. Walsh:** I thank the Ceann Comhairle for allowing this important matter relating to west Cork to be taken on the Adjournment. I also thank the Minister of State, Deputy Noel Ahern. In 2003, Teagasc made 15 hectares of land from their agricultural college adjacent to Clonakilty available for affordable housing. This is very welcome and greatly appreciated by the local people. Clonakilty and the surrounding area is a growth area where sites are very expensive. It is a coastal region and houses typically make €350,000 to €550,000. Younger people, even those with two good salaries cannot afford the cost of housing. This affordable housing scheme is welcome. The affordable housing initiative is very laudable and has the support of all parties in the House and the social partners.

I would like to see this development accelerated as it is now 2005. I appreciate that good and prudent planning must be made. I and those living in the area wish to see this exciting project done correctly. We do not wish a development to be thrown together in a higgledy-piggledy fashion but rather we wish to have a nice rural village. A church and school and an existing village are situated beside the site and this lends itself to twinning with the new development. Will the Minister of State say what progress is being made regarding this matter? Clonakilty is a priority town for decentralisation. Eighty jobs in the Department of Communications, Marine and Natural Resources are being located in the town and 140 civil servants have volunteered for those 80 posts. The area has a long housing list and there is an acute need for housing. I ask the Minister of State to give a timescale for the completion of this project.

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I thank Deputy Walsh for raising this matter and allowing me to update the House on progress on the affordable housing initiative site at Clonakilty. As the House is aware, the affordable housing initiative was included as one of the ten special initiatives negotiated with the parties to the pay agreement in Sustaining Pro-

gress. The initiative is aimed at those who in the past would have expected to purchase a house from their own resources but find that they are unable to do so in the current housing market. What is proposed and now under way is to release State and local authority lands to the initiative, which have the potential to yield 10,000 housing units.

Significant progress continues to be made on the initiative, with more than 70 projects on State and local authority lands planned, which together with the projected 2,500 affordable housing units under Part V of the Planning and Development Acts 2000 to 2004, gives the 10,000-unit target proposed by the parties to the pay agreement. All projects are now being progressed as a matter of urgency to ensure delivery of units as soon as possible.

A number of alternative strategies are also being examined which may accelerate the delivery of housing units. A land swap option, involving the exchange of land for units that could be delivered more quickly elsewhere is being piloted on the Harcourt Terrace site in Dublin. This was advertised in November of last year. I understand that there has been considerable interest in this option, with short-listing currently under way in Dublin City Council. This project will be closely monitored with a view to using the land swap option on other sites.

Like the Harcourt Terrace site, the site at Darara Agricultural College in Clonakilty was one of the sites released to the initiative by the Department of Agriculture and Food. I appreciate the constructive co-operation of Deputy Walsh as Minister for Agriculture and Food in ensuring those major contributions to the initiative.

Given the scale and impact of the development, it was felt appropriate to have a comprehensive evaluation to progress the proposal. In this context, Cork County Council considered that a high-quality assessment involving the appropriate technical components would be necessary. This arises from the need to comprehend all aspects of the proposed development and ultimately to facilitate earliest delivery of housing units having taken all relevant factors into account. Cork County Council initially advertised on 7 August 2004 for consultants to undertake a thorough feasibility assessment in terms of strategic land use planning, financial viability, affordability and suitable infrastructural solutions. Six submissions were received and following a shortlisting process two candidates were invited for interview. Cork County Council has advised that it has appointed Colin Buchanan and Partners as consultants for the project. The consultants had an initial meeting with a range of officials from the council on 19 January and it was agreed that the feasibility study would be completed by the end of May.

[Mr. N. Ahern.]

The study will result in a range of conceptual design options, with a number of suitable settlement models being brought forward for discussion. Following the selection of a suitable model, detailed design and planning will be necessary. The number of housing units to be provided on this site, which is approximately 15 hectares, and the timeframe for its completion are difficult to predict at this stage and will depend on feasibility and other studies and the planning process.

I am also aware that there is a great deal of interest locally in the site. As part of the feasibility study, arrangements are being made for the consultants to meet local representatives and members of the community. This follows on from consultations initiated previously by the council. Deputy Walsh previously mentioned concerns and reservations had been expressed locally and

some objections to the scheme may arise. I hope the local consultation process being put in place will help to deal with these objections and ensure the smooth passage of the project through the planning process.

I will, however, continue to ensure that this project, along with all of the other projects under the initiative, is progressed as speedily as possible with the aim of having the earliest possible delivery of units. I have listened to Deputy Walsh who was instrumental in having the site in question made available for the affordable housing initiative. Like him, I want the houses built as soon as possible. Progress is being made although it may be slower than the Deputy would like. I hope the timetable Cork County Council has outlined regarding the consultant's report is maintained and we can move on quickly.

The Dáil adjourned at 5.20 p.m. until 2.30 p.m. on Tuesday, 1 February 2005.

## 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 7, inclusive, answered orally.*

### Pricing Agreement.

8. **Mr. Boyle** asked the Minister for Agriculture and Food if her attention has been drawn to the fact that in 1997 an agreement was reached between farmers, large retailers and her Department which would require that farmers received 48.3% of the final retail price as a minimum to ensure viability for farm families; if her attention has further been drawn to the fact that the percentage of retail price going to farmers is as low as 35%, even though the retail price has increased in some cases; and if she will take steps to curtail the number of special offers which shops use to force the price which growers receive down further. [1936/05]

**Minister for Agriculture and Food (Mary Coughlan):** My Department was not involved in the setting up or the implementation of any agreement between large retailers and farmers to provide a minimum percentage of the retail price to the growers.

The prices received by producers and obtained in retail establishments are determined by the marketplace. The level of supply of a certain product, competition within a sector at both producer and processing level and consumer demand influence the final price received by the producer.

Similarly, the price paid by the consumer is dependent on a range of influences. The location of retailers, transport costs, the degree of processing and refinement of the product and other factors all have an impact upon the final pricing of foodstuffs.

It is also important to note that there is a range of market support regimes in place as well as a system that provides substantial direct income supports to farmers. The recent reform of the CAP and the introduction of full decoupling in certain sectors will allow farmers to concentrate their efforts on producing for the market and increasing their focus on competitiveness, quality and the type of product which delivers the best returns to producers.

The use by retailers, large and small, of special offers is a commercial matter within their own responsibility, provided there is full compliance with existing legislation such as the Competition Act and the Groceries Order.

## Departmental Representations.

9. **Mr. M. Higgins** asked the Minister for Agriculture and Food the action she proposes to take on foot of the representations made to her on behalf of persons (details supplied) who are seeking an independent evaluation of outstanding matters in agricultural practice and the consequences for their livelihood such as to enable both the spirit of the Supreme Court judgment on these matters, and natural justice in relation to loss and recovery, to be fulfilled. [32276/04]

**Minister for Agriculture and Food (Mary Coughlan):** The representations referred to in the question relate to civil litigation undertaken by the person named in the 1980s and specifically to two judgments of the High Court and Supreme Court, delivered in 1985 and 1988 respectively. My Department was not a defendant in this litigation.

Despite the resolution of this litigation in 1988 in favour of the person named, he has continued to pursue certain matters with my Department and other Departments which he claims are associated with this long concluded litigation. The recent representations made by the person named in 2004 are an attempt to re-open the litigation concluded in 1988. It was open to the person named to issue proceedings against my Department in relation to these issues within six years after the conclusion of the litigation in 1988, which he failed to do. I should also make reference to certain representations made by the person named in relation to their milk quota position.

In 1997, a letter of undertaking was given to the person named to the effect that their milk quota position would be reviewed. Arising from this undertaking, a comprehensive review of the named person's situation and took place in 1977, which included a series of meetings with him. My Department subsequently granted the named person: a temporary allocation of 57,370 gallons of milk quota in respect of the 1996-97 milk quota year. This allocation eliminated the super-levy liability of the named person, which amounted to a sum of £75,000, or €95,250, for that year; an additional permanent allocation from the national reserve of 90,249 gallons of milk quota for the milk quota year 1997-98. This increased the named person's permanent milk quota to a figure of circa 225,000 gallons; and a further temporary allocation of 2000 gallons for the milk quota year 1997-98. This temporary allocation was subsequently made permanent.

The allocation of the additional 92,000 plus gallons of permanent milk quota to the named person set out above is the largest permanent allocation made from the national reserve to any individual producer and were made due to the difficult personal circumstances of the person named.

[Mary Coughlan.]

These additional allocations were made as a final gesture to this person in recognition of the particular circumstances. They were accepted on this basis in writing by the named person.

On further representations being made by the person named in 2002-03, an additional temporary allocation of 100,000 litres on milk quota was made him for the milk quota year 2002-03.

Despite the comprehensive and generous review in 1997 and the further allocation in the 2002-03 legal proceedings were issued by the person named in 2003 against my Department and a third party in relation to issues connected with allocations of milk quota and other related matters. These proceedings are being defended fully by my Department.

One of the main functions of my Department is to regulate the agricultural sector in accordance with EU and national laws. Its regulatory functions do not extend, as requested by the person named, to the provision of the type of evaluation service referred to by the Deputy. It is open, however, for any individual engaged in farming or an associated industry to commission, obtain and publish any evaluation of their farming practices which might assist them in the promotion and sale of any agricultural product that they produce.

#### Single Payment Scheme.

10. **Mr. Naughten** asked the Minister for Agriculture and Food the discussions she has had with the EU Commission to index-link the single farm payment; and if she will make a statement on the matter. [1787/05]

**Minister for Agriculture and Food (Mary Coughlan):** The agreement on the mid-term review of Agenda 2000 reached at the Council of Agricultural Ministers on 26 June 2003 provided a financial envelope to each member state. This envelope represented the average value of livestock and arable aid premia paid in the member state during the three-year reference period 2000-02 calculated at 2002 rates of payment. The outcome of the agreement, which will reshape the Common Agriculture Policy and secure its future in making it more relevant to modern society and more defensible in a WTO context, was a balanced one which addressed Ireland's principal objectives. Among these objectives was the preservation of the financial benefits achieved under the Agenda 2000 agreement and the establishment of a policy framework that will allow farmers and the agri-sector the flexibility to adapt to evolving consumer and market demands and international circumstances.

Index linking of the single payment scheme was not an element of the Commission's proposals. There was a proposal, however, to provide for a reduction of up to 13% in the single payment,

known as degression, to meet future financing needs. One of the major achievements in the negotiations was the removal of this proposal. The removal of this particular provision meant a saving of some €420 million for Ireland over the lifetime of the agreement. The compromise agreed was to allow the Council to review, from 2007 onwards, the financial situation annually if budget deficits arise.

#### Farm Waste Management.

11. **Mr. Crawford** asked the Minister for Agriculture and Food the amount her Department has spent in the farm building programme on areas such as pollution control, cattle housing and dairy hygiene for each of the past ten years; if she is satisfied that sufficient funds are available in 2005 in view of the fact that farmers will have to provide increased storage capacity for effluent and slurry due to the new EU directive; her plans to increase the grants available to a realistic level; when she will announce same; and if she will make a statement on the matter. [1770/05]

**Minister for Agriculture and Food (Mary Coughlan):** Total expenditure under the farm waste management schemes in the past ten years amounted to €264 million, while total expenditure under the dairy hygiene schemes amounted to €56 million. I will provide the Deputy separately with a breakdown of these amounts on an annual basis.

Almost €39 million has been allocated in 2005 for the farm waste management scheme. I am confident that such will be adequate to cover work undertaken by farmers this year under the scheme.

The issue of possible increases in the grant levels under the farm waste management scheme is under consideration following receipt of the Brosnan report.

As the Deputy is aware, the Irish authorities are in consultation with the European Commission with a view to finalising agreement on the action programme submitted for implementation of the nitrates directive.

Final decision on possible increases in grant levels will be taken when the action programme has been agreed and we have a clear understanding of the requirements involved for Irish farmers.

#### Genetically Modified Organisms.

12. **Dr. Twomey** asked the Minister for Agriculture and Food her plans to evaluate the economic implications of the use of genetically modified organisms; and if she will make a statement on the matter. [1781/05]

**Minister for Agriculture and Food (Mary Coughlan):** An interdepartmental inter-agency working group was established within my Department in October 2003 to develop proposals for a

national strategy and best practices to ensure the co-existence of GM crops with conventional and organic farming. Part of the group's work programme has been to examine the economic implications of such farming practices.

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

The general conclusion of recent Danish and UK research on the economic impact of co-existence on farm profitability is that the costs of complying with the required thresholds for crops of maize, potatoes, cereals, oilseed rape and sugar beet vary from zero to 9% above the costs of growing conventional crops. However, it should be noted that costs described were based on estimates.

In order to establish greater clarity in the matter as far as Irish conditions are concerned, I have asked Teagasc to explore the possibility of carrying out an evaluation of the possible national economic implications for the agri-food industry from the possible use of GMOs in crop and livestock production.

#### **Official Languages Act.**

13. **Mr. O'Shea** asked the Minister for Agriculture and Food the estimated cost annually to her Department of compliance with the Official Languages Act 2003; the steps she has already taken to fulfil these obligations; and if she will make a statement on the matter. [1923/05]

**Minister for Agriculture and Food (Mary Coughlan):** To date I have arranged for the translation and printing, at an estimated cost of €28,000, of four documents published or to be published by my Department. These are the Department's annual report, the customer service action plan, the customer service charter and the statement of strategy.

Ongoing resource implications for my Department of the full implementation of the Act will be determined by the scheme to be adopted under section 11 of the Act.

#### **Animal Welfare.**

14. **Mr. R. Bruton** asked the Minister for Agriculture and Food the implications of her agreement at the December 2004 Council of Ministers to introduce regulations regarding the transport of animals over 40 miles; and if she will make a statement on the matter. [1790/05]

**Minister for Agriculture and Food (Mary Coughlan):** The EU regulation to which the Deputy refers is Council Regulation (EC) No 1/2005. It should be noted that most of the

requirements contained in this regulation will not come into effect until 5 January 2007, with a small number of other provisions only having effect from 1 January 2008 and 1 January 2009.

The Council regulation, when it comes into force, is designed to improve the welfare of animals during transport both within member states and throughout the European Union and follows intense negotiations at both the official and political levels over the past 18 months.

The main provisions of this regulation do not apply to the transport by farmers of their own animals using their own vehicles for distances up to 50 km. Several other provisions do not apply to persons transporting animals for distances up to 65 km. In addition, the more detailed requirements relating to certificates of competence for drivers and attendants and certificates of approval of vehicles apply only to transport in excess of eight hours. My Department is currently considering the arrangements and requirements in relation to the operation of the new regime for the transport of animals here at home and to our European markets from 2007 onwards. It is my intention to consult all relevant parties on the most effective way to implement the regulation.

I would also like to point out that the final Council agreement did not cover the more controversial issues of stocking densities or travel times. These issues are to be reviewed by the Council within four years of the entry into force of the regulation.

Over the past number of years my Department has actively promoted the welfare of animals at all levels, including at farm and transport levels. I welcome the broad thrust of the Council regulation and I do not expect that it will impose significant burdens on the industry. On the other hand it will significantly improve the welfare of animals during transport and demonstrates Ireland's and the European Union's commitment to animal welfare.

#### **Rural Environment Protection Scheme.**

15. **Mr. Gilmore** asked the Minister for Agriculture and Food the level of participation to date in REP scheme 3; if she has satisfied herself with this level of participation; her plans for the future of the REP scheme; and if she will make a statement on the matter. [1931/05]

**Minister for Agriculture and Food (Mary Coughlan):** I am encouraged by the current rate of demand for REPS. Numbers have risen steadily since REPS 3 was introduced in June of last year. We have already received some 6,000 applications from farmers who were not already in REPS. A further 8,500 farmers who were in REPS 2 have taken advantage of the special fast-track arrangements for transformation and have switched over to REPS 3. In all, there are now



[Mary Coughlan.] more than 42,500 farmers in REPS, and the demand shows no sign of slackening off.

Spending on REPS in 2004, at €208 million, was the highest since the scheme was introduced in 1994. The provision for REPS in this year's Estimate for my Department is €271 million, which is an increase of 30%. I am confident that it will all be used. It is important for the future of REPS that we do use it. The current programming period ends in 2006. The next round will run for 2007 to 2013. In the negotiations for EU funding for that period, it will be important to be able to show that we have used the funds successfully during this round.

The formulation of new EU regulations for the next programming period is at an advanced stage. The new regulation not only makes specific provision for agri-environment programmes up to 2013 but also, like the current regulation, makes them mandatory for all member states. In discussions on the new regulation, my Department has already pointed to the success of REPS. I am confident that the new regulation, when finalised, will provide a framework for the further evolution of REPS as a scheme delivering substantial benefits both to the environment and to farmers.

#### Company Dispute.

16. **Mr. Timmins** asked the Minister for Agriculture and Food if she will make a statement on the agreement between her Department and a company (details supplied). [1807/05]

**Minister for Agriculture and Food (Mary Coughlan):** The case mentioned by the Deputy arose from a dispute between a company, my Department and two co-defendants. This related to the storage of tallow at its premises going back to 1997.

A settlement was reached with the plaintiff on 6 December 2004. The settlement was agreed on the basis of legal advice from State Counsel and with the sanction of the Office of the Attorney General. It was without admission of liability by the defendants. It was also agreed between the parties that the terms of the settlement would remain confidential except as required by law.

#### Rural Development Regulation.

17. **Mr. Deenihan** asked the Minister for Agriculture and Food her views on the draft rural development regulation and the impact on the forestry sector here; and if she will make a statement on the matter. [1771/05]

**Minister for Agriculture and Food (Mary Coughlan):** The Commission proposals for a new rural development regulation covering the period 2007-13 are at present being discussed at working group level in Brussels.

Insofar as forestry is concerned, I have very serious concerns about the impact of the pro-

posals. In particular, I am concerned about the proposed reduction in planting grants from 100% to 40%, the reduction in premiums and a reduction in the premium payment period from a maximum of 20 years to ten years.

I have established a forestry liaison group, on which all of the various national stakeholders are represented, specifically for the purpose of examining these proposals, sharing information and identifying priorities. I would like to acknowledge the significant contribution that this group has made to date in our analysis of the draft regulation.

I expressed my views forcefully on the impact of the proposals for forestry in Ireland at the Ministerial Agriculture Council Meeting in November 2004 and to Commissioner Fischer Boel. Last week, the Luxembourg Presidency circulated a further paper on the draft regulation but this did not address any of our main concerns. Our opposition to the forestry proposals contained in the original draft remains and will be reflected in the position we adopt as the negotiations on the overall rural development package evolves.

#### Forestry Sector.

18. **Ms O'Sullivan** asked the Minister for Agriculture and Food her views on the figures from the European Environment Agency which suggest that the vast majority of forestry plantations here since 1990 were on bog-land; and if she will make a statement on the matter. [1927/05]

**Minister for Agriculture and Food (Mary Coughlan):** The Deputy is referring to a recent report from the European Environmental Agency, EEA, which suggested that 84% of planting since 1990 has taken place on peat-lands. This figure does not in any way correspond to the information available to my Department.

In reply to a number of questions from Deputy Sargent on the matter on 2 December 2004, I indicated that my Department had requested copies of the datasets used by the EEA in arriving at their conclusion. These have just been received and are being examined by the Forest Service of my Department. From the Forest Service's own analysis of the position, it appears that the level of planting on peat-lands has been significantly overstated in the EEA report.

The Forest Service is completing its own review of the planting pattern at present, using information taken from grant application forms, as well as the recently collated data produced by Teagasc under the forest soils classification and productivity coverage research project. Preliminary results indicate that the actual level of afforestation on peat-lands is between 27.8% and 43.5% depending on whether the 'landcover' dataset or the 'soils' dataset is used for comparison. It should be noted that the higher figure includes

planting on wet grassland. However, both figures are derived from substantially higher resolution datasets than were used in the EEA study and therefore reflect a more accurate assessment of peat-land planting in Ireland.

It is clear, therefore, that the figure reported by the EEA in respect of planting on peat-lands is substantially incorrect and my Department will now be raising this matter formally with the agency.

#### **Horticulture Industry.**

19. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food if her attention has been drawn to the fact that potato-grower numbers have declined from 956 in 2000 to 700 in 2004; that vegetable-grower numbers have halved in the past five years alone; that 385 acres of tomatoes were grown in 1980 compared to only 50 acres now; and her plans to reverse these declines. [1944/05]

**Minister for Agriculture and Food (Mary Coughlan):** One of the notable features of horticulture and potato production in recent years has been a continuing decline in the number of growers and an increasing concentration of production in the hands of large scale producers. Despite the decline in grower numbers however output value has continued to increase, with the value of vegetable production increasing from €43 million in 1999 to €49 million in 2003. The output value of tomatoes increased by €4 million over the same period. Production and output value of potatoes has also remained relatively stable during the past five years, despite the fall in grower numbers.

Producers in the sector have met major challenges in marketing their product in recent times, with supply chains being reorganised and restructured to shorten the route from field to the shelf. This has necessitated major investment at producer and pre-packer level to upgrade production, packing and storage facilities to ensure that product reaches the retail outlet in prime condition.

My Department has made a significant contribution towards the development of the horticulture and potato sectors through the grant aid schemes for capital investment on farms and for marketing and processing under the national development plan. Since 2001, an amount of €9 million has been paid to producers to upgrade their facilities, while a further €10 million has been paid or approved under the marketing and processing scheme. Earlier this week my colleague, the Minister of State, Deputy Brendan Smith, announced a further €3.6 million grant package for horticulture producers. This will fund projects in commercial horticulture to the value of over €10 million for projects completed in 2005.

Horticulture makes a very significant contribution to the rural and national economy and this is recognised by my Department in the level of support provided to the sector which I hope to continue into the future.

#### **Genetically Modified Organisms.**

20. **Mr. P. McGrath** asked the Minister for Agriculture and Food her plans to evaluate the economic implications of the use of genetically modified organisms; the action being taken by her Department to trace the full consignment; and if she will make a statement on the matter. [1796/05]

**Minister for Agriculture and Food (Mary Coughlan):** An interdepartmental inter-agency working group was established within my Department in October 2003 to develop proposals for a national strategy and best practices to ensure the co-existence of GM crops with conventional and organic farming. Part of the group's work programme has been to examine the economic implications of such farming practices.

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

The general conclusion of recent Danish and UK research on the economic impact of co-existence on farm profitability is that the costs of complying with the required thresholds for crops of maize, potatoes, cereals, oilseed rape and sugar beet vary from zero to 9% above the costs of growing conventional crops. However, it should be noted that costs described were based on estimates.

In order to establish greater clarity in the matter, as far as Irish conditions are concerned, I have asked Teagasc to explore the possibility of carrying out an evaluation of the possible national economic implications for the agri-food industry from the possible use of GMOs in crop and livestock production.

In relation to tracing a consignment, I wish to state that EU legislation which was adopted by the European Parliament and the Council in 2003 requires that all GM products, including animal feed, have to be properly labelled and be accompanied by the appropriate documentation to facilitate full traceability.

#### **Beef Exports.**

21. **Ms McManus** asked the Minister for Agriculture and Food the likely implications for the beef industry here of the pending removal of the over 30 months rule in the UK; if attempts will be made to secure alternative markets for the beef

[Ms McManus.]  
 exports affected; and if she will make a statement on the matter. [1926/05]

**Minister for Agriculture and Food (Mary Coughlan):** Ireland is currently the dominant import supplier of prime beef to the British market, supplying 258,000 tonnes to that market last year. The UK authorities have signalled that they will commence a transition period towards ending the over thirty months scheme, OTMS, for British beef during the latter half of 2005. This transition period will be used to validate their BSE testing regime and to establish the level of disease in that cohort of animals. During this period of time meat from these animals will not be released onto the market.

While the ending of the OTMS would lead to additional UK domestic beef on the market, the decision to end the scheme is welcome in that it signals a restoration of normal business since BSE emerged as a major problem in the sector.

When eventually the OTMS comes to an end it may have the effect of displacing some proportion of Irish beef from the UK market. This year, arising from an excess of consumption over production, there is an estimated import requirement of 300,000 tonnes within the EU. This represents a major opportunity for Irish beef producers and processors and enables them to build on an already impressive penetration of continental EU markets, which is the key to the longer-term success of our industry. In addition, we will continue to pursue all avenues towards the full restoration of trade access to international markets of which the Russian Federation is our principal market outlet.

#### **Hazardous Farm Waste.**

22. **Ms Burton** asked the Minister for Agriculture and Food her views on the inquiry by the British Environmental Agency into allegations that Ireland illegally transported hazardous waste containing a high risk of BSE infection to the UK; if her Department has co-operated with that inquiry; if that inquiry has concluded; and if she will make a statement on the matter. [1915/05]

**Minister for Agriculture and Food (Mary Coughlan):** I am not aware of the inquiry mentioned by the Deputy. My Department is the authority responsible for the control of exports of animal by-products and it has received no inquiries from the British Environmental Agency in relation to such exports. My Department has also established that the competent authorities with responsibility for the export of material covered by waste legislation from Ireland, the Department of the Environment, Heritage and Local Government and the Environmental Protection Agency have not dealt with an inquiry by the British Environmental Agency in relation to the

export to the UK of material containing a risk of BSE infection.

I can confirm that there are ongoing exports of meat and bone meal — MBM — and tallow from Ireland to the UK for co-incineration as a fuel at a premises approved by the UK authorities for that purpose. As the Deputy is aware, it is necessary for this material to be exported from Ireland to other member states as there are no approved facilities here for its disposal.

The exports of MBM and tallow are regulated in accordance with the EU legislation on animal by-products, Council Regulation 1774/2002. That regulation requires the agreement of the member state of destination to accept such exports and provides for an ongoing system of notification by my Department to the UK authorities prior to the dispatch of each consignment to the UK.

The requirements of the regulation have been followed in relation to the movement of MBM and tallow to the UK. I do not accept, therefore, any allegation that Ireland has illegally transported MBM, tallow or any other animal by-products to the UK.

#### **Forestry Sector.**

23. **Ms O. Mitchell** asked the Minister for Agriculture and Food further to the recent Bacon review of the forestry sector, her proposals to pursue development of the sector, particularly in reaching the planting target set out in the programme for Government 2002; and if she will make a statement on the matter. [1786/05]

**Minister for Agriculture and Food (Mary Coughlan):** The planting target of 20,000 hectares per annum set out in the programme for Government reflects the target set in *Growing for the Future*, published in 1996. The average number of hectares planted per annum since 1996 was 14,000 hectares.

The Review and Appraisal of Ireland's Forestry Development Strategy, published by Peter Bacon and Associates, is a key element in the review of the sector. The proposals in the review are being considered in conjunction with the draft EU regulation on rural development policy, which proposes reductions in EU financial support for forestry. The Bacon report reaffirmed the need for an approved planting target of 20,000 hectares per annum but commented that a lesser planting target could be a viable basis for support, providing the planting maximises the non-timber benefits. Until such time as the final terms of the rural development regulation are known and its likely impact on Irish forestry assessed it would be unwise to bring forward new forestry proposals.

I am, however, anxious to increase the level of planting and to maintain confidence in this important sector. Some 11,000 hectares were planted last year, wholly funded through my

Department's afforestation schemes. For 2005, I have made sufficient funds available to support an increased planting programme of some 15,000 hectares, which I understand is probably the most that could be delivered by the sector at present.

The current availability of grant-aid at 100% for planting and the annual premiums, particularly the concession obtained in relation to the stacking entitlements vis-à-vis the single payment scheme, make forestry a very attractive land-use option for farmers.

#### Farm Retirement Scheme.

24. **Mr. Noonan** asked the Minister for Agriculture and Food the action she intends to take to address the situation whereby ERS farmers are finding it difficult to lease land; and if she will make a statement on the matter. [1777/05]

**Minister for Agriculture and Food (Mary Coughlan):** The requirement in the scheme of early retirement from farming that the participant must either transfer or lease their land to a young farmer who meets certain eligibility conditions is an EU regulatory provision and my Department has no discretion in the matter.

Where the lease of the land expires before the period of the pension it is necessary for the participant either to renew the lease with the young farmer or to find a replacement who meets the scheme conditions in order for payment of pension to continue. My Department already allows participants four months from the expiry date of leases to either renew the lease or find a replacement lessee. If a participant in the scheme can show that they were unable to renew the lease within those four months, my Department would consider sympathetically any request for an extension of this period.

#### Sugar Industry.

25. **Dr. Upton** asked the Minister for Agriculture and Food the consequences she foresees for the sugar industry and agriculture here arising from the recent sugar factory closure in Carlow; if she has had discussions with the farm organisations in this regard; and if she will make a statement on the matter. [1911/05]

36. **Mr. Stanton** asked the Minister for Agriculture and Food her views on the EU reform proposals regarding sugar beet; the steps she will make to minimise the effects of these proposals on the sugar beet industry here; and if she will make a statement on the matter. [1946/05]

43. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food her plans to address the crisis caused by the closure of the Carlow sugar factory; and if she has explored the possibility of producing bio-fuel from sugar beet to provide replacement employment in the area. [1943/05]

72. **Mr. Stanton** asked the Minister for Agriculture and Food the steps she will take to safeguard the sugar beet industry; and if she will make a statement on the matter. [1945/05]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 25, 36, 43 and 72 together.

The recent decision by Greencore Group plc to close its sugar plant in Carlow and to consolidate all of its sugar manufacturing in Mallow was taken by the company in the light of the increasing competition in the sugar market and taking account of the reality that changes will occur in the industry as a consequence of the reform of the EU sugar regime. The trend towards rationalisation and increased productivity in the sugar sector has been evident throughout the EU for some time, with the number of sugar plants decreasing by over 40% between 1990 and 2001. However, Greencore's rationalisation programme involves an investment of €20 million to €25 million, which clearly demonstrates a commitment to maintaining an efficient sugar processing industry in Ireland.

Irish Sugar Ltd has been allocated the Irish Sugar quota of 199,259 tonnes of sugar. It is its intention to process the quota in full at Mallow. As regards the possibility of producing bio-fuel from sugar beet, that would ultimately be a commercial matter for the company itself.

It is widely acknowledged that reform of the EU sugar regime, which was not dealt with in the main CAP reform process in 2003 and 2004, is now unavoidable because of developments at WTO level and other international pressures. However, the European Commission's initial reform ideas would, if adopted, have serious repercussions for sugar beet growing and processing in this country.

I have made it clear in discussions in the Council of Ministers that the initial proposals are unacceptable. With nine other EU member states, I signed a letter to the EU Commissioner for Agriculture stating that the Commission proposals would have a devastating effect on farms and the industrial enterprises working in the sector. We accept the necessity to modify the existing regime but feel that the reform should aim at maintaining the existing distribution of sugar beet and sugar production on the entire EU territory.

The Commission is expected to bring forward legislative proposals next May with a view to reaching agreement in Council before the end of the year. My overall objective in the forthcoming negotiations is to ensure that the future shape of the EU sugar regime is consistent with the continuation of an efficient sugar beet growing and processing industry in this country.

I have had several meetings with stakeholders in the context of the forthcoming reform of the EU sugar regime but I have had no meetings specifically related to Greencore's rationalisation

[Mary Coughlan.]  
programme which is a commercial matter for the company.

### **Agriculture and Food Sector.**

26. **Ms B. Moynihan-Cronin** asked the Minister for Agriculture and Food her views on the report of the Agri-Vision 2015 Committee which was published in December 2004; if she has proposals to make on foot of the report; and if she will make a statement on the matter. [1922/05]

**Minister for Agriculture and Food (Mary Coughlan):** The Agri-Vision 2015 Committee was put in place last year to set out a vision for the agriculture and food sector over the next decade. This committee was given the task of building on the work of the 2010 committee, which had reported in 2000. The Agri-Vision 2015 Committee was set terms of reference which stated, among other things, that it should “Review the strategy and recommendations contained in the Agri-Food 2010 Report in the context of developments since that report was completed”.

The committee was comprised of experts from the farming organisations, the food industry, research, academia, the State agencies and retailing under the chairmanship of the former Minister for Agriculture and Minister for Finance, Mr. Alan Dukes. It held regular meetings that covered a comprehensive range of topics and rightly identified the rapidly changing nature of Irish agriculture as a key consideration. Among the main issues facing the agriculture and food sectors over the coming decade are the full implementation of the Luxembourg Agreement, the economic effects of EU enlargement and the ongoing WTO trade negotiations.

The report sets out a vision of the future for Irish agriculture; it outlines the changes that are required and Ireland’s potential positioning in 2015. In particular, the report places great emphasis on meeting consumer requirements and the role of competitiveness in the context of an increasingly global market. While these themes are not new, the report highlights their importance and sets out the type of actions required to optimise the position of the agri-food sector in the coming decade.

By way of recommendations, the report of the Agri Vision 2015 Committee covers a comprehensive range of areas. The 53 recommendations are grouped thematically. They include: the need to continue to develop a competitive Irish agriculture and food industry; building a knowledge based Irish agriculture and food industry; managing the regulatory environment; improving the all-island dimension; recognising and supporting the public goods output of agriculture; strengthening rural development; and the benefits of improved and integrated policy response.

It is important to note than many of the recommendations were directed not just at the public sector but are equally applicable to the private sector.

I have been examining the final report that was presented to me by the chairman of the Agri-Vision 2015 Committee in December 2004. A group has now been set up within my Department to examine the findings of the report. An implementation plan will be forthcoming shortly.

### **Beef Exports.**

27. **Mr. Sherlock** asked the Minister for Agriculture and Food the efforts being made to increase the amount of beef exported to Egypt, Algeria and other markets outside the EU; and if she will make a statement on the matter. [1919/05]

**Minister for Agriculture and Food (Mary Coughlan):** I was particularly pleased to announce the reopening of the Algerian market last October. This followed intensive efforts over a prolonged period and efforts are continuing to further develop this market. Indeed there are indications that the range of product will be expanded to include frozen beef in the coming months.

Although the Egyptian market has reopened for imports of Irish beef, trade has not yet resumed in commercial quantities. This is due to a combination of the existence of commercially more attractive outlets elsewhere, particularly within the EU and the fact that the supply conditions required by Egypt add to the cost of production. My Department, along with the Department of Foreign Affairs and An Bord Bia, has made considerable efforts to have some of these conditions removed. I intend in the coming months to press the issue further with the current Egyptian authorities.

Non-EU markets continue to be important outlets for Irish beef and the maintenance of an appropriate export refund policy, which I keep under close review, is a key ingredient in the promotion of beef in third countries. I will continue, with the assistance of our embassies abroad and An Bord Bia, to press hard for the re-opening of traditional third country markets.

### **Export Subsidies.**

28. **Mr. Neville** asked the Minister for Agriculture and Food her position regarding the abolition of export credit refunds by the EU; and if she will make a statement on the matter. [1805/05]

**Minister for Agriculture and Food (Mary Coughlan):** The framework agreement for the next WTO round commits member countries to agree detailed rules, including an end date, for the parallel elimination of all forms of export subsidies and for the introduction of disciplines on

all export measures with equivalent effect. This approach should ensure equal competition on the world market for all exporters. The final terms of the new WTO agreement will be considered by the WTO Ministerial Conference in Hong Kong next December.

#### Single Payment Scheme.

29. **Mr. English** asked the Minister for Agriculture and Food her plans to review the *force majeure* procedure for the single farm payment; and if she will make a statement on the matter. [1806/05]

69. **Mr. G. Mitchell** asked the Minister for Agriculture and Food if she is satisfied with the *force majeure* procedure for the single farm payment; and if she will make a statement on the matter. [1802/05]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 29 and 69 together.

The *force majeure* procedure for the single farm payment scheme is implemented by my Department in accordance with the provisions of Article 40 of Council Regulation (EC) No. 1782/2003. Eligible applicants under this measure can have their entitlements based on an average of one or two years during the reference period — 2000, 2001 and 2002 — or the alternative reference period — 1997, 1998 and 1999. If the revised average for applicants is less than the average for the three years of the reference period, as happens in some cases, the applicant in question retains the higher average.

In order to give farmers ample opportunity to avail of this measure my Department introduced a scheme in December 2003 for the submission of applications in relation to *force majeure*-exceptional circumstances.

The scheme was extensively advertised in the national and local press with an initial closing date of 23 January 2004. Due to the high level of interest in the measure and difficulties being experienced by certain applicants in obtaining documentary evidence, my Department extended the closing date to 6 February 2004. In excess of 15,000 applications were received of which 92% have been processed to finality.

Provision was made whereby any farmers who were dissatisfied with the decision of my Department in respect of their application under *force majeure*-exceptional circumstances had the right to appeal. In this regard, the Single Payment Appeals Committee comprising of an independent chairman, Mr John Duggan, and four appeals officers from the Agriculture Appeals Office, was established. I am satisfied that this appeals mechanism provides farmers with an effective means to have their applications reviewed with in an independent, fair, compre-

hensive and efficient manner if they are not satisfied with my Department's decision in their case.

Following the issue of statements of provisional entitlements, my Department has been granting farmers, who had not already done so, a further opportunity to submit applications in relation to *force majeure*-exceptional circumstances. In excess of 2,500 such applications have already been received. All of these applicants who are unsuccessful will continue to have a right of appeal to the independent Single Payment Appeals Committee.

I am satisfied that the procedures introduced for the processing of applications under *force majeure*-exceptional circumstances in relation to the establishment of entitlements under the single payment scheme are comprehensive, effective and fair.

#### Tax Reliefs.

30. **Mr. R. Bruton** asked the Minister for Agriculture and Food the discussions she has had with the Department of Finance regarding section 605 roll-over relief; and if she will make a statement on the matter. [1792/05]

**Minister for Agriculture and Food (Mary Coughlan):** I have not been in contact with the Department of Finance about re-instating roll-over relief on land acquired by compulsory purchase orders.

#### Farm Retirement Scheme.

31. **Mr. Connaughton** asked the Minister for Agriculture and Food if she will index link the early retirement pension; and if she will make a statement on the matter. [1779/05]

**Minister for Agriculture and Food (Mary Coughlan):** The rate of pension payable under the 1994 scheme of early retirement from farming is the maximum amount provided for by the EU Council regulation under which the scheme was introduced. The regulation does not provide for indexation of payments.

My Department's proposals for the current early retirement scheme, which commenced on 27 November 2000 and is one of the measures in the CAP rural development plan for the period 2000-06, included provision for annual increases in pension over the period of the plan. The European Commission rejected this proposal and insisted on legal grounds that a fixed rate be set instead.

#### Company Grant Aid.

32. **Mr. Naughten** asked the Minister for Agriculture and Food the grant aid returned to her Department by a company (details supplied) following the closure of its Rooskey plant in County Roscommon; and if she will make a statement on the matter. [1775/05]

**Minister for Agriculture and Food (Mary Coughlan):** The last grant payment made by my Department in respect of the Rooskey plant in County Roscommon was in June 1997.

My Department, in conjunction with Enterprise Ireland, is examining the position regarding contingent liabilities arising from the plant's closure. The process of recovery of any amounts identified as due will follow upon completion of this exercise.

#### **Farm Retirement Scheme.**

33. **Mr. Hogan** asked the Minister for Agriculture and Food if she will review the farm retirement scheme provisions in view of the recent income reductions for farmers in that scheme due to the reduction in rental income from agricultural land; and if she will make a statement on the matter. [1773/05]

**Minister for Agriculture and Food (Mary Coughlan):** The rate of pension payable under the 1994 scheme of early retirement from farming is the maximum amount provided for by the EU Council regulation under which the scheme was introduced.

My Department's proposals for the current early retirement scheme, which commenced on 27 November 2000 and is one of the measures in the CAP rural development plan for the period 2000-06, included provision for annual increases in pension over the period of the plan. The European Commission rejected this proposal and insisted on legal grounds that a fixed rate be set instead.

The EU regulations governing both schemes make no provision for payment rates to be changed by reference to factors such as movements in land values.

#### **Food Labelling.**

34. **Ms O. Mitchell** asked the Minister for Agriculture and Food the action she is taking to ensure that all third country beef is properly labelled; and if she will make a statement on the matter. [1789/05]

55. **Mr. Gilmore** asked the Minister for Agriculture and Food the action she is taking to ensure the proper labelling of third country beef; and if she will make a statement on the matter. [1932/05]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 34 and 55 together.

Beef imports into the European Union from third countries must have been sourced, first in countries and second in premises, that are currently listed and approved by the European Commission and which are subject to veterinary audits by the EU's Food and Veterinary Office. In addition, such imports are subject to checks laid

down in the harmonised rules prescribed at European level, and must be accompanied by the prescribed veterinary health certification from the competent authorities in the country of export.

The Community beef labelling requirements, which are compulsory in all member states, apply to beef sold at retail level within the Community, regardless of whether that beef was produced within the Community or in a third country. Where beef is imported into the Community from a third country that beef must, at a minimum, be labelled as "Origin: non-EC" along with an indication of the third country in which slaughter took place.

There is a gap in these requirements in so far as they do not apply at restaurant and catering sector level. It is my intention to proceed with a legal requirement that country of origin must be displayed in respect of beef served on such premises and I will bring forward proposals to this effect once the legal options allowing for this development have been fully examined.

#### **Animal Welfare.**

35. **Mr. Gogarty** asked the Minister for Agriculture and Food her plans to avoid the late castration of bulls. [1940/05]

**Minister for Agriculture and Food (Mary Coughlan):** Under the Protection of Animals (Amendment) Act 1965 it is unlawful to castrate a male bovine over six months of age without the use of an anaesthetic. It is the responsibility of the owners of farm animals to ensure that animals on their farms do not endure unnecessary pain or suffering. On an ongoing basis, my Department seeks to ensure that optimum animal welfare standards apply on farms.

*Question No. 36 answered with Question No. 25.*

#### **Single Payment Scheme.**

37. **Dr. Twomey** asked the Minister for Agriculture and Food if deductions from farmers SFP will not exceed 3% when linear and other cuts are accounted for; and if she will make a statement on the matter. [1784/05]

**Minister for Agriculture and Food (Mary Coughlan):** European Council Regulation 1782/2003 governing the single payment scheme provides that each member state must set up a national reserve using between 1% and 3% of every individual farmer's entitlements. A single payment advisory group comprising representatives from the farming organisations, Teagasc and officials from my Department has been set up to advise on the national reserve. A 3% provisional reduction for the national reserve is reflected in the certificates of provisional entitlements that have already issued to some 132,000 farmers. I have decided that in the event of the sum of indi-

vidual payment entitlements for Irish farmers exceeding our financial ceiling, thus necessitating a linear percentage reduction for all farmers, such linear percentage reduction would be accommodated within the 3% provisional reduction already applied for the national reserve.

The Council regulation also provides for a reduction for modulation of 3% in 2005 rising by a further 1% in each of the years 2006 and 2007. The 3% deduction for modulation has also been reflected in the provisional statements of entitlements, which have already issued. However, a refund of this money will be made in respect of the first €5,000 of the single payment in each case. It is estimated that 46% of Irish farmers will, in effect, not be subject to modulation at all.

#### Genetically Modified Organisms.

38. **Mr. Cuffe** asked the Minister for Agriculture and Food if she will review her stance on genetically modified crops on the basis that guarantees cannot be given into the future for health and safety in the absence of long term intergenerational health and safety assessments. [1937/05]

**Minister for Agriculture and Food (Mary Coughlan):** The Government's position on GMOs was adopted arising from the Report of the Inter-Departmental Group on Modern Biotechnology, published in October 2000, which recommended a positive but precautionary approach towards GMOs and biotechnology in general. I acknowledge the potential benefits from the use of modern biotechnology. However, it is critically important that the approval of GMOs is carried out under the most stringent controls and based on full scientific evidence to ensure that human health and the environment are fully safeguarded. I am satisfied that such safeguards are in place with the adoption by the Council and European Parliament over the past number of years of a raft of regulations on GMOs which also provide for consumer choice through the labelling provisions.

A determination on the health and safety of GM crops is made when an application is submitted for approval to put into circulation or cultivate a crop which contains a genetic modification not already approved within the EU. This approval process, which is initiated by the competent authority of the member state where the GM crop is first to be marketed, proceeds in accordance with the provisions and procedures as set out in EU Directive 2001/18. Within Ireland, responsibility for implementation of the provisions of that directive rests with the Environmental Protection Agency.

The GM area of direct relevance to my Department is that relating to the issue of the co-existence of the GM crop alongside non-GM crops. An interdepartmental inter-agency working

group has been established to examine this issue and to draw up recommendations for the development of strategies and best practices for effective co-existence. Only GM crops which have received approval under EU Directive 2001/18, and thereby determined as being safe from a health and environmental perspective, will be allowed to be cultivated.

#### Legislative Programme.

39. **Ms B. Moynihan-Cronin** asked the Minister for Agriculture and Food her legislative priorities for the current session of Dáil Éireann; and if she will make a statement on the matter. [1921/05]

**Minister for Agriculture and Food (Mary Coughlan):** The Veterinary Practice Bill 2004 was presented to Seanad Éireann on 22 October 2004. The Second Stage debate took place on 4 November 2004 and I wish to progress the remaining stages so that the Bill can be considered by Dáil Éireann and a new regime for governance of the practice in Ireland of veterinary medicine can come into effect as soon as possible. I also hope that the Land Bill will commence its Second Stage in the Dáil in February 2005.

#### Mental Health Issues.

40. **Mr. Howlin** asked the Minister for Agriculture and Food if her attention has been drawn to a recent publication for the IFA, Dealing with Stress, which aims to combat stress levels among farmers; her views on this study; and if she will make a statement on the matter. [1917/05]

**Minister for Agriculture and Food (Mary Coughlan):** I am aware of the pamphlet referred to by the Deputy, which has been produced by the IFA in association with VHI Healthcare. The pamphlet is a most useful initiative to assist farmers and I welcome it.

#### Bovine Diseases.

41. **Mr. Sargent** asked the Minister for Agriculture and Food if her attention has been drawn to the statement by the European Food Safety Authority that it saw no risk to health from the use in food production of correctly processed category 2 and 3 animal by-products; if she will re-examine the basis on which her Department informed all organic waste recycling plants that processed products may not be used as a fertiliser for the production of food products; and her views on the need to take on board principles of sustainability and the need to avoid compostable organic waste going to landfill or incineration. [1933/05]

**Minister for Agriculture and Food (Mary Coughlan):** I am aware of the opinion of the European Food Safety Authority in respect of the risks from a transmissible spongiform encephalopathy perspective arising from the spreading of



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organic fertilizer derived from category 2 and category 3 animal by-products on land. The European Union provisions relating to the disposal of all animal by-products are laid down in Council Regulation 1774/2002.

In addition, Ireland has adopted national controls to counteract the spread of BSE. The need to prevent the spread of this disease has been of central importance to Ireland since its discovery here in 1989. As scientific knowledge has progressed, a sequence of measures has been introduced in Ireland to combat the spread of BSE. These measures are aimed principally at ensuring the safety of the consumers of Irish beef and at preventing the exposure of cattle to the infective agent through feed. Ireland has adopted control measures in advance of other member states and also in some cases adopted more stringent controls than elsewhere in the European Union.

This approach has been successful in having Ireland's BSE controls validated within the European Union and by countries outside of the Union thereby protecting valuable export outlets for our agricultural production on which we are uniquely dependant. In addition, the fall in the numbers of BSE cases apparent in recent years, and the increasing age profile of the cases detected, is concrete proof of the effectiveness of the control measures in place. It was in this context that my Department has been in contact with organic waste recycling plants with a view to regulation the use of categories 2 and 3 animal by-products while at the same time taking account of the stringent BSE control measures in place. The specific controls are laid down in S.I. 551 of 2002 and like all legislation it is subject to ongoing review.

### **Meat Industry.**

42. **Mr. Durkan** asked the Minister for Agriculture and Food if she has satisfied herself regarding the future of the beef, lamb and pigmeat industry, in view of the likelihood of increased competition and the tendency for superstores to source supplies outside the country; and if she will make a statement on the matter. [1999/05]

**Minister for Agriculture and Food (Mary Coughlan):** According to CSO statistics, some 13,000 tonnes of beef, 60% of which originated within the EU, were imported into Ireland in 2003. It should be noted that imports might include the re-import of Irish product originally exported from this country. Imports from other member states may include imports of meat product already in free circulation in the EU but which originated in third countries through various GATT agreements. I emphasise that imports overall represented slightly more than 2% of total

beef production in Ireland whereas exports represent some 90%.

Beef imports into the EU from third countries must have been sourced, first, in countries and, second, in premises that are currently listed and approved by the European Commission and which are subject to veterinary audits by the EU's food and veterinary office. In addition, such imports are subject to checks laid down in the harmonised rules prescribed at European level, and must be accompanied by the prescribed veterinary health certification from the competent authorities in the country of export. In addition they are subject to Union labelling requirements.

Last year we produced 560,000 tonnes of beef of which 475,000 tonnes were exported. There has been a significant increase in sales into the UK and continental Europe coinciding with the emergence of a EU market deficit in beef for the first time in 25 years and falling production levels aligned with a strong recovery in consumption. This deficit is expected to be of the order of 300,000 tonnes in 2005.

The focus of the Irish beef industry has been to broaden and expand its market reach at EU retail level, shifting its orientation away from international commodity markets and into the higher priced internal EU marketplace. This has coincided with reduced dependence on support measures such as intervention and export refunds.

The reform of the CAP agreed last year means farmers will enjoy greater freedom to grow and develop their enterprises producing for consumer requirements supported by the single farm payment. A targeted approach based on quality production represents the best and most profitable way forward to the Irish industry. This is particularly the case in the post-decoupling context when the market will be the sole determinant of the nature and scale of output from the sector. In such a context there will be a need for even greater emphasis on good breeding policies, payment related to quality and sophisticated and integrated supply and purchasing systems.

Last year was excellent for the sheepmeat sector, with throughput at export plants 15% higher than 2003. Production in 2004 totalled approximately 71,500 tonnes of which 51,500 tonnes were exported, mainly to the French market. Imports amounted to 2,000 tonnes — an increase of 500 tonnes over 2003 — and domestic consumption was 22,000 tonnes. Irish lamb competes successfully against lamb from New Zealand and other countries on the highly competitive French market and I see no reason that it should not continue to command the loyalty of Irish lamb consumers on the home market.

The outlook for the pigmeat sector is positive and the Irish pig industry is well positioned to take on the competitive challenges that lie ahead. Efficiencies at farm level are excellent by Euro-

pean standards. The Prospectus study identified the need for improved scale and capacity utilisation at processing level as critical to the ongoing competitiveness of the sector and there has been significant rationalisation of this nature since the publication of the report.

Irish pigmeat is exported worldwide to a range of EU and non-EU destinations, including to demanding markets such as the USA and Japan. I was pleased during my recent trip to China to sign a protocol with the Chinese authorities providing for the opening of the Chinese market to Irish pigmeat exports. Pigmeat exports, and the sector as a whole, receive very little EU financial support with the result that it is already well prepared to cope with the more liberalised trading environment that undoubtedly lies ahead. Imports of pigmeat from third countries into the EU are at negligible levels and no significant change in this position is envisaged for the foreseeable future.

Demand for Irish pigmeat on the home market is strong and, although imports are growing, we still export twice as much product as we import. The Bord Bia quality assurance scheme is a vital ingredient in promoting pigmeat on the home market and I believe it will continue to make a valuable contribution to ensuring the maintenance of the domestic market share.

*Question No. 43 answered with Question No. 25.*

#### **Sugar Quota.**

44. **Ms Enright** asked the Minister for Agriculture and Food the position regarding the ownership of the Irish sugar quota; and if she will make a statement on the matter. [1795/05]

**Minister for Agriculture and Food (Mary Coughlan):** Under the current EU sugar regime, which runs until 30 June 2006, there is no provision for the buying and selling of sugar quotas and, therefore, the question of quota ownership does not arise. The current EU regulations stipulate that the national sugar quota must be allocated to the sugar manufacturing enterprises in the member state. Accordingly, the entire Irish sugar quota has been allocated to Irish Sugar Ltd., which is the only sugar manufacturer in this country. The company in turn places contracts with farmers to grow sugar beet sufficient to manufacture the sugar quota. There is no specific quota for sugar beet.

The issue of quota ownership has been raised in the context of the Commission's proposals for reform of the EU sugar regime. The proposals envisage the possibility of cross-border mobility of sugar quotas in the future. Several member states, including Ireland, are opposed to this idea. If the proposal for quota mobility is maintained, then the Commission will also propose appropriate rules to deal with that situation. I have

already sought the Attorney General's advice on the matter of quota ownership. However, one of my main priorities in the upcoming negotiations is to ensure that mobility of quota is not allowed.

#### **Food Labelling.**

45. **Mr. S. Ryan** asked the Minister for Agriculture and Food the progress in relation to food labelling and the recommendations of the food labelling group; and if she will make a statement on the matter. [1929/05]

49. **Mr. O'Dowd** asked the Minister for Agriculture and Food the measures she intends to take to improve the standard of food labelling; and if she will make a statement on the matter. [1800/05]

76. **Mr. Neville** asked the Minister for Agriculture and Food the action she intends to take to improve food labelling; and if she will make a statement on the matter. [1799/05]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 45, 49 and 76 together.

Consumers should be in a position to make food consumption choices which best suit their circumstances and preferences. An appropriate labelling system is a key element in bringing this about. There have been a number of positive developments in the area of food labelling, most of which emanated from the report of the food labelling group which was established in June 2002. The group reported in December of that year with a series of recommendations. The recommendations were accepted. As food labelling is a particularly complicated and broad based area, involving a number of Departments and agencies, an interdepartmental-agency group was established to progress the implementation of the report.

The position, in December 2002, regarding responsibility for food labelling was that: the Department of Enterprise, Trade and Employment had policy responsibility for the main piece of legislation for the labelling, presentation and advertising of foodstuffs, that is, European Council Directive 2000/13/EC, responsibility for the enforcement of which lay with the Director of Consumer Affairs; the Department of Health and Children was responsible for policy on other food labelling legislation such as nutrition claims and novel foods, with the Food Safety Authority of Ireland, FSAI, having responsibility for enforcement of the legislation; the Department of Communications, Marine and Natural Resources was responsible for the policy on labelling of fish and fish products with the FSAI again responsible for enforcement; and my Department was responsible for policy in respect of legislation on the labelling of specific products ranging from beef, poultry and sugar to spirit drinks, coffee and fruit juices. The FSAI was responsible for the

[Mary Coughlan.] enforcement of the beef labelling regulations and the health boards operated the controls on the other products under the general aegis of my Department.

Good progress has been made to date regarding the implementation of the recommendations in the labelling report. It contained 21 recommendations, many of which are beyond the remit of my Department and some of which were to be activated only after others had been completed. The two main issues that emanated from the recommendations of the labelling group were centralising enforcement in one Agency and the definition of origin.

On the first issue, enforcement of all of the food labelling regulations has now been centralised in the Food Safety Authority of Ireland, FSAI. This will not only streamline the enforcement measures but it will also provide a one-stop shop for any complaints on mislabelling of food. As part of the centralisation of enforcement, the centralisation of food labelling policy, with the exception of fish, in both the Department of Health and Children and my Department achieves another recommendation of the food labelling group.

On the second issue, there was full agreement within the food labelling group that consumers have a right to information on the origin of the meat they cook in their homes or eat out. While the group could not agree on how origin should be defined, there was unanimous agreement that further research was necessary to establish consumers' wishes in this area. The consumer liaison panel has carried out this research, the results of which were presented in December 2003. At the beginning of 2004, two regulations relating to the labelling of poultry meat were introduced. The first of these requires poultry meat — loose and pre-packaged — originating in a country outside the EU to bear an indication of the country of origin when offered for sale in a retail premises. The second, requires information regarding class, price per unit weight, condition and slaughterhouse details in respect of loose poultry meat — that is, non-prepackaged — to be provided to the consumer.

EU regulations provide for a detailed labelling system for beef to be applied at retail sale, which is over and above the general labelling provisions. These regulations do not apply at restaurant and catering sector level. It is my intention to proceed with a legal requirement that country of origin must be displayed in respect of beef served on such premises. The legal options allowing for this development are being examined at present.

On food labelling in general, I emphasise that my primary aim is to protect consumer interest and to ensure that the consumer is properly informed. Ireland is a major exporter of food and food products and indeed there are also consider-

able imports, so it is imperative that the same standards are applied to the labelling of foods in every sector and that there is a level playing field for the food industry at all levels. I hope to achieve this through the implementation in as full a manner as possible of the recommendations of the food labelling group.

#### **Water Quality.**

46. **Mr. M. Higgins** asked the Minister for Agriculture and Food if her attention has been drawn to the non-compliance of the Government with European directives on the conservation of protected species in the Owenriff River; the action she proposes to take regarding the source of this problem and its implications for Lough Corrib; if the forestry division of her Department has examined such recent research as is relevant in relation to the contribution of forestry to the ecological crisis facing some species in the river; if she proposes to meet with persons concerned from the communities and interests affected; and if she will make a statement on the matter.

[30943/04]

**Minister for Agriculture and Food (Mary Coughlan):** I refer the Deputy to my reply of 9 December 2004 in which I dealt in detail with the various issues raised in this question. In my response I referred to the concerns expressed by the Carra-Mask-Corrib water protection group and to a meeting held on 24 November 2004 with various Ministers, including me, to discuss the situation regarding the western lakes. Since then, a further meeting was held on 17 January 2005 which was attended by representatives of the Carra-Mask-Corrib group, Coillte Teoranta, the Department of the Environment, Heritage and Local Government and my Department. The meeting was chaired by Minister of State, Deputy Fahey. Representatives of the group repeated their urgent concerns in respect of water quality in the lakes. Coillte outlined current forest practice in the area and I understand that there was a useful exchange of views.

In so far as forestry is concerned, it was agreed that Coillte would continue to liaise with the water protection group and would arrange field visits. It was also noted that Owenriff working group was expected to report on that particular catchment within the next few months and that the lessons learned there could be applied to the other catchments, as necessary. On broader issues surrounding water quality, it was felt that the managing authority for the western river basin district would have an important role to play here and I understand this avenue will be explored further.

#### **Direct Payment Schemes.**

47. **Mr. Noonan** asked the Minister for Agriculture and Food if she will report on the assess-

ment carried out by her Department regarding the implications of the SFP on the ERS; and if she will make a statement on the matter. [1776/05]

**Minister for Agriculture and Food (Mary Coughlan):** My Department has been aware, from an early stage in the negotiations on the single farm payment scheme, that it had potential implications for farmers who had joined one or other of the early retirement schemes. Those issues were repeatedly raised by Ireland in the course of the negotiations and we secured agreement on certain measures to address them.

In general, the new single payment scheme introduced in Ireland from 1 January 2005 is applicable to farmers who actively farmed during the reference years 2000 to 2002, inclusive, who were paid livestock premia and/or arable aid in one or more of those years and who will continue to farm in 2005.

Farmers who joined the 1994 early retirement scheme, which closed to new applications in December 1999, did not farm during the reference period and cannot establish entitlements under the single payment scheme. Where they transferred their holdings by lease, it was the transferees who were actively farming during the reference years and it is they who will have entitlements established for them. Entitlements are attached to the farmer who was actively farming during the reference period, not to the land.

During the course of negotiations with the European Commission on the single payment scheme, Ireland secured agreement to an arrangement that will benefit family members or others who now take over holdings that were farmed by third parties who had leased them during the reference period. Farmers who take over such holdings, by transfer free of charge or by a lease of five or more years at a nominal amount, may apply to the national reserve for payment entitlements under the single payment scheme.

Participants in the current early retirement scheme, launched in November 2000, who farmed during part or all of the reference period, will have entitlements in their own right and can, before 15 May 2005, use the private contract clause to lease these entitlements to the young farmer who holds the lease of their land under the early retirement scheme. In such circumstances, the retired farmer must establish the entitlements in 2005 on a special form provided by the Department. The qualifying young farmer may or may not have entitlements and land in his or her own right.

#### **Decentralisation Programme.**

48. **Ms O'Sullivan** asked the Minister for Agriculture and Food the position regarding the decentralisation programme within her Depart-

ment; and if she will make a statement on the matter. [1928/05]

**Minister for Agriculture and Food (Mary Coughlan):** The Government decentralisation programme allowed for the decentralisation of my Department's headquarters to Portlaoise, the laboratories at Model Farm Road, Cork, and two laboratories in Limerick to Macroom and the Cork city and Mallow local offices to Fermoy.

In November 2004, the decentralisation implementation group, DIG, presented its report to the Minister for Finance on the selection of organisations-locations for inclusion in the first phase of moves in the Government's decentralisation programme. Decentralisation of 392 staff from my Department's Dublin headquarters to Portlaoise was included in the report. A further report from the DIG in spring 2005 will deal with locations not covered in the November report.

Following the Government's announcement in Budget 2004, my Department established a decentralisation implementation committee, chaired by an assistant Secretary General, to plan and control the process. Tangible progress has been made on the decentralisation of my Department to Portlaoise already, with some 50 staff having been assigned there in July 2004. It is envisaged that a further 50 staff will be relocated there during 2005. While some interim accommodation has been secured in Portlaoise, the OPW is actively working on acquiring suitable permanent accommodation for my Department.

In accordance with recommendations made in the DIG report of November 2004, the next iteration of this Department's implementation plan is being prepared for submission to the DIG by 14 February 2005. As requested also, a separate implementation plan in respect of ICT staff will be forwarded to DIG by 31 March 2005.

*Question No. 49 answered with Question No. 45.*

#### **Official Engagements.**

50. **Mr. G. Mitchell** asked the Minister for Agriculture and Food the discussions she has had with the EU Commission regarding the next round of the WTO; and if she will make a statement on the matter. [1804/05]

**Minister for Agriculture and Food (Mary Coughlan):** The Commissioner for Agriculture and Rural Development and I met on 20 December 2004, at my request, to discuss issues of particular interest to Ireland, including the up-to-date position in the WTO negotiations. The WTO negotiations were also discussed at the Council of Agriculture Ministers meeting on 21 December 2004 which I attended. I intend to keep in close contact with the situation as the negotiations proceed.

### EU Funding.

51. **Mr. Connaughton** asked the Minister for Agriculture and Food her plans for the modulation fund; and if she will make a statement on the matter. [1778/05]

**Minister for Agriculture and Food (Mary Coughlan):** The modulated funds become available for use in 2006. I will decide on their use and seek the necessary EU approval in the coming months. My Department is currently finalising its examination of the relevant options. As part of that examination, there has been a widespread public consultation and discussions with stakeholders.

The use of modulated funds in 2006 is limited to certain measures. The eligible measures are those in the CAP rural development plan — agri-environment, early retirement, compensatory allowances and forestry — and the new initiatives introduced as part of the CAP mid-term review — food quality, animal welfare, farm advisory services and meeting standards. My decision on the use of the funds will, of course, have to be informed by the terms and conditions of those measures.

### Farm Incomes.

52. **Mr. Howlin** asked the Minister for Agriculture and Food her views on the very small increase in farm incomes in 2004 as reported by the CSO which is not keeping pace with inflation; her proposals to improve farm incomes; the proportion of farm incomes which is derived directly from payments from her Department; and if she will make a statement on the matter. [1918/05]

**Minister for Agriculture and Food (Mary Coughlan):** In December 2004 the CSO reported a 1.3% increase in aggregate farm income with the livestock sectors having a reasonably positive year and steady milk output and prices. These improvements are based on continuing positive trading conditions on EU markets for beef with consumption exceeding production, good demand for sheepmeat and steady demand on international markets for dairy commodities.

Direct payments paid by my Department to the farming sector in 2004 amounted to over €1.6 billion or 75% of aggregate farm income. The small increase in incomes is reasonably positive when it is taken into account that a substantial amount of the payments on 2004 premia entitlements will be paid this year in conjunction with the single farm payment. This includes a 40% balancing payment due on livestock premia compared with 20% in the previous four years.

### Bovine Diseases.

53. **Mr. Rabbitte** asked the Minister for Agriculture and Food the number of cases of BSE in cattle discovered in 2004; the way in which this compares with recent years; the number of such

cases which were discovered in animals born after the imposition of the ban on meat and bone meal; if she has information regarding the reason so many cases in such animals are still being discovered; and if she will make a statement on the matter. [1913/05]

**Minister for Agriculture and Food (Mary Coughlan):** In 2004, 126 cases of BSE were confirmed compared with 182 in 2003 and 333 in 2002. This represents a reduction of 31% and 62% respectively. Of the 2004 cases, the vast majority have occurred in animals born prior to the introduction of the additional controls. The shift in age profile in BSE cases as well as a reduction in case numbers indicates that the additional controls introduced in 1996-97 have been effective in significantly reducing the exposure of animals born after 1997 to the infectious agent. It is expected that the incidence of disease will continue to decline as cows born prior to 1998 leave the system.

Epidemiological investigations are carried out into the feeding regimes of all herds in which BSE is identified. Particular attention is paid to herds in which cases born after the feed controls were re-enforced are confirmed.

Within the context of the overall picture, the diagnosis of BSE in a small number of animals born after 1997 is to be expected. To date, nine animals born after 1997 — four in 1998 and five in 1999 — have been diagnosed with BSE. In addition, ten cases were confirmed in animals born in 1997 but some of these were born before all the re-enforced measures were fully in place. My Department had foreseen the likelihood that occasional, individual cases would from time to time arise which may relate to circumstances specific to the farms in question and which do not conform with the general trend as the incidence of the disease in the national herd recedes. There is, however, no basis for suspecting that these cases are indicative of either a systemic failure in controls or of a reversal of or deviation from the overall positive trend in relation to BSE in Ireland.

### Animal Feedstuffs.

54. **Ms Burton** asked the Minister for Agriculture and Food if she has received a report on the importation of contaminated animal feed (details supplied) which was found to contain fragments of bone; if she has satisfied herself with the level of prevention measures to deal with such cases; and if she will make a statement on the matter. [1916/05]

**Minister for Agriculture and Food (Mary Coughlan):** I am aware of the consignment of maize gluten to which the Deputy refers. This consignment was imported from the USA last November and was found on analysis to contain traces of bone spicules.

I am satisfied that the controls operated by my Department are adequate to ensure that any contamination is detected at the earliest possible stage in the feed chain. My Department takes samples from all bulk consignments of imported animal feed. In the past two years some 7,000 samples were taken in over 1,600 imported consignments, in 90 manufacturing mills and on almost 2,000 farms. Traces of bone spicules were discovered in four of these cases and appropriate action has been taken in all cases.

*Question No. 55 answered with Question No. 34.*

	Gross € million	Net € million
2005	1,427	973
2004	1,405	926
2003	1,246	836
2002	1,348	888
2001	1,513	1,090
2000	1,146	781
1999	1,032	635
1998	997	527
1997	973	522
1996	914	539

I am satisfied that the level of Exchequer funds voted annually by the Dáil for agriculture is commensurate with needs at any given time. In addition to voted funds, Irish agriculture benefits from EU funded direct payments and market support schemes. Expenditure on these measures in 2004 amounted to approximately €1.4 billion.

#### Official Travel.

57. **Dr. Upton** asked the Minister for Agriculture and Food if she will report on her recent visit to China and the meetings she had with political, business and industry representatives there; and if she will make a statement on the matter. [1912/05]

**Minister for Agriculture and Food (Mary Coughlan):** Last week I led a delegation of food and drink industry representatives to China as part of a wider trade mission led by the Taoiseach, Deputy Bertie Ahern, from 17 to 22 January 2005. I accompanied the Taoiseach at formal state functions, including a meeting with the Chinese Premier, Mr. Wen Jiabao and President Hu Jintao. I also held talks with the Chinese Vice-Minister of Agriculture and with the Minister for the Administration of Quality, Supervision, Inspection and Quarantine, AQSIQ, which is responsible for imports into China.

In the course of my visit, I signed a pigmeat protocol with AQSIQ Minister Li Changjiang which will form the basis on which pigmeat products from Ireland will be exported to China. The protocol was signed in the presence of the

#### Departmental Budget.

56. **Mr. Crawford** asked the Minister for Agriculture and Food the amount her Department has received from the Department of Finance in each of the past ten years; if she has satisfied herself that agriculture is allocated its fair share as part of the national expenditure; and if she will make a statement on the matter. [1769/05]

**Minister for Agriculture and Food (Mary Coughlan):** The following are the gross and net allocations for my Department during the past ten years:

Taoiseach and Premier Wen Jiabao of the People's Republic of China in the Great Hall of the People following official talks held between Ireland and China. This formal agreement has been concluded after intensive negotiations and will provide a framework within which actual trade in pigmeat products could commence later in the year.

I raised the question of the lifting of the Chinese ban on beef products in my official discussions with both the Minister for Agriculture and the Minister for AQSIQ. During these discussions I emphasised that the control and supervision of food safety is afforded the very highest status in Ireland and that the Government is committed to protecting the high quality of food production and the preservation of our status as a supplier of the highest quality products to international buyers.

I also addressed seminars in Beijing and Shanghai organised by my Department and Bord Bia. These seminars were aimed at promoting Irish food and drinks in the Chinese market, providing assurance on the safety controls related to food production and details on the country's export capability. The seminars also provided an opportunity for the Department, Bord Bia and industry representatives to directly engage with ministry and regulatory officials and Chinese importers and traders. While there I also met representatives of BIM and their Chinese contacts to promote and develop further opportunities for the export of fish products to China.

[Mary Coughlan.]

The trade mission included some 25 representatives of Irish food and drinks companies and I am confident that contacts established with Chinese trading companies during the visit will build on the good relations between the two States. China is a major market with enormous potential which could be hugely beneficial to Ireland in the food and drinks sectors. I am confident that the mission has laid grounds for maximising this potential and it will form the basis for further contacts at official and industry level and lead in the future to increased trade between Ireland and China.

#### Energy Costs.

58. **Mr. Gormley** asked the Minister for Agriculture and Food if her attention has been drawn to the effects that the recent gas prices have had on tomato growers' gas bills, which have increased by over 40% in one year; and the action she plans to take to alleviate the problem. [1942/05]

**Minister for Agriculture and Food (Mary Coughlan):** I am aware that the increase in the price of natural gas is placing significant pressure on tomato growers. As almost 30% of the total cost of growing a heated glasshouse crop is comprised of energy costs, any increase in the price of gas must have an impact on production costs in the protected crops sector. Arising out of this concern, the Minister of State, Deputy Treacy, met the Commissioner for Energy Regulation last year and impressed on him the serious problems faced by the sector arising from the significant increases in the price of natural gas. Representations were also made to the commissioner by my Department in conjunction with Bord Bia prior to the review of the tariff structure during last year. My officials will take up the matter again with the Department for Communications, Marine and Natural Resources.

My Department supports the protected crop sector on an ongoing basis through the grant aid scheme for capital investment under the national development plan. Since 2001 an amount of €2.6million has been paid to the sector to upgrade their facilities and some of this aid was directed at equipment such as heating systems and energy reduction installations. Aid of €3.6 million will also be provided this year and this will fund projects in commercial horticulture to the value of over €10 million for those completed in 2005.

#### EU Directives.

59. **Mr. Hayes** asked the Minister for Agriculture and Food the discussions she has had with the EU Commission and the Department for the Environment, Heritage and Local Government regarding derogations under the Nitrates Directive; and if she will make a statement on the matter. [1788/05]

**Minister for Agriculture and Food (Mary Coughlan):** The implementation of the nitrates directive is a matter in the first instance for the Minister for the Environment, Heritage and Local Government. Ireland submitted an action programme for further implementation of the directive to the European Commission on 22 October 2004. In parallel with this, Ireland also submitted a derogation proposal on 11 November 2004 setting out a scientific justification for operating levels of up to 250 kg organic nitrogen per hectare, based on the specific characteristics of Irish agriculture.

The Commission has conveyed its view, by way of a letter of formal notice under Article 228 of the EU treaty issued to Ireland dated 22 December 2004, that the action programme is not complete and does not comply with the requirements of the directive and the judgment of the European Court of Justice against Ireland delivered on 11 March 2004. My Department is working with the Department of the Environment, Heritage and Local Government on the preparation of a response. The Commission has indicated that the derogation application will not be considered until the action programme has been agreed.

#### Horticulture Industry.

60. **Mr. Gogarty** asked the Minister for Agriculture and Food the targets which are planned in future for fruit and vegetables in view of the fact that sales have increased for the year ending May 2004 with a 7% increase on the previous year. [1939/05]

**Minister for Agriculture and Food (Mary Coughlan):** The changing environment in which the horticulture industry operates creates important challenges and opportunities which need to be carefully considered and addressed in order to maximise the potential of the sector. There is a range of issues critical to the expansion of the sector and among the most important are market opportunities, the competitiveness of the sector, consolidation of the supply chain and changing lifestyles. Ongoing investment at producer and pre-packer level is also necessary to upgrade production, packing and storage facilities to ensure that product reaches the retail outlet in prime condition.

Over the years Bord Glas worked to ensure that the full productive and value added potential of the industry is maximised. This work is continuing under Bord Bia and is complemented by support available from my Department through the capital investment and marketing and processing schemes under the national development plan. The future growth of the horticulture industry depends on all involved in the sector working together with the overall aim of matching supply with demand. Targets set for development have been more than met in the past and I am confident that this trend will continue into the future.

### Agenda 2000.

61. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which the current farm support payments system is in line with her original predictions when agreement was reached in Brussels; and if she will make a statement on the matter. [2000/05]

**Minister for Agriculture and Food (Mary Coughlan):** The agreement on the mid-term review of Agenda 2000 reached at the Council of Agriculture Ministers on 26 June 2003 was balanced and it addressed Ireland's principal objectives. Among these objectives was the preservation of the financial benefits achieved under the Agenda 2000 agreement and the establishment of a policy framework that will allow farmers and the agri-sector the flexibility to adapt to evolving consumer and market demands and international circumstances. The financial envelope provided for each member state represented the average value of livestock and arable aid premia paid in the member state during the three-year reference period, 2000-2002, calculated at 2002 rates of payment. I am particularly pleased that the 2002 rate of payment is being used to calculate the single payment as this was the highest rate payable under the Agenda 2000 agreement.

The result of the negotiations represented a very satisfactory outcome for Ireland, with the achievement of significant improvements to the original proposals, namely: the proposed price reduction for milk was reduced from 10% to 4% and the level of compensation was increased from 56% — the Agenda 2000 level — to 80% for the additional intervention price reduction of 4%; the proposed price reduction for arable crops was withdrawn; the proposed automatic degression of up to 13% in direct payments was withdrawn and replaced by arrangements for financial discipline which will be brought into play only if needed; the proposed level of modulation was reduced from 6% to 5% and Ireland will retain 80% of modulated funds; and the proposed requirements for cross-compliance were scaled down from 36 to 18 regulations. I am sure the Deputy will appreciate that significant improvements were achieved in the final agreement.

### Farming Supports.

62. **Mr. McCormack** asked the Minister for Agriculture and Food her plans to provide greater support for small farmers; and if she will make a statement on the matter. [1803/05]

**Minister for Agriculture and Food (Mary Coughlan):** I am keenly aware of the need to make available appropriate supports for small farmers. In this regard, as the Deputy is no doubt aware, small farmers benefit from all of the supports administered by my Department.

One of the areas where this is possible is the rural environment protection scheme or REPS. The latest version of the scheme was introduced

in June 2004. In addition to an average increase of 28% in payment rates, payment of €200 per hectare is also provided for the first 20 hectares, €175 per hectare for the next 20 hectares and there is further payment digression thereafter.

Under the CAP rural development plan 2000-06, compensatory allowances payable in the disadvantaged areas moved from a payment per animal to a payment based on area. Under the new area based scheme, farmers in the disadvantaged areas with a minimum stocking density of 0.15 livestock units per hectare can qualify for payment on up to 45 hectares of land. At present, approximately 99,800 farmers qualify for payments totalling €231 million annually. This represents an average payment of €2,315 compared with an average payment of €1,523 under the old headage schemes. The smaller farmer has clearly benefited under the new scheme which will continue in its current format for 2005 and 2006.

Under the milk quota restructuring programme I announced before Christmas, small farmers again receive particular consideration in that producers with a quota of less than 350,000 litres will be able to purchase twice the amount available to larger producers in the same co-op area. Moreover, younger farmers with less than 350,000 litres will have priority access to a further 25% of the pool. In the milk quota appeals tribunal hardship scheme for 2004-05 priority is being given to applications from small scale producers. In addition, support is available to eligible farmers under the farm assist scheme, administered by my colleague, the Minister for Social and Family Affairs.

### Horticulture Industry.

63. **Mr. Boyle** asked the Minister for Agriculture and Food if she has plans to support the glasshouse growers sector and assist in diversification to reduce energy demand. [1935/05]

**Minister for Agriculture and Food (Mary Coughlan):** My Department supports glasshouse growers on an ongoing basis through the grant aid scheme for capital investment under the national development plan. Last year an amount of just over €1 million was paid to glasshouse growers to upgrade their facilities. This included both glasshouses and glasshouse equipment such as heating systems and energy reduction installations. Earlier this week, my colleague, the Minister of State, Deputy Brendan Smith, announced a further €3.6 million grant package for horticulture producers. This will fund projects in commercial horticulture to the value of over €10 million for projects completed in 2005.

In addition, EU aid is available to producer organisations which are supported through approved operational programmes on an annual basis. Among the aims of these programmes are the reduction of costs and the promotion of cultivation practices which are environmentally sound and encourage biodiversity.



[Mary Coughlan.]

I am aware that the rising cost of energy is a very significant factor for glasshouse growers and in this context it is important for these growers to maximise their position by availing of the supports available from my Department.

#### EU Directives.

64. **Mr. Rabbitte** asked the Minister for Agriculture and Food her views on the recent rejection by the European Commission of the Government's request for a derogation from the 170 kg. per hectare limit in the Nitrates Directive; the next step in negotiations in this regard; and if she will make a statement on the matter. [1914/05]

**Minister for Agriculture and Food (Mary Coughlan):** The implementation of the Nitrates Directive is a matter in the first instance for the Minister for the Environment, Heritage and Local Government. Ireland submitted an action programme for further implementation of the directive to the European Commission on 22 October 2004. In parallel with the submission of the action programme, Ireland also submitted a derogation proposal on 11 November 2004 setting out a scientific justification for operating levels of up to 250 kg. organic nitrogen per hectare, based on the specific characteristics of Irish agriculture.

The Commission has conveyed its view, by way of a letter of formal notice under Article 228 of the EU treaty issued to Ireland dated 22 December 2004, that the action programme is not complete and does not comply with the requirements of the directive and the judgment of the European Court of Justice against Ireland delivered on 11 March 2004. My Department is working with the Department of the Environment, Heritage and Local Government on the preparation of a response.

The Commission has indicated that the derogation application will not be considered until the action programme itself has been agreed.

#### Food Labelling.

65. **Mr. Sherlock** asked the Minister for Agriculture and Food her plans for the introduction of the labelling of beef in the catering sector; and if she will make a statement on the matter. [1920/05]

**Minister for Agriculture and Food (Mary Coughlan):** EU regulations provide for a detailed labelling system for beef to be applied at retail sale which is over and above the general labelling provisions and includes country of origin designation. However, this requirement does not apply at restaurant and catering sector level and it is my intention to proceed with a legal requirement that country of origin must be displayed in respect of beef served on such premises. The legal options allowing for this development are being examined at present and I will bring forward proposals to meet this objective in due course.

#### Teagasc Services.

66. **Mr. English** asked the Minister for Agriculture and Food her plans to develop the Teagasc service provided to farmers; and if she will make a statement on the matter. [1791/05]

**Minister for Agriculture and Food (Mary Coughlan):** Teagasc, the Agriculture and Food Development Authority, was established under the Agriculture (Research, Training and Advice) Act 1988. Its function under the Act is to provide research, training and advisory services for the agri-food sector. Teagasc is governed by an 11 member authority. The chairman and five ordinary members are appointed by the Minister and the remaining five members are appointed by the Minister following nominations from designated organisations — IFA, ICMSA, ICOS, Macra na Feirme and Teagasc unions.

Teagasc has 1,365 permanent staff, comprising advisers, teachers and research scientists with appropriate supporting services. These are complemented by 250 contract staff, as well as teaching staff in the private agricultural and horticultural colleges. Teagasc staff carry out their functions from more than 90 locations.

Teagasc's operating budget for 2005 amounts to over €155 million. Advisory services make up the biggest budget item, 35% of expenditure, followed by production research, 32%, training programmes, 19%, and food research, 13%. My Department's provision to Teagasc for capital and non-capital purposes in 2005 amounts to €123 million. The amount for non-capital purposes is €118.5 million and for capital development purposes the allocation is €4.5 million. By any standards these are substantial resources and are a clear indication of the Government's continuing commitment to supporting Teagasc activities.

It is the responsibility of the Teagasc authority to prioritise activities and to allocate its funding accordingly. This it has done over the years in accordance with the needs of clients, EU and Government policy and industry needs. I am satisfied that in doing so it has provided a first class service to Irish farmers.

In the short term, Teagasc will have to reconfigure its programmes in response to the fundamental changes in agriculture arising out of the single payment. The authority is, however, already well accustomed to tailoring its programmes to meet the changing requirements of the agri-food sector. Its annual programme of activities is developed in consultation with the key stakeholders in the sector many of whom are represented on the authority. Recently, it has undertaken more strategic planning initiatives, the Teagasc 2000 review and the three year strategy required under the strategic management initiative. A new review of its training and education programmes has recently got underway.

I am satisfied that Teagasc is well placed to face the future and to continue to provide the innovation and technology transfer for the sustainable development of agriculture, the food

industry and rural communities in the years ahead.

#### **Farm Retirement Scheme.**

67. **Ms Enright** asked the Minister for Agriculture and Food if she will index link the early retirement pension; and if she will make a statement on the matter. [1780/05]

**Minister for Agriculture and Food (Mary Coughlan):** The rate of pension payable under the 1994 scheme of early retirement from farming is the maximum amount provided for by the EU Council regulation under which the scheme was introduced. The regulation does not provide for indexation of payments.

My Department's proposals for the current early retirement scheme, which commenced on 27 November 2000 and is one of the measures in the CAP rural development plan for the period 2000-06, included provision for annual increases in pension over the period of the plan. The European Commission rejected this proposal and insisted on legal grounds that a fixed rate be set instead.

#### **Live Exports.**

68. **Mr. J. O'Keeffe** asked the Minister for Agriculture and Food the action she is taking to reopen live export markets; and if she will make a statement on the matter. [1798/05]

**Minister for Agriculture and Food (Mary Coughlan):** Ireland exported nearly 125,000 live cattle last year to various destinations in Europe and also to the Lebanon compared with 220,000 in 2003. The principal destinations in Europe were Northern Ireland, the Netherlands, Italy and Spain. The reduced numbers in 2004 can be attributed to buoyant prices for cattle on the home market and a strong export market in beef. In addition, the focus of the Irish beef industry has been to broaden and expand its market reach at EU retail level, shifting its orientation away from international commodity markets and into the higher priced internal EU market place.

My Department, together with An Bord Bia and the Department of Foreign Affairs, continues to seek to exploit every opportunity to expand the market for the live trade and beef exports. As a result of these efforts, an agreement was made to open the Libyan market for live animals. Logistical problems have so far prevented the development of this market and it remains closed. Another traditional third country market for Irish cattle in the past, which is currently closed to live exports, is Egypt, although the market there is open to Irish beef imports.

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

*Question No. 69 answered with Question No. 29.*

#### **Food Safety Standards.**

70. **Mr. McCormack** asked the Minister for Agriculture and Food the way in which new EU proposals for food business operators, particularly official controls on products of animal origin intended for human consumption, will impact on farmers here; and if she will make a statement on the matter. [1783/05]

**Minister for Agriculture and Food (Mary Coughlan):** The hygiene package and the food and feed regulation were adopted during 2004. These measures bring together, update and consolidate EU food and feed legislation. They cover all food business operators throughout the food chain from farmer to retailer and the controls involved are operated by a number of Departments and official agencies in Ireland. The legislation comes into force from 1 January 2006.

The legislation will place certain obligations on farmers. These include registration of all primary producers, that is, farmers, good hygiene practices and rules concerning the movement of animals to slaughter houses. Some of the implementation measures are being examined by the European Commission and within my Department. The requirements also form part of the cross compliance controls for the single farm payment. My Department will embark on a consultation process with interested parties prior to the enforcement of the new legislation.

#### **Genetically Modified Organisms.**

71. **Mr. Sargent** asked the Minister for Agriculture and Food if she will report on the work of the working group to develop a national strategy for the co-existence of genetically modified food and other crops; and if she will identify interested parties which made submissions to the working group. [1934/05]

**Minister for Agriculture and Food (Mary Coughlan):** As the Deputy may be aware an inter-departmental-interagency working group was established within my Department in October 2003 for the purposes of identifying and evaluating the issues and implications for crop production in Ireland that would arise from the cultivation of GM crops; and developing proposals for a national strategy and best practices to ensure the co-existence of GM crops with conventional and organic farming.

The working group hopes to be in a position to submit a report to my Department shortly. In its efforts to engage with the widest possible constituency, the working group wrote to 35 organisations, considered as likely stakeholders, seeking their observations and informing them that if they so wished, they could meet with members of the working group. These organisations represented environmental groups, farmer organisations, the seed trade, the biotech industry and consumer

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groups. To date, submissions have been received from 28 organisations and the working group has met ten of these stakeholders. The list of stakeholders contacted and those from whom submissions were received are set out below.

Submissions were received from the following stakeholders:

Agricultural Consultants Association (ACA)  
Agricultural Science Association (ASA)  
An Taisce  
Animal and Plant Health Association  
Bord Bia  
BTEI, Tralee, Co. Kerry  
Cavan-Leitrim Environmental Awareness Network (CLEAN)  
Con Cremin, Limerick  
Consumers Association of Ireland  
Cropsure Ltd.  
Demeter Standards Ltd.  
Dromcollogher Organic College, Limerick  
Federation of Irish Beekeeping Associations  
GM-Free Ireland  
IBEC  
Irish Creamery and Milk Suppliers Association (ICMSA)  
Irish Cattle and Sheep Association (ICSA)  
Irish Doctors Environmental Association  
Irish Farmers Association (IFA)  
Irish Organic Farmers and Growers Association (IOFGA)  
Irish Seed Savers  
Irish Seed Trade Association  
Kerry Earth Education Project  
Leitrim Farmers Co-op  
Organic Trust Limited  
Teagasc Advisory Service  
Vegetable Unit, Oughterard, Galway  
Scoil Nuachabhail.

Submissions were also invited from the following groups:

Irish Association of Agricultural Contractors  
Irish Sugar Ltd.  
Irish Grain and Feed Association  
Irish Insurance Federation  
Macra-na-Feirme  
Maize Growers Association.

*Question No. 72 answered with Question No. 25.*

### **Food Safety Standards.**

73. **Mr. J. O’Keeffe** asked the Minister for Agriculture and Food the action she intends to take following the recent case of imported animal feed contaminated with traces of bone to ensure that such an incident is not repeated; and if she will make a statement on the matter. [1797/05]

**Minister for Agriculture and Food (Mary Coughlan):** My Department acted in an efficient and effective manner in dealing with the determination that bone spicules were present in a consignment of maize gluten imported into this country last November. Officials within my Department were guided by the provisions of the contingency plan and a standard operating procedure for dealing with such cases.

While I cannot guarantee that such incidents will not occur again, I am satisfied that the con-

trols operated by my Department are adequate to ensure that any contamination is detected at the earliest possible stage in the feed chain. My Department takes samples from all bulk consignments of imported animal feed. In the last two years samples, totalling approximately 7,000, were taken in over 1,600 imported consignments, in 90 manufacturing mills and on almost 2,000 farms. Traces of bone spicules were discovered in four of these cases and appropriate action was taken.

### **Departmental Estimates.**

74. **Mr. S. Ryan** asked the Minister for Agriculture and Food the reason for the reduction in the Estimates for her Department for 2005 for the food safety and animal welfare budget; and if she will make a statement on the matter. [1930/05]

**Minister for Agriculture and Food (Mary Coughlan):** The reduced allocation in 2005 compared with 2004 for food safety, animal health and welfare and plant health reflects primarily the reduced incidence of animal diseases such as BSE, bovine TB and brucellosis, and the phasing out of subsidies for the rendering of meat and bone meal. Within the same budget heading, there are increased provisions for veterinary research and testing, the national beef assurance scheme, the fallen animals scheme, animal welfare and plant protection measures. I assure the Deputy, therefore, that food safety remains a central priority for my Department and that there is adequate funding within my Department’s Vote to provide for it.

### **Departmental Schemes.**

75. **Mr. P. McGrath** asked the Minister for Agriculture and Food the measures she intends to take to address the problems experienced by farmers in the Shannon callows, as a result of current proposals which do not allow them to split their lands for grant aid purposes between REP scheme funding and funding allocated under SAC and SPA designation; and if she will make a statement on the matter. [1785/05]

**Minister for Agriculture and Food (Mary Coughlan):** Measures have already been taken to address the specific situation of farmers in the Shannon callows with lands designated under the birds or habitats directives. Farmers in this area who wish to join REPS but believe that the REPS payments do not fully offset any income loss arising from the restrictions placed on their farming activities because of designation under the directives, may now also apply to the national parks and wildlife service of the Department of the Environment, Heritage and Local Government for additional compensation. Before this arrangement was introduced in September 2004, they had to choose between REPS and the compensation arrangements operated by NPWS but could not benefit from both.

This further concession to farmers in the Shannon callows was additional to the inclusion of a new supplementary measure in REPS when REPS 3 was introduced in June 2004. Designated areas are already eligible for payments under REPS measure A of €242 per hectare for the first 40 hectares and lesser amounts for areas over 40 hectares and the new supplementary measure provides for an additional payment of €100 per hectare on particular sites in the callows which are important corncrake habitats. Those sites are monitored by BirdWatch Ireland, and REPS farmers can qualify for the additional payment by subscribing to BirdWatch Ireland management prescriptions for them.

I am satisfied that provisions now in place guarantee full compensation for any losses arising out of designation for farmers in the Shannon callows who wish to join REPS and that no alternative arrangements are needed. I understand that separate discussions are taking place between the farm bodies and the Department of the Environment, Heritage and Local Government in relation to levels of compensation to be paid by that Department.

*Question No. 76 answered with Question No. 45.*

#### **Rural Environment Protection Scheme.**

77. **Mr. Deenihan** asked the Minister for Agriculture and Food if farmers who joined the REP scheme between 1997 and 1998 in NHA and SAC areas, and had to destock on the advice of their REP scheme planner due to overgrazing, will be regarded as *force majeure* cases (details supplied); and if she will make a statement on the matter. [1772/05]

**Minister for Agriculture and Food (Mary Coughlan):** Under Article 40 of European Council Regulation 1782/2003, farmers who were under agri-environmental commitments during the reference years 2000 to 2002 are entitled to have a year or years not affected by their agri-environmental commitments used to calculate their entitlements.

However, under EU Commission Regulation 795/2004 setting out the detailed rules governing the single payment scheme, farmers who choose to maximise their single payment entitlements in this way may not also receive compensation under REPS or the national scheme operated by the Department of the Environment, Heritage and Local Government for the loss of direct payments arising out of destocking.

#### **Medical Cards.**

78. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children the number of new medical cards which have been issued following the increase in the income thresholds for full medical cards; the number issued in each county; when the doctor-visit cards will be made

available and issued; and if she will make a statement on the matter. [2194/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services.

Responsibility for the provision of a medical card rests with the executive. My Department has requested the executive's primary community and continuing care directorate to investigate the matter raised by the Deputy and to reply to her directly.

The doctor-visit card will be introduced as soon as possible in 2005, when legislative and administrative issues have been clarified and put in place.

#### **Health Board Services.**

79. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children if additional financial relief can be awarded to a person (details supplied) in Dublin 10. [2196/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services.

Responsibility for the provision of health services in Ballyfermot rests with the executive. My Department has requested the chief officer for the executive's eastern regional area to investigate the matter raised and to reply directly to the Deputy.

#### **Residential Care Rebates.**

80. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children the way in which a person (details supplied) in Dublin 8 can apply for the €2,000 rebate announced in December 2004. [2197/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services.

Responsibility for the administration of the *ex gratia* payment scheme referred to by the Deputy, under which payments of up to €2,000 have commenced to those fully eligible persons who were alive on the 9 December 2004 and who paid charges for long-stay care in institutions run by former health boards or private nursing homes, solely by virtue of a contractual arrangement with a former health board, including those whose medical cards were withdrawn on admission to the institutions in question, rests with the execu-

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tive. Where the amount paid was less than €2,000, the full amount will be repaid.

My Department has requested the chief officer for the executive's south-western area to investigate the matter raised and to reply directly to the Deputy.

### Hospital Funding.

81. **Mr. Crawford** asked the Tánaiste and Minister for Health and Children the way in which she justifies the cutback in funding to Monaghan General Hospital of €381,000; if she will give the hospital the necessary funds to re-establish itself not only in the interest of the people of Monaghan but for the benefit of the whole region; and if she will make a statement on the matter. [2200/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The national casemix programme compares costs and activity between 37 hospitals that participate in the programme. The programme incorporates over €3 billion of expenditure and 1.6 million patient encounters annually. The programme allows each hospital to take full account of its unique patients and unique issues. The entire process takes place in consultation with each hospital, placing patient-centred information at the centre of the process.

I am committed to performance related targets and casemix is the most internationally accepted performance-related acute hospital activity programme. Ireland operates a budget-neutral policy which rewards efficiency by re-targeting funds from less efficient hospitals to those which have demonstrated that additional funding will result in real benefits.

Following meetings between my officials, the north-eastern hospital group and hospital personnel to review the present position at the hospital, an allowance was agreed between the parties and incorporated in to the budget adjustment, thereby making provision for, and providing full compensation for, loss of activity. The negative adjustment of €368,606 was consequently a reflection of the hospital's true performance *vis-à-vis* its peers and excluding any issues beyond its control.

### Cancer Screening Programme.

82. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children if the advertisement for tenders for the construction of the new BreastCheck unit in Cork has appeared in the EU Journal; if not, when this is likely to occur; if finance has been secured from the Department of Finance for the construction of same; the position regarding the roll-out of BreastCheck to the south west; and if she will make a statement on the matter. [2201/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** My Department is considering proposals for the development of facilities for the BreastCheck service at Cork and Galway. It is

intended that both facilities will be progressed simultaneously, under the capital investment framework for 2005 to 2009, and design briefs in respect of both have now been completed. The capital funding involved in both facilities has already been indented under the framework. It is anticipated that the advertisement for the appointment of a design team will be placed in the EU Journal in the coming weeks. As is normal, tenders for the construction element of these projects will not be sought until the design phase is completed.

The national roll-out of the breast screening programme to the remaining counties in the country is a major priority in the development of cancer services. This will ensure that all women in the 50 to 64 age group throughout the country will have access to breast screening and follow-up treatment where appropriate.

### National Cancer Strategy.

83. **Mr. Hogan** asked the Tánaiste and Minister for Health and Children if a regional centre will be made available to citizens in the south eastern region for cancer treatment, in the context of any review of the national cancer strategy; and if she will make a statement on the matter. [2202/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** Waterford Regional Hospital is the regional centre for acute care, including oncology care, in the south eastern region. In the context of the implementation of the 1996 national cancer strategy, there was a cumulative investment of almost €55 million in cancer services in the South Eastern Health Board up to December 2004. An additional €0.710 million was provided in 2005 to address service pressures in oncology-haematology, nursing and medical support in the south eastern area of the Health Service Executive.

The national cancer forum is finalising a new national cancer strategy which is expected to be completed in the first quarter of 2005. In developing the new strategy, the forum's considerations have been informed by the broad strategic context in which the cancer strategy exists, a comprehensive review of the current status of cancer care, a review of the literature evidence concerning key aspects of the organisation of cancer services and a review of international models of care. The new strategy will set out the key priorities for the development of cancer services over the coming years and will make recommendations on a balanced organisation of cancer services nationally, with defined roles for hospitals in the delivery of cancer care.

### Hospital Staff.

84. **Cecilia Keaveney** asked the Tánaiste and Minister for Health and Children when the post of breast surgeon will be made permanent in a hospital (details supplied) in County Donegal; and if she will make a statement on the matter. [2203/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services.

Responsibility for the provision of services at Letterkenny General Hospital rests with the executive. My Department has, therefore, requested the chief officer of the executive's north western area to investigate the position in regard to this matter and to reply directly to the Deputy.

### Hospital Charges.

85. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if there is a daily charge for persons staying in hospital who do not hold a medical card or private health insurance. [2204/05]

Hospital category	Private accommodation	Semi-private accommodation	Day care
	€	€	€
HSE Regional Hospitals, Voluntary and Joint Board Teaching Hospitals	501	393	361
HSE Board County Hospitals	418	336	299
HSE District Hospitals	179	153	133

### Hospital Services.

86. **Mr. Neville** asked the Tánaiste and Minister for Health and Children when a sexual assault unit will be established in the Mid-Western Regional Hospital, Limerick. [2205/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services.

Responsibility for the Mid-Western Regional Hospital, Limerick rests with the executive. My Department has requested the chief officer for the executive's mid-western area to investigate the matter raised and to reply directly to the Deputy.

### Health Board Services.

87. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children if the Mid-Western Health Board will consider extending the ShannonDoc service to Shannon, County Clare in order to facilitate the people of Shannon; and if she will make a statement on the matter. [2206/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** My Department is informed that

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health (Inpatient Charges) Regulations, 1987, as amended, impose a charge of €55 per night, up to a maximum of €550 in any 12 consecutive months, during which an individual is maintained as an inpatient in a public hospital. As well as those with full eligibility, categories exempted from the charges include children up to the age of six weeks, women receiving services in respect of motherhood and children suffering from specified diseases.

It should be noted that where exemptions do not apply and cases of exceptional need arise, the chief executive officer of the HSE has discretion to waive the charge where undue hardship would otherwise be caused. The chief officer of the relevant HSE area should be approached with any concerns in this regard.

For individuals who opt for private or semi-private treatment, the following charges apply in addition to the daily charge already referred to:

the ShannonDoc out-of-hours co-operative service has been operational in Shannon since 2002. The funding provided for out-of-hours co-operatives in the Health Service Executive, mid-western area, to date is €11.699 million. An additional €1.1 million was provided in 2005 to the Health Service Executive, mid-western area, for the expansion of this service in its area.

### Hospital Services.

88. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children if she has had discussions with any group proposing to provide a private hospital in Waterford with regard to her Department providing funding for a radiotherapy unit both for capital or revenue purposes at such a facility; the undertakings which she has given; and if she will make a statement on the matter. [2208/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I have not had discussions with any group proposing to provide a private hospital in Waterford. I am in the process of developing an overall policy framework, which will identify the policy issues, which need to be addressed, and the key criteria to be applied in developing private facilities on public hospital sites. I hope to complete this work in a matter of weeks.

### Departmental Expenditure.

89. **Mr. Durkan** asked the Tánaiste and Mini-

[Mr. Durkan.]  
ster for Health and Children the number of credit cards issued for departmental use to Ministers, Ministers of State or others; the person or persons authorised to use such cards; the circumstances in which use is permissible; the number of occasions on which they have been used in the life of the Government; the purpose of such use; and if she will make a statement on the matter. [2269/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** Nine corporate credit cards are in use. Cards are issued to me as Tánaiste and to eight nominated officers, two within my Department and two in the Commission on Assisted Human Reproduction, CAHR, and one each to officers in the Adoption Board, the National Children's Office, the Office of the Ombudsman and the post mortem inquiry. Cards are not issued to the Ministers of State at my Department. Nominated officers are permitted to use the cards for official business purposes. Approximately 176 transactions have taken place since June 2002. These transactions relate to the payments in respect of accommodation, transport, official entertainment, software, books, publications, conference and seminar fees, annual membership for professional bodies and courier services.

#### Hospital Services.

90. **Mr. J. O'Keeffe** asked the Tánaiste and Minister for Health and Children if she proposes steps through the national treatment purchase fund or otherwise to improve the position of those who need to be assessed by medical consultants, but are unable to obtain appointments for same within the foreseeable future. [2320/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** At my request, the national treatment purchase fund is giving consideration to the question of how to progress improvements on waiting times for out-patient appointments.

#### Health Board Services.

91. **Mr. Deasy** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that there is no provision in the South Eastern Health Board area for cases dealing with anxiety and depression; and if she will make a statement on the matter. [2321/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services.

Responsibility for the provision of mental health services in the south-eastern area rests with the executive. My Department has requested the chief officer for the health service executive,

south-eastern area, to investigate the matter raised and to reply directly to the Deputy.

#### Architectural Heritage.

92. **Mr. N. O'Keeffe** asked the Minister for Finance his plans for the further development of a property (details supplied) in County Cork; and when work will commence. [2216/05]

**Minister of State at the Department of Finance (Mr. Parlon):** In accordance with the Government decision with regard to the built heritage, responsibility for operational functions in relation to the management of Doneraile Park and Doneraile Court has recently transferred to the Office of Public Works from the Department of the Environment, Heritage and Local Government while responsibility for policy functions, including capital funding, has been retained by that Department.

Substantial works have been carried out to the roof and windows of Doneraile House to preserve and secure the fabric of the building. Further development of the property is dependent on securing additional capital funding and the Office of Public Works is assessing such development.

#### Tax Code.

93. **Mr. F. McGrath** asked the Minister for Finance if there is tax relief for families of students doing a BSc general nursing following a BA; and if he will make a statement on the matter. [2217/05]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that income tax relief is available on the cost of tuition fees paid on behalf of a student who is undertaking a BSc in general nursing within the State following a BA provided the course is an approved course at an approved college in accordance with the provisions of the tax relief scheme in question. A list of the approved courses at approved colleges can be found on the Revenue website at [www.revenue.ie](http://www.revenue.ie).

If the student is undertaking a BSc in general nursing outside the State, the tuition fees may qualify for tax relief provided the college is in an EU member state and certain criteria are met. I am informed by the Revenue Commissioners that to give a more informed view on such courses, they would need details of the course and the relevant college.

Tuition fees paid by an individual on his or her own behalf or on behalf of a spouse, child or person for whom the individual is the legal guardian qualify for tax relief. In the case of undergraduate and postgraduate courses, the amount of relief, which may be claimed, is determined by the Minister for Education and Science, with the consent of the Minister for Finance. The current amount of maximum relief allowed per academic year in respect of third-level fees is €3,175 at the standard rate of tax. For the academic year 2005-06

onwards, the maximum relief will be €5,000 at the standard rate of tax.

The relief may be claimed at the end of the tax year or, for PAYE taxpayers, it may be claimed via the PAYE system during the tax year when the fees have been paid. No relief is available for any part of tuition fees that are met directly or indirectly by grants, scholarships, by an employer or otherwise or in respect of administration or examination fees. The explanatory leaflet — IT31 — in respect of tax relief on tuition fees is available on the Revenue website at [www.revenue.ie](http://www.revenue.ie). The application form for claiming the relief is contained in the explanatory leaflet.

94. **Mr. O'Shea** asked the Minister for Finance the reason a person (details supplied) in County Waterford has been refused incapacitated child tax credit; and if he will make a statement on the matter. [2218/05]

**Minister for Finance (Mr. Cowen):** Section 465 of the Taxes Consolidation Act 1997 provides for an incapacitated child tax credit to cover a child who is permanently incapacitated by reason of mental or physical infirmity. After budget 2005, the value of the credit is €1,000 per child per annum. A child under 18 is regarded as permanently incapacitated by reason of mental or physical infirmity only if the infirmity is such that there would be reasonable expectation that if the child were over the age of 18 years the child would be incapacitated from maintaining himself or herself.

With regard to the case mentioned in details supplied by the Deputy, I am advised by the Revenue Commissioners that a claim for the incapacitated child tax credit was made to Waterford revenue district on 22 December 2004. The Revenue Commissioners have informed me that a medical report submitted in this case indicates that the child concerned suffers from attention deficit hyperactivity disorder. The essential point in the report relates to the provision of a resource teacher so that the child can develop his academic and social potential. The inspector considered that the conditions for the relief were not satisfied. The medical report submitted did not refer to the fact that the child suffers from dyslexia; however, this condition would not satisfy the criteria for the relief either.

A domiciliary care allowance awarded in this case would be paid to a parent by the Department of Health and Children in respect of care being given and would be awarded by reference to a different set of qualifying criteria.

#### Tax Yield.

95. **Mr. P. McGrath** asked the Minister for Finance the rate of financial levy on persons travelling abroad by air and by sea; and the receipts under these headings for each of the past five years. [2219/05]

**Minister for Finance (Mr. Cowen):** The travel tax, which was £5 per ticket on travel by air or

sea to locations outside Ireland, was abolished with effect from 1 January 2000. Consequently, there are no such receipts in respect of the last five years.

96. **Mr. P. McGrath** asked the Minister for Finance the rate of financial levy on the motor industry, life insurance and house insurance; and the receipts under these headings for each of the past five years. [2220/05]

**Minister for Finance (Mr. Cowen):** No financial levy is imposed on the motor industry. A 2% levy is imposed on most non-life insurance premia, the exceptions being reinsurance, voluntary health insurance, marine, aviation and transit insurance and export credit insurance. The receipts from the 2% non-life insurance levy for each of the last five years, rounded to the nearest million are as follows:

Year	€m
2004	98 (expected final outturn)
2003	100
2002	87
2001	69
2000	57

It is not possible to distinguish between the different types of insurance business within the yield from the non-life levy.

The following figures for 2000 and 2001 include amounts in respect of a 0.1% stamp duty on the sum assured by life assurance policies, which was abolished for policies taken out or varied on or after 1 January 2001. A 0.1% stamp duty still applies on the amount paid for the sale of policies, both life and non-life. The stamp duty yield from these policies is included in the yield from policies of insurance other than life insurance charged at €1 per policy. The combined stamp duty yield from these policies in each of the last five years, rounded to the nearest million is as follows:

Year	€m
2004	2 (estimate)
2003	2
2002	2
2001	9
2000	28

#### Disabled Drivers.

97. **Mr. Aylward** asked the Minister for Finance if his Department will review the disabled drivers and disabled passengers (tax repayment of tax concessions granted by the revenue concessions) regulations 1994 to take account of the plight of a person (details supplied) in County Kilkenny; if



[Mr. Aylward.]  
such a view will be carried out in the immediate future; and if he will make a statement on the matter. [2221/05]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that the case involves an application for relief from vehicle registration tax on a motor vehicle under the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994.

The claimant's application for the relief has been rejected because the disabled person, on whose behalf the relief was being claimed, died prior to the registration of the vehicle with the Revenue Commissioners. While I am sympathetic to the circumstances of the case, the conditions governing the qualification for the relief states that where a person receives a repayment or a remission, that person shall undertake to use the vehicle in question for the transportation of the disabled passenger in question for a period of two years from the date of purchase. The death of the disabled person in this case before the vehicle was registered results in the cessation of the tax concession and all the allied concessions.

The claimant appealed the Revenue Commissioners' decision under section 145 of the Finance Act 2001. The case was reviewed by an independent revenue appeals officer, and on 5 January he advised the claimant, through her solicitor, that his review of the circumstances of the case found no grounds for altering the decision to refuse the relief.

It remains open to the claimant under Section 146 of the Finance Act 2001 to appeal against this refusal to the appeal commissioners by giving written notice to the Revenue Commissioners within 30 days of the issue of the revenue appeals officers decision. The claimant has been advised of this option by the Revenue Commissioners.

#### **Garda Stations.**

98. **Mr. Durkan** asked the Minister for Finance when it is expected that the work on the provision of the long promised, much anticipated proposed new Garda station at Leixlip, County Kildare is likely to commence; if an indication in this regard is imminent; and if he will make a statement on the matter. [2222/05]

**Minister of State at the Department of Finance (Mr. Parlon):** Negotiations are still ongoing with Kildare County Council for the acquisition of an additional plot of land for this development. The Office of Public Works wrote to the council again on 5 January 2005 seeking to finalise the matter and is awaiting the council's response. When these negotiations are completed satisfactorily, a revised sketch scheme will be issued to the Department of Justice, Equality and Law Reform for approval.

#### **Departmental Expenditure.**

99. **Mr. Durkan** asked the Minister for Finance

the number of credit cards issued for departmental use to Ministers, Ministers of State or others; the person or persons authorised to use such cards; the circumstances in which use is permissible; the number of occasions on which they have been used in the life of the Government; the purpose of such use; and if he will make a statement on the matter. [2270/05]

**Minister for Finance (Mr. Cowen):** The number of departmental credit cards in use in my Department varies from time to time depending on the Department's business needs. Since the formation of the Government a total of 18 departmental credit cards have been in use by office holders and officers in the Department. Currently 14 departmental credit cards are in use.

Departmental credit cards are issued to named individuals on the basis that the card is for official purposes. Departmental credit card bills need to be approved by the Department's corporate services division prior to payment. Two of the Departmental credit cards in use are held by officers in corporate services division and the administration unit of the centre for management and organisation development. These credit cards are held for general usage, mainly for the purchase of low value or urgent items such as the purchase of books, travel bookings, subscriptions to periodicals etc. and on average each credit card incurs usage of approximately 70 transactions per annum.

In the case of the remaining 12 departmental credit cards in use, one is held by me, as Minister, and the remainder are held by senior officials, including the press officer, my private secretary and special adviser and the private secretary to the Minister of State. The principal usage of these credit cards relates to official expenses in connection with travel abroad, accommodation and official hospitality. While varying somewhat between cards, the average usage of these credit cards is approximately seven transactions per annum.

#### **Harbours and Piers.**

100. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources his proposals for the future development of Cloughmore pier at Darby's Point, Achill, County Mayo; the expenditure at same in each of the past five years; the allocation and further works to be carried out in 2005; and if he will make a statement on the matter. [2209/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** Cloughmore pier, Darby's Point, is owned by Mayo County Council and responsibility for its repair and maintenance rests with the local authority in the first instance. In the period in question, expenditure of €692,345.78 was incurred in 2000, in 2001 expenditure was €17,742.52 and in 2002 expenditure was €19,411.88. The Department provided 75% of the

expenditure and Mayo County Council provided the balance of 25%. The Department has not received any further proposals in relation to Cloughmore pier. Any proposal submitted by Mayo County Council would have to be considered in the context of the amount of Exchequer funding available for works at fishery harbours generally and overall national priorities.

101. **Ms B. Moynihan-Cronin** asked the Minister for Communications, Marine and Natural Resources his proposals to provide funding for the provision of a slip-way at Blackwater pier, Kenmare, County Kerry; and if he will make a statement on the matter. [2210/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** Blackwater pier is owned by Kerry County Council and responsibility for its maintenance and development rests with the local authority in the first instance. Last year, Kerry County Council requested the Department to examine the possibility of providing a slipway at Blackwater pier. The question of funding such a project will have to be considered in the context of the amount of Exchequer funding available for works at fishery harbours generally and overall national priorities.

#### **Drainage Scheme.**

102. **Mr. Hogan** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the difficulties in relation to the fish pass on the River Nore in Kilkenny City; the steps being taken to satisfactorily resolve the matter, particularly in the context of the recent river drainage scheme that was carried out on the river; and if he will make a statement on the matter. [2211/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** While I am aware of the difficulties arising from the works undertaken on the weir on the River Nore in Kilkenny city, this project was undertaken on behalf of and is therefore the responsibility of the Office of Public Works. Because of the impact that the new installation was having on the passage of migrating salmon up river, the regional fisheries board and the engineering division of my Department offered technical expertise to address the problem.

The staff of the chief executive of the Southern Regional Fisheries Board are assisting in the implementation of ameliorative measures to address the problem in the short term, which will be completed as soon as weather conditions permit. This assistance will remain available to the Office of Public Works in the design and implementation of a more permanent solution.

#### **Television Licence Fee.**

103. **Mr. F. McGrath** asked the Minister for Communications, Marine and Natural Resources

the reason An Post acted illegally by charging a person (details supplied) in Dublin 5 the new 2004 rate for their television licence, which expired on 31 December 2003; the position regarding renewal notices; and if he will make a statement on the matter. [2212/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Under the Postal and Telecommunications Services Act 1983, An Post acts as my agent in the collection of television licence fees. Accordingly, day-to-day administration matters are the responsibility of An Post.

I can confirm for the Deputy that the regulations governing television licence fees provide that when a television licence is renewed, that the fee payable is the fee that is in force on the date the payment is made. Accordingly, in the case of a licence that was renewed from 1 January 2004 the fee would have been €152.

#### **Telecommunications Services.**

104. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources the action he is taking to expand the accessibility of broadband outside urban centres in provincial Ireland; and if he will make a statement on the matter. [2213/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market, regulated by the Commission for Communications Regulation, ComReg.

The Government set aside an indicative €200 million under the NDP 2000-06 for broadband infrastructure investment that will, in turn, enable the provision of broadband services regionally by the private sector.

The first phase of my Department's regional broadband programme, in which metropolitan area networks, MANs, are being built in 26 towns and cities is now nearing completion. In the second phase of the programme MANs will be built in a further 92 towns of 1,500 population and over, in association with the local authorities.

For rural communities and towns with a population of less than 1,500 people, my Department's group broadband scheme offers funding assistance for community groups to come together with the service providers and obtain broadband connectivity for their area using the most appropriate delivery system, such as satellite, wireless, DSL or cable. Up to 55% funding is available towards capital costs under the scheme. The current phase of the group broadband scheme is due to close on March 31 2005.

The most recent figures from ComReg indicate that there are now more than 125,000 broadband customers in Ireland and the figure is rising by 30% per quarter. The infrastructure roll-out has

[Mr. N. Dempsey.]

enhanced the sector's offerings of broadband in all areas using a variety of delivery platforms.

Full details of the regional broadband programme can be found on my Department's website [www.dcmnr.gov.ie](http://www.dcmnr.gov.ie). Details of broadband product offerings in various parts of the country can be found at [www.broadband.gov.ie](http://www.broadband.gov.ie).

### **Water and Sewerage Schemes.**

105. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources the status of the Mullagh-Quilty sewerage scheme in County Clare; when the scheme will commence; and if he will make a statement on the matter. [2214/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** An application has been made to the Department by Clare County Council for a foreshore licence for an effluent outfall pipe in connection with the proposed Quilty sewerage scheme.

Further information on nature conservation issues requested by one of the organisations that are consulted by the Department on foreshore applications generally has been provided recently by consultants acting for the County Council. The organisation in question has been asked by the Department to provide its definitive views on the proposal as soon as possible so that consideration of the application can be finalised at the earliest opportunity.

### **Media Lab Europe.**

106. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the gross and net losses to his Department and the State following the closure and liquidation of a company (details supplied); if the Department of Finance raised grave questions over investment in this company's project between 1999 and 2004; if he will report on the proposals including any tendering proposals for this company's site; and if local third level universities and colleges will be included in any new proposals. [2244/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Media Lab Europe, MLE, was formed by a series of tripartite agreements between the State, the Massachusetts Institute of Technology, MIT, and MIT Media Lab and was in operation since early 2000. It was established to conduct non-directive research in the field of digital media.

The Government invested €35.5 million in start-up capital for MLE. Property was also purchased for MLE to the value of €22.5 million. The property remains in State ownership.

While it is acknowledged that research will generally require State support, the uniqueness of the MLE model, as presented initially to Government, was that it would be self-funding by 2005. However, the financial situation deteriorated sig-

nificantly in recent times due to MLE being unable to raise the necessary sponsorship and corporate income required and as envisaged in their business plan.

In February 2004, the Government Liaison Committee, GLC, made up of Departments with an interest in the MLE operation including the Department of Finance, wrote to MLE requesting that it undertake a fundamental review of its business model and produce a strategic plan. The board of MLE submitted its strategic plan to the Department on 7 May 2004 which included a request for additional exchequer funding of €9 million over three years.

Following this extensive efforts were made to agree a restructuring of MLE that would allow it to move forward on a sustainable basis. These included detailed independent assessment of MLE's strategic plan and its progress towards achieving its high-level objectives; in-depth discussions with the relevant Departments; in-depth discussions with the research and educational agencies and third-level institutions; in-depth discussions with the business and development agencies; direct negotiations with MIT; and discussions with MLE.

However, a package that would be acceptable to the Government failed to emerge and the decision was taken that no further exchequer funding would be provided. The board of MLE took the decision to wind down operations.

I am currently considering the options for a new research entity at the MLE facilities. Issues being addressed include the need to secure greater focus on sustainable research and more directive research in a new business model, better links to Irish universities and improved corporate governance in accordance with general State bodies guidelines and effective management.

Considering the importance of the ICT sector to the Irish economy, the significance of digital media in the broader ICT sector, and the need for commitment to research and development in this field, there is a need to make a comprehensive assessment of what model and structures should be put in place as part of a new research entity. It is my intention, therefore, to initiate a consultation process with third-level institutes, industry, Government agencies, the private sector and the Digital Hub in early February to establish what the research focus, structure and objectives of the new entity should be. Drawing on the results of the consultation Government will make decisions regarding the shape of a new research entity. It is envisaged that there will be an open tendering process for any new entity to be established on the site and that Irish third-level institutes and universities will be eligible to apply.

### **Departmental Expenditure.**

107. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the number of credit cards issued for Departmental use to Ministers, Ministers of State or others;

the person or persons authorised to use such cards; the circumstances in which use is permissible; the number of occasions on which they have been used in the life of the Government; the purpose of such use; and if he will make a statement on the matter. [2271/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** It has not been possible to prepare a comprehensive response in the time available. At present, 12 officials of the Department are in possession of credit cards approved and issued for departmental use. Those officials include the press officer, my own private secretary and the private secretary to the Minister of State. The latter two officials are authorised to spend on their Minister's behalf. Use of these authorised facilities is permissible on official departmental business or on official ministerial business as appropriate. As soon as the information is available to me, I will revert to the Deputy with the number of occasions on which these cards have been used in the life of the Government and the purpose of such use.

108. **Mr. Durkan** asked the Minister for Foreign Affairs the number of credit cards issued for Departmental use to Ministers, Ministers of State or others; the person or persons authorised to use such cards; the circumstances in which use is permissible; the number of occasions on which they have been used in the life of the Government; the purpose of such use; and if he will make a statement on the matter. [2272/05]

**Minister for Foreign Affairs (Mr. D. Ahern):**

From June 2002 to date, the Department of Foreign Affairs issued 21 official credit cards. A list of office holders issued with these official credit cards and the number of occasions on which the cards were used is set out in annex A.

The Department issues official credit cards to Ministers, Ministers of State and a limited number of officers who, because of the nature of their work, need to make official payments on credit. Credit cards are used to make flight and hotel bookings, for representational purposes and for making sundry payments, at short notice, where cash may not be acceptable or where the cost involved would otherwise be too great to be met from an officer's own resources.

The Department of Foreign Affairs has two finance units: one for Vote 28 — Foreign Affairs — and one for Vote 29 — Overseas Development Assistance. A credit card has been issued to a higher executive officer in the Vote 28 finance unit and one credit card each to the accountant and a HEO in the Vote 29 finance unit. Finance unit credit cards are used mainly to book flights on the Internet and, occasionally, to purchase publications not available in Ireland.

As the Deputy will be aware, credit cards are the preferred method of payment for many hotels, restaurants and other businesses in the USA. The embassy in Washington uses two credit cards to cover payments which involve significant costs.

A card was issued to an officer in the embassy in Buenos Aires from March to August 2004 to cover payments for hotel costs, other official entertainment and transport costs for the President's visit to South America in 2004.

Annex A

Period	Credit Card Holder	No. of occasions used
June 02 to Sept 04	Minister for Foreign Affairs — Mr. Cowen	39
Oct 04 to Dec 04	Minister for Foreign Affairs — Mr. Ahern	3
June 02 to Dec 04	Private Secretary (2 cards — one to September 2004 and one for new Private Secretary from September 2004 to date)	70
Aug 02 to July 04	Minister of State — Tom Kitt	27
Nov 04 to Dec 04	Minister of State — Conor Lenihan	2
Sept 02 to Dec 04	Private Secretary to MoS Kitt/Lenihan	102
June 02 to Dec 04	Private Secretary to MoS Roche/Treacy	85
June 02 to Dec 04	Secretary General	69
June 02 Dec 04	Chief of Protocol	112
June 02 Dec 04	Deputy Chief of Protocol	8
June 02 to Oct 04	Press Officer	62
June 02 to Dec 04	Head of Anglo-Irish Division	112
June 02 to Dec 04	HEO, finance unit (Vote 28)	47
Aug 04 to Dec 04	Accountant, finance unit (Vote 29)	0
Aug 04 to Dec 04	HEO, finance unit (Vote 29)	11
Mar 04 to Aug 04	Embassy, Buenos Aires	4
May 03 to Dec 04	Embassy, Washington (2 cards)	116
Nov 04 to Dec 04	Minister's Advisers x 2 (one card each)	3

### Foreign Conflicts.

109. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if he has raised concerns with the US authorities regarding practices at US military checkpoints in occupied Iraq that have repeatedly resulted in deaths of innocent civilians. [2303/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The United States authorities are very well aware of the Government's view, which we have expressed many times, that all military operations where civilians are at risk should be planned and conducted so as to keep the use of force to a minimum and make every possible effort to avoid civilian casualties. This would include the manning of checkpoints by military forces. The Government's position has been expressed in public statements, in answers to parliamentary questions and directly to the US authorities.

In asking the military to exercise all possible caution, it is only right that we also recognise the pressure placed upon individual soldiers by repeated suicide attacks upon international and Iraqi forces manning such checkpoints. All parties in Iraq should refrain from actions which increase the risks of civilians becoming casualties.

### Human Rights Issues.

110. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if he has expressed concern to the US administration regarding the inclusion of Cuba on the list of countries designated by the US as a so-called axis of evil by the newly confirmed US Secretary of State. [2304/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I am not aware that the US administration has taken the action described by the Deputy. I am aware that Dr. Rice referred to Cuba as an "outpost of tyranny" at her confirmation hearings in the US Senate.

The Government has long been concerned about human rights abuses in Cuba. At the same time, we continue to encourage a process of peaceful transition to a pluralist democracy and respect for human rights and fundamental freedoms in that country, as well as wishing to see a sustainable economic recovery and an improvement in the living standards of the Cuban people.

I look forward to meeting Dr. Rice and to discussing a range of international issues with her.

### European Union Law.

111. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if it is consistent with EU law for an EU Commissioner to participate in campaigning for any purpose in a member state, whether during referenda or elections. [2305/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** There is nothing in European Union law which prohibits a member of the European Commission from participating in a political campaign. The Commission has in the past made clear its view that its members are political figures who exercise

a political role, within the parameters of which they retain the right to express their personal opinions freely on their own responsibility.

It is entirely appropriate for Commissioners to offer their views on issues of relevance to the Union, and that it would be quite wrong to seek to prevent them from so doing.

### Sports Capital Programme.

112. **Mr. Ring** asked the Minister for Arts, Sport and Tourism the reason an area (details supplied) in County Mayo has lost disadvantaged status since 2001. [2261/05]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The national lottery-funded sports capital programme, which is administered by the Department of Arts, Sport and Tourism, allocates funding to sporting and community organisations at local, regional and national level. It is advertised on an annual basis. One of the programme's stated main objectives is to prioritise the needs of disadvantaged areas in the provision of facilities. Disadvantaged areas are designated under the programme on the recommendation of and in consultation with the Department of Community, Rural and Gaeltacht Affairs, which is responsible for schemes relating to disadvantage.

Before 2003, areas designated as disadvantaged under the programme were located in Area Development Management Limited partnership areas, which were identified in 1992. In the context of the 2003 sports capital programme, it was decided in consultation with the Department of Community, Rural and Gaeltacht Affairs that it would be preferable, from the point of view of targeting disadvantaged areas for prioritisation, for the designation to incorporate areas in which specific programmes which directly deal with disadvantage were being funded by the Department of Community, Rural and Gaeltacht Affairs. I refer to RAPID and local drugs task force areas in urban locations and the CLAR rural development programme.

The disadvantaged designation is closely linked to the Department of Community, Rural and Gaeltacht Affairs's programmes. An additional feature of the programme, as a consequence, is the allocation of grant top-ups from that Department in addition to funding allocated from the Department of Arts, Sport and Tourism to grant-aided projects in CLAR and RAPID areas. That has meant, for example, that €1.65 million has been allocated to projects located in CLAR areas of County Mayo since 2003, including €277,000 in the Department of Community, Rural and Gaeltacht Affairs top-ups, from total sports capital funding to the county of €3.3 million. The disadvantaged designation for the sports capital programme as outlined above is now incorporated in the Department of Arts, Sport and Tourism's sport capital programme.

113. **Mr. Connaughton** asked the Minister for Arts, Sport and Tourism if he will approve sub-

stantial grant aid for the development of a camogie stadium applied for by a board (details supplied) in County Galway; if his attention has been drawn to the fact that there are now 32 clubs affiliated to the board and that camogie is a fast-growing women's sport; and if he will make a statement on the matter. [2241/05]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The national lottery-funded sports capital programme, which is administered by the Department of Arts, Sport and Tourism, allocates funding to sporting and community organisations at local, regional and national level. It is advertised on an annual basis. Applications for funding under the 2005 programme were invited in press advertisements on 5 and 6 December last. Application forms, guidelines, terms and conditions for the programme are available from the Department's sports capital unit or on the Department's website, *www.dast.gov.ie*. The deadline for the receipt in the Department of application forms and necessary supporting documentation is 5 p.m. on Friday, 4 February next. The Department has not yet received an application from the organisation in question. If an application is received before the deadline, it will be assessed like all applications in accordance with the criteria detailed in the programme's guidelines, terms and conditions.

#### Departmental Expenditure.

114. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism the number of credit cards issued for departmental use to Ministers, Ministers of State or others; the person or persons authorised to use such cards; the circumstances in which use is permissible; the number of occasions on which they have been used in the life of the Government; the purpose of such use; and if he will make a statement on the matter. [2273/05]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The Department of Arts, Sport and Tourism has had arrangements in place for many years for the provision of credit and charge cards to Ministers and departmental officials who might incur charges of an official nature. Some eight such cards are currently held. Individual cardholders are personally liable for all charges incurred on the cards. If expenditure is incurred for official purposes, the costs may be claimed by the cardholder in accordance with the Department of Finance's rules on travel, subsistence and entertainment. The Department covers the annual cost of the card and the Government levy. As the charges incurred on all cards are the specific responsibility of the cardholder and not the Department, records are not available on the overall usage of the cards.

#### Sports Capital Programme.

115. **Mr. Wall** asked the Minister for Arts, Sport and Tourism the number of applications

received in regard to capital grants under the national lottery funding; and if he will make a statement on the matter. [2306/05]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The national lottery-funded sports capital programme, which is administered by the Department of Arts, Sport and Tourism, allocates funding to sporting and community organisations at local, regional and national level. It is advertised on an annual basis. Some 1,366 applications were received under the programme in 2002, 1,337 applications were received in 2003 and 1,305 applications were received in 2004. Applications for funding under the 2005 programme were invited in press advertisements on 5 and 6 December 2004. Application forms, guidelines, terms and conditions for the programme are available from the Department's sports capital unit or on the Department's website, *www.dast.gov.ie*. The deadline for the receipt in the Department of application forms and necessary supporting documentation is 5 p.m. on Friday, 4 February next.

#### Film Industry Development.

116. **Mr. Wall** asked the Minister for Arts, Sport and Tourism the number of meetings his Department has arranged in regard to his visit to the USA with the film industry there; the size of the delegation that is travelling with him; the details of the agenda for such meetings; and if he will make a statement on the matter. [2307/05]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** A series of meetings has been arranged with key decision makers at the major US studios, as well as with independent production companies. The trip, which will take place between 7 and 11 February 2005, will promote the Irish film industry and market Ireland as a film location. I will attend some tourism-related events. The delegation will consist of three officials and four representatives of the Irish Film Board. Meetings have been arranged with Universal Pictures, Walt Disney Studios-Buena Vista International, Paramount Pictures, Sony Pictures, Jerry Bruckheimer Films, 20th Century Fox, Miramax, Greenstreet Films, Imagine Entertainment and Focus Features.

#### Work Permits.

117. **Mr. Connaughton** asked the Minister for Enterprise, Trade and Employment the steps necessary for a person (details supplied) in County Galway in order to obtain a work permit; if his attention has been drawn to the fact that this person named has excellent opportunities for self-employment and their services would be much sought after in equine circles; and if he will make a statement on the matter. [2227/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** Work permits are issued only to employers who propose to employ non-EEA

[Mr. Martin.]

nationals in highly skilled and highly paid positions. Anyone who wishes to provide a service on a self-employment basis must seek business permission from the Department of Justice, Equality and Law Reform.

#### **Job Losses.**

118. **Mr. Naughten** asked the Minister for Enterprise, Trade and Employment, further to Question No. 197 of 29 September 2004, the progress which has been made to address job losses in Ballinasloe; and if he will make a statement on the matter. [2263/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I am conscious of the adverse effects on workers in the Ballinasloe area of job losses in recent years. The State development agencies are making every effort to promote industrial development in the town. I advise the Deputy that Ballinasloe remains a high-focus location for the IDA as it seeks to attract new foreign direct investment. The IDA brought 14 potential clients on site visits to Ballinasloe in 2003 and 2004. While no company has yet chosen to set up in Ballinasloe, discussions are ongoing with a number of potential investors.

The construction of a second advanced technology building is also under way at the IDA business and technology park in Ballinasloe. It is expected to be completed by mid-2005. The IDA and Enterprise Ireland are actively working with their existing base of companies in the county and the Ballinasloe area to encourage them to grow and expand. Enterprise Ireland has provided support for the appointment of a manager for Ballinasloe enterprise centre, as well as supporting a one-year training programme for entrepreneurs in nearby institutes of technology under the enterprise platform programme, as part of encouraging high-potential start-up companies in the region.

Galway County and City Enterprise Board Limited is actively involved in the economic and social development of the Ballinasloe area, particularly through the implementation of the Ballinasloe area community development action plan, which is a local group dedicated to the establishment and development of enterprise units. It is encouraging that significant infrastructural investment in electricity supply, transports links and broadband are scheduled to come on stream in 2005.

The Deputy is aware that I visited Ballinasloe recently and met a number of local interest groups to discuss the circumstances in the area. I assure the Deputy that the Government and State development agencies, under the auspices of the Department of Enterprise, Trade and Employment, are fully committed to ensuring an equal distribution of job creation opportunities and encouraging the establishment of industry in the regions, particularly the BMW region, of which Ballinasloe is an integral part.

#### **Departmental Expenditure.**

119. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment the number of credit cards issued for Departmental use to Ministers, Ministers of State or others; the person or persons authorised to use such cards; the circumstances in which use is permissible; the number of occasions on which they have been used in the life of the Government; the purpose of such use; and if he will make a statement on the matter. [2274/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** Ministers and members of staff of the Department of Enterprise, Trade and Employment, whose official duties give rise to travel or representation in this country or abroad, may obtain a corporate charge card through the Department, which defrays the cost of the annual Government duty on such cards. Alternatively, individuals may choose to use their independently acquired cards to meet official expenses and have the Government duty refunded by the Department. This arrangement applies to charge cards held by my colleagues, the Ministers of State with responsibility for trade and commerce and labour affairs, as well as to cards held by 43 members of the Department's staff. I will shortly obtain a charge card to replace a card provided by my previous Department.

In accordance with the Department of Enterprise, Trade and Employment's policy, the settlement of accounts with the credit or charge card companies is the sole responsibility of the cardholder in each case. Cardholders are not precluded from availing of the card for private use. Official expenditure, whether by credit card or other means, is recoupable from the Department, in accordance with public financial procedures, on submission of a claim supported by receipts. In the circumstances, the Department does not have information about the purposes of use or the number of occasions on which credit or charge cards have been used.

#### **Work Permits.**

120. **Mr. Stanton** asked the Minister for Enterprise, Trade and Employment the details of the requirements under which students from the United States can travel to Ireland and work here during summer months; and if he will make a statement on the matter. [2325/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** USIT is authorised by the Department of Enterprise, Trade and Employment to operate a working in Ireland programme, which provides a special work permit for students on the programme. US students are provided with a four-month permit. For further information the Deputy may find it useful to peruse the USIT website, [www.usit.ie](http://www.usit.ie).

### Social Welfare Benefits.

121. **Mr. P. Breen** asked the Minister for Social and Family Affairs the reason the diabetic allowance of a person (details supplied) in County Clare has ceased. [2195/05]

**Minister for Social and Family Affairs (Mr. Brennan):** Diet supplements are provided for under the supplementary welfare allowance scheme, which is administered on my behalf by the community welfare division of the Health Service Executive. The amount of supplement payable is subject to a means test and depends on which of two categories of diet — low cost or high cost — has been prescribed by the applicant's medical advisor and the income of the individual and his or her dependants.

The western regional office of the Health Service Executive was contacted about this case. It has advised that the person concerned had been in receipt of a diet supplement in respect of a low-cost diet — adult diabetic diet — while in receipt of disability allowance. The amount of diet supplement in payment was €16.80 per month, which is equivalent to €3.88 per week. The person was awarded old age pension of €139 per week with effect from 16 January 2004, in place of disability allowance of €128.80 per week, which he had been paid up to that date. When the person was awarded an old age pension his entitlement to a diet supplement was reviewed, as his weekly social welfare payment had increased by €10.20 per week. When the level of increased household income was assessed he was found to have means in excess of the prescribed limit and, accordingly, payment of his diet supplement ceased. This decision was subsequently upheld by an appeals officer.

### Health Board Allowances.

122. **Mr. Wall** asked the Minister for Social and Family Affairs the reason there is a different system in relation to community welfare officers in different health board areas in regard to payment to applicants who are having their applications for unemployment assistance processed (details supplied); and if he will make a statement on the matter. [2169/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The Department of Social and Family Affairs endeavours to ensure that applications for unemployment assistance are decided as quickly as possible in all local offices. A person awaiting a decision on an application for assistance from the Department or whose application is in dispute who finds that he or she has insufficient means with which to provide for his or her basic needs may apply for interim assistance under the supplementary welfare allowance scheme which is administered on my behalf by the community welfare division of the Health Service Executive.

Of the 4,426 people who are receiving basic supplementary welfare allowance while awaiting a decision on a claim for unemployment assist-

ance, 340 are in the former Midland Health Board region, 578 are in the former South Eastern Health Board region and 1,260 are in the former ERHA region. The totals in each region are broadly proportionate having regard to the levels of unemployment assistance in the regions.

The decision in any individual case on whether an applicant is entitled to the allowance is a matter for the relevant community welfare officer, based on the applicant's circumstances. An applicant for the allowance who is not satisfied with the decision taken in his or her case may lodge an appeal, which will be dealt with firstly by an appeals officer at a senior level in the health service. If the applicant is not satisfied with the outcome of the appeal, he or she may lodge a further appeal with the independent social welfare appeals office.

While there is no automatic entitlement to supplementary welfare allowance in circumstances where another social assistance claim is in process, a community welfare officer may award supplementary welfare allowance in any case in which the Health Service Executive considers that the circumstances of the case so warrant. An assessment of a person's means and needs is carried out in each case. If there is a shortfall in a person's income a payment may be made to bring it up to the appropriate supplementary welfare allowance rate.

123. **Mr. Wall** asked the Minister for Social and Family Affairs if a person's involvement on a community employment scheme prevent the person from obtaining a rent subsidy; and if he will make a statement on the matter. [2170/05]

**Minister for Social and Family Affairs (Mr. Brennan):** A person on a community employment scheme may apply for rent supplement. The claim will be assessed under standard rules concerning means, housing need and other factors that are considered in all new cases. Rent supplement will be awarded if the standard conditions are satisfied. Under standard assessment rules, rent supplements are calculated to ensure that an eligible person, after the payment of rent, has an income equal to the rate of supplementary welfare allowance appropriate to his or her family circumstances, less a minimum contribution of €13 which each recipient is required to pay from his or her own resources. Up to €50 — increasing to €60 from the end of January 2005 — in respect of additional income from part-time employment is disregarded in the means test, thus ensuring that a person is better off as a result of taking up such an opportunity. Community employment is regarded as part-time employment for these purposes.

A person who is already in receipt of rent supplement and who is considering taking up an offer of a community employment place may continue to receive rent supplement, subject to the standard means test described above or under special arrangements if they are more beneficial in the



[Mr. Brennan.] individual case. Such special arrangements, which have been in place for a number of years, allow people to retain a portion of the rent supplement if they take up employment through approved schemes such as community employment, subject to a weekly household income limit of €317.43.

Rent supplement may be retained on a tapered basis, such as 75% in the first year, 50% in the second year and 25% in the third and fourth years. People who take up a community employment place are not automatically disqualified from receiving rent supplement if their weekly household income exceeds the €317.43 limit. Any participant in community employment has the option of being assessed under standard rules or using the retention arrangement described above and will be entitled to receive payment under the more favourable option in his or her situation.

*Question No. 124 withdrawn.*

#### **Departmental Expenditure#.**

125. **Mr. Durkan** asked the Minister for Social and Family Affairs the number of credit cards issued for departmental use to Ministers, Ministers of State or others; the person or persons authorised to use such cards; the circumstances in which use is permissible; the number of occasions on which they have been used in the life of the Government; the purpose of such use; and if he will make a statement on the matter. [2275/05]

**Minister for Social and Family Affairs (Mr. Brennan):** Corporate charge cards are currently held by seven officers of my Department. Three cards which were no longer required were closed during the life of the Government. The cards are issued on the strict condition that they will be used solely for official business purposes and the named card holder is the only person authorised to use the card. Such official usage includes the purchase of equipment, air-fares, fees and official entertainment. Details of the number of occasions on which they have been used in the life of the Government are not immediately available. My Department will write to the Deputy with these details as soon as they are available.

126. **Mr. Durkan** asked the Minister for Transport the number of credit cards issued for departmental use to Ministers, Ministers of State or others; the person or persons authorised to use such cards; the circumstances in which use is permissible; the number of occasions on which they have been used in the life of the Government; the purpose of such use; and if he will make a statement on the matter. [2276/05]

**Minister for Transport (Mr. Cullen):** The Department of Transport has at present a total of 15 credit cards issued to staff for departmental use. Neither the Minister nor Minister of State has a credit card issued for departmental use.

The named cardholder in each instance is the person authorised to use the card. The cards are used on a regular basis to defray various expenses incurred in the performance of official duties. Examples of such use would include travel and entertainment expenses, conference bookings and the purchase of books.

Department of Transport Credit Card Holders

1. Julie O'Neill (Management Board)
2. John Fearon (Management Board)
3. Pat Mangan (Management Board)
4. Andrew Cullen (Management Board)
5. Dermot Murphy (Minister's Office)
6. Fintan Towey (Brussels)
7. John Welsby (Railway Inspectorate)
8. Martin Diskin (Road Haulage)
9. Kevin Humphreys (Air Accident)
10. Derek Rafferty (Roads Policy)
11. Les Kennedy (IT)
12. Pádraig McGoldrick (Finance)
13. Suzanne Bergin (Property Management)
14. Diarmuid Barron (Property Management)
15. Denise Brady (Property Management)

#### **Road Signage.**

127. **Mr. Naughten** asked the Minister for Transport the date on which guidelines were circulated to each local authority regarding the erection of special speed limit signs outside schools; the details of such guidelines; when he intends formally to brief local authorities on such guidelines; and if he will make a statement on the matter. [2313/05]

128. **Mr. Naughten** asked the Minister for Transport the date on which the design of the special speed limit signs outside schools was circulated to each local authority; the details of the specifications; and if he will make a statement on the matter. [2314/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 127 and 128 together.

The relevant provisions of the Road Traffic Act 2004 that establish a new system of speed limits based on metric values were commenced on 20 January. The changeover process involved the provision of more than 58,000 traffic signs depicting the application of speed limits across the country. County and city councils played a central role in the planning and delivery of that demanding programme.

The new traffic signs that were provided prior to 20 January indicate the locations at which the default speed limits provided for in the 2004 Act apply, or the locations at which special speed limits apply in lieu of the default speed limits. The default speed limits are 120, 100, 80 and 50 kph. Since the enactment of the Road Traffic Act 1994, elected members of county and city councils have had the power to make by-laws applying special speed limits on roads within their administrative areas. Under the 2004 Act, all by-laws made by county or city councils under the 1994 Act applying special speed limits continue in force and the special speed limits are converted to metric values.

Section 9 of the 2004 Act sets out a new process for the making of speed limit by-laws by the elected members of county and city councils. The range of options available to county and city councils regarding the deployment of special speed limits has been expanded under the 2004 Act. It also provides that the Minister for Transport may issue guidelines relating to the making of special speed limit by-laws.

With the commencement of the provisions in the Road Traffic Act 2004 relating to speed limits generally, which came into effect on 20 January 2005, and the completion of the programme for the provision of the traffic signs necessary to support the actual changeover, county and city councils are now free to embark on the process of making new special speed limit by-laws. In support of this process, draft guidelines to assist the local authorities are being finalised and have recently been forwarded to representatives of the County And City Managers Association, the National Roads Authority, the Department of the Environment, Heritage and Local Government and the Garda Síochána for their views. The Department will shortly commence a consultation process with county and city councils on the draft guidelines. That process will be completed in the coming weeks and I will then issue the statutory guidelines to the local authorities on a formal basis.

The Road Traffic (Speed Limit-Traffic Signs) Regulations 2005 — SI 10 of 2005 — provide the statutory basis for the use of the traffic signs erected as part of the metrication process. These regulations, by providing for a greater degree of flexibility for the use of speed limit signs than was the case heretofore, seek to address the options available to county and city councils. A copy of the regulations is available in the Oireachtas library. Additional signage requirements may be identified in the future and such needs will be addressed as they arise.

#### **Departmental Expenditure.**

129. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the number of credit cards issued for departmental use to Ministers, Ministers of State or others; the person or persons authorised to use such cards; the circumstances in which use is permissible; the number of occasions on which they have been used in the life of the Government; the purpose of such use; and if he will make a statement on the matter. [2277/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I wish to advise the Deputy that two credit cards are used in my Department for official business purposes as appropriate. Credit cards have been issued to my private secretary and to the private secretary of the Minister of State, Deputy Noel Ahern. Since June 2002, approximately 90 transactions have been recorded against the two credit cards. It should be noted that all bank statements arising

are submitted by the private secretaries to a senior officer in my Department for examination and certification of appropriate payments.

#### **Security of the Elderly.**

130. **Mr. J. O’Keeffe** asked the Minister for Community, Rural and Gaeltacht Affairs the reason for the reduction in funding for panic buttons (details supplied) under the scheme of community support for older people; and if he will make a statement on the matter. [2326/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** Following a review of the scheme of community support for older people, certain key changes were introduced in 2004. These changes have no implications for the overall funding available for the scheme.

The 90% limit on funding was abolished and replaced with individual maximum grants in respect of the various scheme elements. The maximum grant provided for socially-monitored alarm systems or “panic buttons” was set at €300. The grant level was fixed with reference to the level of grants sought and paid in the previous year by my Department. The aim of this measure is to encourage competition between suppliers in the interest of ensuring value for money, both for taxpayers and individual applicants.

The selection of a supplier of equipment under the scheme is a matter for the relevant voluntary or community group. However, it is important that the group select a supplier which represents the best value for money, consistent with the scheme guidelines, and which therefore keeps to a minimum the amount payable by individual applicants.

My officials have advised me that a number of suppliers quoted under €300 for the installation of socially monitored alarms. Consequently, these were 100% grant-aided. This leaves the individual applicant with nothing to pay for his or her socially-monitored alarm.

#### **Modulation Funds.**

131. **Mr. Naughten** asked the Minister for Agriculture and Food her plans for the modulation fund; and if she will make a statement on the matter. [2133/05]

**Minister for Agriculture and Food (Mary Coughlan):** The modulated funds become available for use in 2006. I will decide on their use and seek the necessary EU approval in the coming months. My Department is finalising its examination of the relevant options. As part of that examination, there has been widespread public consultation and discussions with stakeholders.

The use of modulated funds in 2006 is limited to certain measures. The eligible measures are those in the CAP rural development plan — agri-environment, early retirement, compensatory allowances and forestry — and the new initiatives introduced as part of the CAP mid-term review

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 pertaining to food quality, animal welfare, farm advisory services and meeting standards. My decision on the use of the funds will have to be informed by the terms and conditions of those measures.

#### **Teagasc Services.**

132. **Mr. Naughten** asked the Minister for Agriculture and Food her plans to develop the Teagasc service provided to farmers; and if she will make a statement on the matter. [2134/05]

**Minister for Agriculture and Food (Mary Coughlan):** Teagasc, the Irish Agriculture and Food Development Authority, was established under the Agriculture (Research, Training and Advice) Act 1988. Its function under the Act is to provide research, training and advisory services for the agrifood sector. Teagasc is governed by an 11-member authority. The chairman and five ordinary members are appointed by the Minister and the remaining five members are appointed by the Minister following nominations from designated organisations, namely the IFA, ICMSA, ICOS, Macra na Feirme and Teagasc unions.

Teagasc has 1,365 permanent staff, comprising advisers, teachers and research scientists with appropriate supporting services. These are complemented by 250 contract staff, as well as teaching staff in the private agricultural and horticultural colleges. Teagasc staff carry out their functions from more than 90 locations.

Teagasc's operating budget for 2005 amounts to over €155 million. Advisory services make up the biggest budget item, amounting to 35% of expenditure, followed by production research, amounting to 32%, training programmes, amounting to 19%, and food research, amounting to 13%. My Department's provision to Teagasc for capital and non-capital purposes in 2005 amounts to €123 million. The amount for non-capital purposes is €118.5 million and, for capital development purposes, the allocation is €4.5 million. By any standards, these are substantial resources and are a clear indication of the Government's continuing commitment to supporting Teagasc activities.

It is the responsibility of the Teagasc authority to prioritise activities and to allocate its funding accordingly. This it has done over the years in accordance with the needs of clients, EU and Government policy and industry needs. I am satisfied that in doing so it has provided a first class service to Irish farmers.

In the short term, Teagasc will have to reconfigure its programmes in response to the fundamental changes in agriculture arising out of the single payment. The authority is, however, already well-accustomed to tailoring its programmes to meet the changing requirements of the agrifood sector. Its annual programme of activities is developed in consultation with the key stakeholders in the sector, many of whom are

represented on the authority. Recently it has undertaken more strategic planning initiatives, the Teagasc 2000 review and the three-year strategy required under the strategic management initiative. A new review of its training and education programmes has recently got under way.

I am satisfied that Teagasc is well placed to face the future and to continue to provide the innovation and technology transfer for the sustainable development of agriculture, the food industry and rural communities in the years ahead.

#### **Grant Payments.**

133. **Mr. Crawford** asked the Minister for Agriculture and Food her views on whether it will be impossible for small farmers to build the necessary cattle housing and slurry accommodation to meet good farming practice and nitrate regulations without grant aid; when she proposes to provide realistic grant aid for same; and if she will make a statement on the matter. [2199/05]

**Minister for Agriculture and Food (Mary Coughlan):** At present a minimum of 20 income units from farming is required in the case of applications for grants under the farm investment schemes. The European Commission has repeatedly opposed any relaxation of this minimum income provision despite several approaches by my Department on the matter. The conditions of the farm waste management scheme are currently under consideration.

134. **Mr. Naughten** asked the Minister for Agriculture and Food her plans 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 the rejection of the Irish proposals by the EU Commission; and if she will make a statement on the matter. [2268/05]

**Minister for Agriculture and Food (Mary Coughlan):** I refer the Deputy to the reply today to Question No. 133 by Deputy Seymour Crawford. The co-ordination of the farm waste management scheme is under consideration. As and from 13 September 2004, my Department has introduced revised standard costings, which reflect increased costs including that of steel in respect of all approvals issued under the farm waste management scheme.

#### **Departmental Expenditure.**

135. **Mr. Durkan** asked the Minister for Agriculture and Food the number of credit cards issued for departmental use to Ministers, Ministers of State or others; the person or persons authorised to use such cards; the circumstances in which use is permissible; the number of occasions on which they have been used in the life of the Government; the purpose of such use; and if she will make a statement on the matter. [2278/05]

**Minister for Agriculture and Food (Mary Coughlan):** The number of credit cards issued for official use within my Department is 124. These cards are issued to Ministers and officials and are for official purposes. All costs are offset against the officer's travel and subsistence entitlements or, having been duly approved, against the Department's official entertainment budget. The accounts pertaining to Ministers and senior MAC level officials are managed by the Department. In the case of all others, the monthly balances accrued are the sole responsibility of the cardholders involved.

Since June 2002, the records indicate that those cards, the accounts of which are managed by the Department, were used 456 times, with 407 transactions relating to travel expenses and 49 transactions relating to official entertainment purposes. The overall number of cards issued and the level of their use reflect the level of official travel and attendance at meetings abroad, which is part of the ongoing work of the Department.

#### Grant Payments.

136. **Mr. Connaughton** asked the Minister for Agriculture and Food the entitlements of a person (details supplied) in County Galway under the single payments scheme; and if she will make a statement on the matter. [2283/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named lodged an application for consideration under the Inheritance measure of the single payment scheme. Following initial processing of the application the person named has been requested to submit additional documentation to substantiate his application. On receipt of this information a decision on the application will issue to the person named.

#### Single Payment Scheme.

137. **Mr. Connaughton** asked the Minister for Agriculture and Food the position regarding an application for entitlements under the national reserve by a person (details supplied) in County Galway; and if she will make a statement on the matter. [2284/05]

**Minister for Agriculture and Food (Mary Coughlan):** Applications to the 2005 single payment national reserve are being prepared for processing. In the processing of applications, priority, from a timing point of view, will be given to applications from farmers who may qualify for additional single payment entitlements from the national reserve as distinct from farmers who may qualify for a top-up on existing entitlements. Farmers in the former category will need to know the number of payment entitlements to which they will be entitled before submitting their 2005 single payment application form the closing date for which will be 16 May 2005. Accordingly, I hope to notify such farmers in plenty of time before the closing date for their single payment application. The amounts to be allocated from

the reserve will of course be notified to all eligible farmers when all applications are processed. It is not possible to decide on any one case such as the person named at this time.

138. **Mr. Connaughton** asked the Minister for Agriculture and Food if an application for entitlements from the National Reserve by a person (details supplied) in County Galway will be expedited; and if she will make a statement on the matter. [2285/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named submitted an application for consideration under the 'new entrant' and 'inheritance' measures of the single payment scheme. That application has been fully processed and the person named has been successful in respect of both measures. However, in this case the 'new entrant' measure is the financially more beneficial to the person named. A letter advising him that the year 2000 will be excluded from the calculation of his single payment entitlement will issue this week and a statement of provisional entitlements reflecting this position will issue shortly.

Applications to the 2005 single payment national reserve are being processed and in view of the number of applications received and accompanying documentation submitted, it will be some time before processing is completed. Given that the person named has received the benefit of the 'new entrant' measure applicable to farmers who commenced farming during the reference period, 2000 to 2002, he will not be allocated any entitlement from the national reserve under the new entrant category applicable to farmers who commenced farming after 31 December 2002. Furthermore, it is unlikely that he will receive any allocation from the national reserve unless he made an appropriate investment for which he has not already received any benefit under the new entrant measure.

139. **Mr. Connaughton** asked the Minister for Agriculture and Food the position regarding the single payment entitlements for a person (details supplied) in County Galway; and if she will make a statement on the matter. [2286/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named has submitted documentation to indicate that she wishes to be considered under the inheritance measure of the single payment scheme. However, no application form was submitted with this documentation. My Department has been in contact with the person named and has advised her to complete the necessary form.

A blank application form and addressed return envelope have been posted today to the person named. On receipt of the completed application form the matter will receive immediate attention.

### Common Agricultural Policy. —

140. **Mr. Durkan** asked the Minister for Agriculture and Food if she has satisfied herself regarding the future prospects of dairy, beef and sheep farmers here in the wake of the revised EU supports; and if she will make a statement on the matter. [2287/05]

**Minister for Agriculture and Food (Mary Coughlan):** The mid-term review of the Agenda 2000 agreement has changed the nature of EU support for dairying. Under the reformed CAP, market supports for dairy products are being reduced and direct payments to dairy farmers in the form of the dairy premium have been introduced. This new policy framework will demand a more market-oriented approach by the dairy sector as market supports are reduced over the next three years. In particular it will require a lessening of dependence on intervention and a renewed focus on competitiveness and increased efficiencies at all levels of the industry. The Prospectus report published in 2003 made very clear recommendations on the response required from the industry in adapting to the new policy environment.

I have revised the milk quota restructuring arrangements to make them more responsive to the more competitive circumstances facing dairy farmers in the years ahead. On a broader level I will be working with the industry as it adapts to the new policy framework. In the meantime I will continue to work with the Commission to emphasise the need for continued effective use of market management measures to ensure a smooth transition as the reform decisions are implemented. The new policy framework will allow the sector to continue its development in a sustainable manner.

The recent reform also means that farmers engaged in beef production, supported by the single farm payment, will enjoy greater freedom to grow and develop their enterprises producing for consumer requirements. A targeted approach, based on quality production, represents the best and most profitable way forward for the Irish beef industry the key to which are producer and processor relationships. In such a context it will be even more necessary to emphasise good breeding policies, payment related to quality, and integrated supply and purchasing systems. The market will be the sole determinant of the nature and scale of output from this sector.

In the last three years, the focus of the Irish beef industry has been to broaden and expand its market reach at EU retail level, shifting its orientation away from international commodity markets and into the higher priced internal EU marketplace. This has coincided with reduced dependence on EU support measures such as intervention and export refunds. An increased presence in this sophisticated, high value market is the key to the success of the beef industry in the long term.

Similarly, in the case of sheep, decoupling will bring sheep producers closer to the dynamics of the market and competitiveness will be key at producer and processor level in maintaining and growing market share. Irish lamb competes successfully against lamb from New Zealand and other countries on the highly competitive French market and there is no reason why it should not continue to command the loyalty of Irish lamb consumers on the home market.

### Animal Diseases.

141. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which live farm animals are imported into this country; the countries from which they come; if adequate disease prevention regulations are applied; and if she will make a statement on the matter. [2288/05]

**Minister for Agriculture and Food (Mary Coughlan):** Figures for imports are not maintained centrally or in a manner to reply to the first two parts of the Deputy's question.

The movement of animals from one member state to another is governed by Community legislation. This legislation requires that animals moved from one member state to another are accompanied by a health certificate which is endorsed by an official veterinarian authorised by the competent authority in the country of export. The health certificate guarantees that the animals: are not to be destroyed under a scheme to eradicate a contagious or infectious disease; were not obtained from a holding which is the subject of a prohibition on animal health grounds and that they have not been in contact with animals from such a holding; do not come from a holding nor have been in contact with animals from a protection zone which has been set up under Community legislation; are not subject to animal health measures pursuant to Community legislation on foot and mouth disease.

It is also a requirement of certification that the animals have been inspected by an official veterinarian within 24 hours of export and display no clinical signs of a disease. In addition, animals moved from one member state to another must observe residency and standstill periods.

There is also an obligation on the competent authority in the exporting member state to send a notification of movement of animals to the competent authority in the importing member state via the trade control and export system.

Animals may only be imported from outside the European Union if the third country in question is authorised by the European Commission and must be accompanied by a health certificate. My Department ensures that the importation of cattle, sheep and pigs from other member states and third countries is done in accordance with the appropriate Community legislation.

### Cereal Sector.

142. **Mr. Durkan** asked the Minister for Agri-

culture and Food the way in which she anticipates the grain industry to develop in the wake of the revised EU supports; and if she will make a statement on the matter. [2289/05]

**Minister for Agriculture and Food (Mary Coughlan):** Under the reformed CAP, Irish cereal farmers will have the cushion of the single farm payment decoupled from production as and from 1 January 2005. Farmers will be able to concentrate on supplying markets, focussing on minimising production costs and maximising their incomes. Improved efficiency of production at farm level will be important to maintain incomes and to ensure that the volume of output is maintained to support the processing sector. In this regard, cereal producers will continue to be able to avail of the research, training and advisory services provided by Teagasc, and to benefit from the services provided by my Department aimed at improving the efficiency, quality and viability of cereal production.

These services include seed certification, seed testing, recommended lists of varieties etc. The value of all these support services is reflected in the fact that Irish cereal producers have consistently achieved some of the highest yields in the world.

The FAPRI-Ireland partnership carried out an analysis, at the request of my Department, of the likely impact of CAP reform on Irish agriculture. It concluded that the impact on the cereals sector would not be significant. An analysis by Teagasc of the likely impact of the reform on tillage farms also concluded that most Irish tillage farmers anticipate that the reform will not have a significant effect on their farming operations.

#### **Farm Numbers.**

143. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which she expects the numbers involved in agriculture to increase or decrease in the next five years; and if she will make a statement on the matter. [2290/05]

**Minister for Agriculture and Food (Mary Coughlan):** The most recent figures produced by the Central Statistics Office show that there were 136,500 farms in 2002. This reflects a decline rate of 1.7% per annum since 1995. If this rate of decline continues over the next five years it would result in approximately 119,000 farms in 2010.

However, projections done for the Agri Vision 2015 Committee take account of the impact of decoupling and estimate a slightly higher rate of decline, 2% per annum, which results in a figure of 116,000 farms in 2010.

#### **Food Industry.**

144. **Mr. Durkan** asked the Minister for Agriculture and Food her plans for the expansion of the food industry in the future; and if she will make a statement on the matter. [2291/05]

**Minister for Agriculture and Food (Mary Coughlan):** My Department's mission is to lead the sustainable development of a competitive, consumer-focused agri-food sector and to contribute to a vibrant rural economy and society. To that end, the National Development Plan 2000-2006 has set out a detailed strategy for the development of the food industry. The food research, marketing, human resources and investment measures in the plan are market-focussed and designed to provide an integrated response to the challenges facing the food industry in an increasingly globalised and consumer driven environment.

In particular, investment in new product development and innovation is essential for any industry to grow and prosper and this is equally true of the food industry. I am pleased that NDP funding of €10.6 million has been allocated in the Estimates for 2005 for the food institutional research measure, which encourages high quality research across a wide range of food science and disciplines and also funds and facilitates public good research into food by third level institutions and Teagasc. Public good food research has been instrumental in the development of a number of food products. The results of food institutional research measure research and expertise are available to food companies when developing their own in-house research and food safety plans. A further €7 million for 'near-farm' projects has been provided in particular sectors to improve the quality and marketability of produce and just this week, applications have been invited for on-farm grant aid of €3.6 million for the development of the horticulture sector.

Agriculture remains more important to Ireland than most EU Member States, contributing substantially to national wealth and employment. Agri-food accounts for nearly 9% of gross domestic product over 9% of our total exports; almost 10% of total employment, and with 50,000 people directly employed in the food industry and some 280,000 employed in food and drink sales, farm output and ancillary services the industry has a unique role in the local economy.

A strong partnership between Government, State bodies and industry has been an essential component of our economic success. The report of the enterprise strategy group has emphasised the importance of marketing, competitiveness and 'agile government'. I have recently returned from a trade mission to China led by the Taoiseach and with the full participation from Bord Bia, Enterprise Ireland and key exporters. An indicator of our strengthening trading relationships was my signing of a pigmeat protocol that will form the basis on which pigmeat products from Ireland will be exported to China. This protocol is underpinned by the high status that the control and supervision of food safety is afforded in Ireland and because of international good standing as a food-exporting nation.

[Mary Coughlan.]

The Agri Vision 2015 Committee report which I launched last month highlighted the interdependence of the agriculture and the food industries. The report recommends that the food processing industry and the agricultural sector 'investigate ways to connect farm production decisions more closely to market demands'. The mid-term review of the Common Agricultural Policy will provide agriculture with a stable and predictable support in the years ahead, enabling the agri-food industry to focus its strategies for expansion on the market and the consumer.

#### **Animal Diseases.**

145. **Mr. Durkan** asked the Minister for Agriculture and Food the measures in place to prevent the introduction or spread of animal disease; and if she will make a statement on the matter. [2292/05]

**Minister for Agriculture and Food (Mary Coughlan):** Various measures are in place to prevent the introduction and spread of animal disease into Ireland. This involves the application of EU rules in relation to imports of animals and animal products, the administration of animal disease control measures including registration and identification of animals and herds, the investigation and control of suspected outbreaks of notifiable animal diseases, supervision of marts and artificial insemination stations, the control of animal movements including certification, testing and monitoring programmes etc.

Animal disease surveillance is achieved through a network involving district veterinary offices, central and regional veterinary laboratories, veterinary public health inspection personnel in abattoirs and meat plants, local authorities, private veterinary practitioners, farmers, traders and the meat industry by a combination of compulsory testing, routine inspections and investigations, reporting and codes of practices such as the salmonella code of practice in the poultry industry.

Disease notification is primarily the responsibility of the general public including farmers, veterinarians, the livestock and meat industries. Disease outbreaks are reported to the EU Commission and to the OIE by the Minister as required.

Contingency plans in case of a class A disease outbreak have been drawn up. A veterinary inspector is on call 24 hours a day, 365 days of the year in each district veterinary office and in headquarters. These officers are supplied with detailed written instructions containing contact names and telephone numbers and procedures to be followed in the event of a reported suspect disease outbreak.

146. **Mr. Durkan** asked the Minister for Agriculture and Food if meat and meat extract imports are reliably disease free; and if she will make a statement on the matter. [2293/05]

**Minister for Agriculture and Food (Mary Coughlan):** Detailed EU legislation lays down the conditions that member states must apply to the production of and trade in products of animal origin, including meat and meat extracts, as well as to imports of these products from third countries.

Under harmonised legislation a series of health and supervisory requirements are applied in the member states to ensure that animal products are produced to standards that guarantee the safety of food and the protection of human and animal health. The application of these standards in the member states is monitored by the Food and Veterinary Office of the EU.

It is a requirement that animal products imported from third countries meet standards at least equivalent to those required for production in, and trade between, member states. All such imports must come from third countries or areas of third countries approved for export to the EU. In order to be an approved third country it must: appear on a list drawn up and updated on the basis of EU audits and guarantees given by the competent authority of the exporting country; have veterinary controls equivalent to those applicable in the EU, particularly in terms of legislation, hygiene conditions, animal health status, veterinary medicines controls, zoonoses controls and other food law. A residues programme approved by the European Commission must be in place.

The animal products must be sourced from establishments that are approved and must bear an EU approved health mark. Exporting establishments must have: standards equivalent to the requirements for EU export establishments; effective control systems and supervision by the competent authorities; traceability and labelling in accordance with the systems approved by the Food and Veterinary Office and accepted and notified to the EU member states.

The Food and Veterinary Office carries out inspections to ensure that only establishments that meet hygiene and health standards equivalent to those operating within the EU are approved. Where the Food and Veterinary Office considers that public health requirements are not being met, an establishment may be removed from the EU approved list. If outbreaks of animal diseases occur in a third country approval to export to the EU is suspended for the infected regions of the country, or the whole country, as appropriate, until the disease risk has been eliminated.

Importers of animal products must be registered with my Department. They are required to give advance notice of importation and, following import, are required to keep records of importation available for inspection by the Department for a period of three years.

Imported animal products must be accompanied by the appropriate commercial documentation showing country and approval

number of the establishment of production and, in the case of meat and meat extracts imported from third countries, a health certificate conforming to the models set down in EU legislation.

While there is free movement for trade within the EU all consignments from third countries must first be landed at a border inspection post that has been approved by the Food and Veterinary Office and must undergo documentary, identity and physical checks. These latter are carried out at frequencies laid down in EU law. In Ireland border inspection posts approved for the processing imports of animal products are located at Dublin Port and Shannon Airport. The Food and Veterinary office carries out monitoring and inspection of each member state's border inspection posts to ensure the conditions for import of animal products into Europe, provided under the harmonised legislation, are being correctly applied.

Once it has been established that imported animal product has met all the required conditions it is released for free circulation within the community. Copies of the border inspection post clearance document and the health certificate must accompany the consignment to its destination. Imports failing to comply with these veterinary control checks may be detained for further examination. If non-compliance is established they are returned to the exporting country or destroyed.

Where there are concerns with regard to the effectiveness of controls being operated in an approved third country the Commission, in consultation with the Standing Committee on Animal Health and the Food Chain, may introduce specific controls by means of a safeguard measure to ensure the protection of human and animal health.

Safeguard measures limiting or banning the export of animal products from EU countries or regions of countries may also be implemented where, for example, the conditions of an animal disease outbreak could seriously affect production and trade in animal products in the EU.

#### Grant Payments.

147. **Mr. Durkan** asked the Minister for Agriculture and Food if expenditure to date in respect of farmer support payments is in line with or short of original projections; and if she will make a statement on the matter. [2294/05]

149. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which farmer support payments are up to date; and if she will make a statement on the matter. [2296/05]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 147 and 149 together.

To date, over €828.490 million has been paid to farmers under the various 2004 livestock premium, arable aid and disadvantaged areas compensatory allowance schemes.

The payment targets set out in the protocol on direct payments to farmers are quite specific with regard to the premium and arable aid schemes and payments under these schemes commenced on the specified dates. For example, 60% advance payments under the 2004 suckler cow premium, special beef premium and slaughter premium schemes were due to commence on 16 October 2004 and, by 19 October 2004, 189,456 payments valued at over €223 million had issued to farmers under these schemes including national envelope payments.

The present position with regard to advance payments under these schemes is as set out in the following table:

Scheme	% Applicants paid	Amount Paid
		€
Special Beef Premium	83*	89m
Suckler Cow Premium	97	141m
Slaughter Premium	99	77m
National Envelope	N/A	4.5m

\*This percentage will increase to 97% by the end of this week when over €19 million is paid to 16,700 applicants.

Balancing payments under the special beef premium, suckler cow premium and slaughter premium schemes cannot commence until all applications are processed and the extent of any overshoot of the national ceiling for the special beef premium scheme and of the penalty, if any, to be applied in individual cases across all bovine schemes is known.

With regard to the ewe premium scheme, the protocol specifies that payment will commence on 16 October. Payments commenced under the 2004 scheme on 16 October and to date full payments amounting to over €101 million have been

paid to 97% of all applicants. Payments under the 2004 disadvantaged areas compensatory allowances scheme commenced, as agreed with the farming bodies, on 19 September 2004. To date, 98% of applicants have been paid their full entitlements amounting to over €232 million. Payments under the 2004 arable aid scheme commenced on 16 November in line with the protocol commitments. To date, over 99% of applicants have received their full payments amounting to over €130 million.

Overall, the level of payments achieved to date displays my commitment to the early delivery of



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payments to farmers and is in line with the targets agreed with the farming bodies in the protocol on direct payments under the programme for prosperity and fairness.

#### **Purchase for Destruction Scheme.**

148. **Mr. Durkan** asked the Minister for Agriculture and Food the all-in cost of the beef destruct scheme; and if she will make a statement on the matter. [2295/05]

**Minister for Agriculture and Food (Mary Coughlan):** The purchase for destruction, PFD, scheme incurred expenditure of approximately €266 million. When recoupment of the animal purchase costs from the EU and other income is taken into account, the final cost to the Exchequer is approximately €133 million.

The special purchase scheme, which succeeded the PFD scheme incurred expenditure of approximately €143 million. After recoupment of the animal purchase costs from the EU, the final cost to the Exchequer is approximately €25 million. The combined net costs are therefore €158 million.

*Question No. 149 answered with Question No. 147.*

#### **Farm Retirement Scheme.**

150. **Mr. N. O’Keeffe** asked the Minister for Agriculture and Food the reason payment of the early retirement scheme has been withdrawn in respect of a person (details supplied) in County Cork. [2298/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named is a participant in the current early retirement scheme, which she entered in joint management with her husband. She appealed against my Department’s classification of her application as one of joint management to the agriculture appeals office where her appeal was first upheld but then rejected on review by the director of the office. The significance of this decision for the person named is that as this is a joint management case, any national retirement pension payable either to the person named or to her husband must be deducted from the early retirement pension. If the application had been hers alone, her husband’s national retirement pension would not have counted.

In the case of the person named, the Department learned that her husband had become entitled to a retirement pension from the Department of Social and Family Affairs effective from 13 June 2003. The amount of this retirement pension exceeded the value of her early retirement pension. My Department suspended payment of the early retirement pension to her in June 2004, but by then she had been overpaid. As the scheme is co-funded by the EU and governed by EU regulations, my Department is obliged to recover all such overpayments.

#### **Single Payment Scheme.**

151. **Mr. N. O’Keeffe** asked the Minister for Agriculture and Food the position regarding an appeal lodged under the single payment scheme for a person (details supplied) in County Cork. [2299/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named has been notified that the circumstances outlined in his single payment scheme application for consideration of *force majeure*/exceptional circumstances did not satisfy the criteria laid down under Article 40 Council Regulation (EC) No. 1782/2003.

Following this decision the person named submitted an appeal to the Independent Single Payment Appeals Committee. This appeal is listed for examination at next week’s sitting of the committee. A full review of the circumstances of the case will be carried out by the Independent Single Payment Appeals Committee and the person named will be notified shortly of the outcome.

#### **Asylum Applications.**

152. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the position in the case of a person (details supplied) in County Westmeath who has applied for permission to remain in the State for family dependency reasons; and if he will make a statement on the matter. [2224/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I can inform the Deputy that permission to remain in the State was granted to the person in question on 24 January 2005.

#### **Visa Applications.**

153. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform if he has received an appeal from a person (details supplied) in County Westmeath against the refusal to furnish a visa to their family; if he will take into account the additional evidence which has been furnished to him; and if he will make a statement on the matter. [2225/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I can confirm that an appeal was received from the person referred to and is pending consideration by a visa appeals officer. A decision will issue on the appeal in the near future. Any additional information furnished in support of the appeal will of course be taken into account by the appeals officer.

154. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) in County Kildare can sponsor a holiday visa for another person; and if he will make a statement on the matter. [2226/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person referred to by the Deputy submitted an application on behalf of the non-EEA national concerned in October 2004 for

the stated purpose of a three month holiday in the State. The application was examined by a visa officer who concluded that, based on the documentation provided, it was not reasonable in all the circumstances to grant a visa and the application was refused.

The visa application consisted solely of an application form completed and signed by the sponsor, not the applicant; a photocopy of an extract of the passport; a covering letter and bank statement from the sponsor. There was no evidence that the non-national would observe the conditions of a visit visa or had any obligations to return home following the proposed three month visit, or that he had any means to support himself. There was nothing to indicate any clear pre-existing link between the non-national and the sponsor. The copy of the extract of the passport indicated its validity was due to expire shortly after the visa application was made.

It is open to the person to sponsor a visa application from the person concerned. However, any such application should be completed and signed by the person the subject of the application and should be accompanied by supporting documentation which fully addresses the concerns of the visa officer raised above.

#### Refugee Status.

155. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he met with the Waterford Congress of Trade Unions regarding the planned deportation of a person (details supplied) when in Waterford on 24 January 2005; and if not, the reason therefor. [2228/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The position is that the person concerned arrived in the State on 16 May 2001 and claimed asylum.

She was notified by letter of 1 February 2002, that the Refugee Applications Commissioner was recommending that she be refused refugee status. Her subsequent appeal was refused. She was notified of my decision not to grant her refugee status by letter of 28 August 2002. The letter also informed her that she had three options open to her, that is, leave the State before the Minister made a deportation in respect of her; consent to the making of a deportation order in respect of her; or make written representations, within 15 working days, to the Minister setting out reasons as to why she should not be deported, that is, why she should be allowed to remain temporarily in the State.

Her application was examined under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996 — prohibition of *refoulement* — and full consideration was given to all representations received on her behalf, including statements about her medical, family and domestic circumstances.

On 19 November 2004, I signed a deportation order in respect of her. The order was recently served by registered post requiring her to report

to the Garda National Immigration Bureau on Thursday, 27 January 2005.

I wish to state that I did not meet the Waterford Congress of Trade Unions regarding the planned deportation in this case on my recent visit to Waterford. I did, however, meet the person concerned and I agreed to review her case. I have asked the Garda National Immigration Bureau to request her to report to them again in three weeks' time when she presents on 27 February 2005. In the meantime, I will review her case and communicate the outcome of my decision to her directly.

#### Age Cards.

156. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if there are grounds upon which the gardaí can refuse to issue a person with a Garda identity card; and if so, the grounds upon which the card may be denied. [2229/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I assume the Deputy is referring to the age card issued by the Garda Síochána in order to confirm that the person to whom it has been issued has attained the legal age for the purchase of intoxicating liquor.

I am informed by the Garda authorities that the application procedure for the age card is governed by the Intoxicating Liquor Act 1988 (Age Card) Regulations 1999, made under the provisions of section 40 of the Intoxicating Liquor Act 1988, and which provides for a voluntary age card scheme. Applicants who fail to meet the necessary application criteria may be refused an age card.

The relevant age card regulations — the full regulations are set out in SI No. 4 of 1999 — are as follows: applicants must have attained the age of 18 years and shall present his/her application in writing, on the designated application form, to the Garda station in the area in which he/she resides. The application form must be accompanied by the applicant's birth certificate, at least one other document confirming identity, two recent identical passport sized photographs and the prescribed fee of €6.

I am further informed by the Garda authorities that if the member in charge at the Garda station is not satisfied, on the basis of the application, of the identity of the applicant, or that he/she has attained the age of 18 years, the member shall make whatever other reasonable inquiries he/she deems necessary or shall request the applicant to produce whatever reasonable information the member deems necessary to establish the identity or verify the age of the applicant.

#### Human Rights Issues.

157. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the submission made by Amnesty International to the European Minis-

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 terial Conference on Mental Health in Helsinki on 12-15 January 2005 calling for the incorporation of international human rights standards protecting the dignity and human rights of persons with mental disorders into the mental health laws and practices of all European states, and their enforcement through rights-based legislation; if, at this meeting, Ireland endorsed a Mental Health Declaration and Action Plan for Europe; and if so, the resulting obligations to change law and practice in this State. [2230/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** My limited involvement in this area concerns principally the human rights aspects of persons with mental illness who have committed offences and thus come into contact with the criminal justice system. The Criminal Law (Insanity) Bill 2002 contains important new provisions in this respect, including the establishment of a new Mental Health Review Board. The main function of the board will be the regular review of the detention of persons found not guilty by reason of insanity or unfit to be tried. The Bill is awaiting Report Stage in the Seanad.

For the most part, however, the submission to which the Deputy refers deals with matters of primary concern to the Minister for Health and Children in the light of her responsibilities under the Mental Health Act 2001. For the information of the Deputy, I understand that the Minister for State at that Department with special responsibility for mental health was represented at the conference to which he refers, and that Ireland has endorsed both the Mental Health Declaration for Europe and the Mental Health Action Plan for Europe agreed at the conference.

#### Human Trafficking.

158. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the concerns of the Ad Hoc Committee on Action Against Trafficking in Human Beings regarding the Council of Europe's draft European Convention on Action Against Trafficking in Human Beings; and his proposals to ensure that the convention is strengthened rather than weakened by making the treaty subsidiary to EU legislation on trafficking, which may not meet the same standard. [2231/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I can inform the Deputy that, the Ad Hoc Committee on Action against Trafficking in Human Beings, CAHTEH, held its seventh meeting in December 2004. At that meeting CAHTEH finalised the examination of the draft Council of Europe Convention on Action against Trafficking in Human Beings and approved the text. The CAHTEH agreed to submit the text of the draft Convention to the Committee of Ministers for transmission to the Parliamentary Assembly in accordance with the decision taken by the Ministers-Deputies in December 2004.

The CAHTEH decided, at its seventh meeting, that subject to available funding, to hold a further meeting to consider the opinion of the Parliamentary Assembly and, if necessary, adapt the draft Convention accordingly. The CAHTEH also agreed to finalise at that meeting the draft explanatory report.

#### Sex Offenders.

159. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if it is his information that there is a paedophile ring operating in Munster as has been claimed. [2232/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that the Garda Síochána has no evidence of any paedophile ring operating in the Munster area.

#### Garda Vetting Services.

160. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the measures in place for and resources dedicated to the vetting by gardaí of all persons working directly with children; if all such persons are currently vetted by gardaí and the vetting procedure; and if there are changes in procedure or resources planned within the lifetime of this Government. [2233/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Garda central vetting unit, GCVU, was established in January 2002 to carry out criminal record vetting in respect of prospective full-time employees working primarily in the health care area and in certain designated agencies. The human resources assigned to the GCVU currently comprise one Garda sergeant, two gardaí, and nine civil servants, and the unit currently deals with approximately 100,000 vetting requests per annum.

When the GCVU became fully operational, it was envisaged that a phased extension of the vetting arrangements to other groups would take place. To this end, a working group was established to examine the issue, taking account of all aspects of the vetting of persons coming in contact with children and vulnerable adults.

The working group submitted its final report in March 2004, and this report has since been published in electronic form on my Department's web site. On the basis of this report, my colleague, Deputy Brian Lenihan, Minister of State with special responsibility for children, recently announced the provision of additional staff resources for the GCVU to enable the Garda Síochána's vetting services to be extended to all persons working with children and vulnerable adults.

The Minister of State's announcement implements one of the key recommendations of the working group. The other practical recommendations are being brought forward by an implementation group chaired by the Garda

Síochána and comprising representatives of my Department; the Departments of Health and Children, Education and Science and Finance, the Office of the Attorney General and Mr Paul Gilligan, CEO of the ISPCC.

I am pleased to state that the extension of the services of the GCVU will commence in the course of this year, as soon as the necessary practical arrangements are in place, and public announcements will occur in this regard in due course.

#### Register of Sex Offenders.

161. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if an when an all-Ireland sex offender register will be implemented; and if he will make a statement on the matter. [2234/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** In the context of the Good Friday Agreement an intergovernmental agreement on North-South co-operation on criminal justice matters, together with an associated work programme, is currently being negotiated and is expected to be finalised shortly. One of the items under consideration for inclusion in the work programme is the establishment of a working group to review the arrangements for exchanging information on registered sex offenders. I am informed by the Garda authorities that the Garda Síochána and the PSNI maintain regular contact and exchange intelligence and information on convicted sex offenders.

#### Drug Seizures.

162. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the weight of ecstasy tablets seized by the Garda in the State in 2004; the sum total street value of all such seizures; the method used by the Garda to calculate that street value; and the average estimated street value used by the Garda in 2004 to make their calculations. [2235/05]

163. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the weight of cocaine seized by the Garda in the State in 2004; the sum total street value of all such seizures; the method used by the Garda to calculate that street value; and the average estimated street value

used by the Garda in 2004 to make their calculations. [2236/05]

164. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the weight of cannabis seized by the Garda in the state in 2004; the sum total street value of all such seizures; the method used by the Garda to calculate that street value; and the average estimated street value used by the Garda in 2004 to make their calculations. [2237/05]

165. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the weight of heroin seized by the Garda in the state in 2004; the sum total street value of all such seizures; the method used by the Garda to calculate that street value; and the average estimated street value used by the Garda in 2004 to make their calculations. [2238/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 162 to 165, inclusive, together.

I have been informed by the Garda authorities that aggregate data for 2004 drug seizures is not available at present. This data is currently being prepared for inclusion in the Garda Síochána annual report for 2004. However, I understand that provisional data on drug seizures last year is likely to be available shortly. I will have this made available to the Deputy upon receipt.

I am further informed by the Garda authorities that the Garda Síochána calculates the value of seized drugs on the basis of realisable street market price.

#### Deportation Orders.

166. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of special flights chartered for the purpose of removing deportees since this practice was introduced; the percentage of deportees removed in this manner; the cost of each chartered flight to the Exchequer including Garda time; the cost-saving to the State of this method of removal; and if there are no cost-savings, the estimated additional cost to the State of this method of removal. [2240/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I would refer the Deputy to the reply I gave to Question No. 55 on Wednesday, 8 December, 2004. The position is updated as follows in the following table:

No. of non — nationals deported

Date	Destination	Adults	Minors	Total	Cost Euro
15 December 2004	Romania and Moldova	39	2	41	€ 82,700

A total of 1725 deportations have been carried out by the Garda national immigration bureau since January 2002 to date. Some 341 of these were effected using charter flights. This represents approximately 20% of the total number of deportations effected during this period.

#### Garda Operations.

167. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to circumstances surrounding the visit of the Vice Premier of China to Dublin in November 2004 (details supplied); if it is not the

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role of Garda to ensure that visiting politicians do not see protests against them; if the Garda will not become involved in such blatant political favouritism again. [2248/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that, for security reasons, it is not Garda policy to comment upon the security arrangements for individual heads of state or visiting dignitaries. I am also informed that the level of security afforded to such VIPs is an operational decision involving many factors, having due regard to the safety and security of the VIP and the entitlement of individuals to lawful protest. I do not accept that the Garda Síochána involves itself in partisanship in such matters.

### Citizenship Applications.

168. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the number of persons who have made applications for naturalisation in the past ten years. [2249/05]

Year	Number of Applications naturalisation	Number of Certificates issued *	Number refused*	Number of Applications PNC	Number of Certificates issued*	Number refused*
2004	4,074	1,335	759	2,825	2,449	1
2003	3,580	1,664	179	2,491	2,272	0
2002	,3574	1,332	109	1,728	1,550	4
2001	1,431	1,012	8	1,502	1,419	6
2000	1,004	125	57	1,293	1,018	4
1999	739	416	79	1,242	1,022	4
1998	588	352	31	1,199	1,217	5
1997	650	294	68	1,032	1,011	10
1996	347	226	111	855	402	Not available**
1995	295	355	100	863	678	Not available**
Total	15,640	7,111	1,501	15,030	13,038	

\* Certificates issued or applications refused do not necessarily refer to applications received in the same year.

\*\* Records were not computerised at that time and manual records do not reflect the number of post-nuptial declarations refused for those years.

While records are not maintained in such a way that would disclose the reasons why applications are refused, I can say that the main reasons for refusal of naturalisation applications are failure to meet residency and good character requirements and long-term dependency on state support. Insofar as post-nuptial citizenship is concerned, the reasons for refusal mainly relate to spouses not living together as husband and wife or the invalidity of the marriage on which the declaration was based.

I assume when the Deputy asks about cases where citizenship was withdrawn, he means instances where individuals have acquired Irish citizenship, and have had it revoked subsequently. No certificates of naturalisation have been revoked in the past ten years. The average processing time for an application for naturalisation is approximately 24 months at the present

169. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the number of persons who have been granted citizenship in the past ten years under the naturalisation, post nuptial declaration schemes; and the main reasons for the refusals. [2250/05]

170. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if there have been cases in which citizenship was withdrawn in the past ten years. [2251/05]

171. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the waiting period for applicants for naturalization; and the number of civil servants involved in processing the applications. [2252/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 168 to 171, inclusive, together.

The table below outlines the number of applications received, applications refused and certificates issued in the citizenship section of my Department in the period 1995 to 2004.

time. This is primarily due to significant increase in the volume of applications being received since 2002. There are currently 27 staff assigned to the citizenship section of my Department. The majority of these are involved in the processing of applications for naturalisation.

### Asylum Applications.

172. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if he will consider redeploying persons processing asylum claims to the section dealing with citizenship, in view of the decline in numbers of asylum applications. [2253/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As I have indicated previously, the major reduction in the numbers of asylum applicants is now giving me an opportunity to re-

focus resources on areas of service provision for non-nationals which are under-resourced at this point in time. The citizenship area is one of the areas which is benefiting from that process.

Given the very large numbers of staff involved and having regard to the reduction in the number of asylum applications being received in the State, I have engaged the services of PA Consulting Group in order, *inter alia*, to ensure that the staffing resources currently available within the asylum, immigration and citizenship areas of my Department are optimized and targeted in the most effective manner possible at core functional activities — one of which, in the immigration and citizenship areas, is an improvement in customer service. In fact, some re-deployment of staff from the asylum to the immigration and citizenship areas has already taken place.

Given the scale of rapid and unprecedented growth in the immigration area of course it is not simply a matter of staffing — information technology will play an important part in the implementation of a long term sustainable solution. In this regard, preparatory work is being undertaken on a request for tender document which will lead in due course to a major enhancement of the information technology capacity of the immigration and citizenship areas of my Department.

#### Departmental Funding.

173. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform if approval will be granted for funding lodged by a centre (details supplied) in County Mayo under his Department's programme for child care and community crèche facilities; and if he will make a statement on the matter. [2254/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I understand that an application for capital grant assistance under the Equal Opportunities Childcare Programme (EOCP) 2000 — 2006 was submitted by the group to my Department some time ago. 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. Following discussions with my colleague, the Minister for Finance, an additional capital provision of €90 million was made available over the period 2005-09, in the context of the 2005 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 last 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 capi-

tal developments for which €205 million has been set aside. In December 2004, I announced an allocation of almost €35 million in capital funding to community based not for profit groups.

The availability of the 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 when considered in relation to the current guidelines on building costs. In the light of this, the group in question has been advised that whilst their project had not been prioritised for immediate funding in December 2004, it will be reconsidered in the future, and that I hope to make further significant capital commitments during 2005 and thereafter.

The ongoing appraisal of the applications in the pipeline will be concluded as speedily as possible to facilitate the development of additional child care facilities and places at the earliest opportunity. When the appraisal is completed on the project in question, the application will then be considered by the programme appraisal committee, PAC, chaired by my Department, before I make a final decision. In the interim, it would be premature of me to comment further on this application.

#### Garda Pensions.

174. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the reason the Garda authorities have failed to establish an internal dispute resolution procedure for Garda pensioners as required under legislation; and if he will make a statement on the matter. [2255/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** My Department is responsible for payments made under the Garda superannuation scheme and I am in the process of establishing an internal dispute resolution procedure for Garda pensioners. Arrangements will be made to have the procedure in place in the near future. In the interim, the Finance Officer, Department of Justice, Equality and Law Reform, Killarney, County Kerry is the official in my Department responsible for dealing with complaints under the Garda scheme.

#### Garda Band.

175. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the method of recruitment of members of the Garda Band; the present number of members of the Garda Band; the duties of the members; the number of functions participated in by the band in each of the past five years; if he has plans to restructure the band; and if he will make a statement on the matter. [2256/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that members of the Garda Band are

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appointed in accordance with the provisions of regulation 14 of the Garda Síochána (Admissions and Appointments) Regulations 1988 which provide that: “Where the Commissioner is satisfied that a person has special technical qualifications which justify his appointment and enrolment under this regulation as a member ... the Commissioner may, with the consent of the Minister, duly appoint and enrol the person as a member without regard to the requirements of Regulation 11”. [Regulation 11 stipulates the necessity for a period of training before appointment].

Vacancies in the Garda Band are advertised in the national media and filled following interview, test of musical ability, medical examination and character clearance. The current personnel strength of the Garda Band as at 25 January 2005 is 38, all ranks. Members of the Garda Band are engaged full-time on band duty with engagements extending to all parts of Ireland. The nature of the engagements vary from official Garda functions, all major sporting events, TV and broadcast media to the schools programme which covers primary, secondary and third level establishments. Major music festivals, religious services and community based initiatives are also catered for. In addition, the Garda Band has performed on a number of occasions in Northern Ireland, the UK and in Europe.

The Garda Band has performed on 893 occasions during the past five years, as follows: in 2000, 210; 2001, 182; 2002, 173; 2003, 168; and 2004, 160. There are no plans to restructure the Garda Band at present.

#### Grant Aid.

176. **Mr. Noonan** asked the Minister for Justice, Equality and Law Reform if he will meet with a delegation from a centre (details supplied) in County Limerick to discuss appropriate grant aid from his Department to fund the construction of a new resource centre; and if he will make a statement on the matter. [2257/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I understand that applications for capital and staffing grant assistance under the Equal Opportunities Childcare Programme (EOCP) 2000 — 2006, were submitted by the group to my Department some time ago. The EOCP is a seven-year development programme which aims to increase the availability and quality of childcare 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. Following discussions with my colleague, the Minister for Finance, an additional capital provision of €90 million was made available over the period 2005 — 2009, in the context of the budget in 2004.

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 last 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. In December 2004, I announced an allocation of almost €35 million in capital funding to community based not for profit groups.

The availability of the additional capital funding will enable me to make further capital grant assistance available over the coming months and years to groups which address significant childcare service gaps and where the project proposal represents good value for money. In the light of this, the group in question has been advised that while their project had not been prioritised for immediate funding in December 2004, it will be reconsidered in the future, and that I hope to make further significant capital commitments during 2005 and thereafter.

The ongoing appraisal of the applications in the pipeline will be concluded as speedily as possible to facilitate the development of additional child care facilities and places at the earliest opportunity. When the appraisal is completed on the project in question, the application will then be considered by the programme appraisal committee, PAC, chaired by my Department, before I make a final decision. In the interim, it would be premature of me to comment further on these applications for funding.

#### School Grants.

177. **Mr. Hogan** asked the Minister for Justice, Equality and Law Reform the reason a staffing grant was refused to a school (details supplied) in County Kilkenny; and if he will make a statement on the matter. [2258/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** In January 2003, a staffing grant of €12,000 for one year, and a capital grant of €20,426 was allocated under the Equal Opportunities Childcare Programme (EOCP) 2000 — 2006 to the group referred to by the Deputy.

As the Deputy will appreciate, funding under the staffing measure of the programme is awarded to community based organisations providing child care which supports disadvantaged parents, particularly women, while accessing employment, educational or training opportunities. I understand that the group was advised of the requirement to prepare and submit a development plan which demonstrates their focus on disadvantage, if future funding of the service beyond one year was to be considered.

As the Deputy may be aware, each application for funding under the EOCP undergoes an assessment by Area Development Management Ltd., which has been engaged by my Department to carry out the day to day administration of the programme. When the assessment is completed

each application is then considered by the programme appraisal committee, PAC, of the EOCP, chaired by my Department, before I make a final decision.

In April 2004, following a submission by the group for staffing grant assistance for a further two years, I concurred with a recommendation of the PAC not to approve additional staffing funding in this instance, as the group had not satisfactorily demonstrated their focus on disadvantage and therefore has limited impact on the objectives of the programme in respect of which current funding is allocated for staffing purposes.

However, should the group wish to offer additional material to substantiate that submitted in their original application, it is open to the group to submit an appeal to my Department which will be appraised by ADM Ltd. and considered by the programme appraisal committee.

178. **Mr. Hogan** asked the Minister for Justice, Equality and Law Reform the criteria required for a school to be entitled to a staffing grant; and if he will make a statement on the matter. [2259/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Equal Opportunities Child-care Programme (EOCP) 2000 — 2006 is a seven-year development programme which aims to increase the availability of child care, support parents and in particular disadvantaged parents, thereby, enabling them to avail of employment, education and training opportunities.

Applications for staffing grant assistance must be directly related to the provision and development of child care facilities and include the employment of workers dealing directly with children. Funding will only be available towards staff related costs from the date of approval and recruitment procedures must be open and transparent.

As the Deputy may be aware, each application for funding under the EOCP undergoes an assessment by Area Development Management Ltd., which has been engaged by my Department to carry out the day to day administration of the programme. When the assessment is completed each application is then considered by the programme appraisal committee of the EOCP, chaired by my Department, before I make a final decision.

All applications for staffing grant assistance including applications from schools, undergo a thorough assessment and appraisal based on the material supplied by the applicants. Factors taken into consideration include the socio economic profile of the local area; the quality of the proposal; the capacity to implement the project; the process of consultation and the level of integration and co-ordination; costings and value for money; the age ranges catered for; and the hours of opening. Priority is given to services which offer a full day, year-round service and which have a focus on disadvantage.

I would like to advise the Deputy that general guidelines for funding under the EOCP and application forms for staffing grant assistance may be obtained from the child care directorate of my Department.

#### **Proscribed Organisations.**

179. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform the names of the members of the Army Council of the Provisional IRA known to his Department; if he will report on his knowledge of membership of this proscribed organisation in so far as elected representatives are concerned either in this jurisdiction or in Northern Ireland; and if he will make a statement on the matter. [2260/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Deputy will appreciate that to disclose precise details of intelligence information provided by the Garda Síochána on such matters in the context of a reply to a parliamentary question would be contrary to long-standing practice and would not be in the public interest.

#### **Departmental Expenditure.**

180. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the number of credit cards issued for Departmental use to Ministers, Ministers of State or others; the person or persons authorised to use such cards; the circumstances in which use is permissible; the number of occasions on which they have been used in the life of the Government; the purpose of such use; and if he will make a statement on the matter. [2279/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Over the period in question and in order to facilitate the conduct of official business, Visa cards have been issued to myself and five officials namely my private secretary, the secretary-general, the Department's finance officer, the head of IT and the Department's former secretary-general. Balances outstanding are paid directly by the Department subject to the normal Department of Finance regulations governing expenditure. The cards are used mainly for expenses related to travel-accommodation bookings and Internet purchases for items such as IT consumables and official publications in other jurisdictions. Expenditure of this nature is amenable to audit by the Comptroller and Auditor General.

American Express cards are issued to facilitate officials who engage in regular official travel on behalf of my Department. Twenty-three such cards have been issued. The credit card holders in these cases are personally responsible for the clearance of amounts due to the company. Any official expenses incurred are claimed by the officials from the Department through the normal processes that apply to all official expenses. The Department pays the annual Government stamp duty charge only.



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The frequency of use of these cards could only be determined by a detailed examination of a very large volume of credit card statements. I consider that such an exercise would be an unwarranted and disproportionate use of staff and other resources to identify the information sought.

### Crime Levels.

181. **Mr. Sargent** asked the Minister for Justice, Equality and Law Reform the number of serious crimes (details supplied) using firearms

Year	Murders	Manslaughter	Robberies	Aggravated burglaries	Possession of a firearm	Discharge of a firearm
2003	20	0	251	62	374	210

A breakdown of the offences by reference to whether or not the weapon used was legally held is not readily available and could only be obtained by a disproportionate expenditure of Garda time and resources.

### Firearms Legislation.

182. **Mr. Sargent** asked the Minister for Justice, Equality and Law Reform if the amendments to the Firearms Acts which he intends to introduce via the Criminal Justice Bill 2004, including those amendments to be announced on Committee Stage, will not render illegal or unlicenable those pistols needed to compete in the Olympic Games that is, air pistols and .22 calibre pistols, in view of his statement in Dáil Éireann on 26 February 2004 that competitive target shooters are not a threat to the public safety. [2323/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Criminal Justice Bill, as published, contains one proposal in relation to firearms which is to provide for their secure custody. Other provisions on firearms will be brought forward in the form of amendments to the Bill on Committee Stage. I propose to bring those amendments to Government shortly for approval. They will then be presented to the House in the normal way.

### Schools Building Projects.

183. **Mr. Crawford** asked the Minister for Education and Science the position regarding a school (details supplied) in County Monaghan; when the board will be able to proceed with the project; and if she will make a statement on the matter. [2135/05]

**Minister for Education and Science (Ms Hanafin):** An application for the new school building for the school referred to by the Deputy, has been assessed in accordance with the published prioritisation criteria, which was revised

which took place during 2003 or during the latest year for which figures are available; the number of these which were carried out with legally held firearms; the number with previously legally held firearms which had been stolen from their owners; and the number carried out with firearms which were not legally held at any time here. [2322/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I wish to inform the Deputy that the number of offences recorded in 2003 in which a firearm was used are outlined in the following table:

following consultation with the education partners.

A site has recently being acquired for this school and further progress is being considered in the context of the schools building programme. The Deputy will be aware that I recently announced the first phase of the 2005 school building programme which provided details of 122 major school building projects countrywide, which will prepare tenders and move to construction during 2005.

This announcement is the first in a series of announcements I plan to make in the coming period in relation to the schools building and modernisation programme that will include: details of schools identified as suitable for construction under public private partnerships; an expansion of the number of schools that will be invited to deliver their building projects on the basis of devolved funding; details of schools with projects approved under the 2005 summer works scheme; and schools whose projects will further progress through the design process; and schools that will be authorised to commence architectural planning.

### Schools Building Projects.

184. **Mr. Wall** asked the Minister for Education and Science the position regarding an application by the board of management of a school (details supplied) in County Kildare for an extension; the timescales for the payment; and if she will make a statement on the matter. [2136/05]

**Minister for Education and Science (Ms Hanafin):** The project referred to by the Deputy was listed to proceed to tender and construction as part of the 2004 school building programme.

This project has been tendered and these tenders are currently being examined by my Department. Officials from my Department's building unit will be in contact with the school authorities shortly in relation to this project.

### Higher Education Grants.

185. **Mr. Wall** asked the Minister for Education and Science the reasons a person (details supplied) in County Kildare has not been awarded a grant; and if she will make a statement on the matter. [2137/05]

**Minister for Education and Science (Ms Hanafin):** The decision on eligibility for third level or further education 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 the case of the student referred to by the Deputy.

I understand that in the case referred to by the Deputy the student concerned commenced his course at Ballyfermot College of Further Education in the 2003-04 academic year. The student is now in year two of his course in the 2004-05 academic year.

My Department contacted Kildare VEC, the body responsible for the assessment of the application in this instance. Kildare VEC confirmed the student was assessed by them and approved for a grant for both academic years. As the student is attending a college in Ballyfermot the responsibility for the payment of the grant rests with City of Dublin VEC.

City of Dublin VEC have confirmed they are awaiting confirmation of attendance for the 2003-04 academic year from Ballyfermot College of Further Education before grant payments can issue for the current academic year. Payment will issue once satisfactory documentation has been received. Clause 6.3.2 of the maintenance grants scheme for students attending post leaving certificate course refers: "A grant is tenable for the normal duration of the approved PLC course and is renewable annually subject to satisfactory participation, attendance and the approval of the Vocational Education Committee".

### Schools Building Programme.

186. **Mr. Naughten** asked the Minister for Education and Science if she will approve funding under the amenity section of the summer works scheme for a school (details supplied) in County Galway; if her attention has been drawn to the health and safety implications of the limited grounds available to the school; and if she will make a statement on the matter. [2138/05]

**Minister for Education and Science (Ms Hanafin):** The management authority of the school to which the Deputy refers submitted an application on 5 November 2004 for the provision of a play area under the summer works scheme 2005.

As I outlined in early December, when setting out details of schools building and modernisation programme I will be announcing, in February,

details of the schools that will receive funding based on the applications currently being processed by my officials.

### Special Educational Needs.

187. **Mr. Ring** asked the Minister for Education and Science the special needs teaching which is being given to a person (details supplied) in County Mayo. [2139/05]

**Minister for Education and Science (Ms Hanafin):** I understand that the pupil in question is receiving special educational teaching support from the school's learning support teacher. The deployment of such support is a matter for the school concerned.

### Schools refurbishment.

188. **Mr. Aylward** asked the Minister for Education and Science the progress to date on the application for grant aid under the summer works scheme 2005 by a national school (details supplied) in County Kilkenny; and if she will make a statement on the matter. [2140/05]

**Minister for Education and Science (Ms Hanafin):** The school to which the Deputy refers has submitted an application for grant aid under the summer works scheme 2005, SWS, for window replacement.

All SWS applications are currently being assessed in the school planning section of my Department. I intend to publish the list of successful applicants shortly.

### Schools Building Programme.

189. **Mr. Aylward** asked the Minister for Education and Science the progress to date on the application for a building project at a national school (details supplied) in County Kilkenny; and if she will make a statement on the matter. [2141/05]

**Minister for Education and Science (Ms Hanafin):** The project at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria, which were revised following consultation with the education partners. The project will be considered under the 2005 school building programme.

The Deputy will be aware that I recently announced the first phase of the 2005 school building programme which provided details of 122 major school building projects country wide which will prepare tenders and move to construction during 2005.

This announcement is the first in a series of announcements I plan to make in the coming period in relation to the schools building and modernisation programme that will include: details of schools identified as suitable for construction under public private partnerships; an expansion of the number of schools that will be invited to deliver their building projects on the basis of devolved funding; details of schools with

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projects approved under the 2005 summer works scheme; schools whose projects will further progress through the design process; and schools that will be authorised to commence architectural planning.

190. **Mr. Ring** asked the Minister for Education and Science when a permanent site will be provided for a school (details supplied) in County Mayo. [2142/05]

**Minister for Education and Science (Ms Hanafin):** My Department is providing grant-aid towards the rental of accommodation for the school in question.

The acquisition of a site for the provision of a new school will be considered in the context of the schools building and modernisation programme that will include: details of schools identified as suitable for construction under public private partnerships; an expansion of the number of schools that will be invited to deliver their building projects on the basis of devolved funding; details of schools with projects approved under the 2005 summer works scheme; schools whose projects will further progress through the design process; and schools that will be authorised to commence architectural planning. I will be making announcements regarding the above in the near future.

In 2005 €270 million will be allocated to primary schools and €223 million to post-primary schools for building and modernisation works which represents an increase of 14% on last year and is six times the 1997 amount.

#### School Curriculum.

191. **Mr. Naughten** asked the Minister for Education and Science, further to Questions Nos. 402 and 486 of 29 September 2004, if she will establish a time scale for introduction of physical education as an examination subject; and if she will make a statement on the matter. [2143/05]

**Minister for Education and Science (Ms Hanafin):** Physical education is part of the prescribed curriculum for primary schools.

Second level schools should offer a physical education programme based on an approved syllabus with teaching hours registered on the school timetable. At second level, the phasing in of a revised syllabus at junior cycle level for physical education, non-examination, commenced in September 2003.

In the current year, the focus of curricular reform is on the implementation of the revised leaving certificate syllabi in history and geography which will be due for first examination in 2006, as part of the ongoing reform of existing subjects. Progress has not been made in regard to a time frame for the implementation of new examinable subjects. This issue will be kept under review in the context of the overall proposals for reform of senior cycle education.

#### Higher Education Grants.

192. **Mr. Durkan** asked the Minister for Education and Science when a grant will be approved in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [2144/05]

**Minister for Education and Science (Ms Hanafin):** 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 the case of the student referred to by the Deputy.

If an individual applicant considers that she or he has been unjustly refused a maintenance grant, or that the rate of grant awarded is not the correct one, she or he 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-her case, a letter outlining the position may be sent to my Department. Alternatively, as already indicated, the local authority or VEC may, in exceptional circumstances, seek clarification on issues from my Department.

#### School Placement.

193. **Mr. Durkan** asked the Minister for Education and Science if a school place will be found in Lucan, County Kildare to facilitate the second level education placement of a person (details supplied) in County Dublin. [2145/05]

**Minister for Education and Science (Ms Hanafin):** Officials of my Department have contacted the National Educational Welfare Board in relation to the child referred to by the Deputy. The board was not previously aware of this case. The educational welfare officer for the area will contact the child's parents and assist them in securing a school place for their child.

Section 29 of the Education Act 1998 provides parents with an appeal process to the Secretary General of my Department, where a board of management of a school or a person acting on behalf of the board refuses enrolment of a student. Where an appeal under section 29 is upheld, the Secretary General of my Department may direct a school to enrol a pupil. The educational welfare officer can assist parents in submitting an appeal under section 29 of the Education Act 1998.

#### Institutes of Technology.

194. **Mr. O'Shea** asked the Minister for Education and Science her proposals to confer NIHE status on Waterford Institute of Technology in

order that NIHE Waterford may develop along the same route as the University of Limerick and Dublin City University developed from NIHE Limerick and NIHE Glasnevin respectively; and if she will make a statement on the matter. [2146/05]

196. **Mr. O'Shea** asked the Minister for Education and Science her proposals to grant Waterford Institute of Technology a stand alone status similar to Dublin Institute of Technology as a first step towards university status; and if she will make a statement on the matter. [2148/05]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 194 and 196 together.

There are no plans to change the status of Waterford Institute of Technology. My Department, however, continues to work with Waterford Institute of Technology in developing and upgrading the institute.

In July 1996, the Government approved in principle the recommendations in the report of the Steering Committee on the Future Development of Higher Education, as a benchmark for future planning in the sector. The steering committee concluded that an upgrading and expansion of Waterford Regional College, now Waterford Institute of Technology, represented the most appropriate response to the higher education needs of the south east region. The committee's report also recommended an increase in student places, an increase in degree level awards and a change of title. It was recommended that the major focus of expansion be at degree level. It stated that such provision would place the college at the top end of the spectrum in terms of provision of degree places and would enable the region to reach the national average participation rate in degree programmes.

The Government accepted these recommendations. The provision, in both the total number of places and in degree level courses, in Waterford Institute of Technology has been expanded annually and incrementally in line with available resources. These measures, combined with the change of title of the college provide the necessary status and capacity for the institute to meet the identified higher education needs of the region over the coming years.

Consistent with this approach, WIT was among the first institutes of technology to be given authority to make its own educational awards under the terms of the Qualifications (Education and Training) Act 1999.

In this regard, it should also be noted that the OECD Review of Higher Education in Ireland, which was released on 16 September 2004, recommends that the differentiation of mission between the university and the institute of technology sectors be preserved and that for the foreseeable future there be no further institutional transfers into the university sector.

### Third Level Education.

195. **Mr. O'Shea** asked the Minister for Education and Science the qualitative research which has been carried out by or on behalf of her Department since 2002 and the qualitative research which will be carried out by or on behalf of her Department in regard to the third level education needs of the south east region, in particular in regard to the urgent need for a university; and if she will make a statement on the matter. [2147/05]

197. **Mr. O'Shea** asked the Minister for Education and Science her views on whether a university is needed in the south east region; her proposals in this regard; and if she will make a statement on the matter. [2149/05]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 195 and 197 together.

In June 1996, the Government approved in principle the recommendations of the Steering Committee on the Future Development of Higher Education as a benchmark for future planning in the sector. The steering committee concluded that an upgrading and expansion of Waterford Regional College, now Waterford Institute of Technology, represented the most appropriate response to the higher education needs of the south east region. The committee's report also recommended an increase in student places, an increase in degree level awards and a change of title. It was recommended that the major focus of expansion be at degree level. It stated that such provision would place the college at the top end of the spectrum in terms of provision of degree places and would enable the region to reach the national average participation rate in degree programmes. The Government accepted these recommendations. The provision, in both the total number of places and in degree level courses in Waterford Institute of Technology, has been expanded annually and incrementally in line with available resources. These measures, combined with the change of title of the college, provide the necessary status and capacity for the institute to meet the identified higher education needs of the region over the coming years. Consistent with this approach, WIT was among the first institutes of technology to be given authority to make its own educational awards under the terms of the Qualifications (Education and Training) Act 1999.

As the Deputy will be aware, in 2004, an expert group from the OECD carried out a major review of our higher education system. In the course of its review, the expert group visited Ireland and consulted extensively with all the major education stakeholders. In its report, published in September 2004, it recommended that the differentiation of mission between the university and the institute of technology sectors be preserved and that for the foreseeable future there should be no further institutional transfers into the uni-

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 versity sector. In this context no further research into the matter is envisaged.

*Question No. 196 answered with Question No. 194.*

*Question No. 197 answered with Question No. 195.*

#### **Institutes of Technology.**

198. **Mr. O'Shea** asked the Minister for Education and Science the amount of capital funding and the amount of revenue funding she has allocated to each of the institutes of technology in

2005; and if she will make a statement on the matter. [2150/05]

199. **Mr. O'Shea** asked the Minister for Education and Science the amount of capital funding and revenue funding she provided to each of the institutes of technology in 2004. [2151/05]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 198 and 199 together.

Details of capital and recurrent funding to each institute of technology in 2004 are set out in the attached document. Funding allocations have not as yet been made to institutes of technology for 2005.

2004 Funding to Institutes of Technology

Institute	Current	Capital
	€000's	€000's
Athlone Institute of Technology	25,939	2,163
Institute of Technology Blanchardstown	11,274	1,707
Institute of Technology Carlow	16,831	1,155
Cork Institute of Technology	59,052	14,987
Dublin Institute of Technology	121,749	8,832
Dundalk Institute of Technology	23,610	1,096
Dun Laoghaire Institute of Art, Design & Technology	10,867	1,094
Galway-Mayo Institute of Technology	40,122	2,483
Letterkenny Institute of Technology	18,011	2,222
Limerick Institute of Technology	25,676	1,746
Institute of Technology Sligo	27,505	1,417
Institute of Technology Tallaght	20,423	1,054
Institute of Technology Tralee	22,866	1,143
Waterford Institute of Technology	43,011	2,596
Totals	466,936	43,695

#### **Schools Refurbishment.**

200. **Mr. Murphy** asked the Minister for Education and Science if consideration will be given to an application for funding made by a school (details supplied) in County Cork for the summer works grant 2005 and the temporary accommodation grant 2005; the criteria which schools must satisfy to qualify for funding for these schemes; and when a decision will be made. [2152/05]

**Minister for Education and Science (Ms Hanafin):** The management authority of the school to which the Deputy refers submitted an application on 5 November 2004 under the summer works scheme 2005. An application was also made by the school for the provision of additional temporary accommodation. The criteria for both of these schemes is outlined in the documentation which accompanied the application forms. I will arrange for a copy of both to be forwarded to the Deputy. The Deputy will be aware that I recently announced the first phase of the 2005 school building programme, which provided details of 122 major school building projects country-wide

which will prepare tenders and move to construction during 2005.

This announcement is the first in a series of announcements I plan to make in the coming period in relation to the schools building and modernisation programme that will include details of schools identified as suitable for construction under public private partnerships, an expansion of the number of schools that will be invited to deliver their building projects on the basis of devolved funding, including the provision of temporary accommodation, details of schools with projects approved under the 2005 summer works scheme, schools whose projects will further progress through the design process and schools that will be authorised to commence architectural planning.

#### **Physical Education Facilities.**

201. **Mr. Broughan** asked the Minister for Education and Science when the much needed sports facility for a school (details supplied) in Dublin 13 will be approved for the construction stage. [2246/05]

**Minister for Education and Science (Ms Hanafin):** The application for a PE hall at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria, which were revised following consultation with the education partners and its progress to architectural planning is being considered in the context of the school building programme from 2005 onwards. The Deputy will be aware that I recently announced the first phase of the 2005 school building programme which provided details of 122 major school building projects country-wide which will prepare tenders and move to construction during 2005.

This announcement is the first in a series of announcements I plan to make in the coming period in relation to the schools building and modernisation programme that will include details of schools identified as suitable for construction under public private partnerships, an expansion of the number of schools that will be invited to deliver their building projects on the basis of devolved funding, details of schools with projects approved under the 2005 summer works scheme, schools whose projects will further progress through the design process and schools that will be authorised to commence architectural planning.

#### Languages Programme.

202. **Mr. Naughten** asked the Minister for Education and Science if she will approve additional teaching hours to cater for the significant English language deficit of non-national pupils in a school (details supplied) in County Roscommon; and if she will make a statement on the matter. [2265/05]

**Minister for Education and Science (Ms Hanafin):** Post-primary schools may apply to my Department for additional teaching hours to help cater for the needs of non-national pupils with significant English language deficits. In situations where schools have over quota posts, my Department routinely requires that these posts be utilised to meet new and emerging needs within such schools, including the needs of non-national pupils, where appropriate.

Following consideration of the application from the school concerned, my Department decided that the school should cater for the needs of the non-national pupils enrolled from within its existing resources, which include 2.5 wholtime equivalent surplus posts. This case was referred to the independent appeals committee which upheld the original decision. This committee operates independently of my Department and its decisions are final.

In the event that there is any subsequent change in the staffing of the school which alters its quota position, my Department will be pre-

pared to review the case. To date, no such change has been notified to my Department.

#### Departmental Expenditure.

203. **Mr. Durkan** asked the Minister for Education and Science the number of credit cards issued for Departmental use to Ministers, Ministers of State or others; the person or persons authorised to use such cards; the circumstances in which use is permissible; the number of occasions on which they have been used in the life of the Government; the purpose of such use; and if she will make a statement on the matter. [2280/05]

**Minister for Education and Science (Ms Hanafin):** The information that the Deputy has sought is as follows: Three credit cards have been issued and authorised for use by:

1. The Private Secretary to the Minister for Education and Science
2. The Private Secretary to the Minister of State
3. The Principal Officer, IT Unit, Department of Education and Science. The cards are authorised for official use only and have been used exclusively for this purpose. They are normally used where the only method of payment accepted is credit card. Details of usage are as follow:

Card No. 1. 23 occasions

Card No. 2. 15 occasions

These have been used in the main to meet subsistence and hospitality expenses associated with official duties.

Card No. 3. Nine occasions

This has been used to purchase IT equipment and services in circumstances where (a) the supplier cannot invoice the Department of Education and Science, (b) the supplier requires payment in advance of supplying the goods and the goods are required urgently, (c) the only method of payment accepted by the supplier is credit card and (d) the goods are required immediately. For the period June 2002 to mid 2004, the card was also used to pay a monthly charge for a computer based fax service.

#### Site Acquisitions.

204. **Ms O'Sullivan** asked the Minister for Education and Science the amount she intends to spend in 2005 for the purpose of purchasing sites for new school buildings; and if she will make a statement on the matter. [2316/05]

**Minister for Education and Science (Ms Hanafin):** The property management section of the Office of Public Works acts on behalf of my Department in relation to site acquisitions generally. That office is currently pursuing a significant number of sites at the request of my Department for the provision of new school buildings. The cost of these sites has not been fully determined

[Ms Hanafin.]  
as negotiations are ongoing but I can assure the Deputy that sufficient funds will be available. I do not propose to comment further on site issues for commercial sensitivity reasons.

205. **Ms O'Sullivan** asked the Minister for Education and Science the details of information received from each local authority in response to a letter sent by her predecessor requesting them to identify sites for educational purposes in their development plan; and if she will make a statement on the matter. [2317/05]

**Minister for Education and Science (Ms Hanafin):** I am not aware of any specific letter issuing from my Department to local authorities in relation to a general request to include site reservations in development plans, however, I want to assure her that my Department has a number of pro-active strategies to ensure that the requirement for schools in developing areas are addressed in a timely manner.

The process of assessing the need for new or additional educational facilities at primary or post-primary level in any given area entails consideration of all relevant factors, including enrolment and demographic trends, housing developments and the capacity of existing schools to meet the demand for places. As part of this process, my Department is included among the prescribed authorities to whom local authorities are statutorily obliged to send draft development plans or proposed variations to development plans for comment. As a matter of course, meetings are arranged with local authorities to establish the location, scale and pace of any major proposed housing developments and their possible implications for school provision. Where emerging or potential need is identified it is the practice to request the local authority to reserve a site for educational purposes in its development plan.

Officials in the school planning section of my Department are strengthening contacts already in place or making contact with the planning authorities in each of the local authorities to enable informed decisions to be made in planning future provision. For example, a specific forum, the Dublin School Planning Committee, chaired by officials of my Department interacts with the Dublin local authorities. This forum comprises representatives of the local authorities in Dublin together with representatives of the patron bodies of primary schools. In addition, for a number of years officials in my Department have worked proactively with the four local authorities in the Dublin region in monitoring demographic changes and assessing the likely impact of planned new developments.

#### Special Educational Needs.

206. **Mr. J. O'Keefe** asked the Minister for

Education and Science if she will provide a special needs assistant for a person in County Cork (details supplied) who will be starting national school in September 2005. [2319/05]

**Minister for Education and Science (Ms Hanafin):** I can confirm that my Department has received an application for five hours resource teacher support for the pupil in question.

As the National Council for Special Education, NCSE, has taken over responsibility for such matters with effect from 1 January 2005, the application has been referred to the NCSE. My officials have been informed by the NCSE that the matter has been referred to the local special education needs organiser who will make direct contact with the school authorities regarding the matter.

#### Departmental Expenditure.

207. **Mr. Durkan** asked the Minister for Defence the number of credit cards issued for Departmental use to Ministers, Ministers of State or others; the person or persons authorised to use such cards; the circumstances in which use is permissible; the number of occasions on which they have been used in the life of the Government; the purpose of such use; and if he will make a statement on the matter. [2281/05]

**Minister for Defence (Mr. O'Dea):** The Minister, Secretary General, Private Secretary to the Minister and the Human Resources Manager have credit cards issued to them. The guidelines for the use of such credit cards provide that they should be used for official business only.

The number of occasions the cards have been used since 6 June 2002 to 29 September 2004 is as follows:

Name	No. of Transactions
Minister	32
Private Secretary to Minister	92
Secretary General	30
Human Resources Manager	3

The number of occasions that the cards have been used since 30 September 2004 to date is as follows:

Name	No. of Transactions
Minister	—
Private Secretary to Minister	4
Secretary General	3
Human Resources Manager	1

#### Urban Renewal Schemes.

208. **Mr. Wall** asked the Minister for the Envir-

onment, Heritage and Local Government if, under the urban renewal scheme, provisional approval has been given for a project (details supplied) in County Kildare; and if a major fire occurred at the development, if the development would still be eligible for urban renewal. [2215/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The 1999 urban renewal scheme certification guidelines states that a local authority may issue a provisional certificate in respect of a proposed development where it is of the opinion that the development will, when completed, be consistent with the objectives of the integrated area plan for that area. It is understood that this is what occurred in this case. This provisional certificate is not, however, a guarantee that the development will obtain the final certification required to avail of tax relief, as provided for under section 11 of the Urban Renewal Act 1998, which can only issue after the development has been completed.

As it is solely a function for the local authority to decide whether or not to certify the development at that stage, it would be appropriate to take this matter up with the local authority concerned.

#### Planning Issues.

209. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the date he proposes to give statutory effect to draft guidelines for planning permission for one off rural houses; and if he will make a statement on the matter. [2176/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** In March 2004, guidelines for planning authorities on sustainable rural housing were published in draft form to afford all interested parties an opportunity to comment before the guidelines are finalised. I expect to be in a position to issue the guidelines in final statutory form shortly.

Planning authorities and An Bord Pleanála were advised from the outset to have regard to the draft guidelines and to implement them in respect of their development plans and in the processing of relevant planning applications.

#### Water and Sewerage Schemes.

210. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government his views on stipulation requiring that up to 25% of costs of the Castlebar environs sewerage scheme, County Mayo be paid up front by Castlebar Town Council and Mayo County Council; if his attention has been drawn to the fact that this represents up to a €13 million contribution; his position on this kind of contribution; and if he will make a statement on the matter. [2177/05]

219. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government when the Castlebar environs sewerage scheme will be approved; and the percentage of the cost of the scheme which Mayo County Council must collect in regard to the polluter pays principle. [2191/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 210 and 219 together.

The Castlebar environs sewerage scheme has been approved for construction in my Department's Water Services Investment Programme 2004-2006 at an overall estimated cost of €58.5 million. Work has already started on a number of advance sections. Mayo County Council's tender documents for the treatment plant were approved by my Department in June 2004. The council's tender recommendation in respect of the collection system and contract documents for the pumping system are under examination in my Department and will be dealt with as quickly as possible.

The water services pricing policy framework requires full recovery of water services costs from the non-domestic sector, based on average operational and marginal capital costs. Capital contributions are systematically applied and recovered from non-domestic users for all new water services projects procured under my Department's water services investment programme. A fair and transparent mechanism is used to determine the appropriate level of non-domestic marginal capital costs. These costs are identified by authorities on a scheme-by-scheme basis. The methodology used and the resultant outcome is closely monitored by my Department to ensure equity in the application of this element of the policy nationally. The majority domestic capital cost element of a scheme is funded by the Exchequer through the water services investment programme with the marginal capital costs recovered from the non-domestic sector on a consolidated countywide basis over a period of up to 20 years.

My Department has requested Mayo County Council to review its water services pricing policy report in respect of the Castlebar scheme in accordance with the general policy framework. The level of the capital contributions required from the non-domestic sector in respect of the scheme will be determined when the review has been satisfactorily completed.

#### Recycling Policy.

211. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the local authorities which have full, partial or no recycling facility available; and if he will make a statement on the matter. [2178/05]



**Minister for the Environment, Heritage and Local Government (Mr. Roche):** All local authorities have made recycling facilities available. While my Department does not compile comprehensive statistics on the recycling facilities provided in each local authority area, regular returns are submitted by local authorities seeking to avail of subvention of operating costs of recycling facilities. The most recent returns submitted, in respect of the first six months of 2004, revealed a total of 1,780 bring bank sites in the relevant 34 local authority areas, where varying materials are accepted, particularly glass, aluminium cans, paper and textiles. There were also 57 civic amenity sites in 30 local authority areas. The four local authorities which did not have operational civic amenity sites in the first half of 2004 were Galway city, which has a three-bin kerbside collection; Leitrim, which has two civic amenity sites coming on stream at Manorhamilton and Carrick-on-Shannon; Sligo, which is developing a civic amenity site at Tubbercurry; and Longford, which has received assistance towards the provision of mobile collections in lieu of permanent civic amenity sites. Significant capital grant assistance has been made available to local authorities towards the provision of recycling and recovery infrastructure, and both further capital funding and financial support towards the current operating costs are being provided on an ongoing basis.

#### **Waste Management.**

212. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the charges for removal of domestic waste in every local authority for 2005, 2004 and 2003; and if he will make a statement on the matter. [2180/05]

213. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the local authorities in which private operators engage in the collection of domestic waste; the names of those operators; the charges they levy on households; and if he will make a statement on the matter. [2181/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 212 and 213 together.

The making of waste services charges is a matter for individual local authorities engaged in the direct provision of waste collection services and for private providers of such services. Consequently my Department has not collated the information sought in respect of the years 2003 and 2004. However, in the context of the move to a pay-by-use system of charging, my Department is now compiling details of service provision and charges in each local authority area. When this

work is shortly completed, I will arrange to have the information forwarded to the Deputy.

#### **Water and Sewerage Schemes.**

214. **Mr. Hogan** asked the Minister for the Environment, Heritage and Local Government when finance will become available for the upgrade of Kilkenny City water supply; and if he will make a statement on the matter. [2183/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Kilkenny City regional water supply scheme, estimated to cost €8.75 million, has been approved for funding in my Department's Water Services Investment Programme 2004 — 2006 as a scheme to commence construction this year. My Department is awaiting submission of Kilkenny County Council's preliminary report for the scheme.

#### **Roads Development.**

215. **Mr. Hogan** asked the Minister for the Environment, Heritage and Local Government when work will commence on the Graiguenamanagh by-pass; and if he will make a statement on the matter. [2184/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Grants totalling €300,000 were paid to Kilkenny County Council in 2003 and 2004 in respect of design, statutory procedures and land acquisition costs for the Graiguenamanagh relief road. In August 2004 my Department sought applications from local authorities for funding for non-national roads in 2005 under the EU co-financed specific improvement grants scheme. The initial selection of projects to be submitted for consideration for funding under this scheme is a matter for local authorities. Kilkenny County Council submitted an application for €750,000 for 2005 in respect of design fees, land costs and the commencement of construction on Graiguenamanagh relief road. I intend to announce non-national road allocations for 2005 on 31 January 2005.

#### **Housing Grants.**

216. **Mr. F. McGrath** asked the Minister for the Environment, Heritage and Local Government if there are schemes for persons with a disability to borrow money to build or buy a house; and if he will make a statement on the matter. [2186/05]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** The primary aim of this Government's housing policy is to enable every household to have an affordable dwelling of good quality, suited to its needs, in a good environment, and, as far as possible, at the tenure of its choice. The general strategy for realising the overall policy aim is that those who can afford to do so

should provide housing for themselves, with the aid of the fiscal incentives available, either through home ownership or private rented accommodation and that those unable to do so from their own resources would have access to social housing.

Funding provided by my Department is directed at a diverse range of housing programmes to assist low-income to modest income groups, who cannot access housing on the open market. Particular emphasis has been placed on ensuring that access to affordable housing is made available through a number of targeted schemes. This includes the shared ownership scheme and 1999 affordable housing scheme, and more recently affordable housing through Part V of the Planning and Development Acts 2000 to 2002 and the Sustaining Progress affordable housing initiative. It is a matter for local authorities, in operating the schemes, to determine the ability of applicants to meet the mortgage and rent commitments involved.

If a person or persons believe they are being discriminated against in their mortgage applications because of disability, the matter should be referred to the Equality Authority.

My Department also provides funding for a disabled persons grants scheme, which is administered by local authorities. The scheme is designed to provide a substantial incentive to carry out necessary adaptations or improvements to dwellings to facilitate disabled persons and is not means tested. Typically, the type of work covered by the scheme would be the provision of downstairs accommodation and services for a wheelchair user, or the widening of door openings and lowering of plug points to allow free access to all the facilities in the dwelling. The grant also extends to work necessary for the proper accommodation and treatment of persons suffering from severe mental illness or severe mental handicap.

The effective maximum grant available under the scheme is €20,320 for houses over one year old and €12,700 for houses less than one year old. The maximum recoupment available from the Department in respect of grants paid is €13,546. The portion of the approved cost of works covered by the grant is 90%.

#### **Housing Grants.**

217. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if, further to Question No. 358 of 12 October 2004, he has received a request from Naas Town Council in relation to approving special capital funding to purchase a house to meet the special needs of a person (details supplied); and if he will make a statement on the matter. [2189/05]

#### **Minister of State at the Department of the Environment, Heritage and Local Government**

**(Mr. N. Ahern):** My Department received a request from Naas Town Council on 15 October 2004 to purchase a suitable house to meet the special needs of the family in question. In replying to the town council on 9 November 2004 my Department raised no objections to the acquisition of a property appropriate to the family's needs given the exceptional circumstances associated with the case. It is understood that the town council is actively endeavouring to acquire a suitable property for the family.

#### **Water and Sewerage Schemes.**

218. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the number and location of sewerage schemes which have been approved by his Department over the past two years; and the percentage of costs in each scheme approved which had to be collected by each local authority in regard to the polluter pay principal. [2190/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Details of approved wastewater schemes are set out in my Department's Water Services Investment Programme 2004 — 2006 which is available in the Oireachtas Library.

The information requested in relation to capital contributions by non-domestic consumers under the water services pricing policy framework is being compiled and will be forwarded to the Deputy as soon as possible.

*Question No. 219 answered with Question No. 210.*

#### **Private Rented Accommodation.**

220. **Mr. G. Mitchell** asked the Minister for the Environment, Heritage and Local Government if, in view of the increased number of apartments, he will consider introducing legislation to protect apartment residents from unscrupulous management companies; and if he will make a statement on the matter. [2192/05]

#### **Minister of State at the Department of the Environment, Heritage and Local Government**

**(Mr. N. Ahern):** I understand apartment complex management companies are constituted under the Companies Acts and are required to comply with the provisions of those Acts. The operation of such companies is primarily a matter for their members, which are the owners of the properties in the developments to which they relate. An Agreed Programme for Government undertook to consider the introduction of legislation to regulate the establishment and operation of apartment complex management companies and a Law Reform Commission working group is examining

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the law regarding condominiums and issues relating to management companies.

The aim is to develop proposals to provide a mechanism for dealing with issues, which are already arising or it is anticipated will arise in existing and future multi-unit developments. I understand the group intends to produce a consultation paper in the coming months and this should provide a basis for considering possible measures and how they should be pursued.

#### **Fire Services.**

221. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government his proposals to set up the national fire, civil protection emergencies services authority; and if he will make a statement on the matter. [2193/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I refer to the reply to Questions Nos. 298 to 300, inclusive, and 316 to 319, inclusive, on 15 December 2004. As indicated in that reply, I intend shortly to announce measures to implement the development of community fire safety programmes, the development of a risk-based approach to the determination of fire cover standards, the introduction of a competency based approach to recruitment, retention and career progression and the enhancement of health, safety and welfare programmes within the fire service. The priority objective as regards modernisation of the fire service is not to pursue further institutional change but to use the available resources to bring about direct improvements in these key areas identified in the review of fire safety and fire services in Ireland.

#### **Land Initiative Scheme.**

222. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Question No. 630 of 23 November 2004, the position regarding the status of the application; and if he will make a statement on the matter. [2262/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Additional information received from Roscommon County Council in December regarding the council's revised proposals for the serviced land initiative scheme at Lanesboro Road, Roscommon, is under consideration in my Department and will be dealt with as quickly as possible.

#### **Motor Vehicle Registration.**

223. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Question 1244 of 29 September 2004, if he will review the format of

the vehicle licensing certificate to include the year of manufacture of the vehicle; and if he will make a statement on the matter. [2264/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** As previously stated, I will give consideration to including the year of manufacture particulars when the current version of the vehicle registration certificate comes up for review this year.

#### **Water and Sewerage Schemes.**

224. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he will approve funding for the Frenchpark sewerage scheme, County Roscommon; the status of the application; and if he will make a statement on the matter. [2266/05]

225. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he will approve funding for the Creagh sewerage scheme, County Roscommon; the status of the application; and if he will make a statement on the matter. [2267/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 224 and 225 together.

The Roscommon towns and villages sewerage scheme, of which Frenchpark and Creagh are elements, is included in my Department's water services investment programme 2004 — 2006 as a scheme to commence construction in 2006. My Department is awaiting the submission by Roscommon County Council of a design review report for the scheme.

#### **Departmental Expenditure.**

226. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of credit cards issued for Departmental use to Ministers, Ministers of State or others; the person or persons authorised to use such cards; the circumstances in which use is permissible; the number of occasions on which they have been used in the life of the Government; the purpose of such use; and if he will make a statement on the matter. [2282/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Four credit cards are in official use in my Department. These are held by my private secretary, Minister of State, Deputy Batt O'Keeffe, a principal officer and the head of administration and training, Met Éireann. These credit cards are for official business use only, for example, in circumstances where it may be necessary to facilitate the immediate delivery of goods or services. Transactions on these credit cards must be certified by the holders as pertaining to official business and

are checked by the Department's personnel and accounts sections.

Taking account also of three other departmental credit cards which are no longer extant, some 180 transactions have been carried out on official credit cards between June 2002 and the end of December 2004.

#### **Departmental Funding.**

227. **Mr. N. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government the position regarding an application for funding to develop a facility (details supplied) in County Cork. [2308/05]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Certain clarifications regarding the application for funding under the capital assistance scheme in respect of the proposed provision of 14 units of accommodation for disabled persons were sought from Cork County Council, which is responsible for administering the scheme in its area. Documentation requested has been received and the application is under examination. The council will be advised of the outcome as soon as possible.

#### **Radon Gas Emissions.**

228. **Mr. N. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the very high indoor levels of radon gas at a location (details supplied) in County Cork and that the levels are almost three times above the annual average radon concentration set by the Government; and if works will be carried out in the area urgently to reduce the levels on health grounds. [2309/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I am aware that high levels of radon gas have been found in the Mallow area in County Cork. The carrying out of necessary radon remediation works in respect of private houses is a matter for the householder. Over the years the Government, through the Radiological Protection Institute of Ireland, RPII, has committed significant resources to assessing the extent of the radon problem throughout the country and to increasing public awareness of radon.

During the years 1992 to 1999, the RPII carried out a national survey of radon in domestic dwellings aimed at assessing the extent of the radon problem in homes. The survey involved the measurement by the RPII of radon for a 12-month period in a random selection of homes in each 10 km. x 10 km. grid square throughout the country. The RPII's website contains a comprehensive map of the high radon areas in Ireland as well as the report of its national survey of radon in homes.

In February 2002, my Department published a booklet entitled *Radon in Existing Buildings — Corrective Options* advising designers, builders and home owners on remediation options for reducing radon in existing houses to or below the national reference level. Upgraded building regulations, introduced in June 1997, require all new houses which commenced construction on or after 1 July 1998 to incorporate radon protection measures. My Department has recently published an updated edition of technical guidance document C (TGD-D) on part C of the building regulations — site preparation and resistance to moisture, incorporating enhanced radon prevention measures for new buildings commencing on or after 1 April 2005. This new guidance document is aimed at ensuring that the 1997 radon protection measures are carried out more effectively.

In recent months, the RPII has undertaken several initiatives to further heighten awareness of the radon issue in Ireland. In November 2004, the RPII hosted the third national radon forum in Dublin to raise awareness of radon as a health risk. Earlier this year the RPII published a revised version of its booklet, *Radon in Homes*. The RPII also plans to distribute an information poster on radon for display in libraries, medical centres, etc., advising people to have their homes checked for radon.

#### **Planning Issues.**

229. **Mr. N. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government the plans in place regarding the further development of a property (details supplied) in County Cork; and when work will commence. [2310/05]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** My Department has not received proposals from Cork (North) County Council for development at this location.

#### **Schemes of Letting.**

230. **Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the reason for the delay in replying to or making a decision on the revised scheme of lettings submitted by Dublin City Council to his office in 2004; and if he will make a statement on the matter. [2311/05]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keeffe):** The revised scheme of letting priorities submitted by Dublin City Council is subject to ongoing discussions between my Department and the City Council. A decision will be made on the matter as soon as possible.

**Water and Sewerage Schemes.**

231. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Question No. 448 of 5 October 2004, the progress to date on this project; and if he will make a statement on the matter. [2312/05]

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

Roscommon regional water supply scheme is included in my Department's water services investment programme 2004 — 2006 as a scheme to advance through planning. My Department has approved Roscommon County Council's brief for the appointment of consultants to prepare a preliminary report for the scheme and the submission of the preliminary report to the Department is awaited.